

City Council Chambers, 7:00 P. M.
Tuesday, August 9, 1960

Council met in regular session. Present on roll call 8: Bott, Cvitanich, Easterday, Olson, Porter, Murtland, Price, and Mayor Hanson; Absent 1, Steele. Mr. Steele coming in at 7:30 P. M.

Mr. Cvitanich said he would like to make a correction to the minutes of July 26, 1960, Page 2, under Resolution No. 16226. He asked that a query made by Mrs. Olson to Mr. Jacobson, Urban Renewal Director, in reference to how much of a hardship a delay would make on the program and staff if the Resolution were set over one week, be inserted in the minutes. He said this was omitted and would like to have it inserted.

Mayor Hanson said he would ask that the minutes be postponed for one week so that the tape could be run to have that portion presented verbatim.

Mrs. Price said she would also like to make an amendment on the roll call on the Resolution, whereby it stated that Mr. Steele made the motion to adopt the Resolution. She said this should be changed to read, "Mrs. Olson moved to adopt."

Mayor Hanson said he would entertain a motion that the minutes be postponed until next week so that these corrections can be made. It was moved by Mr. Porter that the minutes be postponed until August 16, 1960, for approval. Seconded by Mrs. Price. Voice vote on the motion resulted as follows: Ayes 8; Nays 0; Absent 1, Steele.

HEARINGS AND APPEALS:

This is the date set for hearing on the petition for the vacation of Roosevelt Avenue between East 68th Street extended and 71st Street.

Mayor Hanson said a letter from the Planning Commission has been submitted, requesting that the hearing on this vacation be continued to September 13, 1960. Mr. Buehler, Planning Director, said this recommendation has been made because one of the properties involved in the case is presently being transferred to new ownership and it is advisable that the vacation hearing be postponed until the property transfer has been completed.

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Mayor Hanson asked if anyone present objected to the continuance of the hearing to September 13, 1960. No one offering any objections, Mayor Hanson said the Planning Commission's request was in order and asked for a motion.

Mr. Porter moved that the hearing on the vacation of Roosevelt Avenue between East 68th and 71st Streets be set over to September 13, 1960. Seconded by Mrs. Olson. Voice vote on the motion resulted as follows: Ayes 8; Nays 0; Absent 1, Steele.

Petition of Northwestern Homes, Inc., for vacation of the alley from So. 38th to 39th Streets, between Thompson and J Streets.

Mr. Rowlands explained that this vacation is related to Ordinance No. 16611 which rezones the property in question. He said Mr. Buehler, Planning Director, would point out the areas on the maps.

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Mr. Buehler explained that the original petition called for the vacation of the alley between Thompson and J Streets from So. 38th Street to within 105 feet of

So. 39th Street, and it was decided at the Planning Commission hearing on June 20, 1960, that the entire alley should be included, and the original petition was changed accordingly. He said there were five property owners affected by this vacation and all of them should reach an agreement regarding the mutual use of their portion of the vacated alley as a private driveway to their respective properties.

Mr. Buehler said that he would like to explain a little on the zoning Ordinance No. 16611. He said the original petition involved the area bounded on the North by a line 120 feet south of So. 38th Street; Thompson Avenue on the East; So. 39th Street on the South; and So. J Street on the West. The Planning Commission recommended approval of the reclassification as amended by the Commission to include only the South 5 feet of Lot 5 and Lots 6 to 11, inclusive, all in Block 8820, Tacoma Land Company's Sixth Addition, together with that East half of the alley abutting said Lots in Block 8820. He said it was the intent of the Planning Commission that the new commercial zoning boundary be zoned within 20 feet of the adjoining residents' properties as an added protection to insure that no commercial building could be built closer than this distance from their property. Also, the present provisions of the zoning ordinance will allow development of the West portion of the proposed development to be used for off-street parking without a zoning change.

The Communication sent to the City Council by the Planning Commission listed 9 conditions to be placed upon the petitioner, and the 10th was a suggestion. The Commission recommended that a standard driveway be placed on the alley return on So. 38th Street; that an east-west alley be dedicated; a concrete surface be placed in the area; a sewer easement be retained; that an easement be retained for Public Utilities Department, and one for the Telephone Co.; that all the necessary costs incurred by removal, rearrangement and relocation of light and telephone facilities be paid by Northwestern Homes, Inc.; and that the legal owners of the residential property to be left after development of the supermarket and abutting said alley shall not have to bear any costs whatsoever in the vacation of the alley. The 10th suggested condition was that the legal owners make an agreement giving perpetual mutual rights of ingress and egress to each other over and across those portions of the above alley recommended for vacation abutting said Lots 1 to 3 in Blocks 8820 and 8821 once vacated.

Mr. Steele coming in at this time.

Mr. Murtland asked if the zoning to the right of the proposed Bank Building was also in a C-1 Zone.

Mr. Buehler replied that it was zoned in a C-2.

Mr. Murtland asked how far back was the C-2 zoned.

Mr. Buehler replied that it was 120 feet.

Mr. Cvitanich asked Mr. Buehler if he had talked to any of the businessmen in the area in reference to the location of the Bank building.

