

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P.M.
Tuesday, February 8, 1966

Council met in regular session. Present on roll call
8: Bott, Cvitanich, Finnigan, Haley, Herrmann, Johnson, Murtland
and Mayor Tollefson. Absent 1, Mrs. Price.

Mr. Johnson moved that the minutes of the meeting of
January 25, 1966 be approved as submitted. Seconded by Mr.
Murtland. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

a. This is the date set for hearing on the petition
submitted by Thomas W. Healy for the vacation of North Winnifred
St., south of No. 42nd Street.

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

b. This is the date set for hearing on the petition
submitted by the Port of Tacoma for the vacation of a portion of
East 18th St. abutting Commercial Avenue.

No one appearing and no protests being made, Dr. Herrmann
moved that the proper Ordinance be drafted approving the vacation.
Seconded by Mr. Murtland. Voice vote taken. Motion carried.

c. This is the date set for hearing on the petition
submitted by Manfred J. Vierthaler for the rezoning of property
located at the N. E. corner of So. 96th and Hosmer St. from an
"R-2" to an "R-4-L" (as amended from an "R-4-L" to an "R-3-PRD")

Mr. R. Buehler, Director of Planning, explained that the
applicant had requested reclassification from an "R-2" District to
an "R-4-L" District. The Planning Commission, at its meeting of
January 3, 1966, recommended that the property be rezoned to an
"R-3-PRD" Planned Residential Development District. A letter was
received from Manfred J. Vierthaler, president of Vierthaler
Corporation, agreeing to the recommended cutback as well as to a
number of on and off site improvements.

Mr. Finnigan moved that the proper Ordinance be drafted
approving the rezone. Seconded by Mr. Cvitanich. Voice vote
taken. Motion carried.

PETITIONS:

a. Petition submitted by Robert E. Johnson requesting the rezoning of the property located south of So. 49th St. and west of Manitou Way from an "R-2" to an "R-3" District.

b. Petition submitted by C. I. Peckenpaugh requesting the rezoning of the property located at Sixth Ave. and Pearl St. from an "R-3" to a "C-2" District.

Referred to the Planning Commission.

c. Petition submitted by A. W. Bullis, et al requesting the rezoning of the property located at the NW corner of No. Pearl & Westgate Blvd. from an "R-2" to a "C-1" and "R-4-L" District.

Mayor Tollefson asked if this request is for the same property that was heard before the Planning Commission and was rejected, and an appeal was filed later which was heard before the City Council on January 25, 1966 and was turned down.

Mr. Buehler explained that this is the same property.

Mayor Tollefson said he felt there would be no advantage in submitting this petition as a decision has already been made.

Mr. Murtland explained that the petitioner had submitted a letter explaining that there was new evidence and new circumstances regarding the rezone, and felt these should be submitted to the full Planning Commission at this time.

Mayor Tollefson asked Mr. Buehler if he had checked the State Law, City Charter and our ordinances before submitting this matter to the Council for referral.

Mr. Buehler stated he had not found anything in the City's ordinance that said a petitioner could not resubmit a request.

Mr. McCormick, City Attorney, said there is nothing in the State Law that prohibits the refiling of a petition within a waiting period. He added, in all probability it would come to a matter of policy as to what the City Council would do on the matter. However, in the ordinance concerning this matter, it states that the City Council may refer a petition to the Planning Commission by motion. He assured the Council that he would look further into the matter.

Mr. Finnigan felt that the Council should allow the request to be referred to the Planning Commission at this point.

Mayor Tollefson stated, no matter what the Council's decision on this matter will be, they would be setting a precedent.

Dr. Herrmann moved that the petition submitted by A. W. Bullis, et al, be postponed for one week, until February 15, 1966, to allow the City Attorney to check into the matter. Seconded by Mr. Cvitanich. Motion carried.

RESOLUTIONS:

Resolution No. 18595 (Postponed from the meeting of February 1, 1966)

Authorizing a lease to the Lake Cushman Co. for lands surrounding Cushman 1 and 2 reservoirs for private and recreational development.

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

Mr. Murtland said he was not sure that the Consumer Price Index was the best yardstick to judge the value of the property.

Mr. Johnson asked about the possibility of substituting the language calling for periodic reappraisals of the land and arbitration of changes in the lease amount.

Mr. McCormick explained that one of the first things he had questioned was the feasibility of using this Index as a proper criteria for the evaluation every 5 years. However, making the lease amount subject to possible wide fluctuations, imposes a hardship on the developers in arranging long-term financing.

