

CITY COUNCIL MINUTES

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

Council met in regular session. Present on roll call 7: Bott, Cvitanich, Finnigan, Haley, Herrmann, Johnson and Murtland. Absent 2: Mayor Tollefson and Mrs. Price.

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

Mr. Haley moved that the minutes of the meeting of March 21, 1967 be approved as submitted. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

a. This is the date for hearing on the petition submitted by Vincent Pontani et al for the vacation of Wilkeson St. between So. 92nd & So. 96th Streets.

Mr. Wiley, Assistant Director of Planning, stated this proposed vacation would utilize the property for an additional yard space and possible building sites and also eliminate two short blocks. He explained the right-of-way is unimproved and not needed for street purposes.

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

b. This is the date for hearing on the petition submitted by the State Highway Commission for the vacation of Division Lane and the adjoining alley between East B St. and the Freeway located to the east.

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

c. This is the date for hearing on the petition submitted by Hillcrest Properties Inc. for rezoning of property located at the N. E. corner of So. 66th and Sprague Ave. from an "R-2" to an "R-2T District.

Mr. Wiley explained that the site fronts on Sprague Ave., a freeway frontage road, and abuts a "C-P-N" district.

He added, the applicant originally requested the zoning from an "R-2" to a "C-1" district. However, the Planning Commission recommended that this

property be rezoned to an "R-2-T" District. A written statement has been submitted by the applicant agreeing to the Planning Commission's recommendation of an "R-2-T" district.

Mr. Wiley added, that a recent "T" Transitional District text change was recommended by the Commission and approved by the City Council which allows general offices along freeway frontage roads. They felt such a zoning was warranted at this location due to proposed and existing land use features along Sprague Avenue between So. 56th St. and So. 72nd St. freeway interchanges. This type of zoning would provide a transitional district between the proposed shopping center site and the single-family and apartment district to the north.

Mr. Bott requested a report from the Planning staff relative to any freeway frontage plan be made available for the Council's perusal.

Mr. Bott asked Mr. Clark, President of the Hillcrest Properties, Inc., when construction would start if the City Council approves their application.

Mr. Clark said he thought it would be in about four months. They are leveling the property at the present time, but it was not definite when they would begin to build.

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

PETITIONS:

Petition from Oscar T. Hokold requesting rezoning of property located on the east side of Hosmer St. between So. 90th & So. 92nd St. from an "R-2" to an "R-3-PRD" District.

Referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 19111

Fixing Monday, April 24, 1967 at 4:00 P. M. as the date for hearing on L I D 4805 for paving and storm drainage on So. 70th St. from Oakes to Pine; So. 43rd St. from Hosmer to Wilkeson; Ea. 50th St. from A to Ea. B and other nearby streets.

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2, Mayor Tollefson and Mrs. Price.

Resolution No. 19112

Fixing Monday May 8, 1967 at 4:00 P. M. as the date for hearing on L I D 4809 for paving on 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 7; Nays 0; Absent 2, Mayor Tollefson and Mrs. Price.

Resolution No. 19113

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Fixing Tuesday April 18, 1967 at 4:00 P. M. as the date for hearing for the rezoning of property located on the N. W. corner of So. 88th and Pacific Ave. from an "R-2" to an "R-4-L" District. (petition of Richard J. Johnston)

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

Mr. Murtland moved that the date of April 4, 1967 on Page 2 of the resolution be changed to April 18th, 1967. Seconded by Mr. Haley. Voice vote taken. Motion carried.

The Resolution as amended was passed unanimously by voice vote. Ayes 7; Nays 0; Absent 2; Mayor Tollefson and Mrs. Price.

Resolution No. 19114

Fixing Tuesday May 2, 1967 at 4:00 P. M. as the date for hearing for the rezoning of the west side of Hosmer St. between So. 84th St. freeway off-ramp and So. 96th Street. (City Planning Commission - Hokold)

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

The Resolution was passed unanimously by voice vote. Ayes 7; Nays 0; Absent 2; Mayor Tollefson and Mrs. Price.

Resolution No. 19115

Fixing Tuesday, May 2, 1967 at 4:00 P. M. as the date for hearing for air rights 24 feet above Market Street at a point approximately 225 feet north of So. 11th St. (Petition of Rhodes Bros. Dept. Store)

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

The Resolution was passed unanimously by voice vote. Ayes 7; Nays 0; Absent 2; Mayor Tollefson and Mrs. Price.

