

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, January 24, 1967

Council met in regular session. Present on roll call 6: Finnigan, Haley, Herrmann, Johnson, Price and Mayor Tollefson. Absent 3: Bott, Cvitanich and Murtland. Mr. Bott and Mr. Murtland coming in at 4:10 P. M.; Mr. Cvitanich arriving at 4:20 P. M.

Mrs. Price moved that the minutes of the meeting of Jan. 10, 1967 be approved as submitted. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

The City Planning Commission at its meeting on January 4, 1967 recommended denial of the Zoning Ordinance Text Amendment-Height Limits.

An appeal was filed on January 18, 1967 by Center Offices, Inc.

Suggested date for hearing is February 28, 1967.

Mrs. Price moved that Tuesday, Feb. 28, 1967 be set as the date for hearing on the appeal by Center Offices Inc. on the denial of the Zoning Ordinance Text Amendment--Height Limits. Seconded by Mr. Haley. Voice vote taken. Motion carried.

PETITION:

Petition submitted by Howard V. Krewson requesting rezoning of property located on the west side of Bell St. between So. 80th St. extended and So. 82nd from an "R-2" to an "R-4-L" District.

For referral to the Planning Commission.

RESOLUTIONS:

Resolution No. 19025

Fixing Tuesday February 7, 1967 at 4:00 P. M. as the date for hearing for the rezoning of property on the south side of So. 12th St. between Pine and Junett Streets. (petition of Peerless Laundry - E. V. Hudson)

Mrs. Price moved that the resolution be adopted. Seconded by Mr. Johnson.

The Resolution was passed unanimously by voice vote.
Ayes 6; Nays 0; Absent 3, Bott, Cvitanich and Murtland.

Resolution No. 19026

Establishing a ten minute parking zone in front of 944 Court E between the hours of 8 A. M. and 6 P. M.

Mr. Haley moved that the resolution be adopted. Seconded by Mrs. Price.

The Resolution was passed unanimously by voice vote.
Ayes 6; Nays 0; Absent 3, Bott, Cvitanich and Murtland.

Resolution No. 19027

Accepting the Final Plat of Barlow First Addition located on the southwest side of Browns' Pt. Blvd. in the vicinity of 43rd St. N. E. extended.

Mr. Haley moved that the resolution be adopted. Seconded by Mrs. Price.

The Resolution was passed unanimously by voice vote.
Ayes 6; Nays 0; Absent 3, Bott, Cvitanich and Murtland.

Resolution No. 19028

Awarding contract to Norwest Concrete on its bid of \$6,116.99 for L I D 4787.

Mr. Bott and Mr. Murtland coming in at 4:10 P. M.

Mrs. Price moved that the resolution be adopted. Seconded by Mr. Johnson .

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

Resolution No. 19029

Authorizing the proper officers of the City to execute a conditional real estate contract to Floyd H. & Phyllis L. Enemark for vacated land located on No. 40th, 42nd, 46th and 48th Streets.

Mr. Haley moved that the resolution be adopted. Seconded by Mrs. Price.

Mr. Sankovich, Assistant City Manager, explained that in keeping with the Council's policy, the City had a public sale. There are now about 175 parcels to be sold. It is hoped that three more sales will be held this year so the property can be put back on the tax rolls.

Mr. Finnigan asked how these properties are put up for sale.

Mr. Earl Mittelstaedt, Assistant Finance Director, explained that a bidder asks that a piece of property be put up for sale. The City then advertises at the time and place set for the sale.

Mayor Tollefson explained that the City was not interested in a profit, but to realize enough money to pay its investment.

Mr. Sankovich said the City notifies all public agencies in the area, including the State to determine if they have any interest in the property. Likewise

these agencies inform the City of any property they have for sale.

Mr. Buehler, Director of Planning, alerted the Council that there are quite a number of parcels of property in the Center Street area that should not be sold as it will be the future extension of the Freeway to Bantz Blvd.

Mr. Cvitanich arriving at 4:20 P. M.

Mr. Finnigan asked what procedure the City has to go through to make claim to the property that has delinquent taxes.

Mr. McCormick, City Attorney, explained that each year the City forecloses on all delinquent L I D properties. The City then takes the case to court, then usually the property owners will pay the assessments, but if they do not pay the assessment a lien is put on the property and the property owners have two years to redeem the property. Occasionally the County forecloses on the same piece of property due to failure of paying the property taxes, then by the City paying the property taxes, the property is owned by the City.

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

Resolution No. 19030

Authorizing the proper officers of the City to execute a conditional real estate contract to Fred N. & Paul M. Shuffield for vacated land on So. Monroe between So. 67th and So. 69th Streets.

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

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

Resolution No. 19031

Authorizing the proper officers of the City to execute a conditional real estate contract to Mrs. Hazel Olson for vacated land on So. Lawrence St. between So. 47th and So. 48th Streets.

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

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

Resolution No. 19032

Authorizing the proper officers of the City to execute a conditional real estate contract to Frank A. & Maria C. McMillan for vacated land on So. 57th east of Alaska Street.

