

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, Feb. 6th, 1968

Council met in regular session. Present on roll call 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zatkovich and Mayor Rasmussen.

Mr. Cvitanich moved that the minutes of the meeting of Jan. 23rd, 1968 be approved as submitted. Seconded by Mr. Zatkovich. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

a. This is the date set for hearing for the Zoning Ordinance Text Amendment relative to Gasoline Service Stations Regulations.

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Mr. Gordon Johnston, Vice Chairman of the Planning Commission, explained that this recommendation is from the City Planning Commission for the Council to review the ordinance governing Service Stations in the City of Tacoma, relative to more restrictive zoning. The Commission has studied this amendment at great length with representatives of various oil industries. The problem has been investigated thoroughly, also other areas have been checked that have the same problem.

Mr. Johnston continued, the main point is that a special-use permit be issued for all service stations to establish a performance standard dealing with the site and the aesthetics of the station. He felt this is the most important amendment that has been submitted to the Council from the Planning Commission in ten years. This will upgrade the standards and control the locations of service stations in every area of Tacoma.

Mr. Erling Mork, Associate Planner, explained that one major change from the present policy is that all service stations will now be reviewed by the Planning Commission, whereas before, service stations were permitted outright in certain zones. The other major change is the condition of development standards. Complaints were studied and the development standards were revised to help alleviate traffic hazards, pump islands, concentration of gasoline storage handling and intersections. Mr. Mork listed in detail the major recommendations for the development standards.

Mr. Edgar A. Weymouth, Northwest Representative of the Western Oil & Gas Association, opposed the proposed ordinance as being discriminatory against one industry. He objected to the proposal that a building permit would be required and new standards imposed whenever the cost of remodeling a station amounted to at least \$15,000. He added, the sum represents only 25% of a complete job. He said he would like to see the figure changed to 50% of the appraised value.

Mr. Weymouth, also said they were opposed to the recommendation that a location of stations be subject to an issuance of a special-permit by the City Planning Commission. At present, stations may now be built without imposition of restrictions if the location is zoned for such a use. The industry advocates a good many of the performance standards, as they definitely favor modern, beautiful types of establishments in which to convey their products. The general policy of the companies is to remodel, or rebuild approximately one station every five years.

Mr. Weymouth continued, the administrative procedure set up by this ordinance to alter or build is so time-consuming and frustrating it is not likely that they would seek permits. He felt the gas companies could not exist and operate under the type of ordinance proposed. He suggested that the gas companies be continued as a

permitted-use in all the districts, but subject to performance standards with some small variations.

Mr. Cvitanich felt that service stations should be taken out of their present zones.

Mr. Buehler, Director of Planning, explained the staff had studied the special-use permit ordinance throughout the entire United States because of the problems that have been created.

Mr. Weymouth agreed that the performance standards are coming more into prominence under a permitted use. When a service station is allowed under a permitted use, subject to the performance standards, then time is shortened in processing this conditional use procedure.

Mr. Johnson was not sure that the proposed ordinance submitted at this time would take care of the problem.

Mr. Cvitanich thought the Council has a responsibility to the people of the community when any segment of any industry creates untold problems to the community, something must be done. There are too many service stations that have been abandoned.

Mr. Finnigan asked why there has not been more of an effort by the oil companies who are leasing these properties to take care of the abandoned stations.

Mr. Weymouth pointed out that their industry has checked every service station within the City of Tacoma to point out the fact, that it is now the policy of the oil companies to buy the property and control the buildings, so that when the leases run out the stations will not be abandoned. He felt the eyesores are the responsibility of property owners and not the oil companies.

Mr. Vernon L. Lindskog, Attorney for the Western Oil & Gas Association, hoped the Council would deliberate on this particular proposal and allow service stations to come under a permitted-use subjected to the performance standards, which the oil industry as a whole approves. He noted the industry is definitely trying to upgrade itself. He also felt the proposed ordinance would be unconstitutional if it were the Council's intention to apply the regulations on the basis of aesthetics and economics.

Mr. Lindskog further stated, it was the Council's sole right to pass such legislation which evolves from police powers in regard to safety and general welfare, however, he believed statistics disproved the fact that service stations constitute a fire hazard.

Mr. Marshall McCormick, City Attorney, said it was his opinion that the courts would sustain reasonable regulations. He said he did not think the proposal was unconstitutional, but that a determination would have to be made in each individual case.

Mr. Cvitanich stated it has been ten years since this problem has existed and when it was originally given to the Planning Commission to try to resolve through industry, legislative groups and tax payers. He asked that Mr. Weymouth list the particular areas they objected too and he would request that an ordinance be drafted and presented to the City Council in about two weeks.

