

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, May 31, 1966

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 17, 1966 be approved as submitted. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

Presentation of Safe driving awards:

Charles B. Zittel, Chief of Police, remarked that a part of the program during National Police Week was to select the safest driver in Tacoma. Three members of the City Council, Mr. Bott, Mr. Johnson and Mr. Finnigan and two Judges teamed with traffic personnel to find deserving drivers. They based their decisions on the subject of obedience to all traffic regulations and rules of safety as well as their display of courtesy in driving. Three awards were presented.

Chief Zittel presented an award to Mrs. Helen L. Ball of 4224 No. Stevens, who was selected on Tuesday, May 17, 1966 by Judge DeWitt Rowland. Mrs. Katherine H. Dupille of 2218 No. Washington was selected on Wednesday, May 18, by Councilman M. S. Finnigan. Mr. John S. Kossian of 7804 201st S. W., Edmonds, Washington was selected on Thursday, May 19, 1966 by Councilman W. G. "Gerry" Bott.

Chief Zittel stated that Mr. Fred Stagun of 8435 So. "D" and Mrs. Mary Jane Sears of 7233 So. Bell St. were unable to be present. He added, the drivers are to be highly commended, not only for their exhibition of safe driving but for the envious record they have compiled during the thousands of miles of travel.

The recipients were congratulated by Mayor Tollefson, Mr. Rowlands, City Manager, and members of the City Council.

HEARINGS & APPEALS:

a. This is the date set for hearing for the rezoning of property submitted by R. B. Churchill located at 30-20-22 to 3108 So. Union and 3017 to 3113 So. Union from an "R-2" and "R-3" to an "R-3-T" District.

No one appearing and no protests being made, Mr. Johnson moved that the proper Ordinance be drafted approving the rezone. Seconded by Mr. Haley. Voice vote taken. Motion carried.

b. This is the date set for the continued hearing on the appeal filed by ²⁶⁵ Wm. Busch et al on the denial of the request for rezoning of property located at the S. W. corner of 6th Ave. & Orchard St. from a "C-2" and "R-2" to a "C-P-C" District. (continued from May 10, 1966)

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Mayor Tollefson explained, since this petition had been discussed last week, perhaps, a limited summation would be in order.

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Mayor Tollefson said he would allow the opponents and proponents a little time to reiterate their plans.

Marshall Adams, attorney for the petitioners, explained if the rezoning is not granted, the building can still be constructed under the existing "C-2" zoning but the back of the building would be facing 6th Avenue, and this extends from 6th Ave. through vacated 7th Street. He added, that all of the commitments that Mr. Busch has made have been fulfilled. He felt the basic fact was, which plan would it be, a well planned beautifully designed layout with parking space, or a plan with the rear of the building facing 6th Ave. , which would certainly not be a credit to the community. A compromise proposal would involve planned- shopping center zoning from 6th to 8th St. Mr. Adams said this would be acceptable to the developers, only if they were assured of approval of a setback variance by the Board of Adjustment and that they could obtain access to 8th St. , now denied by a deed restriction.

Marshall McCormick, City Attorney, explained that the Council has no power over the Board of Adjustment.

Mr. Adams stated, the developers would prefer the present zoning to the compromise rezoning with the set back variance.

Mr. Robert Comfort, attorney for the residents opposing the development, stated that the residents would not oppose the set back variance but would oppose the 8th Street access.

Mr. Comfort indicated that a compromise might be more acceptable than the status quo plan. He felt that the traffic situation on 8th Street would be impossible even under the "C-2" plan.

Mayor Tollefson said, if the Council denies this request, would it be possible to immediately make a recommendation for a modification and request that the "C-P-C" zoning go to 8th Street. This would require the petitioners to adjust their building to fit in that type of zoning.

Mr. McCormick stated it could be made in one motion.

Mr. Murtland stated he could see no reason to deny this plan if it were going to be reconsidered.

