

CITY COUNCIL MINUTES

**City Council Chambers, 4:00 P. M.
Tuesday, June 1, 1965**

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

Mr. Haley moved that the minutes of the meeting of May 18, 1965 be approved as submitted. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

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

Mayor Tollefson explained, since this is a continued hearing the Council members will hear from the two attorneys who represent the opponents and proponents, if they have anything further to present.

Mr. Bott stated, inasmuch as Mayor Tollefson was out of the City at the hearing held on May 18, 1965 he assumed that he would want to hear all of the arguments. That is the reason he had voted for a continuance of the hearing.

Mayor Tollefson said he had listened to the recordings of the hearing and had gone out to view the property and is quite familiar with the matter, but he added, if the Council wished to hear further discussion he would call upon Mr. Ron Thompson, attorney representing the Old Tacoma Improvement Club, for his comments.

Mr. Thompson stated they are opposed to the rezoning because it would be an illegal spot zoning and would set a dangerous precedent, and also, would not benefit the City. He said the height restrictions in his opinion based on the law are not enforceable as covenants running with the land. He said, if something were to happen that the Old Tacoma Development did not carry out their plans the deed restrictions would no longer be enforceable. The majority of the residents of the immediate area are not in favor of the apartment building because of density, traffic, etc.

Mr. Honeywell, representing the petitioner, the Old Tacoma Development Corp., stated in the opinion of the Planning Commission and the City Attorney this is not spot zoning nor does it set a dangerous precedent as it is a buffer zone between the commercial and the residential areas. The City Attorney as well as the Title Company have indicated that the deed restrictions are enforceable. He said it is the intention of the petitioners to build six two-story town

houses and to limit the height of the town houses to 20 feet above the 29th Street sidewalk.

The following voiced their opposition to the rezoning: Mr. Taylor, residing at 2225 North Tacoma Ave.; Mr. Junker, residing at 2309 No. 30th and Mrs. Charles Marek, residing at 2802 North Carr Street, who also read into the record a communication from Mr. Frank Berry, residing at 2120 North 28th Street opposing the construction.

The following spoke in favor of the rezoning: Mr. John Piper, residing at 414 North 11th St.; Mrs. William Shaub, residing at 808 North Yakima Ave.; Mrs. Gwentyth Weaver, residing at 423 North G St. and Mrs. Ball, residing at 619 North 11th Street.

Mr. Finnigan asked Mr. McCormick, City Attorney for clarification of the deed restriction.

Mr. McCormick stated the title company recognizes it and in his opinion it was enforceable.

Mr. Finnigan asked Mr. Schuster, Director of Public Works, the plans for the widening of the street.

Mr. Schuster explained that a 30 foot strip will be deeded to the City along North 30th Street for future widening of the street.

Mr. Murtland thought the rezoning premature, and the type of commercial district that exists in Old Tacoma probably does not need a buffer zone of apartments. He added, the Council should take the feeling of the residents into consideration.

Mr. Johnson stated he was in favor of the rezoning and he felt the commercial district needed a buffer zone.

Dr. Herrmann thought the town house would be an addition to the area.

Mr. Bott thought they should have a comprehensive study of the area prior to any rezoning.

Mr. Finnigan thought the petitioners had developed a well-planned proposal for the site and had exhibited concern for the residents as evidenced by the deed restriction.

Mayor Tollefson also indicated that the rezoning would be good for the neighborhood and it would not necessarily set a precedent for future rezonings. He added, he would like for the petitioners to deed a strip of land along North 30th St. for future widening of the street and that the height of the future apartments to be constructed on North 30th St. be limited to some extent.

Mr. Honeywell, stated the petitioners have indicated to him that they would be willing to limit the height of the proposed apartment building on North 30th Street similar to the town houses on North 29th Street; that it would be no higher than 20 feet above the North 29th St. sidewalk. He also presumed the petitioners would be willing to deed property to the City for the future widening of North 30th Street.

