

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, May 16, 1967

Council met in regular session. Present on roll call 9: Bott, Cvitanich, Finnigan, Haley, Herrmann, Johnson, Murtland, Price and Mayor Tollefson.

Mrs. Price moved that the minutes of the meeting of May 2, 1967 be approved as submitted. Seconded by Mr. Finnigan.

Presentation of Police Assistance Awards to citizens who have rendered outstanding acts of cooperation and assistance to police.

Chief Zittel explained there were seven individuals who have been selected to receive awards but only two citizens were able to attend this meeting. He introduced John R. Hill who helped to capture two prisoners who had escaped from the County-City Bldg. on May 24, 1966, and William Lindeman who captured a purse snatcher in Wright's Park on July 27th.

Chief Zittel explained that it takes courage and is a risk to personal safety to help apprehend any criminal.

Mayor Tollefson presented Mr. Hill and Mr. Lindeman with their Police Assistance Awards for their outstanding acts of cooperation and assistance to the police. He stated it takes great courage to perform such acts.

Mayor Tollefson, Mr. Rowands, City Manager, and members of the City Council congratulated the participants.

Chief Zittel announced the names of the other five citizens that could not be in attendance at the Council meeting; Alfred Yerbury, Jr., Raymond A. Olson, David P. Balles, Garry L. Shirley and Captain James T. Bartlett.

HEARINGS & APPEALS:

a. This is the date set for hearing for the rezoning of the east side of Puget Sound Ave. between So. 66th & So. 68th Sts. from an "R-2" to an "R-3" District, submitted by Walter H. Buhre.

Mr. Buhre, the petitioner, was present.

No protests being made, Mr. Finnigan moved to concur in the recommendation of the Planning Commission to approve this rezone and that an ordinance be drafted approving same. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

b. This is the date set for hearing for the rezoning of the S. E. corner of So. 54th & Pacific Ave. from an "R-2" to an "R-4-L" District, submitted by Frank H. Francis.

No one appearing and no protests being made, Mrs. Price moved to concur in the recommendation of the Planning Commission to approve the rezone and that an ordinance be drafted approving same. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

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COMMUNICATIONS:

Communication from Palmer Peterson requesting a change of Land Use Restrictions for the area on the east side of Pearl St. between No. 14th & No. 18th Streets.

Mr. Wiley, Assistant Director of Planning, stated they had received a letter from Palmer Peterson who indicated that he had misinterpreted Paragraph 2 of the Declaration of Land Use Restrictions. The paragraph reads, "the number of structures to be constructed on the site shall be two, each of which shall contain a maximum of (8) apartment units." Thus they proceeded to build one (4) unit building with another (4) unit building to follow on the first 150 feet, instead of a one-building structure per 150 feet.

Mr. Wiley added, the Planning Commission noted the density of the development would remain unchanged since the number of units will be the same, the only change will be in the number of structures. The single story four-plex clusters would in effect be more compatible with the neighborhood since the adjoining area to the east is developed as single-family residential.

Mayor Tollefson requested the attorney's opinion on the matter.

Robert Hamilton, Chief Assistant City Attorney, suggested that a document be drafted to bring the request of Palmer Peterson within the recommendation of the Planning Commission.

Dr. Herrmann moved that the City Attorney draft a document that will bring this within the recommendation of the Planning Commission at the request of Palmer Peterson. Seconded by Mr. Bott. Voice vote taken. Motion carried.

PETITIONS:

Petition for annexation submitted by Victor Lyons for the southwest corner of East 72nd St. and Portland Ave.

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Mr. Rowlands explained this involves the request for annexation and if the annexation takes place, the Planning Commission would have to review the proper zoning for the area. However, the traffic problem will still exist, if this particular annexation is consummated.

Mayor Tollefson felt this new request for annexation seems to be a bit of subterfuge as the Council had decided that they would not do anything until the County completed their Northeast study.

Mr. Haley said he understood when the petition was rejected last week that the petitioner, Mr. Lyons, could refile another petition if he wished.

Mr. Bott asked that the statement be clarified in reference to County zoning designations.

Mayor Tollefson explained if the annexation takes place at this time, the petitioner would have to construct under County regulations and remain so until such time as the City rezones the area.