Mr. Comfort stated that a poll was taken of 194 residents of the area and overwhelmingly they felt the area should be residential. The area does have a larger than normal average of school-age children. Most of the children would have to cross Villard St. , which is the street access to the back of the development under all the plans presented. He would stand ready to take to Court any opening that would be allowed into the residential area. The opinion of the people indicated that the majority wanted residential zoning. He felt to crowd a business of this type in a residential area would not be feasible.

Mr. Pugh, property owner, stated the neighborhood was definitely opposed to the rezoning.

After some lengthy discussion, Dr. Herrmann moved that the Council concur in the recommendation of the Planning Commission to deny the request. Seconded by Mr. Haley.

Mr. Finnigan moved to amend the motion, to refer the matter back to the Planning Commission for further study of a potential compromise rezoning. Seconded by Mr. Bott. Voice vote was taken. Motion carried.

Mrs. Price moved to amend the amendment to the motion to refer the petition to the Planning Commission. Seconded by Mr. Bott. Voice vote taken. Motion lost.

Mayor Tollefson stated the motion by Dr. Herrmann as amended states, that the Council concur in the recommendation of the Planning Commission to

deny the petition, with the condition that it be referred back to the Planning Commission for further study. He further stated, this is not binding on the Planning Commission to modify or substitute, but to review the petition.

Roll call was taken on the amended motion, resulting as follows:
Ayes 6; Nays 3, Cvitanich, Johnson and Price. Motion carried.

PETITIONS:

a. Calvin Voss et al submitting a petition for rezoning of property located on the north side of vacated So. 7th between Shirley & Orchard Sts from a 'C-2' to an "R-4-LT" District .

Mayor Tollefson explained, he had been advised that Calvin Voss has requested that the petition be withdrawn.

Dr. Herrmann moved that the petition of Calvin Voss, et al, be withdrawn and that Mr. Robert Comfort, attorney, who filed for the rezoning, be refunded the \$100.00, the filing fee. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

b. Dr. Robert M. Chambers, submitting a petition for rezoning of property located at the S. W. corner of So. 19th and I Sts. from an "R-4" to an "R-4-TM" District.

Referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 18727

Approving and providing for the execution of a proposed demolition grant contract with the U. S. Government for project No. Wash. M-1 (G).

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

Mr. Rowlands said he will recommend acceptance of the grant even though federal officials deleted the city's request for additional funds for inspections and administration expenses. This deletion will make it difficult for the city to carry out the program, he added. The staff is instituting an application for \$50,000 and it is hoped that something can be worked out by the end of the year, even if the administrative costs have to be paid by the city.

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

Resolution No. 18728

Fixing Tuesday, June 14, 1966 at 4:00 P. M. as the date for hearing on rezoning of property located at the east side of Pacific Ave. and south of 88th St. extended from an "R-2" to an "R-4-L" District. (petition of Charles E. DeLauro)

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.

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Resolution No. 18729

Fixing Tuesday, June 14, 1966 at 4:00 P. M. as the date for hearing the rezoning of property located in the vicinity of No. 26th and Narrows Drive from an "R-1" to an "R-4-L" District. (Petition of E. Albert Morrison)

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. 18730

Fixing Tuesday, June 14, 1966 at 4:00 P. M. as the date for hearing on the rezoning of property on the N. E. corner of No. Proctor & No. 24th Sts. from an "R-2" to a "C-1" District. (Petition of Safeway Stores, Inc.)

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

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

Resolution No. 18731

Fixing Tuesday June 28, 1966 at 4:00 P. M. as the date for hearing for the vacation of the north 5 feet of So. 88th & Ainsworth & Sheridan Ave. extended. (petition of Public Works Dept.)

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

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

Resolution No. 18732

Fixing Monday June 27, 1966 at 4:00 P. M. as the date for hearing on L I D 3628 for sanitary sewers in East D from East 86th to 100 feet south of East 90th Street and other nearby locations, and rescinding Resolution No. 18703.