After some discussion Mr. Johnson moved to concur in the recommendation of the Planning Commission and that an ordinance be prepared rezoning the property. Seconded by Mrs. Price.

Roll call was taken on the motion: Ayes 6; Nays 3, Bott, Cvitanich and Murtland. MOTION CARRIED.

Mayor Tollefson stated an ordinance will be prepared to rezone this property with certain modifications.

b. This is the date set for hearing on the petition submitted by E. P. Miller for the vacation of property on No. 46th and 48th Sts. and between Defiance and Vassault St.

Mr. Stanley Steele, residing at 8816 Frances Folsom Rd., S.W., owner of the property located at the N.W. corner of North 46th and Defiance, stated if this property is vacated there will be no way to gain access to his garage at the back of his property.

Mr. Buehler, Director of Planning, explained the alley will be continued to provide access through to this property. He added, that stipulation for access can be incorporated into the ordinance.

Mrs. Price moved to concur in the recommendation of the Planning Commission that the necessary ordinance be drafted for the vacation with the provision that access be assured to the rear of Mr. Steele's property. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

c. This is the date set for hearing on the construction and reconstruction of sidewalks in various locations in the City.

Mr. Rowlands stated a communication was received from R. E. Anderson and Co., agent, in regard to the Virges Apartments at 720 6th Ave. It was pointed out in the letter that this property is included in this program for replacement of sidewalks, but as they are seriously contemplating removal of the poplar trees this coming fall, it would not be practical to reconstruct the walks at this time. However, he added, there are two other locations where the walks are a hazard and should be replaced. He recommended that some repairs be made to the walk and that this section where the poplar trees are, be deleted from the Sidewalk Construction Program.

Mr. Schuster, Director of Public Works, stated the sidewalk has been repaired at different times and it is their recommendation that the sidewalks be reconstructed. He noted there had been two injuries due to falls on the sidewalk but no action was taken against the City.

Following further discussion on the matter, Mr. Rowlands was directed to write to R. E. Anderson & Co. who is representing Mr. Virges and advise them that the City would like to know if and when they will remove the trees so that the sidewalk can be reconstructed.

Mayor Tollefson said this matter will be held over for one week for a reply.

PETITIONS:

a. Petition submitted by John T. Stewart, Inc. requesting the rezoning of the property located, bounded by 6th Ave., So. 7th, Sprague Ave. and State St. from an "R-4" to a "C-2" District.

b. Petition submitted by Nickum Properties, Inc. requesting the rezoning of property located at the N. E. corner of So. 39th St. and Sheridan Ave. from an "R-2" to a "C-1" District.

Referred to the Planning Commission.

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RESOLUTIONS:

Resolution No. 18315

Awarding contract to E. J. Rody & Sons for L I D 3598 on its bid of \$14,402.02 incl. sales tax.

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

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

Resolution No. 18316

Accepting sealed bids for the purchase of Real Property situated within the Center St. Urban Renewal Project No. Wash. R-1.

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

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

Resolution No. 18317

Authorizing the proper officers of the City to execute an easement to Lewis County for property on the south side of Lake Mayfield Project and one-half mile east of Mayfield Dam for road purposes.

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

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

Resolution No. 18318

Authorizing the proper officers of the City to execute an easement with the State Dept. of Highways for the purpose of constructing an island of Type A curb to improve access between the Olympic Village and the Road to Gig Harbor.

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.

Resolution No. 18319

Authorizing the proper officers of the City to execute a release of easement to Lucky Stores, Inc. at 6th Ave. and So. Trafton St. as it is no longer needed.

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. 18320

Authorizing the proper officers of the City to execute a local improvement assessment deed to John and Sigrid Barkost for unimproved property located on the south side of No. 48th St. between Baltimore and Orchard Street for the sum of \$27.00.