Mayor Rasmussen stated the hearing will be terminated and an ordinance prepared in two weeks.

b. This is the date set over for hearing on the appeal filed by Kay Parks Auto Body Rebuilding on the denial of the request for rezoning of the S. W. corner of So. 12th and Cedar Streets, from an "R-3" to a "C-2" District.

Mr. Buehler, stated this hearing was postponed to allow time to submit 'Land Use Restrictions' prepared by the petitioner's attorney, Mr. Cooper, as well as by Mr. Chapin, Assistant City Attorney. He listed the various points that were brought out at the hearing which the Council desired to have under a 'Land Use Restrictions' agreement. The property owners have signed this agreement. If the City Council

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reverses the recommendation of the Planning Commission to deny this rezone, the Land Use Restrictions will be included, however, they were not approved by the Commission.

Mr. D. W. Sedell, 1215 So. Alder, presented a petition containing 43 signatures against the rezoning of this corner.

A number of residents strongly objected to the rezone due to the traffic hazard.

Mr. Johnson stated he was opposed to rezoning this site and felt it was very unlikely that a service station would reopen here.

Mr. Murtland was also opposed to the rezone.

Mr. Buehler pointed out that Cedar St. is a planned transition to Pine to Center St., and he felt there might be a rejuvenation of the service station site.

After further discussion, Mr. Finnigan moved that the Council overrule the Planning Commission's denial and rezone the above property to a "C-2" District, including the Land-Use Restrictions' agreement, and that an ordinance be drafted approving same. Seconded by Mrs. Banfield, Voice vote taken. Motion carried.

PETITION:

Whitson Construction Company requesting rezoning of the west side of Pacific Ave. between So. 76th & 78th Sts. extended from an "R-2" to an "R-4-L" District.

Referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 19556

Fixing Monday Feb. 26th, 1968 at 4 P. M. as the date for hearing on L I D 3669 for storm drains on Sherwood St. from Ea. 88th to Ea. 92nd St.

Mr. Cvitanich 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. 19557

Fixing Tuesday Feb. 20th, 1968 at 4 P. M. as the date for hearing on the Zoning Text Amendment for Off Street Parking and Screening Standards.

Mr. Cvitanich 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. 19558

Fixing Tuesday Feb. 20, 1968 at 4 P. M. as the date for hearing for rezoning of the east side of Pacific Ave. approximately 50 feet south of So. 88th St., from an "R-4-L" to a "C-1" District. (petition of William C. Marcum)

Mr. Cvitanich 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. 19559

Fixing Tuesday, March 5, 1968 at 4 P. M. as the date for hearing for the vacation of the alley between 25th S. N. E. and 26th St. N. E. from 64th Ave. N.E. to a point approximately 278.13 feet east thereof. (Petition of G. C. Fields, et al)

Mr. Cvitanich 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. 19560

Awarding contract to Irwin-Jones Motor Company on its bid of \$4,675.04 for the furnishing of one Cab & Chassis.

Mr. Johnson 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. 19561

Awarding contract to McCabe-Powers Body Company on its bid of \$16,246.62 for the furnishing of one platform hoist-derrick body.

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. 19562

Awarding contract to Lige Dickson Company on its bid of \$67,721.75 for L I D No. 4833 Unit A.

Mr. Johnson 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. 19563

Rejecting all bids submitted for constructing two motor truck scales installations complete with pits and scale house at the City Sanitary Land Fill Site-- Work Order No. 95,000.

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

Mr. Gilbert Schuster, Director of Public Works, explained that the specifications on the bid form asked for a pit depth of four feet, and the bids that were turned in each showed depths of two feet on the pits for the scales. Therefore, these did not conform with the specifications.

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Mr. David Rowlands, City Manager, explained this was all part of the Demonstration City grant that was received by the City of Tacoma. This all ties into the efficiency program for the operation of the disposal area. It is hoped that this will enable the City to utilize more extensively the land-fill area.

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

Resolution No. 19564

Accepting certain offers to sell real property situated within the New Tacoma Urban Renewal Project No. Wash. R-14 from Carstens Holding Company.

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

Mr. Corey Richmond, Urban Renewal Director, explained the selling price of \$38,500 was a compromise settlement. The highest appraisal received by the City was \$36,000, while an appraisal made for the owner was \$41,500.

The Resolution was passed by voice vote.
Ayes 7; Nays 2, Banfield and Cvitanich; Absent 0.

Resolution No. 19565

Appointing Mrs. Margaret Edwards to serve on the Commission on Human Relations for a term ending Sept. 30th, 1968.