W. C. Dillaway, Jr., secretary-manager of the Pierce County Taxpayers Association, said he was concerned that the price index might fail to reflect the increase in Cushman land values. The reappraisal-arbitration approach is used by many federal agencies in leasing land. He felt the federal leases frequently were limited to 3 to 5 years and it hasn't seemed to hamper the arranging of financing by developers. He mentioned the Bureau of Indian Affairs as an example. He felt the 99-year lease was too long a period of time.

Dr. Herrmann felt the difference between the Forest Service and Bureau of Indian Affairs is that public funds are expended to improve and to do the kind of things that the Council is expecting private capital to do. However, the comparison may not be a proper one due to the controls that are in this lease.

Mr. Erdahl, Director of Utilities, stated the City would realize more money from this lease if some of the restrictions and controls were removed but the City is primarily concerned with the quality of the development.

Mr. Haley asked if there had been a formal bid opening.

Mr. Erdahl said publicity had been given to the fact that negotiations were in progress as early as last September 22nd, and no other specific proposals had been received by the department since that time.

The Resolution was passed by voice vote.
Ayes 6; Nays 2, Haley and Murtland; Absent 1, Mrs. Price.

Resolution No. 18609

Fixing Monday, March 14, 1966 at 4:00 P. M. as the date for hearing on L I D 6862 for intersection street lighting on No. 30th to No. 38th Sts., Stevens to Orchard Sts.

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

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

Resolution No. 18610

Awarding contract to Tucci & Sons, Inc. on its bid of \$24,017.12 for L I D 4769.

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

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

Resolution No. 18611

Abandoning sewer easement upon westerly 20 ft. of So. Fife St. as retained by Ordinance 16625 in vacation of said South Fife Street.

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

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

Resolution No. 18612

Authorizing the City of Tacoma to join the Puget Sound Governmental Conference and to adopt the Articles and By laws of the Conference.

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

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

Resolution No. 18613

Authorizing the City of Tacoma to enter into an agreement with the Amalgamated Transit Union, Division #758, relating to working conditions and effective January 1, 1966 to December 31, 1966, and from year to year thereafter.

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

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

Resolution No. 18614

Authorizing the private sale of property acquired by the City of Tacoma pursuant to L. I. D. foreclosure proceedings to Russell K. & Beatrice J. Schulze for \$437.42; to Ruth E. Nieto for \$233.00; to Ward W. and Pearl M. Green for \$208.00

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, Mrs. Price.

Resolution No. 18615

Authorizing private sale of City owned property near intersection of Waterview and McIntosh Streets to Harold P. Simonsen for \$280.80.

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

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

Resolution No. 18616

Accepting sealed bid for Parcel A from Linn S. Latourette and Bruce Kamhoot for property west of 1204 S. 27th St. for the sum of \$9,800.00 situated within the Center Street Urban Renewal Project, Wash. R-1.

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

Corey Richmond, Urban Renewal Director, stated the property in this Resolution, as well as the next Resolution No. 18617, is located on the west side of South 27th St. between Sheridan and J Streets. The Urban Renewal Dept. has recommended that the award be made to Linn Latourette and Bruce Kamhoot of Portland on their total bid of \$20,800, despite the fact that a Tacoma firm, Mayer Built Homes, Inc., had offered the City \$21,000 for the property. It was felt that the design and plans submitted by Mr. Latourette and Mr. Kamhoot were superior to those submitted by the Mayer Company. They propose to build two \$325,000 apartment buildings with one, two and three-bedroom units. The Mayer Company had proposed all four-bedroom units. This would imply that large families would occupy these units. The area is not adapted for large families since schools and playgrounds are a considerable distance away.

Mr. Kurtis Mayer, of the Mayer Built Homes, Inc., stated he felt there is a market for four-bedroom units and added that he had submitted only preliminary plans, which he felt could be flexible. He also questioned the ability of the Portland concern to properly manage apartments in Tacoma.

Mr. Mayer stated, this is a completely certified one-hundred percent cost project. The builder does not have a dime in the project. The whole philosophy behind the Government's program is to take public housing out of the hands of the Government and put it into the hands of private enterprise for this type of housing. He also felt this bid should be awarded to a local builder.

Mr. Richmond stated that this property is classified for residential use and the Government did not specify the type of a loan that had to be approved.

Mr. Richmond said the plans accepted by the Resolution still have to be approved by the Housing and Urban Development Dept. before the final decision is made.

Mr. Kamhoot explained their plans for the property. He added that this company has buildings in Seattle which they manage.

Mr. Bott said he was concerned about the proposed by-passing of a local high bidder in favor of an out-of-state bidder and moved that Resolution No. 18616 be postponed for two weeks, until February 23, 1966. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Resolution No. 18617

Accepting sealed bid for Parcel B from Linn S. Latourette and Bruce Kamhoot for property west of 1204 So. 27th St. for the sum of \$11,000.00, situated within the Center St. Urban Renewal Project, Wash. R-1.

