

CITY COUNCIL MINUTES

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City Council Chambers, 4:00 P. M.
Tuesday, May 7th, 1968

Council met in regular session. Present on roll call 9: Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Zackovich and Mayor Rasmussen.

Mrs. Banfield moved that the minutes of the meeting of April 23, 1968 be approved as submitted. Voice vote taken. Motion carried.

Mr. John Bronow, Chief of the Utility Services Division, introduced Mr. Ron Burgess of the Tacoma Junior Chamber of Commerce.

Mr. Burgess explained that during the last couple of weeks the City has participated in a "Clean-up--Fix-up program". He said a program sponsored by the Tacoma Jaycees will be held at the City's Refuse area on Saturday, May 11th, 1968 beginning at 10 A. M. until 2:00 P. M. Many activities have been planned such as a model car show, treats for the children, etc. He added, on behalf of the Tacoma Jaycees he would like to extend an invitation to Mayor Rasmussen and members of the City Council to attend this program.

Mayor Rasmussen thanked Mr. Burgess for the invitation.

Mayor Rasmussen introduced Mr. Arthur R. Dammkoehler, Director of the Regional Pollution Control Dept. of the Puget Sound Air Pollution Control Agency. 347

Mr. Dammkoehler explained that their control agency is governed by a Board of Directors and is a Multi-County Agency made up of King, Pierce and Snohomish Counties. There are seven members on the Board, one County Commissioner from each County, one representative from each largest city in the County and the seventh member from the public at large. There is a five member advisory board which was set up under the State law, three of the members represent the general public and two represent industry. One of the treasurers and auditors from one of the three Counties maintains the funds and books for the agency. The funding of the Agency comes from three sources, the State, Local and Federal governments.

He noted that additional personnel will be recruited when the air-monitoring equipment becomes available. The most important program of the Agency is the abatement, surveillance and enforcement of air pollution. At the present time, under the regulations, they are involved in planning and implementing abatement programs and establishing a planning view system where all new installations of potential air pollution emissions would be recorded to determine if these industrial processes conform to the regulations. He further added, they are in the process of registering significant air pollution sources in the three County areas.

Mr. Dammkoehler said this was the first phase of their program and the second phase will be instituted in about two years. The third phase is about five to seven years away which would involve solid waste problems etc.

Mayor Rasmussen explained many complaints had been received relative to the Tacoma Smelter since it had resumed operation as the fumes seem to affect certain areas of the City. He asked, in the event the computer of the agency shows that levels of pollution are rising, what could be done.

Mr. Dammkoehler stated the Smelter could be contacted and advised of the excess emissions of air pollution and that they must decrease their operation. Provisions will also be made for mobile type sampling station.

Mayor Rasmussen stated, the Agency does have the power to tell industries if they are surpassing the air pollution limit, and if they do not comply with instructions, a penalty can be enforced.

Mr. Cvitanich asked how many mobile units are to be in operation within the next year, and how is it determined where the mobile unit is to be assigned.

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Mr. Dammkoehler explained that one of each category will be in operation and will be assigned to the most acute problem spot.

Mr. Cvitanich asked if there were any means of measuring the stack emissions at the Smelter in terms of sulphur dioxide.

Mr. Dammkoehler said the regulations allow measuring the stack emissions by an instrument that would record it automatically and then monthly averages can be provided to the Agency.

Mr. Cvitanich said, then at the present time the Smelter is providing the agency with their statistics.

Mr. Dammkoehler said their chart is checked periodically.

Mr. Cvitanich said, since 50 to 80% of air pollution is attributed to automobiles, why isn't there any regulation to take care of this problem in Regulation I.

Mr. Dammkoehler remarked that the Federal government has set standards that the 1968 cars have to be equipped with engine modification. It is felt that the older cars will phase out automatically within a few years. This will reduce the total level of emission. However, the State is taking over the standards on vehicles.

Mr. Finnigan explained that many different areas and people are effected by the fumes. He asked what can be done about this problem.

Mr. Dammkoehler stated a criteria should be established by the Board to protect the weaker segment of the population. He mentioned that the burning of houses, etc. in areas of the Cities has been partially restricted.

Mr. Finnigan asked if there were other agencies in the State.

Mr. Dammkoehler said there are three agencies, the Olympic Agency, Northwest Agency and the Washington State Agency. The telephone number for the Agency in Tacoma is FU 3-5851, which is listed under the Puget Sound Air Pollution Control Agency.

Mr. Cvitanich asked if anything is going to be done for Tacoma this summer.

Mr. Dammkoehler remarked that programs are being set up to check on Industries to determine if they are meeting the requirements of the law, if they do not, appropriate action will be taken.

