

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.  
Tuesday, May 9, 1967

Council met in regular session. Present on roll call 8: Bott, Cvitanich, Finnigan, Haley, Herrmann, Johnson, Price and Mayor Tollefson. Absent 1, Murtland. Mr. Murtland coming in at 4:30 P. M.

Mrs. Price moved that the minutes of the meeting of April 25, 1967 be approved as submitted. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

a. This is the date set for hearing on the vacation of Steele St. and the alley lying immediately east of Steele St. between So. Tacoma Way and a point 240 feet south thereof, submitted by Earl Casher.

Mr. Casher, petitioner, stated he planned to utilize the proposed vacated area for an additional space for an adjoining used car lot.

Mr. Buehler, Planning Director, explained there are three conditions that the petitioner has agreed upon: (1) that an easement be granted to the property owner residing at 3214 So. Steele for an existing water line service; (2) that the applicant pay all costs for any reconstruction or relocation of light equipment made necessary by future grading of the property; (3) that the applicant convey a 32 foot wide access easement to the James Bjerge property over that portion of Steele St. proposed for vacation. He noted, however, that the adjacent property owner, James Bjerge, who had requested an easement, has submitted a letter stating that he was no longer interested in the vacation, therefore, the easement is no longer necessary.

Mr. Haley moved that the Council concur in the recommendation of the Planning Commission to approve the rezone and that an ordinance be drafted approving same. Seconded by Mr. Bott. Voice vote taken. Motion carried.

b. This is the date set for the meeting with the initiating parties relative to the annexation of the area on both sides of Portland Avenue from East 72nd St. and a point approximately 750 feet south, submitted by Victor L. Lyon, Tacoma Realty Company.

Mayor Tollefson asked if this matter had been presented to the Planning Commission at any time.

Mr. Buehler explained, it had not been. At the present time the annexing parties represent only 10% of the assessed valuation of the area. The assessed valuation of the area is \$62,600. There are 18 separate owners with an estimated population of approximately 49 people. The area represents 22.77 acres and only 13.7% signatures were on the petition for annexation. Resolution No. 19177, which is on this agenda, sets forth the three points required to be processed under the State Law: (1) to determine whether the City shall accept a future annexation petition of 75% for consideration; (2) to determine whether the affected areas shall assume the existing indebtedness of the City; (3) to determine whether the Council shall require the simultaneous adoption of a comprehensive plan, if such a plan has been prepared and filed for the areas to be annexed.

Mayor Tollefson asked Mr. McCormick what the procedural steps for this matter would be.

Mr. McCormick, City Attorney, stated that it can be conducted as any other hearing and the order is entirely up to the discretion of the Mayor.

Mr. Rowlands wondered if under point (1) whether a 75% petition would then be available now.

Mr. McCormick said, he assumed that 10% of the area involved agree to the annexation, otherwise their letter asking for this meeting could not have been filed. The other question is, whether or not the Council would accept this annexation if the other two points are resolved. Then if the Council acts favorably toward the annexation the petitioner would proceed to obtain the required 75%.

Mr. J. J. Farrow of the Tacoma Realty Co., presented two letters to the Council, one from Roger E. Elder, Superintendent of Schools, Pierce County Washington, and the other from Edward E. Hill, Superintendent of the Franklin Pierce Public Schools, which were read. It was pointed out that even if the property were annexed to the City, the School Districts could not be annexed under this petition.

Mr. McCarthy, representing the K-Mart Stores, stated they had asked the Tacoma Realty Co. to find a location in the County that was zoned for their purpose. After investigation, it was found that it was inadvisable to try to obtain a 75% petition until the area had sewers. He added, to obtain a building permit, they will need sewers. He thought the only way this could be accomplished was to annex to the City. On March 15th their representatives had met with Mr. Buehler, and it was his suggestion at that time, that the original petition be enlarged to include the east side of Portland Ave., because of the problem of having an arterial street half in the City and half in the County. He added, they are willing to build according to any requirements asked by the City.

Mayor Tollefson asked if the K-Mart Stores are only interested in the area of the southwest corner to build upon.

Mr. McCarthy said this was true, but they needed sewers to get a building permit.

