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Council Chambers, 4:00 P.M.

Monday, August 10, 1959

Council met in regular session. Present on roll call 8: Anderson, Easterday, Goering, Humiston, Perdue, Porter, Price and Mayor Hanson. Absent 1, Bratrud.

Dr. Humiston moved that the minutes of the meeting of August 3, 1959 be approved as submitted. Seconded by Mr. Anderson. Roll call: Ayes 8; Nays 0; Absent 1, Bratrud.

HEARINGS AND APPEALS:

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250 This is the date set for hearing on the appeal filed by the Tacoma Freeway Mart Inc. for a "C-P-R" Planned Regional Shopping Center District on property bounded generally by So. 43rd and So. 48th Street from So. Pine to the Freeway.

Mr. Porter moved that the Planning Commission recommendation be overruled and the petitioners request be granted.* Seconded by Mrs. Price.

Mr. Allan Pomeroy, one of the principals in the Tacoma Freeway Mart Inc. said this appeal is the culmination of many months of work by all concerned. Many hearings and discussions have been held since the petition was filed the first part of the year. He said he and his associates have attempted to bring all the necessary facts to the attention of the Council for the determination of this petition. The area in question has for many years been relatively useless for any other purpose, evidenced by the fact that throughout the total history of this property it has remained more or less a blighted and unprotected area.

Formerly a group known as the Allied Owners petitioned for this rezoning but their petition was denied. Mr. Pomeroy explained that the Tacoma Freeway Mart, Inc. has no connection whatsoever with Allied Owners. He said they feel they have presented sufficient facts so as to prove their ability to put over this project. The principals of the Tacoma Freeway Mart are primarily contractors in the heavy construction area. The records presented from the banks as to the Freeway Mart's financial ability should be proof to the Council that the petitioner is not attempting to promote something by selling stocks, but to develop a project they think is good for themselves and also for the City.

Mr. Pomeroy said much has been said about the market analysis made by J. B. Ward Co., but the petitioner felt it was a good analysis showing a great future for the area in question. He felt the people of the City of Tacoma will benefit from this project. It has been proved that a project such as this stimulates and increases retail trade activities.

In conclusion Mr. Pomeroy said the Tacoma Freeway Mart has complied with the technical requirements of the Ordinance and have established evidence of their ability to undertake the project and have also established the need for and the desirability of constructing a shopping center at this location.

Mr. Dodge, chairman of the Planning Commission, said at the regular meeting the City Planning Commission on July 17th, they recommended denial of the application of the Tacoma Freeway Mart Inc. for a "C-P-R" Planned Regional Shopping Center District in this area. The summary analysis prepared by the consultants and the staff clearly pointed out that a "C-P-R" zone could not be justified on this site, on the basis of

** and the property in question be rezoned to a "C-P-R" Regional Shopping Center.

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the general welfare or the market potential, that such zoning may adversely affect the City's urban renewal program and would not be in accord with the City's comprehensive zoning plan. The market analysis, submitted is insufficient. There was no evidence of financial backing. Neither was anything shown of the use of this property. Furthermore there is not sufficient land surrounding this area for future growth. Another question was, "where is the potential business coming from?" What is needed really is new industry.

He suggested that the Council compare this shopping center with any of the other shopping areas in the country. Most of them are built up in a new area where there is sufficient room to expand. These are the reasons the Planning Commission recommended denial of this petition, Mr. Dodge concluded.

Mr. John Newlands, attorney representing the Tacoma Building Owners and Managers Association, said their opposition to the application of the Tacoma Freeway Inc., has been based both upon principles of good planning for the City of Tacoma and the impact which such a center would have upon the central business district. They from the standpoint of the general welfare of the City it is better planning that the area remain residential which would be adequately served by existing business areas.

This rezoning is greatly premature as the area has not indicated a need for a center and the impact of the freeway is totally unknown at this time, he added. Rezoning of this area which permits the construction of a large building district for retail sales so near the downtown will have a harmful overall effect on the central business district. The only beneficiaries would be the adjoining land owners and the out of town applicants.

Mr. Harold Tollefson, attorney representing the Tacoma Retail Trade Bureau, 88th Street businessmen, the South Tacoma businessmen and the K Street businessmen, said all of his clients oppose the proposed Regional Shopping Center. A short time ago Tacoma embarked upon a plan to develop the entire city. Approval of this application will delay or kill plans for city center future by discouraging investors in downtown parking facilities.