Mr. Buehler said there was quite a bit of discussion on this matter when the property was rezoned. He said their staff did not go out and canvas, but had asked the petitioners for the Bank to look at other sites. He said they were held up 60 days investigating other sites before the final decision was made.

Mr. George Carlow, Mr. Palagruti, Mrs. McLaughlin spoke in opposition to the supermarket in this location.

Mrs. Price asked Mr. Buehler if the area down to the alley at the present time is zoned Commercial.

Mr. Buehler said the applicants could have built a supermarket with the existing zoning boundaries, utilizing the back portion of the site for off street parking. This proposed zoning will bring the new commercial zoning boundary only within 20 feet of the adjoining residents' properties and as an added protection will insure that no commercial building could be built closer than this distance from their property.

Mr. Buehler explained that two petitions were submitted, one opposing the rezoning, one favoring the rezoning.

Mrs. Olson said she had a question she would like to direct to a representative of the company which is contemplating on building the store. She asked if they would build this supermarket if this petition were denied.

Mr. Darnell, representative of the A & P Stores, said "they would not." He added that a supermarket has to be designed, and provide parking and availability to the store according to modern planning and advance.

Mrs. Olson said, then in order for his company to go ahead with their plans, it would be necessary for the Council to approve this rezoning.

Mr. Darnell said that was correct.

Mr. Cvitanich asked what was the need for a supermarket in the area.

Mr. Buehler replied that this will more or less help to rehabilitate this older area and help the other businesses.

Mr. Bott asked Mr. Fanning of Fanning-Starkey Co. why they have asked for options on 39th Street area, and at the same time on the 6th and Cushman area, if they did not plan to utilize the property.

Mr. Fanning said he did not know where Mr. Bott obtained this information.

Mr. Bott said that was his assumption, since the request was not to rezone the complete area.

Mr. Fanning said their original petition was to rezone the entire area, whether or not they were going to use it. Personally, he said, he thought that whole block should be rezoned.

Mr. Bott said, by the same token, they are endeavoring to take options on other property.

Mr. Fanning said the property owners in the area were contacted, but one property owner said he would not sell his home for any price.

Mr. Bott said they have looked into the matter to see what could be done to protect people against so-called phoney options, whereby property owners are being approached by persons who have no intention of buying their property. He said the legal department has advised that the property owners should secure an attorney to make certain that they receive a substantial sum of money to show good faith that the option will be extended.

Mr. Fanning said there are approximately 12 property owners in each of the areas to whom they are paying from 10% to 50% more for their property than it would sell as residential property. If the developer is required to pay a substantial sum for an option, it is an expensive investment while waiting to see if the property will be rezoned, he added.

Mayor Hanson said this is not an uncommon procedure to determine whether or not an area is available for development. If one property owner decides he does not want to sell, it would certainly not be sensible to pay a great deal of money for the other options. It is a means of bringing everyone together, in a given area, to agree to accept certain prices if certain conditions arise. True, the option holder has the reins. However, he added, if he has spent considerable time working on the project concerned, it can reasonably be assumed that there is good faith.

Mrs. Olson asked Mr. Buehler if this was a common practice to zone a portion of a block for a supermarket.

Mr. Buehler said it seemed to be the procedure, as there are several other areas zoned similiarly in the city.

Mr. Fanning said it should be pointed out that the reason the options were dropped was that they did not need the property. He said they could have kept the options in effect until the property was rezoned, if they so desired, before dropping them; in that event, these property owners would not be objecting now. However, he added, the property owners were advised as soon as they themselves knew.

Mayor Hanson asked Mr. Fanning if they held any options at the present time outside of the zoned area.

Mr. Fanning replied they did not.

Mayor Hanson said a point to consider was, since there was so much effort made to obtain this rezoning, can the Council, for any reason, assume the options will not be extended.

It was moved by Mr. Steele that the rules be suspended to take up Ordinance No. 16611. Seconded by Mr. Murtland. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0.

FINAL READING OF ORDINANCES:

Ordinance No. 16611: (Postponed from July 5, 1960 meeting)

Amending the Official Code of the City in reference to zoning and adding a new section known as Sec. 13.06.120 (15) to include property located at So. 38th Street between Thompson and J Streets. (Petition of Northwestern Homes, Inc.)
Read by title.

Mr. Murtland said he noticed that three of the property owners in the area were present in the audience, and asked if they would be willing to sell their homes at approximately the same type of valuation that has been put on the others, which is from 25% to 50% higher than market value?

All agreed that they would be.

Mr. Fanning said these negotiations could go on indefinitely, and they have been at it now for nine months. He said preliminary negotiations indicated the acquisition costs would make the developments economically prohibitive for the supermarket chain.

Mr. Bott said the Council is anxious to see that these people, whose options are being held by Mr. Fanning's firm, are able to sell at a favorable price. He did not think that any of the Council members would want to stand in the way of businesses coming into the City, and are interested in protecting the people who are adjacent to the zoning.

Mr. Bott asked if it would be advantageous to ask that the entire block be rezoned.

Mr. Porter said he thought if the whole block were included, another hearing would have to be held, as this has already been before the Planning Commission and approved.

Mr. McCormick, City Attorney, said legally if that were done, it should be referred back to the Planning Commission for their recommendation.