Mr. Buehler reiterated the reason for suggesting the added area, was so that the City could have a channelization so the traffic would not become congested for the other side of the street. 72nd Street at the present time ties into the freeway from Puyallup and when the Mountain Freeway is completed it will be an interchange. The traffic will definitely increase.

Dr. Herrmann stated it would probably make the annexation procedure simpler if the dividing line did come down Portland Avenue.

Mr. Buehler explained that the City would need six feet of right-of-way on both sides, and on 72nd St. to obtain the proper footage for the development.

Mr. Rowlands explained that he and Mr. Schuster, Public Works Director, had recently discussed this matter, and since there will be a tremendous increase in traffic, they were hoping it would be a cooperative venture in taking care of this situation regardless of what businesses are in the area.

Mr. A. J. Kusterer, spokesman for the property owners residing on the east side of the street, stated eight out of the nine residents were definitely against the annexation. The property owners do not want the K-Mart construction in their area as there is heavy congestion of traffic now.

Mr. Bott asked who has the right to be recognized as the property owner, the person who has the option or the person that owns the property.

Mr. McCormick stated, the ownership carries the right to petition, unless the option gives a person that right. He also stated he would have to check any options to see what they contain. He assumed whoever signed the petition would have a legal right. The City Council determines the boundaries.

Mr. Kusterer wondered why vacant property within the City limits could not be developed for the K-Mart interests rather than at 72nd and Portland Ave.

Mr. Finnigan stated the K-Mart could be developed in the County under a "G" classification, and if they could work out the sewer problem, the annexation would not have to be requested.

Mr. Buehler stated that was correct.

Mr. Pat Gallagher, County Commissioner, asked the City Council to hold up any annexation until after the County completes its Northeast Pierce County planning study which should be in about six months.

Mrs. Price moved that this meeting be held over until the County has completed its surveys and recommendations of this area. No second.

Mr. Johnson asked if the K-Mart had applied for a building permit in the County.

Mr. Buehler stated he was under the impression that Mr. Lyons and Mr. McCarthy had looked into the matter at the County level or they would not have been requesting annexation into the City. He felt this area has a drainage problem, and that is why the annexation was requested.

Mr. Cvitanich suggested that the Council reject this petition and at a future date the representatives for the K-Mart could re-initiate the petition when the study is completed.

Mr. McCormick stated, that if the Council wishes to follow Mr. Cvitanich's suggestion, it probably should reject this petition and state that the City would not consider the annexation of the area until the survey of the County has been completed, at which time the petitioners would then be in a position to again ask the Council for a hearing.

Mr. Cvitanich moved to reject this petition and that the City would not consider the annexation of this area until the survey of the County has been completed. Seconded by Mr. Bott.

Mr. Gerla, property owners, stated that he had lived in the area about (25) years and he definitely felt this area was the logical place for a development. He added, he was in favor of the development, but would prefer to see it developed under a good drainage system.

Mr. Rowlands asked Mr. Farrow if he had any information from any of the County Commissioners that they were contemplating this six-month's study.

Mr. Farrow stated he had not.

Mr. Rowlands explained that Mr. Lyons thought this particular request would be given proper consideration and he could go ahead and extend the option for the K-Mart, but from the standpoint of the City, because of the traffic problem, this matter must be given a thorough study.

Mr. Johnson felt the annexation should be made on the area of the owners who wish to come into the City.

Mr. Murtland moved for a substitute motion, that the Council reject this petition. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

c. This is the date set for hearing for the re-establishment of a "C-P-C" Shopping Center District located on the N. W. corner of So. 19th & Stevens T., submitted by Morley Brotman.

Mr. Buehler, stated this property had been rezoned but the time had expired for development. The Planning Commission felt, after a review of the area and supporting information submitted by the applicant indicating that negotiations were underway for the development, that the "C-P-C" should be reaffirmed for a period of one year. He added, if the Council agrees that this should be done, a resolution will be on next week's agenda affirming the action.

Mr. Allan Overland, attorney representing Mr. Brotman, stated an agreement had been reached with Big "C" Stores, operators of Gov-Mart Bazaars, and the financing has now been arranged for construction of the store. He felt

This was good zoning and it will be to the benefit of the City because the peat bog area northwest of So. 19th and Stevens is not good for any other use except for commercial development.