Mr. Tollefson said his clients feel Tacoma should go ahead with its six year improvement program and urban renewal - its escalators and its downtown garages. It will be a tremendous blow to the urban renewal program if a new shopping center is established.

The zoning ordinance states that it must be proven that such a change will promote the general welfare of the City. This has not been ascertained so far and until it has been, the petition should be denied.

Mr. Tollefson continued by saying that Professor Edgar M. Horwood, municipal planning consultant, states in his report that "conclusive evidence shows that there is no need or desirability to change the comprehensive zoning plan in the public interest to accommodate a center of this size." He states further that "a strong central core with competitive lines, large inventories and ready access to business, government and professional services, gives Tacoma its best chance to attract regional trade. This planning power should not be dissipated."

Mr. Tollefson urged the Council on behalf of his clients, that this petition be denied.

Mr. Herb Syford, Chairman of the Downtown Parking Program, said the downtown businessmen have committed themselves to donate \$750,000 to the City of Tacoma for the construction of off-street parking. He said if the businessmen downtown did not strongly feel that this shopping center would be a detriment to downtown business, they would be opposing the project. The City sold the people on a six year program; the businessmen all worked diligently for the program. Now, a change is proposed without giving the six year capital improvement plan a change.

Mr. Homer King, businessman, spoke in favor of the proposed shopping center. He said he owns downtown property but felt that at anytime when a group desired to

invest two million dollars in Tacoma in a legitimate business, it would be the wrong thing to drive them out because of selfish interests.

Dr. Humiston said the Ordinance for rezoning to a "C-P-R" district provides that a developer be required to submit all evidence deemed necessary by the Council or to the Planning Commission as to its ability to undertake the proposed project. This was put into the Ordinance so as to prevent a group from beginning such a project and later finding out that the merchants who might conceivably want leases decide against it. Then the City would be faced with a problem. He said he felt this information was necessary.

Mr. Pomeroy said they have a list of firms interested in the project, but he knew they would not prefer this to be known at the present time. But if the Council so desires they will attempt to obtain signed commitments.

Dr. Humiston said he would like some clarification from Prof. Horwood on two of the specific requirements of the ordinance - "the need or the desirability to change the comprehensive zoning plan in the public interest." and "the amount of land included in the rezoning application which can be realistically supported in commercial use."

Prof. Horwood said he has advised the planning Commission that from 250,000 to 300,000 square feet of shopping space on 25 to 30 acres could be realistically supported at the site. Rezoning of 40 acres for commercial use would pre-empt the market for many years. Planning for several smaller community centers in outlying areas would have less traumatic impact on the central business district, he added.

Mayor Hanson said nothing had been presented to change his conviction that this rezoning should be approved. A center inside the City is better than one outside.

Mr. Easterday said shopping trends change. They have in the past and will continue to do so.

Mrs. Price said if there is to be shopping centers, she felt they should be where the tax dollar will benefit the City. All the shopping diverted to Villa Plaza at Lakewood in no way benefits the City of Tacoma.

Mr. Porter said construction on this project will probably take 2 to 5 years. During that time the construction workers will no doubt be spending their money in Tacoma. He said he felt that businessmen downtown Tacoma could compete with outlying shopping centers. To do this there must be "ease of access" and felt certain that the one-way streets will provide this. Secondly there must be convenient parking. This money spent in the 2 to 5 years of construction should provide extra money for this endeavor. Lastly there must be merchandizing good enough or better to compete with the shopping center, and this would be up to the merchants themselves.

Mr. Perdue said the downtown businessmen have been working hard to provide means for sufficient parking in the area, for which they have many pledges. He said he felt if the Council approves this petition for rezoning, their work will have been to no avail. The Council would be cancelling out the future of the core of Tacoma if this action were taken.

Mr. Anderson said that he had received several letters from citizens which he has not had an opportunity to read and would like to have the hearing set over for two weeks.

Mr. Anderson then moved that the petition be set over for two weeks, until August 24, 1959. Seconded by Mr. Perdue. Roll call: Ayes 8; Nays 0; Absent 1, Bratr

RESOLUTIONS:

Resolution No. 15834:

BY HUMISTON:

Appointing two replacements to the Teen-age Dance Board.