Mr. Bott then moved that the rezoning be referred back to the Planning Commission. Seconded by Mr. Cvitanich.

Mr. Steele said, in reference to the motion to refer this back to the Planning Commission, it seemed to him that the Planning Commission is willing to initiate other actions, and he felt there would be no reason to hold up this zoning which would tie up these people that have options, who are anxious to have this brought to a conclusion. He suggested that the Planning Commission initiate the zoning for the additional block in separate proceedings.

Mr. Buehler said the petition was for the entire block and the hearing was held on the entire block, but the Planning Commission made the recommendation that it be cut back and that Thompson Avenue be taken from the present C-2 zone down to within 20 feet of Mrs. Palmer's property, as the property owners had expressed themselves that they did not want to be included in the rezoned area. If the entire block were zoned, the screening wall would not be put in on J Street. Also, other conditions that were placed on the zoning would not have to be met.

Mr. Feist, City Planning Commission Chairman, said the residents remaining on the blocks would have more protection if their property remained residential. The present limit of the proposed zone provides for 20-foot alleys and a screening hedge between the residential property and the supermarkets.

Mr. Bott said, with the information that was just submitted from the Planning Commission, he would withdraw his motion to refer the matter back to the Planning Commission.

Mr. Cvitanich asked Mr. McCormick for clarification on this rezoning and vacation matter.

Mr. McCormick said, as he understands it, if the Council wishes to grant this petition they can also grant the vacation. One is necessary in relation to the other. If they do not wish to grant the petition, then the Ordinance should not pass vacating the alley. Mr. Cvitanich withdrew his second to Mr. Bott's motion.

Mayor Hanson called for a roll on the Ordinance, which resulted as follows:

Ayes 7; Nays 2, Cvitanich and Bott (Passing); Absent 0.

The Ordinance was declared passed by the Chairman.

Mayor Hanson said the Council will now act on the Petition for the vacation of this area.

Mayor Hanson said the Council will have to determine first which method to follow: there are (2) alternatives proposed - one granting the entire street vacation and one granting only up to the proposed alley. 317

Mr. Buehler said it was the feeling of the Planning Commission that the entire alley should be vacated, thereby allowing these people to block it off for any through traffic. He added that it did entail that the four property owners have to come to an agreement of an easement so that they could then use this for private access. 3-23-61 - Comm from person stating petition withdrawn and abandoned

Mayor Hanson said no action can be taken by the City to close that end of the alley.

Mr. McCormick said by State Law when a street or an alley is vacated the property automatically reverts to the abutting property owner without any restrictions insofar as the City is concerned, and it would be his own private property.

State Law does authorize the City Council in granting the vacation to reserve easements for all utilities, but it does not authorize the City Council to vacate and restrict the use. However, he added, there is nothing to prevent those abutting property owners from agreeing among themselves in a written agreement what their rights shall be. But the City cannot reserve that agreement in the vacation Ordinance.

Mr. Porter said he believed that the City Council should proceed and approve the vacation for the entire alley, and in the meantime, before the Ordinance comes before the Council for final action, negotiations could be made between the five property owners which will give access to all of their property. Then, in the event they cannot come to an agreement, the Council can at that time delete the 100 feet in the alley.

Mr. Easterday then moved that the proper Ordinance be drafted for first reading to vacate the alley as recommended by the Planning Commission. Seconded by Mr. Porter.

Mayor Hanson called for a voice vote on the motion resulting as follows: Ayes 9; Nays 0; Absent 0.

The Council then resumed the regular order of business on the Agenda, under "Hearings and Appeals."

This is the date set for hearing on the petition of Northwestern Homes, Inc., for vacation of the alley from 6th Avenue to So. 7th Street, between Cushman and Ainsworth Avenue.

Mr. Bott moved that this Petition be considered with the related zoning Ordinance No. 16612.

Mayor Hanson said if there were no objection from the Council, the two matters would be discussed together. He asked the Clerk to proceed with the final reading of Ordinance No. 16612.

Ordinance No. 16612: (Postponed from July 5, 1960 meeting.)

Amending the Official Code of the City in reference to zoning and adding a new section known as Sec. 13.06.120 (16) to include property located at 6th Avenue, between Cushman and Ainsworth Avenues. Read by title.

Mr. Buehler explained that the requested vacation would consolidate two tracts for use as a site for a proposed supermarket. It is the intent of the applicant to dedicate a 20-foot East-West alley along the South property line to provide a separation from the adjoining residences. The requested rezoning of the area would provide off street parking for a supermarket.

Mr. Murtland asked what the depth was of the remaining property.

Mr. Buehler replied that it was 50 feet wide, and that there are four houses located on this strip of land which face North 7th Street.

Mr. Cvitanich asked how much off-street parking would be provided by this rezoning.

Mr. Buehler said it would take care of approximately 350 to 400 cars.

Mr. George T. Gagliardi, attorney representing Mrs. DeFazio, said he was speaking in opposition to the rezoning as proposed for several reasons.

