

CITY COUNCIL MINUTES

**City Council Chambers, 4:00 P. M.
Tuesday, May 18, 1965**

Council met in regular session. Present on roll call 8: Bott, Cvitanich, Finnigan, Haley, Herrmann, Johnson, Murtland, and Price. Absent 1, Mayor Tollefson.

In the absence of Mayor Tollefson. Deputy Mayor Herrmann presided.

Mr. Haley moved that the minutes of the meeting of May 4, 1965 be approved as submitted. Seconded by Mr. Finnigan . Voice vote taken. Motion carried.

Mr. Haley moved to excuse Mayor Tollefson. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Presentation of Driving Awards.

These awards were presented by the various Council members.

Mr. Haley presented an award to Mrs. Ruth George, 1025 East 53rd Street.

Mr. Bott presented an award to Mrs. Elsie Colgan, 2919 North 30th St.

Mr. Finnigan presented an award to Mrs. Nancy Finlayson, 3651 82nd Ave.

Court West.

Mrs. Price presented an award to Mr. Arthur B. Tosten, 4316 So. Pine St.

Dr. Herrmann presented an award to Miss Linda Svinth, 7822 South Tacoma Avenue.

Chief Zittel, explained that these drivers were selected for displaying obedience to all traffic regulations and rules of safety as well as displaying courtesy in driving. He added, a check of the group's driving records show they have gone 310,000 miles with only one minor accident and only one citation. Chief Zittel congratulated them for their safe driving.

Mr. Rowlands presented a suggestion award in the amount of \$40.00 to Mr. Edward Aylesworth for the installation of a trust bearing to take up the thrust and vibration of the pump impeller on street flushers.

Mr. Rodney G. Wagner received a \$50.00 award for his suggestion for installation of guide brackets to keep the cable on the bucket drag machine from jumping off the pulley.

An amount of \$40.00 for recommending the remodeling of the bucket drag machine so that the grit could be dumped from either side was received by Mr. Olson, Mr. Wagner and Mr. Romano.

The recipients were congratulated by Deputy Mayor Herrmann and the City Council.

HEARINGS & APPEALS:

a. This is the date set over for hearing on the petition submitted by Northern Properties requesting the rezoning of property located at the N. W. corner of So. 19th and Prospect Sts. from an "R-2" to a "C-1" District.

Mr. Murtland stated he was not in favor of the rezoning as this would set a precedent for other commercial development along South 19th Street.

Mrs. Price wondered if the property could be financed by the purchaser if it were not rezoned commercial.

Mr. Johnson, Realtor representing the petitioner, stated the property can be financed but not in the proper amount for investment property; if it were destroyed by fire, there would be a question as to the security of the loan. He reminded the Council, the Planning Commission unanimously recommended the rezoning after careful study and review. He added, the rezoning will not change the character of the area as the property is currently being used for a commercial purpose.

Mr. Cvitanich stated he was not in favor of the rezoning for the same reason quoted by Mr. Murtland. He also brought up that there are many other uses for this classification.

Mr. M. E. Murray, attorney representing the petitioner, stated it is an attractive building and serves the need for that particular area. The problem from the investment standpoint is whether or not the petitioner is willing to risk his investment on an unknown, that is the problem that any financial company has in making a loan.

Dr. Herrmann and Mrs. Price felt the rezoning would give the investor some financial stability, and inasmuch as there is an operating store on the property, which will remain, the Council should concur in the recommendation of the Planning Commission as it will enable them to secure sound financial backing.

At Mrs. Price's request, Mr. Hatfield, Chairman of the Planning Commission, reported their reasoning for recommending the rezoning. He stated after surveying the area they felt the store supplied the need of the neighborhood and the property owners in the area were in favor of the grocery store and also of the rezoning.

Dr. Herrmann asked if the potential buyer would be willing to agree to a deed restriction, that the property not be used for anything other than a grocery store, as some of the Council are concerned that the property could be used for another purpose.

Mr. Murray said he did not think the potential owner would be in favor of that agreement.

Mr. Bott thought the grocery store should be in the proper zone, rather than in a non-conforming use.

Mr. Bott then moved to concur in the recommendation of the Planning Commission to approve the zoning and that an ordinance be drafted for the proper

zone. Seconded by Mrs. Price. Roll call was taken on the motion. Ayes 4: Naves 4. Murtland, Finnigan, Halsey and Cvitanich. MOTION LOST.