Dr. Herrmann moved to concur in the recommendation of the Planning Commission to re-establish the "C-P-C" District located on the NW corner of So. 19th and Stevens St., and that a resolution be drafted re-affirming same for a period of one year which will be submitted on Tuesday, May 16th, 1967 for approval. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

d. This is the date set over for hearing on the appeal filed by Mr. Long & Mr. Gordon on the denial of the request for rezoning of property located on So. 12th & So. 12th Sts. from Pearl to Woodlawn Ave. from an "R-2" to an "R-4-L" District.

Mr. Buehler pointed out the area of the rezone. He noted that the Planning Commission felt that if this zoning were granted, the reclassification would tend to commit additional sites for apartment zoning along So. 12th St., Pearl St. and the area between Pearl St. and Bantz Blvd. The site abuts single family developments along the south. The Planning Commission felt this property should be developed in a like manner.

Gordon, Fors, realtor, representing the petitioners, stated this hearing had been set over because of certain requirements that the Public Works Dept. had imposed. At a meeting held before the last hearing of the Planning Commission, the petitioners agreed with the recommendations of the City Engineer. He explained that the property is surrounded by churches, arterials and other apartments and is unsuited to single family development. He pointed out that there are only four homes in the entire triangle and they plan a development that will be an asset to the area and the City.

Mr. Haley asked what their rental charge will be.

Mr. Fors stated the rentals would be from \$120 to \$160 per month for one and two bedroom apartments.

Mr. Haley asked Mr. Buehler how many units in the proposed development.

Mr. Buehler said in the 3.6 acres there will be 104 units.

Mr. Haley said his feeling is the same now as it was at the Planning Commission hearing, that this property is ideal for single-family dwellings and not for apartments.

Mr. Finnigan felt this area would not lend itself to any other development but a continuation of multiple dwelling units as the people have had ample opportunity in the past years to develop this into a single-family dwelling area.

Mrs. Minetti told the Council she was opposed to the rezone because of the traffic that it would generate.

Mr. Jack Sleavin, an architect, stated their firm had been asked to plat this area for single-family dwellings. He noted that the preliminary plat was approved by the City Council but it was turned down by FHA.

Mayor Tollefson asked Mr. Buehler, if this was true.

Mr. Buehler remarked that in 1962, Mr. Charles McPhail, had asked for an "R-4-L" zoning on this property and it was denied by the Planning Commission and was not appealed. He noted also that the single-family plat was applied for, for tract building. He added, he talked with Mr. Christensen from FHA and he was told that if an individual requested a loan for one building site it could be arranged, however, the FHA would not give a loan to anyone on a tract of land.

Mr. Buehler, further added, there is an alley within this area that is between the four residences. A question has been asked if there could be an access from the alley to the parking lot. The alley is platted, and if it were to be vacated half of it would belong to the people on the west side, the other half to

the people on the east side. Only the residents on the east side use the alley for their garages. It has been suggested, that under the legal requirements, that an easement be obtained so the residences on the east side would have the exclusive use of the alley.

Mayor Tollefson stated, if this petition is approved, the Planning Dept. should immediately prepare whatever documents are necessary.

Mr. Fors stated this was one of the points that Mr. Buehler brought out. The developer has agreed to take whatever steps necessary which were recommended by the Public Work's Dept.

Mayor Tollefson remarked, if this rezone is granted, the developer must work with the Planning Commission and the adjacent property owners to come to a conclusion as far as the alley is concerned.

Mr. Haley moved that the Council concur in the recommendation of the Planning Commission to deny this rezone. Seconded by Mr. Cvitanich. Voice vote taken, MOTION LOST.

Mr. Johnson moved that the Council overrule the recommendation of the Planning Commission and that an ordinance be drafted approving this rezone. Seconded by Mrs. Price. Roll call was taken: Ayes 7; Nays 2, Cvitanich and Haley; Absent 0. MOTION CARRIED.

e. This is the date set for hearing on the Replat of the area between No. 13th & No. 14th St. from Pearl to Highland-Westgate 6th Addition, submitted by J. J. Sleavin.