First, he thought this plan as now proposed to the Council is not adequate to handle this type of operation. He said a large supermarket is being proposed on a portion of a city block, and to his knowledge it was not an adequate area to serve the entire operations of the supermarket which will be built on a busy arterial street and will attract a large number of cars. He said this situation will be detrimental to the area itself by zoning only a portion of the block. In addition, the area is set up with a proposed alley which is at the end of the block and will serve no one but the supermarket. The program as it now stands does not appear to be adequate for the operation which is planned. Further, he said, he noticed that most of the people speaking in favor of the program are those persons whose property is to be purchased by the supermarket. Naturally, the people who have been left out are going to protest. He said the Council was in possession of a letter written by Fanning-Starkey Co. outlining their position as to how this matter was originally handled. He thought the proposition offered to them by the real estate firm was not in good faith. He said the DeFazios, whom he is representing, were approached and given the impression that the purchaser would pay the sum of \$38,000 for their property. The other property owners were also given the understanding their property would be purchased. It appears that this firm did not have an honest intention of buying this property, and when the matter was completed to their satisfaction the options were dropped.

Mr. Gagliardi said he felt the proper thing to do would be for the A & P Stores to buy the entire block, therefore, everyone would be satisfied. The rest of these people would be willing to sell their property at a reasonable price, but were never given the opportunity. The dollar option was the last contact made to them.

Mr. Tollefson, representing Mr. Weber and Mr. Taniguchi, adjoining property owners, said this type of rezoning will be detrimental to the value of their property. Mr. Weber's property has recently been valued at \$12,500. The Taniguchi property has been valued at \$17,000. The question of buy and sell and of option has played an important role in this overall planning, he added. If the zoning goes through, these four property owners will have a residual piece of property of no apparent value.

Mr. Tollefson said the property owners who have been given an opportunity to sell their property are necessarily in favor of this rezoning because these people have been given options to sell for some \$75,000 more than the reasonable value of their property. Mr. Fanning's letter indicated that Mr. Weber and Mr. Taniguchi were never willing to sell and that no offer was made by them, which statement was absolutely false. After the option was secured on Mr. Weber's property by Fanning-Starkey Co. no further contact was made by the company. After Mr. Weber read in the paper that the property was to be rezoned, he contacted Mr. Fanning and said since an option was taken on his property the company evidently planned to buy the land and he suggested that an appraisal be made by the Real Estate Appraisal Board in the City. Mr. Fanning thought that was a good suggestion, and the matter was dropped. No offer was made to purchase the property at a reasonable price. The same was true with Mr. Taniguchi.

Mr. Tollefson said, at the hearing on the rezoning Mr. Fanning made the statement that he would not object if the property owners were willing to sell. Mr. Tollefson said the statement which he made was if this property were purchased at a reasonable price, there would be no further objections.

Mr. Tollefson said he discussed the matter with Mr. Starkey in reference to a reasonable value of the property, and added that these people should be paid

the reasonable value for their property plus the amount for excise tax, closing costs, etc. Mr. Tollefson further stated that a price was suggested in the amount of \$1000 to \$1500 more than the reasonable value. Then Mr. Starkey said he would present the matter to his client, and on a repeat phone call, said he could not buy the property at that price, or even at a price below the reasonable price, because of the square foot cost of that property. Mr. Tollefson said that Mr. Fanning explained before the Planning Commission that he could not afford to pay \$50,000 or the reasonable value of all of this property because the square foot cost was too high.

Mr. Tollefson continued that he did not think this is good planning to force these people to live side by side with a supermarket built immediately adjacent to their property. He said these are all very fine homes and the people were never given an opportunity to sell at a reasonable price. Mr. Tollefson further said he believed if the City Council would turn down this rezoning, the A & P Stores would negotiate and purchase these properties at a reasonable price.

Mr. Murtland asked Mr. Fanning if they were willing to buy these four pieces of property at a reasonable price, and if the property owners were made an offer.

Mr. Fanning replied that they did secure options on all four pieces of property, but explained that investigations revealed that too much money would be required to secure these properties. He said they were not paying any more for the commercial zoned property on 6th Avenue than they were asked to pay for the property on 7th Street. Consequently, they found that they could do without this property on So. 7th Street; therefore, their options were not extended.

Mr. Weber, one of the four property owners, spoke briefly on the problem, voicing his protest of the rezoning and the method in which the Fanning-Starkey Co. handled the negotiations on the property.

Mayor Hanson said the matter of handling the negotiations, unless there is fraud and deception, is not a material aspect of the Council's consideration. The material portion is whether or not this is proper zoning with reference to effect on the remaining surrounding areas. An option is just what it says; that is, it gives the person holding the property the right to either exercise it or break it.

Mr. Fritz Gosselin, a grocery store owner, spoke in protest of the rezoning saying it was poor planning to cut up a block in this manner. He suggested that the whole block be zoned or leave it in its present status.

Mr. Easterday said, in view of all the facts presented today, he moved that the Council take no action on the Vacation Petition, or Ordinance No. 16612, and that this matter be postponed for two weeks with the hope that these people concerned get together and work out some satisfactory agreement. Seconded by Mr. Cvitanich.

Mr. Steele said this situation is similar to the first hearing held tonight. The Planning Commission has recommended approval. The representatives of A & P Stores have indicated that they have programed their development for the area zoned, and he could not see why the Council should be a party to continuing the matter on the hypothesis that it would require A & P Stores to come in and meet the negotiations. He could see nothing to gain by continuing this hearing, and felt the Planning Commission should be given some consideration with reference to the time they spent on the matter.