Mr. Bott said he understood it was a general zoning which has no restrictions.

Mayor Tollefson stated the only restrictions in a general zoning plan in the County, are in certain industrial areas. They could put in all commercial buildings until such time as it is rezoned by the City.

Mr. Hamilton, Chief Assistant City Attorney, read a portion of the City's zoning ordinance which applies to annexed property, as follows: "All territory which may hereafter be annexed to the City of Tacoma shall automatically become an "R-1" One-Family Dwelling District, until the City Planning Commission shall make a thorough study of the new city area and report its recommendation for the final district classification to the City Council. This study and report shall be made within ninety days after such annexation. Any classification established by Pierce County and in effect at the time of annexation shall be continued in effect on an interim basis until final district classification is established as herein provided."

Mr. Rowlands explained that the practice generally throughout the United States, is to have a separate zoning, like an "R-1" using a very restricted zone, put into effect automatically upon annexation, until the study is made by the Planning Commission and the proper zoning designated.

Mr. Wiley explained, the practice has been that if there is no County zoning, and the annexation takes place, the area becomes an "R-1" district automatically, until rezoning is established. If the area is zoned under County restrictions, they are continued until final classification is established by the City. He said he would have clarification relative to the zoning for next Monday's study session.

RESOLUTIONS:

Resolution No. 19178

Fixing Monday June 12, 1967 as the date for hearing on L I D 6890 for street lighting in the vicinity of So. 92nd and Sheridan Avenue.

Mr. Finnigan moved that the resolution be adopted. Seconded by Mr. Cvitanich.

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19179

Fixing Tuesday May 23, 1967 at 4:00 P. M. as the date for a meeting with the initiating parties for consideration of the annexation of the southwest corner of East 72nd St. and Portland Avenue. (Victor Lyons)

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Mr. Haley moved that the resolution be adopted. Seconded by Dr. Herrmann.

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19180

Fixing Wednesday May 31, 1967 at 4:00 P. M. as the date for hearing for the rezoning of property on the north side of So. 12th between Mullen & Cheyenne St. extended from an "R-2" to an "R-3" District. (petition of William L. Bailey)

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

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The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19181

Re-establishing a "CPC" District located in the area bounded by So. 18th; Stevens St.; So. 19th St. and Gove Street extended. (petition of Morley Brotman)

Mr. Haley moved that the resolution be adopted. Seconded by Dr. Herrmann.

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19182

Authorizing the proper officers of the City to execute an agreement by and between the City of Tacoma and the County of Pierce providing for the improvement of So. 19th St. from Mildred to Jackson Avenue.

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

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19183

Authorizing the transfer of fifteen vehicles which have been declared to be surplus to the requirements and needs of the Public Utilities Dept. to the General Government for the sum of \$5800.00.

Mr. Haley moved that the resolution be adopted. Seconded by Dr. Herrmann.

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19184

Authorizing the transfer of property at So. 13th & Union Ave. from the Dept. of Public Utilities, Light Division to the Department of Public Works for alley purposes.

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

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 19185

Establishing a ten minute parking zone in front of Helen's Quick-Stop Grocery at 1219 Division Avenue.

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

The Resolution was passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:

Ordinance No. 18301

Amending Title 1 of the official code of the City by adding a new Chapter 1. 29 relating to creating a Human Relations Commission.

Mr. Finnigan asked what would be the annual cost for a commission of this type.

Mr. Rowlands said it would probably be in the neighborhood of \$17,000 to \$20,000.

Mr. Cvitanich stated he has a letter which was submitted to the Council members from the Tacoma Public Schools, and he wondered if they would contribute funds toward any salaries to be paid.

Mayor Tollefson asked Mr. Rowlands, City Manager, if there had been any correspondence with the School district.

Mr. Rowlands said the Schools have expressed an interest in developing a Human Relations Commission for sometime. He added, to his knowledge, normally these commissions are created by the City Legislative body and the cost of operating these commissions is borne by the City Council.

Mr. Cvitanich thought if the School Board was willing to support it morally, they should contribute toward the commission's estimated \$20,000 per year budget.