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

Mayor Rasmussen explained that he has a request from the American Indian leaders in the community to postpone this resolution.

The Rev. Melvin Peterson, who serves the Tacoma Indian Mission, explained that the inter-tribal leaders did not know Mrs. Margaret Edwards and they desired to talk with her before this resolution was approved. 249

Dr. Herrmann moved that the resolution be postponed until Tuesday, Feb. 20th, 1968. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

FIRST READING OF ORDINANCES:Ordinance No. 18496

Vacating a portion of So. L St. lying immediately north of Center St.
(petition of Urban Renewal Dept.)

The ordinance was placed in order of final reading.

Ordinance No. 18497

Amending Section 12.12.090 of the official code to delete the restrictions now contained on Senior Citizens bus passes.

Mr. Rowlands, City Manager, explained that problems would develop if the hours

for senior citizens to ride on transit passes are changed to 4 P. M. At present the pass holders may ride buses until 3 P. M. week days. He presented an article to the Council concerning the Rapid Transit District in Los Angeles, Calif., stating that senior citizens pay a reduced rate of \$9.00 a month in that city.

Mr. Douglas Hendry, Transit Director, recommended that the hours not be changed. He noted the program has generated more goodwill for the Transit System than any project with which he has been associated, but he felt there would be a public relations problem arising if the elderly were allowed to use their passes during the afternoon peak hours, especially when school youngsters and working people ride the buses.

Mr. Bott stated he had proposed this program last year to aid the elderly and generate more use of buses during non-peak hours, however, he did not approve of the change in the hours due to the problems it would create.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18492

Vacating property between Pearl St. & Claremont Drive at No. 30th extended.
(petition of United Homes Corporation)

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

Ayes 8; Nays 0; Absent 1, Johnson.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18493

Amending Chapter 13.06 of the official code by adding a new section 13.06.050-20 to include property on the N. W. corner of So. 11th & Mason Ave. extended in an "R-3" District. (petition of Frank Kupka)

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

Ayes 8; Nays 0; Absent 1, Johnson.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18494

Amending Chapter 1.30.470 of the official code relative to conducting the election of the Employees' Retirement System.

Mr. Gaisford, Director of Finance, explained that it had come to the attention of the Retirement Board that Section 1.30.470, third paragraph, Page 2, Line 9, needed some clarification. He suggested that after the word 'filing' the words should be changed as follows: 'a petition with the City Clerk signed by not less than twenty employees of the City of Tacoma who are active members of the City of Tacoma Retirement System.'

Dr. Herrmann moved to amend the ordinance to insert after the word 'filing' on Page 2, Line 9, the following: 'a petition with the City Clerk signed by not less than twenty employees of the City of Tacoma who are active members of the City of Tacoma Retirement System.' Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

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

Ayes 8; Nays 0; Absent 1, Johnson.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18495

Amending Chapter 8.12 of the official code to add a new subsection to 8.12.010 relative to Disorderly Persons Defined and Enumerated.

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

Ayes 8; Nays 0; Absent 1, Johnson.

The Ordinance was declared passed by the Chairman.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the City Planning Dept. for the month of January 1968.
- b. Report from the Tacoma Employees' Retirement System for the month of January, 1968.

COMMENTS:

Mayor Rasmussen asked that the City Clerk read a communication from John A. Willis, President of Local #31, Firefighters Union.

The Communication stated in part that an exaggerated figure had been used for the cost of the firemens' pension fund. At the January 30th Council meeting a figure of approximately \$640,000 had been quoted as that amount of money that the firemens' pensions would cost the general fund for 1968. He noted also that the pensions, including sick leave and Pierce County medical for 1967 was only \$511,292.02 instead of \$640,000.

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It was also brought out that only \$319,726.01 is used from the 2 mills set aside for the firemens' pension fund, so part of the firemens' 2 mills are being used to subsidize the general fund.

Mr. Rowlands, City Manager, explained this was all brought about by a communication from Karl J. Beaty to members of the Council which contained information which was both misleading and/or inaccurate. A list was presented to the Council for their information at the meeting of Jan. 30th, 1968 relative to general government, not necessarily general fund, as to what happened in 1964 and then in 1968. He agreed that the 2 mills should be set aside for the firemens' pension fund, but it has not been possible in the last few years, however, this year the full 2 mills will be put in the fund.

Mr. Cvitanich and Mr. Zatkovich suggested that Mr. Rowlands meet with Mr. Willis in regard to this problem.

Mr. Finnigan stated the figure quoted by Mr. Rowlands was \$605,907 instead of \$640,000.