Mrs. Price stated she would change her vote to "no" so that she could move for reconsideration next week, which changed the vote to Ayes 3; Nays 5.

b. This is the date set for hearing on the petition submitted by Robert A. Gehring for the rezoning of property located at the S. E. corner of No. 7th and Pearl St. from an "R-2" to a "C-2" District.

Mr. Buehler, Director of Planning, stated this rezoning will extend an existing "C-2" Commercial District 55 feet to the north to include the remainder of the block. He added, the commission felt the zoning was proper as it borders a "C-2" zone along the south and west and a proposed freeway along the north and east. A communication was received from the State Highway Department stating they have no objections to the reclassification providing there were no permanent buildings placed within the proposed right-of-way. The petitioner has submitted a letter of intent, that no permanent structure would be located on the freeway right-of-way. No objections were received protesting the reclassification, he added.

Mr. Finnigan was concerned that this might encourage others to request reclassifications along Pearl Street which he did not favor because of the residential development in the area.

Mr. Buehler said there has not been any other discussion for rezonings along Pearl Street nor has there been any requests.

Mr. Johnson thought this small piece of property was a natural for a "C-2" zone.

Mr. Johnson then moved to concur in the recommendation of the Planning Commission to approve the rezoning and that an ordinance be drafted for the zoning. Seconded by Mrs. Price. Voice vote taken. Motion carried.

c. This is the date set for hearing on the petition submitted by Old Tacoma Development Corp. for the rezoning of property located at No. Starr St. between No. 29th & No. 30th St. from an "R-2" to an "R-4" District.

Mr. Buehler pointed out on a map the location and topography of the area as well as the proposed rezoning of a six unit town house. He said the Planning Commission's recommendation to the Council was for an "R-4" District as the density, setbacks and height provisions of an "R-4" District would be appropriate for the site on the south side of North 30th Street, since it is adequately buffered from adjacent single-family dwellings by a steep topography. He added, since the height of the single-family dwellings located to the south of North 29th Street are 20 to 30 feet, an "R-4" district allows a 60 foot height. Since this height limit could effectively block the view of some of the other residences, the applicants voluntarily submitted deed restrictions limiting the development to a 20 foot height above North 29th Street. With this restriction the Commission felt an "R-4" zone would be proper for the N. E. corner of North 29th and Starr Street. It has been the City's policy to allow apartment zoning adjacent to commercial districts in other areas, as this tends to act as a buffer between the commercial and the residential districts.

Mr. Honeywell, Attorney representing the petitioners, stated the petitioner intends to build six abutting two-story town houses on the northeast corner of North 29th Street and Starr. They do not intend to build high-rise apartments as some of the property owners in the area feared when they signed a petition protesting the development. He said much of the opposition was based on misrepresentation, but after knowing the facts, many requested their names be removed from the

petition. Deed restrictions have also been filed with the City assuring that the town houses will not rise higher than 20 feet above North 29th Street.

Mr. Thompson, Attorney representing the Old Tacoma Improvement Club, said a petition signed by 480 residents of Tacoma has an overwhelming number of signatures which have not been withdrawn. Mr. Thompson read its wording which claimed there is ample property already zoned to permit apartments in the North end and the zoning would set a dangerous precedent. He added, he feels the proposed deed restrictions on the height would be legally ineffective.

Mr. McCormick, City Attorney, said the deed is in the same form as others accepted by the City and thought it could be enforced.

Mr. Thompson said the petitioners propose to develop the property as stated, however, if something comes up that they cannot follow through and it is developed by someone else, under the "R-4" District, they can build up to 60 feet in height. He said he could not see how the Council could approve this rezoning.

Mr. Cvitanich said he had requested a study approximately a year ago of Old Town all the way to the Smelter in regard to open-space, parks, apartments, etc. as it is one of Tacoma's prime residential areas. However, he thought the number of people signing the petition was of importance as they should have a voice in this matter.

Mr. Haley asked Mr. Hatfield, Chairman of the Planning Commission, the reason for their recommending the rezoning.

Mr. Hatfield replied, there has been a precedent set that "C-2" zonings are buffered with "R-4", or "R-4-L" zonings between residential and commercial districts; this is a natural buffer. Also that the density, setback and height provisions of the "R-4" District would be appropriate for the site as it is adequately buffered from the adjacent single-family dwellings by the steep topography.