Mr. Cvitanich asked Mr. Steele if he had any idea of how many school children there are in the Bryant School and from what area they come.

Mayor Hanson asked that the remarks be confined to the question at hand - the postponement of the matter.

Mr. Murtland said he disagreed with Mr. Steele to a certain point, in that this is a little different than the other rezoning matter. It appears there was at least one party who would not sell under any circumstances on the other rezoning. Here there are all four property owners willing to sell. A store is a good business to have but there must still be a certain amount of protection to the minority involved. He said there has been talk against spot zoning and this would be an indication of spot zoning, he added.

Mr. Steele said continuing this for two weeks would accomplish nothing. The zoning would still be as proposed by the Planning Commission. He asked for some comment from the Planning Commission members.

Mr. Porter pointed out if this were carried over for two weeks and the four pieces of property purchased by the developers, this property could be used for off-street parking without any change in the zoning conditions.

Mayor Hanson said it should be made clear to the developers that a postponement of the hearing does in no way indicate that they must buy the property or lose the entire proposition.

Mayor Hanson called for a voice vote on Mr. Easterday's motion to continue the matter ^{of the vacation of Ordinance #10012} for two weeks, which resulted as follows: Ayes 7; Nays 2, Porter and Steele; Absent 0. Mayor Hanson said the matter will be continued for two weeks to August 23, 1960.

The Council then referred back to the regular order of business on the Agenda.

RESOLUTIONS:

Resolution No. 16238:

BY REQUEST OF BOTT:

Classification of the Parking Meter Checker to remain status quo and the performance of the duties thereof as presently prescribed by the Personnel and Civil Service Rules, he and is hereby preserved and shall remain until such time as the City Council may determine otherwise. It was moved by Mr. Bott that the Resolution be adopted. Seconded by Mr. Steele.

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Mr. Porter said inasmuch as this Resolution No. 16238 and the next Resolution No. 16240 on the Agenda are on the same subject, he thought they should be discussed together.

Mayor Hanson said he believed the discussion should be with reference to the general matter of meter maids.

Mr. Bott said he could see no reason for discussion on the matter as this had been discussed before by the Council at the time the legal opinion was submitted by Mr. McCormick in reference to the Meter Maid question, and the Resolution should be considered on its own merits.

Mr. Cvitanich moved that Resolution No. 16240, protecting the Civil Service rights of the present Meter Maids and providing that as vacancies hereinafter occur, the duties of such position shall be performed by regular Police Officers, be substituted for Resolution No. 16238. Seconded by Easterday. Roll call was taken on the motion resulting as follows: Ayes 3, Cvitanich, Easterday, Porter; Nays 6, Murtland, Olson, Price, Steele, Bott and Mayor Hanson. Absent 0.

Mayor Hanson declared the motion lost.

Roll call was then taken on the adoption of Resolution No. 16238, resulting as follows:

Roll call: Ayes 7, Easterday, Murtland, Olson, Price, Steele, Bott, Mayor Hanson; Nays 2, Cvitanich and Porter. Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16240:

BY REQUEST OF CVITANICH:

Protecting the Civil Service rights of the present Meter Maids and providing that as vacancies hereinafter occur, the duties of such position shall be performed by regular Police Officers.

It was moved by Mr. Cvitanich that the Resolution be adopted. Seconded by Mr. Porter.

Mr. Cvitanich said he appreciated the cooperation of every member of the City Council as well as that of Mr. McCormick and his staff. Briefly, he has three points in summary: (1) The Chief of Police in a written letter to the Manager stated that the removal of Policemen in the downtown area left that area virtually unprotected. (2) He said he would like to point out to the Council that there is a tremendous difference between a "stick" and a "gun", and he certainly does not want to assume the responsibility as he is sure no one on the Council does, if something should occur in the downtown area as "sticks are ineffective."

Mr. Bott said he felt that no one should try to run the Police Department, as he felt Chief Kerr was a competent Police Chief.

Mr. Cvitanich said the innuendos that he has heard on several occasions infer that someone is trying to run the Police Department. He said he would like to clear this as a matter of public record, that only once has he appeared at the Police station and that was at the request of the Chief of Police through the City Manager's approval, and was not down there on his own. He said, frankly speaking, if it came right down to facts, he felt he was better qualified than any other member of the Council to run the Police Department.

Mr. Bott said he had no reference to Mr. Cvitanich whatsoever. He said he merely made this remark in answer to Mr. Cvitanich's statement that he did not want to be responsible for putting a "stick" instead of a "gun" downtown.

Mr. Porter said he believed that this Resolution protects all the rights of the existing Meter Maids. He asked Mr. McCormick if he would verify that.

Mr. McCormick said it does protect the Meter Maid's rights, but as vacancies occur the additional work caused by such vacancies shall be performed by regular police officers assigned to the downtown area.

Mr. Porter said therefore this Resolution should be adopted. It protects all of the civil service rights of the present meter maids and by attrition in time the work would be performed by policemen, which some people think might be advantageous. Mr. Porter said he would like to have ^{the} Council ^{members} consider that when voting on the Resolution.