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Mayor Hanson said he is submitting the names of Joseph Fox and Reino
Isio as replacements to the Dance Board.

Mr. Anderson moved that the Resolution be adopted. Seconded by Mr. Easterday.

Adopted on roll call August 10, 1959
Ayes 7; Nays 1, Perdue (passing); Absent 1, Bratrud.

Resolution No. 15835:

PERDUE:

Appointing Roger W. Crusan to serve as a member of the Planning Commission
to fill the vacancy created by Eric O. Brown, whose term expires June 30, 1960.

It was moved by Mr. Easterday that the Resolution be adopted. Seconded
by Mrs. Price.

Adopted on roll call August 10, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15836:

EASTERDAY:

Fixing August 24, 1959 at 4:00 P.M. as the date for hearing on property
situated upon those streets lying within the Mount Tahoma High School site generally
bounded by So. 58th, So. 66th, Adams to Tyler. 270

Mr. Rowlands said the date should be September 14, 1959 instead of August
14, 1959.

Mr. Anderson moved the Resolution be amended changing the date to September
14, 1959. Seconded by Mr. Easterday. Roll call: Ayes 8; Nays 0; Absent 1, Bratrud.

It was moved by Mr. Easterday that the Resolution as amended be adopted.
Seconded by Mr. Anderson.

Adopted on roll call August 10, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15837:

GOERING:

Establishing certain limited access plans for the Tacoma Freeway Primary
State Highway No. 1 from the south city limits to Pacific Avenue.

It was moved by Mr. Anderson that the Resolution be adopted. Seconded by
Mr. Easterday.

Adopted on roll call August 10, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15838:

BY EASTERDAY:

Awarding contract to E. J. Rody & Sons for improvement No. 1996 in the sum of \$21,248.94 plus sales tax as applicable.

It was moved by Mr. Anderson that the Resolution be adopted. Seconded by Mr. Perdue.

Adopted on roll call August 10, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15839:

BY PERDUE:

Awarding contract to Colorado Fuel & Iron Corp. for the contract for a Chain Link Fence to be installed at the Tacoma Sewage Treatment Plant, in the amount of \$3,547.43 plus sales tax, which was determined to be the lowest and best bid.

It was moved by Mr. Anderson that the Resolution be adopted. Seconded by Mr. Easterday.

Adopted on roll call August 10, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15840:

BY ANDERSON:

Awarding contract to Cook's Concrete Construction Co. for the improvement of L I D 2190, in the amount of \$22,881.52.

It was moved by Mr. Perdue that the Resolution be adopted. Seconded by Mr. Anderson.

Adopted on roll call August 10, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15841:

BY BRATRUD:

Awarding contract to the Pacific Coast Construction Co. for the construction of Improvement No. 1978 for the Cleveland Way Pumping Station, in the amount of \$201,667.00 which was determined to be the lowest and best bid.

It was moved by Mr. Anderson that the Resolution be adopted. Seconded by Mr. Easterday.

Mr. Myron Calkins, City Engineer said this company has their main office in Anacortes, Washington. He said they are well qualified to do the work.

Mr. Rowlands explained that the bid was about \$8,000 lower than the estimate.

Adopted on roll call August 10, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15842:

RESOLUTION:

Awarding contract to Cummings Boat Co. for the repairs to the Fire Boat in estimated sum of \$8,125.00, which was determined to be the lowest and best bid.

It was moved by Mr. Perdue that the Resolution be adopted. Seconded by Mr. Anderson.

Adopted on roll call August 10, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

Mayor Hanson called for a motion to suspend the rules to take up two resolutions no on the agenda, No. 15843 and No. 15844.

Mr. Easterday moved that the rules be suspended in order to hear Resolutions No. 15843 and No. 15844. Seconded by Mr. Porter. Roll call: Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15843:

REQUEST OF HANSON:

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Appointing Dr. Homer Humiston and John H. Anderson to represent officially the City Council and the City of Tacoma at the Japan-American Conference of Mayors to be held in Osaka, Japan, and further excusing them from attending the regular meetings of the City Council on November 2nd, 9th, 16th, & 23rd.

It was moved by Mr. Easterday that the Resolution be adopted. Seconded by Mr. Perdue.

Mr. Easterday said he thought it very commendable that there were people on the Council willing to pay their own expenses to go to Japan as the City's representatives.