Resolution No. 19116

Awarding contract to Houghton Elevator Company on its bid of \$412.80 per month for maintenance and lubrication of moving sidewalks. W. O. 73355.

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

Mr. Sankovich, Assistant City Manager, explained that the contract for the maintenance and lubrication service on the City's eight speedramp moving sidewalks is for a period of three years at a cost of \$412.80 per month. This is an increase of approximately \$177.00 per month from last year's contract. However, this contract provides for liability insurance.

Mr. Schuster, Director of Public Works, stated the liability insurance as part of the Houghton Elevator Company's contract exempts the City from liability for an accident.

Mr. Bott asked why there was such an increase over last year.

Mr. Sankovich stated there would be more maintenance and they have indicated that the cost of doing business has gone up.

Mr. Cvitanich asked Mr. Hamilton if it would be possible to include a clause in reference to liability insurance in the resolution.

Mr. Hamilton remarked that the clause was in the contract.

Mr. Haley wondered if the cost of the insurance would be less if it were carried by the City of Tacoma instead of the Haughton Co.

Mr. Hamilton stated that Mr. Taylor, a member of the Insurance committee, had advised him that, perhaps, the coverage was requested when the specifications were previously prepared, because at that time the City did not have insurance coverage on the escalades.

Mr. Taylor stated, when the escalades were built, it was easier for the contractors to write their own insurance.

Mr. Haley moved that this resolution be set over for one week, until April 11, 1967, until this particular question is qualified, whether liability insurance included in the contract duplicates general coverage of the City. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mr. Sankovich remarked he would check into the matter before the next Council meeting.

Resolution No. 19117

Appropriating the sum of \$75,000 .00 or so much thereof as may be necessary from the Storm Drain Construction Fund of 1963 for the purpose of replacing a new 60-inch storm drain in East 15th St. from A St. to the City waterway.

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2, Mayor Tollefson and Mrs. Price.

Resolution No. 19118

Authorizing the refund of \$100.00 filing fee to Mr. Richard H. Todd which was paid on a rezoning petition on February 15, 1967.

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2, Mayor Tollefson and Mrs. Price.

Resolution No. 19119

Authorizing the City Manager of the City of Tacoma to submit to the Federal Aviation Agency a request for aid for the fiscal year 1968.

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

The Resolution was passed by voice vote.
Ayes 6; Nays 1, Cvitanich; Absent 2, Mayor Tollefson and Mrs. Price.

Resolution No. 19120

The City Council of the City of Tacoma does hereby initiate zoning regulations with respect to automobile service stations.

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

Mr. Cvitanich remarked that this resolution, if passed, requests the Planning Commission to schedule a public hearing at the earliest date to consider more extensive regulations of service stations than are presently contained in the zoning code. The proposed ordinance attached, would require specific Council permission for any new service stations to be built in most commercially zoned area.

Mr. E. A. Weymouth, the Northwest Manager of the Western Oil and Gas Association, stated, this proposed regulation would be discriminatory.

Mr. Cvitanich called attention to the increasing number of stations which have been closed and boarded up throughout the City.

Mr. Weymouth said the industry is highly competitive and greatly misunderstood. He contended the people want service stations close to residential areas.

Mr. Johnson said the intense competition has led to hasty judgments by the oil companies and this has led to a proliferation of stations and the abandonment of many, which have become eyesores in the community.

Mr. Haley felt the Council should not pass any resolution or ordinance which singles out one aspect of the City's commercial activity. He felt it was discriminatory. He noted that the number of automobiles is increasing and felt there would be a corresponding need for more service stations.

Mr. Finnigan said the Council is for private enterprise but he felt this has gotten out of hand. The oil companies have brought the proposed restrictions on themselves by failing to police their own industry.

Deputy Mayor Herrmann reminded the Council that this resolution, if passed, will refer this matter to the Planning Commission for a hearing. This ordinance is just a rough draft for study by the Council.

Mr. Finnigan felt it is a reflection on the governing body of this City to allow this to happen within the City limits and, perhaps, this should be set over a week for a more thorough discussion with the Legal Department.

Mr. Finnigan moved that this resolution be continued for one week, until April 11th, 1967. Seconded by Mr. Murtland.

Mr. Weymouth said there are 12 major companies operating in this area and credit card customers determine whether one or more service stations should go up in an area. It is economically unfeasible to legislate the building of service stations in an area. This abolishes the freedom of our economic system.