Mr. Cvitanich thought this rezoning is premature until they have received the study requested for the area of Old Town to the Smelter, as he felt there are many ideal sites for high rise apartments on the waterfront.

The following voiced their objections to the proposed rezoning. Mr. John D. Keliber, residing in Ruston; Mr. M. Todd, residing at 2619 No. Starr; Mrs. C. Ball, residing at 619 No. 11th St.; Mr. Hervey Petrich, residing at 2821 Garfield Road; Mrs. Donald McKay, residing at 2600 North Carr; Mrs. Belevik, residing at 4516 North 11th St.; Mr. Rudy Lopez, residing at 2805 North Starr; Mrs. John Bujacich, residing at 2108 North 29th St. and Mr. Dimitri Todd, residing at 2619 North Starr.

Mr. Murtland said he did not feel he was prepared to make a decision on the matter tonight.

Mr. Murtland then moved that the hearing be postponed until June 1, 1965.
Seconded by Mrs. Price.

Mr. Rowlands stated, in reference to the height restriction, the City could refuse to issue a building permit for any building higher than what the restriction allows.

Voice vote was taken on the motion to postpone the hearing until June 1, 1965. Motion carried.

Mr. Bott and Mr. Murtland left at this time.

RESOLUTIONS:

Resolution No. 18300

Fixing Monday June 14, 1965 at 4:00 P. M. as the date for hearing on L I D 3602 , sanitary sewers in East 19th St. from 630 feet east of East D Street, east 900 feet.

Mr. Haley moved that the Resolution be adopted. Seconded by Mr. Cvitanich.

The Resolution was passed unanimously by voice vote.
Ayes 6; Nays 0; Absent 3, Bott, Murtland and Mayor Tollefson.

Resolution No. 18301

Fixing Monday June 14, 1965 at 4:00 P. M. as the date for hearing on L I D 5405 for cast iron water mains in East 51st from East K to East L; East L from East 50th to East 51st Street.

Mr. Haley moved that the Resolution be adopted. Seconded by Mr. Cvitanich.

The Resolution was passed unanimously by voice vote.
Ayes 6; Nays 0; Absent 3, Bott, Murtland and Mayor Tollefson.

Resolution No. 18302

Fixing Monday June 14, 1965 at 4:00 P. M. as the date for hearing on L I D 5407 for cast iron water mains in So. 45th from Pine to So. Cedar; So. Cedar from So. 45th to So. 47th Street.

Mr. Haley moved that the Resolution be adopted. Seconded by Mr. Finnigan.

The Resolution was passed unanimously by voice vote.
Ayes 6; Nays 0; Absent 3, Bott, Murtland and Mayor Tollefson.

Resolution No. 18303

Awarding contract to Tucci & Sons, Inc. on its bid of \$128,425.83 for L I D No. 4764.

Mr. Haley moved that the Resolution be adopted. Seconded by Mrs. Price.

The Resolution was passed unanimously by voice vote.
Ayes 6; Nays 0; Absent 3, Bott, Murtland and Mayor Tollefson.

Resolution No. 18304

Awarding contract to Lige Dickson Co. on its bid of \$9,858.75 for L I D
2303.

Mr. Haley moved that the Resolution be adopted. Seconded by Mr. Finnigan.

The Resolution was passed unanimously by voice vote.
Ayes 6; Nays 0; Absent 3, Bott, Murtland and Mayor Tollefson.

Resolution No. 18305

Awarding the contract for demolition and site cleanup in the Fawcett
Urban Renewal area to Coast Contractors on its bid of \$6,656.00 incl. sales tax.

Mr. Haley moved that the Resolution be adopted. Seconded by Mr. Finnigan.

The Resolution was passed by voice vote.
Ayes 5; Nays 1, Cvitanich; Absent 3, Bott, Murtland and Mayor Tollefson.

Resolution No. 18306

Authorizing the proper officers of the City to execute a contract with
Fenton, Conger and Ballaine, Inc. in the amount of \$300.00 for the updating of an
appraisal in the Center St. Urban Renewal Project.

Mr. Haley moved that the Resolution be adopted. Seconded by Mr. Johnson.

The Resolution was passed by voice vote.
Ayes 5; Nays 1, Cvitanich; Absent 3, Bott, Murtland and Mayor Tollefson.