Mr. Finnigan said there are a great many older apartment houses that have incinerators within the buildings and he understood that the agency is forcing these owners to close down the incinerators. He asked if the agency has the financial means to give any financial relief to these apartment owners to either fix up their incinerators or in the event they are asked to eliminate the incinerators, if they would help pay for disposing of the rubbish.

Mr. Dammkoehler stated these older apartment buildings are now required to meet the standards of the regulations by upgrading their incinerators or by hauling the rubbish away, however, the owners decide which is the best for them. There is no financial relief for the owners from the agency.

Mr. Cvitanich felt the agency was not solving the problem. He mentioned that in the Health, Education and Welfare Report it stated that .5 part per million of air pollution at ground level was harmful to humans and the agency's standard was 1 part per million. He felt there was quite a discrepancy.

Mr. Dammkoehler said this is being reviewed and it will no doubt be changed.

Mrs. Banfield asked how the agency is going to enforce the regulations so that the Smelter will not create a problem in the future.

Mr. Dammkoehler answered, that the agency will set up regulations so that there is an understanding that a limit is set where they can, or cannot operate.

Mr. Cvitanich asked when they proposed to have the total system in operation.

Mr. Dammkoehler said the mobile station sampling will be in operation within a month.

Mayor Rasmussen thanked Mr. Dammkoehler and felt that many of the air pollution problems plaguing the City will soon be over.

HEARINGS & APPEALS:

a. This is the date set for hearing for the vacation of the alley between So. 16th & 17th Sts. immediately east of Walters Road, submitted by John Bourgaize.

No one appearing and no protests being made, Dr. Herrmann moved to concur in the recommendation of the Planning Commission to approve the vacation and that an ordinance be drafted approving same. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

b. This is the date set for hearing for the rezoning of approximately 560 feet west of Alaska St. between So. 80th & 82nd Streets, submitted by Richard L. Erdahl.

Mr. Stan Wiley, Assistant Director of Planning, pointed out that originally Mr. Erdahl's request was for the entire area to be rezoned to an "R-4-L PRD". However, the Planning Commission recommended that the easterly portion be rezoned from an "R-2" to an "R-3 PRD" District, and the westerly portion be rezoned from an "R-2" to an "R-4-L PRD" District. The applicant has submitted a written statement agreeing to the Commission's recommendation. This request has been submitted in order to develop a one-hundred unit apartment complex, he added.

Mr. Wiley noted there has been considerable opposition from the neighbors within an area bounded by So. 72nd, Hosmer St. and So. 84th St. as they felt the planned development would generate considerable traffic to the north and east of the proposed rezoning area. However, agreements with Mr. Erdahl for an on and off site improvement relative to screening, limited vehicular access points and possible traffic controls have been reached.

Mr. Wiley mentioned it has come to their attention within the last week that if the closure of Alaska St. in this area is consummated, Mr. Erdahl has said he would not be willing to dedicate the land for the cul-de-sac turn around. The Planning Commission has not had an opportunity to consider this situation in its stipulations for approval.

Mayor Rasmussen said it was his understanding, rather than closing Alaska St. the Public Works Dept. was to check into all the aspects of the traffic problem. He said the area is becoming quite a controversial subject as he had also been asked about a playground area within the development.

Mr. Wiley pointed out on the map the number of playground areas within five and six blocks of the planned development.

Mr. Keither McGoffin, Attorney representing the petitioner, Mr. Erdahl, submitted a new projected plan to the City Council relative to the development. He pointed out there would be no entrance or exit on 80th St. He felt this would be reducing the possibility of anyone from this development using Alaska St. to travel north. They would come out to Hosmer St. from the development because there is a traffic light on 72nd St. and Hosmer. He mentioned that the greatest traffic problem lies between 80th St. and 72nd St. through the Hokold development. He felt that the conditions as set forth by the Planning Commission can be met. Mr. Erdahl does own the adjoining property to the west and the projected City comprehensive plan is that the property on Hosmer would be for freeway purposes. He felt that the question on the cul-de-sac was not so much the dedication of the land but the cost to Mr. Erdahl in putting in the cul-de-sac, as they do not have a projected plan to develop their other land for single-family dwellings. At the time of development of the single family dwelling area, he was sure Mr. Erdahl would consider setting out a driveway so a cul-de-sac could be utilized.

Mr. McGoffin added, they would certainly assure screening between the development and the single family homes to give protection.

Mr. Gary Noyer, 1742 So. 80th and Mr. Robert Lucey, 1738 So. 80th, noted that most of the single family dwellings in that area are three bedroom homes, and if they had to resell their homes it would be difficult because of so many apartment developments in the area. Mr. Noyer noted that the petition against this development which had (157) signatures was at least (95%) of the property involved.