Mr. Steele said, with reference to "attrition", he felt that the ^{and} responsibility of the Civil Service Commission/Personnel Department is to

determine whether new examinations would be held on the same classification or whether the definitive classification would be modified. He thought the Council should defeat this Resolution.

Mr. Bott said the Council has expressed itself as wishing the meter maids to retain their status quo. He said he thought it was the opinion of the Council that the meter maids have been properly appointed, and are doing the particular job which is required. He said he would like to have this cleared up, once and for all, and would like to have this motion voted down.

Mr. Cvitanich said the third point he would like to bring out is that the turnover among meter maids is tremendous.

Mr. Cvitanich asked Mr. Steele if he were aware of who created the meter maid position, the Civil Service Commission?

Mr. Steele said he felt that was immaterial.

Mr. Murtland said more and more large cities are adopting the meter maid program.

Mr. Cvitanich said he wondered if the Council is aware of the fact that there is a study created of the possible replacement of meter maids with college students.

Mayor Hanson called for a roll call on the Resolution, resulting as follows:

Roll call: Ayes 3, Cvitanich, Easterday, Porter; Nays 6, Bott, Murtland, Olson, Price, Steele, and Mayor Hanson; Absent 0.

The Chairman declared the Resolution lost.

Resolution No. 16241:

Fixing, Monday, September 12, 1960, at 4:00 P. M. as the date for hearing on L I D 2301 for grading and oil mat surface and sidewalks on So. Huson, 6th Avenue to So. 12th Street and vicinity. 412

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

Voice vote was taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16242:

Fixing Monday, September 12, 1960 at 4:00 P. M. as the date for hearing on L I D 2308 for grading, oil mat surface on Bell Street from So. 74th to So. 76th and on So. 76th Street from Pacific Avenue to Bell, also storm drains on So. 74th from Bell to A Street and in A Street from 72nd to 74th Streets. 414

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

Voice vote was taken on the Resolution, resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

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Resolution No. 16243:

Fixing Monday, September 12, 1960 at 4:00 P. M. as the date for hearing on L I D 2316 for grading and an oil mat surface on No. 40th Street from Bennett to Shirley Streets.

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

Voice vote taken on the Resolution, resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16244:

Fixing, Tuesday, September 6, 1960 at 7:00 P. M. as the date for hearing on the establishment of off-street parking space and/or facilities.

Motion was made by Mr. Steele that the Resolution be adopted. Seconded by Mrs. Price.

Mr. Cvitanich said he would like a little more information on this matter.

Mr. Rowlands said this particular date has been set as a result of a meeting at which the City Attorney and Mr. Thorgrimson, a representative for the Parking Corporation, were present. Because of the amount of additional information the legal staff requires from other departments, the time was set for September 6, 1960, which is the earliest date the hearing can properly be conducted. He said he would appreciate if members of the Council could bring in the Ferguson reports that were distributed to them some time ago, and said all of the material will be put together for them.

Resolution

Voice vote was then taken on the/Resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16245:

Awarding contract to Tom Tonneson for L I D 3514 on their basic bid of \$16,983.45 plus tax, and \$7,297.00 for the supplemental bid plus tax, which was determined to be the lowest and best bid.

Motion was made by Mr. Easterday that the Resolution be adopted. Seconded by Mr. Cvitanich.

Voice vote taken on the Resolution resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16246:

Authorizing the proper officers of the City to execute a 20-year lease between Saul and Ruth Levy, d/b/a American Surplus Sales Co., in order that they ~~have~~ have access to real estate owned by them lying contiguous to and to the south of the City's property lying west of Pine adjacent to So. Tacoma Way.

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

Mr. Benedetti, Water Superintendent, said this Resolution is in reference to the leasing of a portion of City flume line property owned by the City on behalf of the Tacoma Water Division, located in the vicinity of Pine and South Tacoma Way. The leasing of this property to Saul and Ruth Levy will allow them access to real estate owned by them lying contiguous to and to the south of the City's property. The agreement is that they will lease said property for \$100 per month for a term of twenty years, subject to the right of the City and the Lessee to adjust the rental at five-year intervals.

Voice vote taken on the Resolution resulted as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

FIRST READING OF ORDINANCE:**Ordinance No. 16625:**

Vacating a portion of Fife Street between the Northern Pacific Railroad tracks and South Tacoma Way. (Petition of Tacoma Milk Producers Association, et al)
Read by title.

69
346

Mr. Buehler said the hearing on this property had been before the Council, and at that time the Council requested that the necessary Ordinance be brought in to vacate this land, contingent upon certain conditions. These conditions have now been met and the vacation is ready to proceed.

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCE:**Ordinance No. 16623:**

Vacating the alley between Mullen and Gove Streets from South 50th Street extended to South 52nd Street. (Petition of Tacoma School District #10). Read by title and passed.

300
312

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. 16624:

Amending the Official Code of the City relating to zoning by adding a new section known as Sec. 13.06.120 (16) to include property in the area bounded by East I Street,

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East 35th Street, Harrison Street and a line 120 feet east of McKinley Avenue in a "C-1" Commercial District. (Petition of Safeway Stores, Inc.) Read by title and passed.

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:

The L I D Committee submitting their recommendation that L I D 3506 be referred back to the Public Works Department for revision.