Mr. Haley moved to amend Mr. Finnigan's motion from one week to two weeks, until April 18, 1967. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

Mr. Bott asked that a study session be called on this matter prior to April 18th, 1967.

Mr. Sankovich stated this would be arranged.

Mr. Haley asked that representatives from the oil and gas industries be asked to attend.

Resolution No. 19121

Authorizing the proper officers of the City to execute an agreement with Washington State University covering the utilization of certain students who are eligible to participate in the College Work-Study Program.

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

The Resolution was passed unanimously by voice vote.
Ayes 7; Nays 0; Absent 2, Mayor Tollefson and Mrs. Price.

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FIRST READING OF ORDINANCES:

Ordinance No. 18257

Amending Title 11 of the official code of the City by adding a new chapter consisting of (5) sections to be known as Chapter 11.27 relative to requiring a motorist to lock the ignition of a car and remove the key.

Mr. Murtland stated he had receive a letter from the Teamsters Union in regard to the Section 11.27.050, Exception, dealing with trucks that are being used in the normal course of business activities. He remarked that truck theft is no particular problem within the City and he would dislike to see the ordinance lost over a technicality which has little to do with car theft.

Mr. Finnigan felt that section should be left in as this ordinance should cover all vehicles.

Mr. Haley moved that Section 11.27.050, Exception, should be deleted. Seconded by Mr. Cvitanich. Roll call was taken: Ayes 3, Nays 4, Bott, Cvitanich Johnson and Deputy Mayor Herrmann. Absent 2; Mayor Tollefson and Mrs. Price. Motion lost.

Mr. Bott stated he requested this paragraph, exempting trucks with a gross weight of more than 6,000 pounds when they were engaged in business.

Deputy Mayor Herrmann asked if the language could be changed to exclude commercial vehicles in the course of their business.

Mr. Johnson remarked that a commercial vehicle has to be licensed with a "T" license and he would suggest that all "T" licensed vehicles be omitted from Section 11.27.050, no matter how much they weigh.

Mr. Sankovich, explained it has been left up to the descretion of the meter maids and policemen not to ticket trucks when they are parked in the yellow zones.

Mr. Johnson felt this paragraph 11.27.050 should be left in but delete the words, "6,000 lbs."

Mr. Haley moved that the legal staff amend Section 11.27.050 of this ordinance to read, "The provisions of this chapter shall not apply to commercial vehicles when the same are being used in the normal course of business activities." Seconded by Mr. Cvitanich.

After some discussion, Mr. Haley amended the motion, that appropriate language be drafted by the Legal Dept. to exclude commercial vehicles. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mr. Herb Kinder of the Tacoma Exchange Club and Mr. Taylor representing the Pierce County Insurance Association, urged the passage of this ordinance.

The ordinance was placed in order of final reading.

Ordinance No. 18258

Amending Title 8 of the official code of the City by adding a new subsection 37, 8.12.010 relative to contributing to the delinquency of a minor.

Mr. Sankovich stated, in connection with this ordinance, cases often arise where the minor is arrested on a minor charge, and a companion is arrested for contributing to the delinquency of a minor. At the present time such a case dealing with the adult must be channeled through Justice Court as a gross misdemeanor. The staff feels that these cases should be tried together as they relate to one another, and this can best be done in the Municipal Court. This is the reason the staff has recommended this particular change in Title 8 of the official code of the City.

Mr. Haley asked Mr. Hamilton to explain the wording.

Mr. Hamilton stated that subsection 37 has been written to conform to State statutes.

Chief Zittel explained, in the event a 22 year old and an 18 year old youth were drinking in a car and they were apprehended, the old youth would be arraigned in Justice Court because he had contributed to the delinquency of a minor. The 18 year old youth would be arraigned in Municipal Court for violation of a City ordinance because he was a minor. The staff felt, since the causes relate to one another, they should be tried together, rather than having them tried by two separate courts. He said this would simplify the procedure.

Mr. Bott felt the ordinance would be just as effective, if the word "omission" under section 37 were omitted.

Mr. Hamilton explained to the Council, that normally in a criminal proceeding, there must be some intention on the part of a person before they are responsible. That is not always true, but basically it is. Here there is a situation where the person knows, or should know, by omitting to do some thing, they are contributing to the dependency of a minor child.

After further discussion, the ordinance was placed in order of final reading.