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

Mr. Bott said since this Resolution is compatible with Resolution no. 18616, he moved that Resolution No. 18617 be postponed for two weeks, until February 23, 1966. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Resolution No. 18618

Commending Hugh Miller for the years of service he has devoted to the City of Tacoma as a member of the Board of Adjustment.

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

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

FIRST READING OF ORDINANCES:

Ordinance No. 18010

Amending Ordinance No. 17665 granting a railroad franchise to Oregon-Washington Railroad & Navigation Co. and its lessee, Union Pacific R. R. Co., by adding two new spur lines.

The Ordinance was placed in order of final reading.

Ordinance No. 18011

Relating to elections and precincts by amending Sections 1.14.203, 1.14.204 and 1.14.205 of the Official Code of the City of Tacoma.

The Ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18007

Appropriating the sum of \$1,843.18 from the General Fund to the Airport Fund and the sum of \$31,010.86 from the General Fund to the Police Relief and Pension Fund.

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

Ayes 6; Nays 1, Cvitanich; Absent 2, Herrmann (temporarily) and Mrs. Price.

Ordinance No. 18008

Authorizing the condemnation of property for additions, betterments & improvements for the Tacoma Municipal Airport.

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

Ayes 6; Nays 1, Cvitanich; Absent 2, Herrmann (temporarily) and Mrs. Price.

Ordinance No. 18009

Amending Chapter 12,06 of the official code relative to Regulations and Rates of Electric Energy by adding a new section 12.06.251-Mercury Vapor Outdoor Lighting-Rate Schedule H-2.

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

Ayes 8; Nays 0; Absent 1, Mrs. Price.

UNFINISHED BUSINESS:

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

L I D 4754 for permanent paving on Warner St. from So. 54th to So. 56th and other streets.

Dr. Herrmann moved that Monday, March 14, 1966 at 4:00 P.M. be set as the date for hearing for the above assessment roll. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Tacoma Planning Dept. monthly report for January 1966.
- b. Tacoma Employees' Retirement System report for January 1966.
- c. Tacoma Police Dept., Traffic Division, report for December 1965.

COMMENTS:

Mr. Rowlands announced that the State Highway Commission will meet with Pierce County representatives, State Legislators and the City Council to review their highway report of the tide-flats and N.E. Tacoma on Thursday, February 17, 1966 at 2:00 P.M. in the City Council Chambers.

Mr. Robert Evans, Chairman of the Washington State Arts Commission stated the city's only hope of landing the Joffrey troupe this summer seems to lie in the possibility of a federal matching grant for a regional tour program. He added, the National Council on the Arts, which will meet on the 12th of February to consider the allocation of federal arts funds for the fiscal year has shown some interest in the regional approach. He further stated he had attended a meeting in Chicago just the past week and learned if the funds were approved the national council would not underwrite the full amount. The matching funds in the amount of \$50,000 must be sought from the states, private arts organizations, interested individuals and possibly the cities involved. He said he is lining up an application based on summer touring companies which would cover Washington, Oregon, Alaska and possibly, Idaho, Montana and Hawaii. Further, besides the Joffrey ballet company, which, hopefully, would be based in Tacoma, funds would be asked to underwrite tours for the Seattle and Portland symphony orchestras and possibly a dramatic troupe headed by Stuart Vaughn, deposed Seattle Repertory director, now on the Reed College staff. 237 ✓

Mr. Rowlands said, since this is regional in scope, he thought that five to six thousand dollars could be obtained from the City of Tacoma and Pierce County.

Mr. Haley felt the Council should pledge an amount up to \$5,000 to help bring the ballet troupe here. He added, although formal negotiations have not been entered into with the Tacoma Elks Lodge, the old Elks Temple would be an ideal base for the Joffrey Company.

Mr. Bott felt this is out of the realm of the City to participate in any amount, as there are many worthy causes it could support. He said he would have to vote against the motion.

Mr. Cvitanich felt they have some responsibility toward those in the community who feel strongly about the ballet. He suggested that the City pledge an amount of \$2,500.

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Mr. Finnigan stated he felt it was improper to set a figure as far as the financial contribution from the City.

After some discussion Mr. Haley moved that the City support financially, to the best of its ability, the program of the Civic Arts Commission of Tacoma and Pierce County and Allied Arts in their endeavor to bring nationally recognized persons engaged in the performing arts to Tacoma and the Pacific Northwest. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

Mr. Haley asked to be excused from the Council meeting for the next two weeks.

Mr. Murtland moved that Mr. Haley be excused for two weeks. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

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

W. M. Jolly
Mayor of the City Council

Attest: *Josephine Merton*
City Clerk