Adopted on roll call August 10, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

Resolution No. 15844:

HUMISTON:

Authorizing the proper officers of the City to enter into an agreement with the U. S. Oil and Refining Co. for the furnishing of fire protection and fire fighting services to their plant.

It was moved by Dr. Humiston that the Resolution be adopted. Seconded by Mr. Anderson.

Mr. Rowlands said for the past year he and Chief Fisk have discussed the possibility of providing sub service to large plants located just outside the City limits. This principle is not too unusual, and is done in other cities. The amount to be paid is usually predicated on the assessed valuation.

Adopted on roll call August 10, 1959
Ayes 8; Nays 0; Absent 1, Bratrud.

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FIRST READING OF ORDINANCES:Ordinance No. 16405:

Accepting gift proposals of the Downtown Parking Corporation, to be used for the construction of off-street parking for motor vehicles at sites near the intersection of So. 10th and So. 12th Streets on Pacific Avenue. Read by title.

Mayor Hanson said that Mr. John Newlands, attorney for the downtown corporation was present to answer any questions that may arise on this matter.

Mr. Rowlands, City Manager, pointed out that this matter has been discussed over the past year and a group of wholesalers and retailers in the downtown area have contributed approximately \$750,000 for the construction of two downtown parking garages. This Ordinance embodies an agreement between the City and the Downtown Parking Corp. to facilitate this building.

Mr. John Newlands, attorney for the downtown corporation, said this agreement provides that the garage property will be given to the city, contingent upon the mortgage being paid off by the private group. The agreement is somewhat premature, he added, since the corporation does not yet own the property but the agreement is needed to obtain tax rulings from the Internal Revenue. He said the corporation will seek tax relief, as an instrument of the city and further ask that contributions be ruled tax deductible.

Mr. W. R. Medved, representing the association of private parking garages, said he felt the City subsidization of the garages would give them an unfair competitive advantage over the private garages. If they are taken off the tax rolls, the balance of the tax payers will have to make up the difference.

Mr. Newlands explained that the relief sought would be from the federal income tax and not from the City since the garages will be non-profit. The property will remain on the tax rolls and the operation would also pay a city business tax. The Ordinance was then placed in order of final reading.

Ordinance No. 16406:

Amending Section 11.26.020 of the Official Code of the City in reference to the method of parking vehicles. Read by title and placed in order of final reading.

UNFINISHED BUSINESS:

An opinion from the City Attorney regarding the procedure for initiating Local Improvement Districts.

Dr. Humiston said this opinion was submitted at his request. He said when the Council began using the present method of handling petitions, this procedure was followed in order that a hearing could be held. This was brought about by the experience had, with disgruntled property owners who found themselves faced with assessments they knew nothing about, which is possible if the letter of the law is followed under the petition method.

Marshall McCormick, City Attorney, explained as was pointed out in his opinion, action of the Council can accomplish the same thing. Where there is a valid petition which has been filed and meets all the requirements of a valid petition; to clear the record, there should be some action by the Council to the effect that they would rather follow the Resolution method and have a public hearing; all that is required is that the Council recognizes that a valid petition has been filed.

Dr. Humiston asked if the same purpose could be accomplished by setting up a public hearing on the Ordinance.

Marshall McCormick said by the passing of the Resolution and following that method it can be very well argued that the Council has elected to follow the Resolution method, which requires a hearing, rather than the petition method. Here, for the first time, a petitioner has challenged this method.

Dr. Humiston said this was an unusual occurrence. While this was a valid petition and had over a 50% coverage, by the time the petition was processed some of the signers protested the improvement. So, in the end, there was more than 60% remonstrance against the improvement. Approximately 6 years ago, it was the Council's desire to set up hearings on the L I D's to avoid this type of a situation.

Mr. McCormick pointed out that 60% remonstrance cannot kill an improvement on the petition method. The Council can still approve the L I D regardless of the amount of protests. Once a valid petition is filed there can be no changes.

Dr. Humiston asked Mr. McCormick if he meant, they could challenge the right of a person to withdraw his name from the petition before the Ordinance was passed?

Mr. McCormick replied that once a petition is filed, checked and submitted to the Council and considered a valid petition, he didn't think a name could then be withdrawn.