Ordinance No. 18259

Amending Title 8 of the official code of the City by adding a new section 8.06.080 for the establishing of a helicopter landing pad in an area which is to be used by governmental subdivisions for official business.

Sheriff Jack Barry of Pierce County, explained that this proposed ordinance would be of particular benefit to their department if a helicopter pad could be established atop the County-City Bldg. He added, his office has three helicopters at its disposal for use in search-and-rescue work or for surveillance duty in the event of a major crime.

Mr. Phillips, Airport Manager, felt this operation could and should be accomplished without further delay, as at the present time a city ordinance prohibits the landing of any aircraft within the city except upon a regularly established airport field or landing place.

Mr. Finnigan left at 6:15 P. M.

Mr. Haley asked that an ordinance be drafted to give recognition to the private use of helicopters in other areas of the City.

The ordinance was placed in order of final reading.

Ordinance No. 18260

Vacating So. 17th St. and the north 20 feet of So. 18th between So. Puget Sound Ave. & Warner St. (petition of Assembly of God Church)

The ordinance was placed in order of final reading.

Ordinance No. 18261

Amending Chapter 13.06 of the official code of the City by amending (7) sections relative to Zoning Text Amendments for Retirement Homes.

Mr. Cvitanich felt the Council had been remiss in some of the zonings it has approved. He said he is concerned about this particular text regarding retirement homes.

The ordinance was placed in order of final reading.

Mr. Bott left at 6:30 P. M.

FINAL READING OF ORDINANCES:

Ordinance No. 18252

Providing for the improvement of L I D 3641 for sanitary sewers in No. 38th from Baltimore to Shirley St. and in Shirley St. from No. 38th to No. 37th Sts.

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

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

Ordinance No. 18253

Approving and confirming the Assessment Roll for L I D 3616 for sanitary sewers on So. 12th St. from Mildred St. to 500 feet east of Vastault St.

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

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

Ordinance No. 18254

Approving and confirming the assessment roll for L I D 6856 for street lighting on Shirley & Winnifred Streets from 6th Ave. to So. 11th and other nearby streets.

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

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

Ordinance No. 18255

Approving and confirming the assessment Roll for L I D 4790 for permanent paving on Ferry St. from So. 43rd to So. 48th St. and So. 48th from Ferry to approximately 550 feet west of Ferry Street.

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

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

Ordinance No. 18256

Approving and confirming the Assessment Roll for L I D 4727 for permanent paving on So. 12th St. from Highland St. to Jackson Ave.

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

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

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UNFINISHED BUSINESS:

The Director of Public Works & Utilities presents the following assessment rolls for the cost of L I D's:

L I D 4778 for paving on No. 25th & No. 26th from Alder to Cedar; concrete sidewalks on south side of No. 26th, 300 feet west of Pearl St. and other nearby walks.

L I D 5403 for water mains in Huson from Center St. south approximately 2200 feet extended.

Mr. Haley moved that Monday, May 8, 1967 at 4:00 P. M. be set as the date for hearing on the assessments rolls for L I D's 4778 & 5403. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Fire Department for the month of February 1967.
- b. Report from the Tacoma Traffic Division for the month of Feb. 1967.

COMMENTS:

Mr. Cvitanich referred back to Ordinance No. 18261 on retirement homes. He remarked that on Page 3, paragraph 3, under Retirement home, it states " a conditional use permit so authorized shall become void after the expiration of twelve (12) months if no substantial construction has taken place in accordance with plans for which such conditional use permit was authorized." He wondered why this could not apply to some of the other rezones.

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Mr. Hamilton, Chief Assistant City Attorney, stated these conditions are only in the special type districts where a contractual agreement is consummated.

Mr. Cvitanich remarked, if a special permit is attached to this application, he wondered why it could not apply to other rezone applications.

Dr. Herrmann said the Council is ruling on whether it is good zoning and not if the construction might start within 10 days or two to three years.

Mr. Wiley stated the special use permits can be revoked and normally these are special circumstances in a specific case.

Mr. Cvitanich felt on any rezone, if it didn't develop within twelve months, the Council should act upon it administratively.

Mr. Haley reminded the Council that a developer has to buy the land and ask for a zoning change before any building can start. These things all take time, he added.

Mr. Wiley stated the Planning Department would be happy to review the different zoning requirements at any time with the Council.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 7:20 P. M.

Attest: Josephine Belton
City Clerk

W.A. Jellefsen
Mayor of the City Council