Mr. Rowlands said the staff has spent considerable time on this particular L I D which has been referred to the Public Works Department, and said they were ready to make a recommendation at this time.

Mr. Claude Knecht, Engineer in the Public Works Department, said that this L I D was referred back to the Public Works Department for further study on the assessment with reference to the Sanitary Sewers constructed on the west side of Jackson Avenue. He said the Department has prepared a preliminary plan for the entire area to show how this area will be connected to the Treatment Plant. Investigations made by the Public Works Department show that the sewer is needed along Jackson Avenue, and in placing the sewers on Jackson at the proper elevation to serve the east side, the property on the west side will also have to be assessed.

Mr. Rowlands said in this particular instance all of the other streets in the area will be served by one sewer for one row of houses, because of the topographical condition of the area. Normally throughout the City one sanitary sewer is installed to serve both sides of the street, he added.

Mr. Rowlands said the Council will be reviewing at the budget meetings the present fixed amounts which are being charged per foot for various L I D's. Due to the topography in various areas throughout the City, such as the one in question, the Council will probably want to increase the assessment for these unusual conditions, perhaps by 50%. Otherwise, the cost for sewer facilities might be quite substantial.

Mr. Rowlands said, in this particular instance the sewer line will serve both sides of Jackson Avenue, but in future L I D's one sewer line will be required to serve the homes on one side of streets. After further checking in the area, it is felt that connections can be made to the homes on the west side. If this section is eliminated from the L I D, then the entire improvement would be invalid. He said there are many people desiring to proceed with the construction of new homes in the area. These homes could not properly be built without this sewer which would serve the area east of Jackson Avenue.

Mr. Cvitanich said he is a member of the L I D Committee, and at the time of the hearing he felt it was very unfair that people were being assessed in the manner the L I D was presented.

Mr. Bott asked if it would be possible to put in a sewer on Fairview Avenue also, and asked if the people on Fairview Avenue would be willing to pay for a sewer.

Mr. Knecht said the property owners have committed themselves at the Public Hearing that they would be willing to pay for the sewers.

Mr. Rowlands asked Mr. McCormick to briefly explain why the City cannot eliminate that assessment unless the entire L I D is abandoned.

Mr. McCormick said, by State law property cannot be assessed on both sides of the street unless the property is specifically benefitted; and also the assessment of any of that property cannot be deleted. A sewer, in this instance, which would run along Jackson Avenue and will serve both sides of the street, requires that both sides of the street will have to be included in the assessment. If a sewer is put in Jackson and another one in Fairview Avenue, the problem is that property already being served with water or sewers cannot be assessed again, inasmuch as it would be of no further benefit to the property.

Mr. Rowlands said if the City proceeds with this L I D everyone would be assessed equally. Then, if the property owners on the west side do not want to connect to the sewer available, they have the privilege of putting in this other sewer at their own expense on Fairview Avenue.

Mr. Cvitanich said at the L I D hearing he requested that a positive policy be drafted in relation to the formation of Local Improvement Districts. The 74th Street area is an example, as is this Jackson Street area. He asked what the plans were for the west side slope. He asked if it would be more economical if the entire area were taken in as a group rather than small L I D's at a time, and if the University Place were annexed, what effect would it have upon this plan.

Mr. Rowlands said, in answer to Mr. Cvitanich's inquiry regarding the policy on the formation of L I D's, he felt that in the last three or four years the policy of the L I D Committee has been very well accepted and understood by the citizens of Tacoma. Mr. Rowlands said they would be very happy to make a report on what has been done in regard to forming L I D's. Then if there is any change the Council would like to make in the policy, it would be acceptable.

Mr. Knecht said what Mr. Cvitanich has reference to is that so many of these people are not aware of the proposed improvement until the date of the hearing; in other words, the people circulating the petition work only until they have a sufficient number of signatures, and this authorizes the department to set up a date of hearing.

Mr. Steele said the difficulty is that a petitioner will submit his petition to the department for an L I D, and then in the course of analyzing the petition and the surrounding area by the Public Works Department, they find it may be feasible to incorporate additional areas whereby the particular development will benefit other property owners, and consequently these other contiguous areas which were not included in the petition are included in the L I D when it is set up. Then the post cards go out advising these people for the first time of the improvement and the estimated cost. Mr. Steele said this is what happened in this L I D, as some of the property owners were not apprised of the improvement until they received a notice from the Department of the hearing. That was the big issue at the L I D hearing, and this was the particular reason it was referred to the Department for further study with the understanding that the property owners would endeavor to sign up everyone for 100% participation on their sewer on Fairview to serve the west side of Jackson.

Mr. Clifford A. Studholme, 1514 South Jackson Avenue, said he was not opposed to the sewers but did protest the manner in which the plan had been developed.

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He asked why the line had to go down the middle of Jackson and be put in much deeper than the ordinary depth of a sewer. He suggested that a line be put in on the east side of Jackson Avenue to accommodate the east side people. A line on Fairview Avenue would be useful to the properties located between Fairview and Jackson, he added.

Mr. Easterday leaving at this time.

Mr. Steele explained the reason the west side of Jackson was included in the L I D was that installing the sewer on Jackson Avenue would benefit the residents on the west side. The sewer on Jackson would be at the depth planned regardless of the location of the line.