Mayor Tollefson said he felt the Council recognizes that this particular ordinance is something new relative to the procedures of the City of Tacoma. It is something that is not in the ordinary and accepted method of handling the affairs of people, because under the State Constitution and under the State laws by which the City is bound, people have no right to discriminate, and yet, this ordinance may provide a useful tool for people to understand and know what the true laws are of the State of Washington. He mentioned that in two places of the State Constitution, there is clear language stating, "there shall be no discrimination in any manner whatsoever." As to what extent a Human Relations Commission might be used to augment the intention of the State Constitution, he was not certain.

Mayor Tollefson asked that the supporters of the ordinance be heard at this time.

The Rev. John Soltman of Mason Methodist Church; Mrs. Robert Garen, representing the Tacoma YWCA; Arnold Fenton of 1419 No. Winifred; Wallace Walker, President of the Hilltop Neighborhood Improvement Council and Mrs. Edward J. McNamara, representing the Catholic Interracial Council, all spoke in favor of the principle of the ordinance, but admitted they had not read it.

Mr. Sid Bushard of 5138 No. Pearl said he was on the committee that worked on the draft for this particular ordinance for over a year.

Mr. Johnson questioned some portions of the ordinance. He felt this was in an area that was new to the Council, as the ordinance legislates rights which are already inherent rights. He felt the ordinance directed too much toward city employment practices. The City Manager and Director of Utilities should already be making sure that no discrimination exists in this area within the city.

Dr. Herrmann felt this board would be serving in an advisory and consulting capacity.

Mr. Bott said he thought there should be more discussion on this matter and that the ordinance should be postponed for a week or two.

Mr. Rowlands explained it was not the responsibility of the Legal Dept. to draft this ordinance. Data was submitted by a committee appointed by the Mayor, who had given extensive research on the matter. If the Council wishes to make any change in the ordinance, it can be done between now and the final reading. He added, this should be an instrument or constructive tool that would be helpful to all groups.

Mr. Johnson stated, if the City's staff is making sure that no discrimination exists, then this ordinance is to be a public relations program.

Mr. Bott asked Wallace Walker, President of the Hilltop Neighborhood Improvement Club, what good he thought the commission would accomplish.

Mr. Walker felt it would bring about a better understanding between people in the community. He hoped to see the economic level lifted, better housing and better education for children. It is not just the Negro problem, as the poor white people have as much trouble as poor Negroes. He felt that many complaints of discrimination would evaporate after they were aired.

Mr. Haley suggested that the ordinance be redrafted in broader terms to allow the commission to be the watchdog for the entire community.

Mr. Murtland said it seems to him that under Section 1.29.070, items 1, 2 and 7 of the ordinance are practically a mandate to the City in its language.

Mr. Rowlands stated, the duties of the City are to render service to the public. The staff feels as if they are rendering that service and in some instances, citizens do not feel the City is rendering that service. That is the reason that "item 7" has been included in the ordinance, the relationship of City employees performing their duties for the public and the manner in which these responsibilities are carried out. He felt there was a discretion between City employees and a number of employees working elsewhere. He felt that the wording could be changed that it would be a plea to the entire community, to participate in a constructive approach in solving community-wide problems.

Mayor Tollefson reiterated that anti-discrimination laws are already on the books and it is unfortunate when cities have to create special boards to handle special problems. There are a lot of people who do not know where to go with their real or imagined complaints, and he felt that this commission would provide an arena. The Council should attempt to eliminate the persecution complex from which many people feel they are suffering.

The ordinance was placed in order of final reading.

Ordinance No. 18302

Amending and repealing various sections of the official code of the City relative to Traffic.

Mr. Rowlands stated, this amendment to the traffic code formalizes what has already taken place.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18272 (reconsidered at the meeting of April 25, 1967)

Amending Chapter 13.06 of the official code of the City by adding a new section 13.06.055-3 to include property on the east side of Vassault St. between No. 23rd and No. 25th Street extended. (petition of Lester E. Schneider)

Mr. Schneider, petitioner, stated he was sorry, but he has no further interest in this property as his option was not renewed. He further stated that his option expired on the 2nd of May but he had given verbal notice to the Grace Baptist Church officials that he was not going to exercise this zoning. When he was absent from the Council meeting on May 2nd, the church representatives caused the Council to carry the matter over until May 16th meeting, but since then he no longer has any option on the property so there will be no need to continue the matter at this time.