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

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

Resolution No. 18733

Fixing Monday June 27, 1966 at 4:00 P. M. as the date for hearing on L I D 5422 for water mains in So. 87th from Ainsworth Ave. to Cushman Avenue.

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, Cvitanich and Finnigan.

Resolution No. 18734

Awarding contract to McCabe-Powers Body Co. for the furnishing of one Aerial Ladder and Heavy Duty Service Body on its bid of \$4,946.50 plus tax.

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, Cvitanich and Finnigan.

Resolution No. 18735

Awarding contract to Woodworth & Co. Inc. for L I D 4776 on its bid of \$93,698.75.

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

The Resolution was passed unanimously by voice vote.
Ayes 6; Nays 0; Absent 3, Cvitanich and Finnigan and Price (temporarily).

Resolution No. 18736

Authorizing the proper officers of the City to execute a quit claim deed to the State of Washington for the purpose of enlarging the freeway interchange in the vicinity of So. 56th and Ferry Streets.

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

The Resolution was passed unanimously by voice vote.
Ayes 6; Nays 0; Absent 3, Cvitanich, Finnigan and Price (temporarily).

Resolution No. 18737

Designating the Fiscal Agency of the State of Washington in the City of New York as its agent for the performance of any and all duties required by the laws of the State of Washington relating to the registration of municipal bonds.

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

The Resolution was passed unanimously by voice vote.
Ayes 6; Nays 0; Absent 3, Cvitanich, Finnigan and Price (temporarily).

Resolution No. 18738

Designating the Pierce County Mental Health & Retardation Corp. as official adviser to the Tacoma-Pierce Co. Health Dept. and its Director of Health for the purpose of formulating plans, policies and procedures relating to the care and treatment of persons afflicted with mental illness and mental retardation.

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

Mr. McCormick stated that Dr. Kredel, Director of Health, has requested that the words "and mental retardation" be added to the last paragraph, after the word "illness".

Mr. Haley moved that these three words be added to the last paragraph of the resolution. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

The Resolution as amended passed unanimously by voice vote. Ayes 6; Nays 0; Absent 3. Cvitanich, Finnigan and Price (temporarily).

FINAL READING OF ORDINANCES:

Ordinance No. 18067

Amending the Pay and Compensation Plan by adding a new section 12. 900 to the official code of the City relative to Post Entry Training Program.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Cvitanich and Finnigan. The Ordinance was declared passed by the Chairman.

Ordinance No. 18068

Vacating the west 125 feet of the alley lying between 6th Ave. and So. 7th Street from Puget Sound Ave. to Warner Street. (petition of Zion Lutheran Church)

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Cvitanich and Finnigan. The Ordinance was declared passed by the Chairman.

Ordinance No. 18069

Amending Chapter 13. 06 of the official code of the City by adding a new section 13. 06. 083-3 to include property on the east side of So. D between So. 70th and So. 72nd Sts. in an "R-4-LT" District. (petition of Joseph Kotas)

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Cvitanich and Finnigan. The Ordinance was declared passed by the Chairman.

Ordinance No. 18070

Providing for the improvement of L I D 5417 for water mains and fire hydrants in 122nd St. east from 1100 feet east of 120th Ave. East to approx. 627 feet east of Shaw Road.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Cvitanich and Finnigan. The Ordinance was declared passed by the Chairman.

Ordinance No. 18071

Providing for the improvement of L I D 6881 for street lighting on So. 52nd from Fawcett Ave. to D Street.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Cvitanich and Finnigan.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18072

Approving and confirming the assessment roll for L I D 4712 for sidewalks on the north side of 33rd St. from Mullen to Ferdinand; alley paving between J & K from So. 14th to So. 15th; J & K from No. 9th & 10th Sts. and M St. from So. 7th to So. 8th St.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2, Cvitanich and Finnigan.
The Ordinance was declared passed by the Chairman.