Mayor Rasmussen explained that the final diversion tunnel closure on the Mossyrock Dam set for Feb. 7th, 1968 has been cancelled due to difficulties from high water at the dam.

Mr. Cvitanich mentioned that next to the United Pacific Ins. Co., across from the MYCA, cars are parking in a vacant lot. He asked that this be checked as the cars are crossing the curb and the sidewalk as there is no driveway.

Mr. Bott said, as a member of the Steering Committee, relative to the Tacoma Area Conference on Community Problems, he had heard a meeting was held but he had not been notified.

Mr. Lynn Hodges, Human Relations Director, stated all the members of the Steering Committee had been sent the minutes of the previous meetings and the Committee meets each Monday at 4 P. M. at the Human Relations Commission office. 238

Mr. Hodges stated he would check why Mr. Bott had not been receiving this information.

Mr. Hodges stated the Tacoma Area Conference on Community Problems would be held on Feb. 19th, 1968 at the Winthrop Hotel Crystal Ballroom. They were hoping to have 400 persons present at the conference.

Mayor Rasmussen asked that Mr. Hodges submit to the Council a transcript of his 'Waywords Broadcast' of Feb. 6th, 1968 at 6:50 A. M. on KTNT Radio.

Mr. Hodges read the transcript to the Council. It noted that he had endorsed the two school propositions that were on the ballot and also stated he was going to vote 'yes' for number three which had to do with continuing good City government.

Mr. Cvitanich asked Mr. Rowlands if Mr. Hodges was a City employee. ✓

Mr. Rowlands, City Manager, stated that Mr. Hodges holds a paid, appointive position and read Section 6.8 of the City Charter which deals with a position in the classified service relative to political activity. Mr. Rowlands said he doubted if Mr. Hodges had violated any provision against political campaigning, as he is a non-classified City employee, the same as department directors.

Mr. Zatkovich asked Mr. Bixel if he recalled if any City employee had campaigned on any issue.

Mr. Bixel, Personnel Director, stated he could recall various City employees at one time or another being active to the extent of using bumper strips as expressions of their private opinions.

Mr. Rowlands remarked that employees have participated in bond campaigns, the same as school personnel and that the firemen had campaigned for shorter working hours a few years ago.

Mr. Bixel also stated, insofar as a member of the unclassified service goes, the Section 6.8 of the Charter is not applicable.

Mrs. W. J. Lovelace residing at 1714 So. K St. spoke against the proposed location of a Tacoma Narcotic Center, half way house in the area, under discussion by the City Planning Commission. She noted that the apartment building proposed for the facility was once condemned and that she herself had wanted to purchase it but was not allowed to do so.

Mr. Buehler reported that various city departments had inspected the building and presented a list of improvements necessary for it to meet code standards.

Mrs. Lovelace stated persons who attended the Planning Commission meeting on Feb. 5th did not feel they had been given any consideration. The Commission had postponed the decision for two weeks on whether to grant a special use permit for locating the treatment facility at 1710-12th So. K St. They had also suggested

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that the narcotic staff meet with the residents and explain the purpose of the half way house. Mrs. Lovelace stated she was aware of the drug situation as she works at the Veterans Hospital.

Mayor Rasmussen informed Mrs. Lovelace he thought the Council has grave reservations about the people who are picking these sites, as there is also a Youth Center near the site.

Mr. Cvitanich requested that Mr. Rowlands check into the pending grant which has been requested by the Narcotics Center which will be contingent upon the establishment of this particular facility that Mrs. Lovelace mentioned.

Mr. Cvitanich also requested that the staff submit a list of the standard table of organizations such as the O. E. O., N. Y. C. etc. at a study session.

Mayor Rasmussen stated he had scheduled a meeting at a study session with all the groups that are representing and working with the youth of our City. Summer is the season when the young people need employment and this will give the Council an opportunity to look into the situation.

Mayor Rasmussen expressed concern about the building code restrictions which hamper the efforts of Hilltop area residents for improving their homes. He felt cooperation of the City staff was necessary in aiding the residents.

Mayor Rasmussen brought out that blackberry bushes are overgrown in the area of 2530 So. Cushman. He asked Mr. Rowlands to check into the matter. 245

Mayor Rasmussen remarked if the Hilltop residents were going to be helped, Tacoma could not wait for a Model Cities program.

Mr. Rowlands explained that Mr. Murtland had requested that a re-consideration of the Model Cities program be brought to the City Council next week.

Mayor Rasmussen requested that the Council members be prompt for the study session meetings.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 8:10 P. M.

G. L. Rasmussen
MAYOR

Attest: *Josephine Melton*
City Clerk