Mayor Tollefson stated if the ordinance is voted down, the property would remain status quo, in an "R-2" residential.

Roll call was taken on the ordinance, resulting as follows:

Ayes 0; Nays 9; Absent 0.

The Ordinance was declared LOST by the Chairman.

Ordinance No. 18288

Amending the Pay and Compensation Plan of the City to reflect the increases provided in the Electrical Workers agreement approved by the City Council in Resolution No. 19144.

Roll call was taken on the ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18289

Amending Title 8 and section 8.12.010, 8.28.010 and 8.30.015 of the official code relative to the use of illegal drugs.

Roll call was taken on the ordinance, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18290

Authorizing the issuance of \$1,500,000 principal amount of Sewer Revenue bonds of the City to provide part of the money necessary to acquire, construct and install such additions and improvements.

Mr. Hamilton explained that a redraft of Page 5 was submitted by Mr. Thorgrimson, the bond attorney in Seattle, which has been substituted in the ordinance.

Mr. Haley moved that the redraft of Page 5 be accepted. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

Roll call was taken on the ordinance as amended, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

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Ordinance No. 18291

Naming the unnamed Street between Ferry & Sprague at So. 58th St. as Ferry Street and the presently named Street known as Bridge St. lying between Pacific Ave. and Dock Street to So. 4th Street.

Roll call was taken on the ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18292

Vacating air space above Market Street between So. 9th and So. 11th Streets. (petition of Rhodes Dept. Store)

Roll call was taken on the ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18293

Amending Chapter 13.06 of the official code by adding (3) new sections known as 13.06.112-4, 065-68 & 067-1 to include property on the west side of Hosmer St. between 84th St. freeway offramp & So. 96th St. in a "C-F-P", "R-4-L" and an "R-4-L" PRD District. (petition of Planning Commission)

Roll call was taken on the ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18294

Amending Chapter 13.06 of the official code of the City by adding (2) new sections 13.06.130-40 & -65067 to include property on the west side of Pacific Ave. between So. 96th St. & So. 100th St. and the north side of So. 99th between Pacific Ave. & A Street in a "C-2" and "R-4-L" District. (petition of City Planning Commission)

Roll call was taken on the ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18295

Approving and confirming the assessment roll for L I D 6859 for street lighting on Seashore Drive from 6th Ave. to So. 19th; Walters Rd. from 6th Ave. to So. 19th; So. 18th from Crystal Springs Rd. to Walters Rd. and other north and south end streets.

Roll call was taken on the ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18296

Approving and confirming the assessment roll for L I D 6860 for street lighting on No. 31st St. from Warner to Carr and other nearby streets.

Roll call was taken on the ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18297

Approving and confirming the assessment roll for L I D 5403 for water mains in Huson St. from Center south approximately 2200 feet extended.

Roll call was taken on the ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18298

Approving and confirming the assessment roll for L I D 5417 for water mains in 122nd St. East, from 1493 feet west of Shaw Road.

Roll call was taken on the ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18299

Approving and confirming the assessment roll for L I D 4778 for paving in the alley between No. 25th and No. 26th St. from Alder to Cedar; also sidewalks on the south side of No. 26th from 300 feet west of Pearl Street and other nearby walks.

Roll call was taken on the ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18300

Providing for the improvement of L I D 4809 for paving on So. 19th St. from Mildred to Jackson Avenue.

Roll call was taken on the ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

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COMMENTS:

Mr. Rowlands said at the study session on Monday, May 22, 1967 the Council will be reviewing the City's Highway needs, as the City should be in a position to take advantage of any additional funds that are available from the State. The staff will submit an up to date priority list. If time allows the Human Relations ordinance will be studied and any further changes should be discussed.

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Mr. Rowlands noted that the Puget Sound Governmental Conference is considering a region-wide airport study. The amount of planes estimated to be in use in the next (10) to (12) years is fantastic. Some of the officials feel that another Sea-Tac Airport is not necessary, but it will be necessary to have additional airports. His feeling was that, perhaps, within the next month the Council could decide whether to participate in the airport study as the amounts being asked of governmental bodies will not be known until next month. It is necessary to know where the City stands within the region. The County Commissioners have taken action against participating in such a study. He felt this was premature. The staff will bring a report to the Council at a later date.