Mr. Weller, 924 South Jackson Avenue, said they have been looking forward to sewers in this area. If the people living on the west side of Jackson are required to connect to a sewer on Jackson Avenue, they will be required to dig long trenches across their property since all the septic tanks face Fairview Avenue. Whereas, if sewers go down to Fairview, much shorter trenches will be required.

Mayor Hanson said nothing would please the Council more than to say to the property owners to go ahead with their own plans, but there is an engineering and a legal problem involved, and the Council must operate according to these facts. Mayor Hanson asked how long it would be before connections would be possible for Fairview Avenue.

Mr. Knecht said it would be approximately one year.

Mayor Hanson said it would delay development for this whole area then for one year.

Mr. Cvitanich said the Council should bear in mind that these people are willing to put in a sewer through cooperative effort, on the west slope of their street, to tie into the west end slope.

Mayor Hanson said, no doubt that is their intention, but it is a matter of facing the facts as they exist, and then determining how far the City can go in order to provide what the people want. The Council desires to be fair with everyone. In order to put in this plan that is proposed, prior to the extension of the line so as to avoid the double payment, the City would have to wait until Fairview sewer lines are put in, which would be approximately another year. If the Council grants the request which is desired by the people now, they will, in effect, be delaying someone else.

Mr. Steele said he did not think the Council should delay this work. The Council is trying to arrive at some agreement that will salvage something for the people on the west side of Jackson. As Mr. McCormick pointed out, the assessment of these people could be reduced, but before that could be accomplished, there would have to be some agreement with them, that when sewers are installed on Fairview Drive a year and a half hence, they would be assessed on Fairview also.

Mr. Rowlands said this section cannot be eliminated from the L I D unless the Council wants to pick up the \$11,000, but he thinks that some adjustment can be made. A report can be made to the Council on the progress of the matter.

Mayor Hanson told the interested parties if they desired to do so they could return to the next Council meeting at which time the matter will be discussed at the first of the Agenda. It would also be reported on at the L I D meeting on Monday, August 22, 1960.

COMMENTS:

Mr. Rowlands distributed a preliminary schedule of work on the Municipal Airport. He said he would like to brief the Council on the Airport schedule. In order to qualify for some \$768,000 grant from the F. A. A., he said these dates will have to be met. If these dates cannot be met, there is every indication that the City may lose out. The F. A. A. is expecting the City to proceed on schedule in order that they will be able to receive this grant offer by June 30, 1961.

Mr. Rowlands said the City would like to obtain as a mapping consultant Mr. Carl Berry, who is one of the few persons who have actually flown this area, and who has all of this information available. He added that it is anticipated that within the next few weeks they will be able to get the grant of \$104,000 so the City can proceed with the necessary work. In order to follow the schedule very carefully, the Public Works personnel should be authorized to contact Mr. Berry so that he can schedule his work accordingly, as time is of the essence. Mr. Rowlands said he would like to have authorization by the City Council to proceed in this matter.

Mr. Cvitanich commented on the fact that this was new material submitted to the Council. He said he believed it had been mentioned previously that any material not on the Agenda should not be brought before the Council on Tuesday night, inasmuch as they have not had an opportunity to study the material.

Mayor Hanson said he realized the instructions were to give the Council as much advance notice as possible, but there are matters that arise which are impossible to schedule ahead of time, he added.

Mr. Steele said the Council has simply been handed a time schedule which is a compilation of information already known to the Council. If a Resolution is necessary to accomplish the first step, then it can be presented to the Council next week.

Mr. Bott asked if it would be possible for the Council to receive this information at the beginning of the meeting rather than waiting until the matter arises.

Mr. Rowlands said he would be happy to do so. He said, quite often these emergencies arise and the staff did not have this completed until 6:00 P. M. today. He said he would like to get an expression from the Council if they would be interested in retaining Mr. Buckley to do the master plan work, and also Mr. Carl Berry, so that they can be notified and can arrange their schedules in anticipation of this August 29th date.

Mr. Steele said he will request that a Resolution be brought in hiring Mr. Buckley for the master plan preparation and Mr. Berry for the mapping.

Mr. Cvitanich mentioned that the Mt. Rainier Ordnance Depot was transferring some personnel although he did not know the number. He wondered what type of progress was being made on this matter.

Mr. Rowlands said they will have a report prepared on this, shortly.

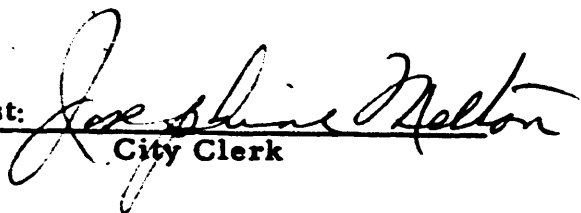
Mr. Rowlands said that on Friday, August 12, 1960, at 7:00 P. M., the Legislative Subcommittee will be discussing the Legislative proposal regarding obscene literature.

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Mr. Rowlands called the Council's attention to the editorial in the evening paper which supports the cities' request regarding 5% sales tax.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 12:20 A. M.


Mayor of the City Council

Attest: 
City Clerk