Resolution No. 18307

Approving revised schedule of average annual gross rentals for Standard
Housing in the locality of the Center St., Fawcett and New Tacoma Projects.

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Haley.

The Resolution was passed by voice vote.
Ayes 5; Nays 1, Cvitanich; Absent 3, Bott, Murtland and Mayor Tollefson.

FINAL READING OF ORDINANCES:

Ordinance No. 17840

Vacating a portion of Highland St. between So. 11th and So. 12th St. and the
alley immediately east thereof. (petition of Lester R. Rhea)

Roll call was taken on the Ordinance resulting as follows:

Ayes 6; Nays 0; Absent 3, Bott, Murtland and Mayor Tollefson.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17841

Vacating the south side of So. 4th St. between J and K Sts. (petition of Tacoma General Hospital)

Roll call was taken on the Ordinance resulting as follows:

Ayes 6; Nays 0; Absent 3, Bott, Murtland and Mayor Tollefson.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17842

Amending Sec. 2. 01. 010 by adding two new subsections (J) and (K) and repealing subsection (d) of Sec. 2. 01. 080 relating to buildings. (parapet walls, cornices, etc.)

Roll call was taken on the Ordinance resulting as follows:

Ayes 6; Nays 0; Absent 3, Bott, Murtland and Mayor Tollefson.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17843

Amending Title 11 of the official Code relating to Traffic control and parking on City streets.

Roll call was taken on the Ordinance resulting as follows:

Ayes 6; Nays 0; Absent 3, Bott, Murtland and Mayor Tollefson.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17844

Providing for the improvement of L I D 3600 for sanitary sewers in the alley north of East 61st from L to K Sts. and other nearby locations.

Roll call was taken on the Ordinance resulting as follows:

Ayes 6; Nays 0; Absent 3, Bott, Murtland and Mayor Tollefson.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17845

Providing for the improvement of L I D 4712 for sidewalks on the north side of No. 33rd from Mullen to Ferdinand; alley paving between J and K from So. 14th to So. 15th; J and K from No. 9th to No. 10th; and between Sheridan and M from So. 7th to So. 8th Street.

Roll call was taken on the Ordinance resulting as follows:

Ayes 6; Nays 0; Absent 3, Bott, Murtland and Mayor Tollefson.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17846

Providing for the improvement of L I D 4767 for paving on Pine St. from So. Tacoma Way to So. 35th St.

Roll call was taken on the Ordinance resulting as follows:

Mr. Cvitanich left at this time.

Ayes 5; Nays 0; Absent 4, Bott, Cvitanich, Murtland and Mayor Tollefson.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17847

Providing for the improvement of L I D 5406 for water mains in McArthur St. from So. 14th to 17th; Meyers from So. 15th to 19th, also in So. 15th & 17th from Meyers to McArthur.

Roll call was taken on the Ordinance resulting as follows:

Ayes 5; Nays 0; Absent 4, Bott, Cvitanich, Murtland and Mayor Tollefson.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17848

Providing for the improvement of L I D 6853 for street lighting between So. Union and Tyler and between So. 28th and Center.

Roll call was taken on the Ordinance resulting as follows:

Ayes 5; Nays 0; Absent 4, Bott, Cvitanich, Murtland and Mayor Tollefson.
The Ordinance was declared passed by the Chairman.

Ordinance No. 17849

Approving and confirming the assessment roll for L I D 3582 for sanitary sewers in the alley north of East 62nd St. from "N" to Portland Ave. and other streets.

Roll call was taken on the Ordinance resulting as follows:

Ayes 5; Nays 0; Absent 4, Cvitanich, Bott, Murtland and Mayor Tollefson. The Ordinance was declared passed by the Chairman.

REPORTS:

a. Communication from the U. S. Army Corps of Engineers in reference to lift bridges across 11th St. in the Tacoma Industrial area.

b. Puget Sound Governmental Conference.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

Traffic violations for the month of April 1964 and 1965.

COMMENTS:

Mr. Rowlands invited the Council to attend the National Defense Reserve Fleet Open House between 9:00 A. M. and 3:00 P. M. in Olympia next Monday as it is the 15th Anniversary of the Maritime Administration.

Mr. Rowlands reminded the City Council of the A. W. C. Convention to be held June 16, 17 and 18th in Tacoma.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 8:20 P. M.


Mayor of the City Council

Attest:


City Clerk