Mr. Rowlands explained, this is a procedural step. The preliminary plat of Westgate 6th Addition which includes this replat area, was approved by the Planning Commission. He noted, replats are heard by the City Council only. The processing of the entire area for the final plat is anticipated in the very near future.

Mr. Haley moved that the Replat of the area between No. 13th & No. 14th from Pearl to Highland submitted by J. J. Sleavin, be approved. Seconded by Mrs. Price. Voice vote taken, Motion carried.

#### PETITIONS:

a. Douglas Donner requesting rezoning of property located on the north side of Division Ave. & north of No. M. St. from an "R-5" to an "R-5-T" District.

b. Glenn Ash requesting rezoning of property located approximately 100 feet east of Pacific Ave. and 300 feet north of So. 96th St. from an "R-2" to a "C-2" District.

Referred to the Planning Commission.

#### RESOLUTIONS:

##### Resolution No. 19173

Fixing Monday June 12, 1967 at 4:00 P. M. as the date for hearing on E I D 3663 for sanitary sewers in the vicinity of No. 12th & Pearl Street. (Westgate - 6th Addition)

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

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The Resolution was passed unanimously by voice vote.  
Ayes 8; Nays 0; Absent 1, Cvitanich (temporarily).

Resolution No. 19174

Awarding contract to Tucci & Sons on its bid of \$27,950.56 for L I D 3569.

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

The Resolution was passed unanimously by voice vote.  
Ayes 8; Nays 0; Absent 1, Cvitanich (temporarily).

Resolution No. 19175

Authorizing an extension of the agreement adopted by Resolution No. 18940 with the City of Tacoma and Director of Highways for an additional six months period for the State to use a portion of East 36th Street as a haul road.

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

The Resolution was passed unanimously by voice vote.  
Ayes 8; Nays 0; Absent 1, Mr. Finnigan (temporarily).

Resolution No. 19176

Approval of the final plat of Mountain View Terrace Addition between East 50th and the alley immediately north of East 52nd St. from Ea. K to a point 110 feet east of East L Street.

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. 19177

Consideration of the annexation of the property on both sides of Portland Ave. from East 72nd St. to approximately 750 feet south. (petition submitted by Victor L. Lyon, Tacoma Realty Co.)

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

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

FIRST READING OF ORDINANCES:

Ordinance No. 18288

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

The ordinance was placed in order of final reading.

Ordinance No. 18289

Amending Title 8 of Section 8.12.010, 8.28.010 and 8.30.015 of the official Code of the City relative to the use of illegal drugs.

The ordinance was placed in order of final reading.

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.

The ordinance was placed in order of final reading.

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 Street lying between Pacific Ave. and Dock Street to So. 4th Street.

The ordinance was placed in order of final reading.

Ordinance No. 18292

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

The ordinance was placed in order of final reading.

Ordinance No. 18293

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

The ordinance was placed in order of final reading.

Ordinance No. 18294

Amending Chapter 13.06 of the official code by adding (2) new sections 13.06.130-40 & 065-67 to include property on the west side of Pacific Ave. between So. 96th St. & So. 100th St. and the north side of So. 99th St. between Pacific Ave. & A Street in a "C-2" and "R-4-L" District. (petition of City Planning)

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18282

Amending Subsection D. 2, F. 3 and G of Section 13.06.245 of the official Code of the City to include property in a "PRD" District. -Zoning Ordinance Text Amendment for Retirement Homes.

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. 18283

Amending Chapter 13.06 of the official code by adding (3) new sections 13.06.045-5, 055-4 and 111 to include property within the Old Highland Golf Course, bounded by Pearl, Mildred, No. 17th and the future freeway r/o/w in an "R-2T", "R-3-PRD" and "R-5-PRD" District. (petition of H. A. Briggs Co.)

Verbatim--requested by Mr. Cvitanich

Mr. Cvitanich: Mr. Mayor.

Mayor Tollefson: George.

Mr. Cvitanich: Mr. Briggs, you are all set financially and everything else to go on with this project at the present time? This retirement home project?

Mr. Briggs: We don't have money, all the money, that is here--

Mr. Cvitanich: You mean you are all squared away, plans, etc., and are able to finance, the bulk of it?