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

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

Resolution No. 19033

Authorizing the proper officers of the City to execute a conditional real estate contract to Thomas E. & Doris J. Maestas for vacated land located at No. 33rd and Madison, in Gulch.

Mr. Haley moved that the resolution be adopted . Seconded by Mrs. Price.

Mayor Tollefson remarked that he was concerned that more City gulch property isn't in public ownership and suggested that the Council meet with the City Planners and Park Board members to discuss a policy regarding the gulch property for the City.

Mr. Buehler noted that a City Planning report on open space issued last year favored public ownership of gulch and slope areas in the City. He agreed with Mayor Tollefson that a policy discussion should be set up with the Park Board. It is true the City and County have declined to acquire more gulch property.

Mayor Tollefson thought, perhaps, this is one piece of property that the City should not let go.

Mr. Buehler pointed out on a map the complete area comprising Mason Gulch. He noted that approximately 15 years ago, a program was initiated to retain gulch property, but the Park Board generally has declined to acquire gulch property and has sold some.

Mr. Cvitanich said that the other property owners near this property should also be consulted.

Mayor Tollefson suggested that the Planning Dept. check the ownership of the property and that the Planning staff and Park Board members get together to discuss the policy of retaining gulch property.

Mr. Sankovich stated the staff would submit a report within the next two weeks.

Dr. Herrmann moved that the resolution be postponed for two weeks, until Feb. 7, 1967. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried .

Resolution No. 19034

Authorizing the proper officers of the City to execute a conditional real estate contract to E. L. & Deanne Ecklund for vacated land on So. Junett St. between So. 50th and So. 51st Streets.

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

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

Resolution No. 19035

Authorizing the proper officers of the City to execute a conditional real estate contract to Gay A. & Beulah Tronson for vacated land at So. 88th St. west of Thompson Ave.

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

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

FIRST READING OF ORDINANCES:

Ordinance No. 18212

Amending Chapter 13.06 of the official code of the City by adding a new section 13.06.050-15 to include property on the S. E. corner of So. 56th and J Sts. in an "R-3" District. (petition of Johnnie Babnick)

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18211

Amending Chapter 13.06 of the official code by adding a new section 13.06.062-1 to include property bounded by Pearl, No. 30th, Highland and No. 31st Sts. extended in an "R-4-PRD" District. (petition of Tacoma City Planning Commission)

Roll call was taken on the ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of improvement L I D 6851 for street lighting in Asotin, Cushman, Ainsworth, Sheridan and L Sts. from So. 72nd to So. 80th Streets.

Mr. Haley moved that Monday, Feb. 27, 1967 be set as the date for hearing on the assessment roll for L I D 6851. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Fire Dept. for the month of Dec., 1966.
- b. Report from the Traffic Division for the month of Nov., 1966.

COMMENTS:

Mr. Sankovich, reminded the City Council that there will be a meeting with the Legislative Committee in the Council Chambers on Thursday at 10:00 A. M., Jan. 26, 1967.

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On Feb. 1st, 2nd and 3rd, 1967 there will be a Northwest Roads and Street Conference at the University of Washington and any Council member that can attend can contact the staff and transportation will be provided. A bulletin will be sent to the Council members in regard to the particular session.

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Mayor Tollefson announced a conference to be held in Wenatchee on water distribution. He hoped that some of the Council members can attend. He said this might have an effect on Tacoma's watershed and reservoir areas. He asked that the Council members be sent a program of the conference.

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Mayor Tollefson reported that Mr. McCormick and Mr. Sankovich attended a meeting at Olympia this morning at 8:30 A. M. This meeting was relative to a possible change in the laws of condemnation in the amounts of costs that could be assessed against the City for appraisal fees, moving fees, etc. This was reviewed yesterday and our staff was in accord, that in condemnation, the City is committed to pay stated costs of the property owner.

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The one thing that concerned the City particularly, was the change that would permit the court to assess the attorney fees against the City in the event the property owner resisted the offered settlement, and the settlement fixed by the jury was in excess of the highest offer made by the City. It was his opinion that this was contrary to public policy, because as a practicable matter, a person served with condemnation notices, who has met with the appraisers of the City, there would never be a settlement, because the property owner would never lose as he would, at least, receive the highest amount that the City offered. If he received one dollar more, the court would accept the attorneys fees, which could become a considerable amount of money, and it would tend to throw any settlement out of court.

He added, he was instructed that anything that would tend to create litigation or extend litigation was wrong, because, if possible, people should settle their differences out of court. But, as a practicable matter, the policy of the law, the property owner could always go to court because he could never lose. It is not the policy of the law to allow the attorney's fees in general litigation be set by the court. This would induce litigation at the court level, rather than induce settlement out of court. On a contract basis, it is a different story. He presumed that this particular bill would be amended to take care of the above aspect of condemnation.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 5:20 P. M.

M. Tollefson

Mayor of the City Council

Attest: *Josephine Mecton*

City Clerk