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Mr. Rowlands explained that the Council has received a letter from the Downtown Merchants pointing out that one of the persistent problems now affecting the downtown area has been created by the lack of attention being given to unoccupied buildings and premises. In some cases even to those which are occupied. He noted that many of these buildings are in the middle of the urban renewal area and the City has not received the decision of the Judges as yet on the Court case, and the staff does not know when this decision will be handed down. Perhaps, the Council wishes to discuss an approach on this matter. Perhaps, under the Public Safety, Health and Sanitation ordinance, the City might have the right to clean up these conditions.

Mr. Cvitanich wondered if the merchants themselves should not clean up the sidewalks, entranceways, windows etc.

Mayor Tollefson stated some European cities have a requirement that establishments must be kept up or the city charges them three times the cost to clean it up.

Mayor Tollefson asked that Mr. Rowlands, City Managers, check on some model ordinances that the Council might consider adopting.

Mr. Rowlands said the staff would look into the matter.

Mr. Bott asked if the company that installed the bus benches was in business at the present time.

Mr. Rowlands explained that the company was delinquent in its license fees and business taxes and the City can take the benches over at any time. He added, that the Downtown Merchants Association wishes the benches removed.

Mr. Cvitanich suggested that the City repaint the benches and put them in parks.

Mr. Bott said the City should sell the advertising space on the benches as the City has on the buses.

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Mrs. Price felt a few of the benches should be left downtown for the convenience of elderly people waiting for buses.

Mr. Rowlands stated the Metropolitan Park District has requested the Council for an additional appropriation of \$23,500 from the City to permit the Park District to keep playgrounds and pools operating through the entire summer.

Mayor Tollefson remarked that the City of Tacoma will receive its share of funds from the State and he recommended the amount requested by the Park District be allocated to them, as they can carry out their program.

Mr. Johnson asked if the City could eventually demolish the old City Hall Annex.

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Mr. Cvitanich stated that all of these suggestions are worthy but he felt the Tacoma Police force should be increased.

Mr. Haley through the Council should take a good look at the City's entire financial picture before spending any money.

Mr. Rowlands stated a report is being prepared to be submitted to the Council.

Mr. Finnigan felt the parking problem should be of immediate concern, as while driving in the City recently, he was surprised to notice that traffic has increased tremendously even at 6:00 P. M. Parking on arterials should be stopped. He agreed with Mr. Cvitanich that the City is very short of traffic patrolman.

Mrs. Price asked Mr. Schuster what type of program can be established to alleviate traffic congestion at the entrance of Pt. Defiance Park.

Mr. Schuster stated the congestion is not on the street going into the park, it is in the park proper where the speed limit slows to 10 miles an hour, which, of course, causes the back-up of traffic. He had discussed this problem with the Park Board this spring and they have changed some of the signs in the entrance to the park and it should help the problem to some extent. The Park Board is cognizant of the situation.

Mayor Tollefson stated he would like the Council to explore the thought relative to the sewer-storm drains in University Place. He had hoped with the cooperation of the City and the County that the County would move immediately into the sewer-storm drain problem in University Place, and that the City in turn would contract from the County to make an appropriate addition to the sewer which would connect with the City's sewer system. The County Commissioners are not anxious to go ahead with any sewage disposal system as they are not staffed for such a project.

Mayor Tollefson asked the engineering staff to prepare a feasibility report and requested the Council members to study his suggestions. Under the law the City has the right to extend the City's service area outside the City. He suggested that the University Place Sewer District be bypassed in favor of organizing an L I D. He wished to make one point clear, the City

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of Tacoma has done nothing to cause this condition to exist. He felt the City would be of some assistance in their problem.

Mr. Cvitanich felt the City would have to add another interceptor line from the treatment plant which would require more expense for the City.

Mr. Schuster explained it would require another sedimentation tank and, perhaps, a chlorine contact tank as well as some changes in the pump station and some additional lines. This would then take care of the City of Tacoma area, University Place and the development of the Westgate area.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 7:00 P. M.


Mayor of the City Council

Attest: 
City Clerk