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. 18321

Authorizing the proper officers to execute a deed to Lake Mayfield Village Co. in exchange for a permanent access road easement to the Light Division.

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. 18322

Authorizing a temporary loan in the sum of \$100,000 from the General Fund to the Public Works Revolving Fund.

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

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

Resolution No. 18323

Fixing Tuesday June 15, 1965 at 4:00 P. M. as the date for hearing on the request for rezoning of property located on No. 7th from Mason to Stevens from an "R-2" to a "C-1" District. (petition of Hardman Co.)

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

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

Resolution No. 18324

Fixing Tuesday June 29, 1965 at 4:00 P. M. as the date for hearing on the amended Urban Renewal Plan for the Center St. Project, Wash. R-1.

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

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

Resolution No. 18325

Fixing Monday July 12, 1965 at 4:00 P. M. as the date for hearing on L I D 6857 for street lighting on Spokane St. ; East I and East J and other streets.

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

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

Resolution No. 18326

Settling the claim of Lennis P. O'Neil as Guardian ad Litem of Margaret E. O'Neil for personal injuries.

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

Mr. Rowlands reported the two small floats at the Old Town Dock have approximately five ladders leading to the dock and they are being used by those wishing to anchor small boats. These floats are also used by swimmers. The Staff feels these two floats should be removed and be replaced with one large float, using a gangplank instead of the ladders which will be much safer. "No Swimming" signs should also be posted in the area to prevent swimming and accidents.

Mayor Tollefson also suggested that "Do Not Run" signs be posted.

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

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FIRST READING OF ORDINANCES:

Ordinance No. 17853

Vacating the east side of Pine St. immediately north of So. 47th and an adjoining alley (petition of Public Works Dept.)

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 17850

Amending Chapter 13.06 of the official code by adding a new section 13.06.130-29 to include property on the south side of No. 7th St. between Pearl and Woodlawn in a "C-2" District. (petition of Robert A. Gehring)

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 17851

Providing for the improvement of L I D 4769 for paving on So. L from So. 54th to So. 56th; Lawrence from So. 62nd to So. 64th St.

Mrs. Price reported several areas were deleted because of the remonstrances that were filed.

Mr. Schuster pointed out on the map the areas that were deleted and the two remaining areas in the district.

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. 17852

Approving and confirming the assessment roll for L I D 6815 for street lighting on East 36th from East F to McKinley Ave. and 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.

REPORTS:

MC-456-Report on the Earthquake Survey.

Mr. Rowlands said it will take at least six months to one year to repair the damages caused by the earthquake. There should be a full time structural engineer and one or two home improvement agents to document the information employed by the City to properly complete the job. He added, they hope to be reimbursed by the Federal Government for the hiring of additional personnel. The expenses to date are approximately \$3,500.00. Mr. Rowlands continued, the City owns several of the buildings which need repair or should be removed.

Mr. Johnson asked if it would require any council action to proceed.

Mr. Rowlands said from the standpoint of the City, an additional appropriation would be needed, with the thought in mind that it will be reimbursed by the Federal Government. Mr. Rowlands said he would like an approval of the report by the Council and also the approval of hiring additional personnel to make the survey. He said if this is agreeable with the Council he would have the necessary ordinances brought in for their action next week.

Mayor Tollefson asked that Mr. Rowlands bring in the necessary ordinances for next week's agenda for Council's approval.

UNFINISHED BUSINESS:

The Director of Public Works presents the following assessment for hearing:

L I D 3570 for sanitary sewers in East Tonia from East 68th to East 71st St.

Mrs. Price moved that Monday, June 28, 1965 at 4:00 P. M. be set as the date for hearing on the assessment roll for L I D 3570. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Fire Dept. for the month of April 1965.
- b. Report from the Tacoma Police Dept. for the month of April 1965.
- c. Report from the Director of Finance for the month of April 1965.

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

Attest: Josephine Weston
City Clerk

RAM Tollefson
Mayor of the City Council