REPORTS:

The L I D Committee recommending to the City Council that L I D 2376 for grading and oil mat surface and storm drains on Shirley St. from No. 37th to No. 42nd and No. 38th from Shirley St. northwesterly, be abandoned since there were 81% protests filed against the improvement.

Mr. Haley moved to concur in the recommendation of the L I D Committee to abandoned L I D 2376 since 81% protests had been filed against the improvement. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

UNFINISHED BUSINESS:

The Public Works Director presents assessment rolls for the cost of L I D 4767 for paving on Pine from So. Tacoma Way to So. 35th St.

Mr. Haley moved that Monday, July 11, 1966 at 4:00 P. M. be set as the date of hearing on the assessment roll for L I D 4767. Seconded by Dr. Herrmann. 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 1966.
- b. Report from the Personnel Dept. for the month of April 1966.
- c. Report from the Tacoma Police Dept. for the month of April 1966.
- d. Report from the Light, Water & Belt Line Dept. for the month of April, 1966.
- e. Report from the Finance Director for the month of April 1966.

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COMMENTS:

Mr. Rowlands explained that June 15th is the last day for the petitions for Initiative No. 226 to be turned in so they can be placed on the ballot for November. He said he was confident that the total would exceed expectations if all petitions were received. ✓ 333

Mr. Rowlands stated that the County-City Bldg. Committee had been interviewing representatives of several consulting firms interested in making the space study. The consultants will study possible rearrangements and a report should be forthcoming next week. ✓ 296

Mr. Rowlands stated that the Governor's Conference regarding "Decisions for Progress" will be held on June 3rd and 4th in Seattle and thought, perhaps, more Councilmen will be able to attend. ✓ 281

Mr. Rowlands said he would like to take his two week's vacation starting June 6th and he plans to spend a day in Washington seeking reinstatement of the administrative funds and an added \$300,000 toward the Ruston Way interceptor sewer project. ✓

Dr. Herrmann moved that Mr. Rowlands be given permission to take his vacation commencing June 6th, 1966. Voice vote taken. Motion carried.

Mayor Tollefson stated that there had been discussions in respect to the possibility and the practicability of enlarging the area and space in the County-City Building to take care of the future expansion needs for the next 20 years.

He stated that he would like to advise the Council of the arrangements which were initially made between the City and the County for the construction and occupancy of the present building by the County and the City under an occupancy agreement.

He stated that in 1955, after many efforts to agree on a definite plan for the construction and occupancy of a County-City Building that would be satisfactory to both parties through a committee of the City Council and County Commissioners, it was finally decided that the then Mayor and Mr. Sprinker, one of the County Commissioners, would get together and work out a rough draft of a proposed agreement. After several meetings between these two, tentative plans were orally formulated.

Mayor Tollefson further remarked that after he was re-elected as Mayor of the City of Tacoma, he as Mayor, prepared a written memo in letter form which set out the fundamentals of the oral understandings in respect to the plans; and Marshall McCormick, City Attorney and Mr. Robert Jacques, who represented the County Commissioners, from the Prosecuting Attorney's Office, drafted the final occupancy agreement which we now have.

This agreement, while somewhat in the form of a lease, is in fact more than a lease as it provides that the City will apply some of the moneys paid to the County on the purchase of their proportionate interest in the land and buildings. In other words, after the cost of the structure has been paid, the City will then own its proportionate share with the County and that thereafter the City

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will continue to pay only its proportionate share of the annual maintenance cost of the building based on the percentage of occupancy. In the event the building should have to come down or should wear out, the City and the County will own the land together.

✓ 276

He further stated that for this reason the City does have more to say about the expansion and use of the County-City Building than an ordinary tenant might have and that the City and the County now have a good and amicable working arrangement under this occupancy agreement.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 6:30 P. M.

Sam Johnson
Mayor of the City Council

Attest Josephine Melton
City Clerk