Mr. Briggs: We are underway. We--it is a pretty large zoning and we can't do all of it at one time though.

End of Verbatim.

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. 18284

Amending Chapter 13.06 of the official code of the City by adding two new sections 13.06.065-66 and 160-11 to include property in the area bounded by So. 27th; So. 28th, Sheridan Ave. and Yakima Ave. in an "R-4-L" and an "M-1" District. (petition of Urban Renewal Dept.)

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

Ayes 8; Nays 1, Cvitanich; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18285

Vacating Stewart St. between East 18th & a point approximately 132 feet north thereof and East 18th St. between Olympia & Stewart Sts. (petition of Port of Tacoma).



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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. 18286

Vacating the West 5 feet of So. I St. between So. 9th and So. 10th Sts. and the north 5 feet of So. 10th between I and the alley between I & J Sts. (petition of Faith Temple Church)

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chair man.

Ordinance No. 18287

Amending Section 6.56.050 of the official code relative to Towing operations.

Mr. Rowlands stated that the attorneys representing the towing firms have requested that this ordinance be postponed until June 20, 1967.

Mr. Rowlands explained at the study session on Monday, when Chief Zettel was present, it was agreed to bring several suggestions to the City Council, assuming that the Council still wants a study on the towing ordinance. The towing representatives also wish to express their views on the subject. He noted the Council members may wish to consider amending the ordinance to make the limit of police-ordered towing truck operators to seven or more.

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Mr. Finnigan to postpone this ordinance until Tuesday, June 20th, 1967 at 4:00 P. M. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

REPORTS:

Prospectus-Tacoma Community Improvement Program, April 1967.

Mr. Rowlands stated this report is an inventory of all the resources of the community. It will be of tremendous value as it will be kept up to date on an annual basis.

Placed on file.

UNFINISHED BUSINESS:

The Director of Public Utilities and Public Works presents the cost of the improvements for the following L I D's.

- a. L I D 4777 for paving in alley between So. Thompson & Yakima Ave. from So. 37th to So. 38th and other nearby alleys.
- b. L I D 5412 for water mains in Pearl St. from 6th Ave. to Westgate Blvd. and in No. 14th from Woodlawn to Pearl St.

Mr. Haley moved that Monday, June 26, 1967 at 4:00 P. M. be set as the date for hearing on the above L I D assessment rolls. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

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ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Tacoma Employees Retirement System for the month of April 1967.
- b. Report from the Traffic Violations & Court Cases for the month of April 1966 & 1967.

COMMENTS:

Mr. Rowlands reminded the Council that on Monday, May 15, 1967 the Council has been invited to McChord Field for a luncheon. The time for departure will be at 11:25 A. M.

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Mr. Rowlands stated on Saturday, May 13, 1967 there will be an Open-House Program beginning at 1:00 A. M. until 2:00 P. M. at the County-City Building.

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Mr. Rowlands stated the Association of Washington Cities have requested the names of two members of the Council to serve on the Nominating Committee and two members on the Resolution Committee at the convention which will be held on June 21, 22 and 23rd, 1967.

Mr. Cvitanich moved that Mr. Bott be reappointed to the Nominations Committee and Mr. Finnigan reappointed to the Resolutions Committee and Mayor Tollefson appointed to serve as a voting alternate. Seconded by Mr. Haley. Voice vote taken. Motion carried.

59-237-341

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Mr. Cvitanich asked Mr. Schuster, Public Works Director, if it would be possible to contact the Tacoma School System to see if they could contribute a larger portion of funds to the drainage problem at 58th and Oakes Street, when, perhaps, the City could remedy the situation, as water collects in pools in that area. This is about nine blocks this side of the Arlington School area.

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Mayor Tollefson stated, there is considerable work being done on Ruston Way and he asked Mr. Schuster where the sewer line goes from there.

Mr. Schuster explained the route of the entire interceptor system to the Council. The contemplated finishing date will be March of 1968 and the Sewage Treatment Plant will be completed approximately July of 1969.

59-200

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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 D. Aetton  
City Clerk

John A. Tollefson  
Mayor of the City Council