Mr. Anderson asked if the Council was in error, then, to let some people sign this petition and then allow them to change their mind after receiving the cost of the L I D.

Mr. McCormick replied as long as he has been with the City there has never been an L I D processed by the petition method. It has always been based on a petition and then in order to have a public hearing the Council has proceeded on a Resolution method which sets up a date of hearing, giving the property owners an opportunity to be heard, whereas the petition method does not.

Mayor Hanson said then in the event anyone who signed the petition protests this will not change or divest the Council of the authority of proceeding with the improvement as in the case of the 60% remonstrance.

Mr. McCormick said as a matter of fact by the Resolution method no petition is necessary.

Dr. Humiston said as far as he is concerned, he has not forgotten the trouble experienced at the outset, of not having a hearing and he would be satisfied with an informal agreement, with the understanding that the City Attorney's Office would call it to the Council's attention when a valid petition is filed, and ask the Council if a public hearing was desired.

Mr. McCormick said as a matter of fact that very seldom occurs. Most of the time there are not sufficient signatures on the petition to make it valid. He said ordinarily the reason a petition is circulated among the property owners is to get the feeling of the people to see if they favor the improvement. He suggested rather than have the form headed a "petition" it could be sent out as a survey. Then, it would be considered strictly for information purposes and not as a petition.

Mayor Hanson said the direction for which the Council is asking, is the following of the policy of hearing. Obviously the steps to follow are: if a valid petition is received, Council should be informed in order to determine whether a hearing should be held.

Dr. Humiston said he felt one important question has not been answered. His opinion was requested from the attorney relative to L I D 4657 which was contested by Mr. Billett, an attorney, on the grounds that a valid petition was not processed according to State Law, but instead, the Council passed an initial resolution setting up a hearing which ended up with more than 60% remonstrances. Dr. Humiston asked what would the Council do with this particular situation.

Mayor Hanson said all that would be necessary is to set up a hearing and confirm the action taken if the matter was further pursued.

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

Report from the Tacoma Employes' Retirement System of investments during July, 1959.

Report from the Tacoma Police Traffic Division, for April-May-June, 1959.

COMMENTS:

Mr. Rowlands said the Planning Commission last week took action on approving the report which will pave the way for a Pacific Coast League baseball in Tacoma. This will be submitted to the Council next week.

Mayor Hanson said next Monday, the Council will have the opportunity to decide whether Tacoma will have Pacific Coast League Baseball next season. They will be asked to approve a commitment to construct suitable facilities for this sport. It is tentatively planned to finance the ballpark by the lease-purchase method, under which a private person or persons will build the field and lease it to the City. After a period of time, it would belong to the City. It will cost the City about \$20,000 a year with probably more than half of this amount to be returned each year by the tenant. He said, it is hopeful that the Pierce County Commissioners will participate in the financing of this project. Furthermore he said the field will have permanent value to the City for other recreational purposes. He said he regards the proposition as a tremendous opportunity for this amount of money and was sure the people would support the program.

Mr. Porter said he was sure the team would draw fans from surrounding areas and give the City an economic boost.

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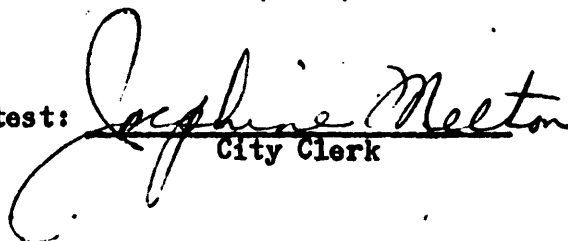
Mr. Anderson brought up that/the meeting held by the General Contractors Association which he attended, the matter was discussed about the amount of work that is being done by the Public Works Department on some of the streets; the amount of asphalt being laid and the amount of work being done on the approaches to some streets and intersections.

Mr. Anderson said as he understands the procedure, under the State Highway Department, a contractor does all the "finishing up" jobs and the private contractors felt that this policy should be followed by the City. They felt that they could do the job cheaper and better than the City crews. He asked Mr. Rowlands if he and Mr. Calkins, City Engineer, would investigate this matter and write a letter to the Association telling them how much work is being done by the City crews and explain their policy.

There being no further business to come before the meeting, upon motion duly seconded and passed, the meeting was adjourned at 7:40 P.M.


President of the City Council

Attest:


City Clerk