Mr. Wiley pointed out that the conditions recommended by the Planning Commission would go with the land regardless of who owns the land. He reiterated, (1) there would be no vehicular access to 80th St. (2) that there is an open-space buffer at this location, (3) that the petitioner works with the City on the possibility of a cul-de-sac closure, (4) to keep traffic off of the area where Mr. Noyer and Mr. Lucey reside.

Mrs. Banfield asked if there was any provision that could be put in an agreement, that in the event Mr. Erdahl did not build within a certain length of time, that the property would revert back to the original zoning.

Mr. Marshall McCormick, City Attorney, remarked that that would be conditional zoning and it is felt that the City zoning ordinance would have to be changed to provide for such zoning. The Planning Commission sets conditions into an agreement with the petitioner and then it is filed in the County Auditor's office which makes it a covenant running with the land. He felt a time limit in the agreement or in the zoning ordinance would be highly questionable. He also felt the conditions would cover any situation as the building permits are not issued until those are met.

Mr. Murtland felt, perhaps, the entire area should be zoned an "R-3-PRD" and allow for only (75) units instead of (100) units, which would cut down on the density.

Mr. Wiley explained that 2/3rds of the area will be zoned as "R-3-PRD" now. He pointed out on the map the other 1/3rd that is being recommended by the Planning Commission is for an "R-4-L PRD" District.

Mr. McGoffin, Attorney, stated if all the area were to be zoned an "R-3-PRD" and cut to (75) units, it would require building duplex structures throughout, and this would not be economically feasible.

After further discussion, Dr. Herrmann moved to concur in the recommendation of the Planning Commission to approve the rezone and that an ordinance be drafted approving same. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

c. This is the date set for hearing for the rezoning of the west side of Pacific Ave. between So. 76th & Spooner St., submitted by William G. Veris.

No one appearing and no protests being made, Dr. Herrmann moved to concur in the recommendation of the Planning Commission to approve the rezone and that an ordinance be drafted approving same. Seconded by Mr. Bott. Voice vote taken. Motion carried.

d. The City Planning Commission recommending denial of the petition submitted by Luzon J. Mondau for rezoning of the S. W. corner of So. 15th and Sprague Ave. from an "R-2" and "R-4-L" to a "C-1" District.

Last day to file an appeal was April 29, 1968 and an appeal was filed on April 26th.

The suggested date before the City Council for the hearing is June 11th, 1968.

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Mr. Bott moved that June 11th, 1968 be set as the date for hearing on the above recommendation for denial. Seconded by Mrs. Banfield. Voice vote taken. Motion carried.

e. The City Planning Commission recommending denial of the petition submitted by Norman A. Runyan et al for rezoning of the N. W. corner of So. 56th and Cheyenne St. from an "R-2" to a "C-2" District.

No appeal was filed.

Dr. Herrmann moved to concur with the recommendation of the Planning Commission to deny the above rezone. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

f. The City Planning Commission recommending denial of the petition submitted by Jack E. Anderson requesting rezoning of the east side of Jackson St. approximately 300 feet north of So. 19th from an "R-1" to an "R-3" District.

No appeal was filed.

Mr. Bott moved to concur with the recommendation of the Planning Commission to deny the above rezone. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

g. The City Planning Commission recommending denial of the petition submitted by Daniel M. Mullen requesting rezoning of the S. E. corner of So. 74th & Prospect from an "R-2" to an "R-4-L" District.

No appeal was filed.

Mr. Murtland moved to concur with the recommendation of the Planning Commission to deny the above rezone. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

PETITION:

Petition submitted by Alfred R. Orlando requesting rezoning of the S. E. corner of No. 7th & Orchard St. from an "R-2" to an "R-4-L" District.

Referred to the Planning Commission.

COMMUNICATIONS:

Communication from the Department of Housing & Urban Development relative to the CRP Application.

Placed on file.

RESOLUTIONS:

Resolution No. 19690 (postponed from the meeting of April 30, 1968)

Authorizing the sale of property to Dean Witter & Company over above and under the escalades on So. 12th St. between Pacific Ave. & Commerce St. for the sum of \$5,000.00.

Mr. Johnson moved that the resolution be adopted. Seconded by Mr. Murtland.

Mrs. Banfield felt that this property should be leased to Dean Witter & Co. rather than selling it for \$5,000 which is not a fair cash market value for the air-rights.

Mr. Zatkovich remarked, perhaps the escalade could be sold out right to Dean Witter & Co.

Mayor Rasmussen asked Mr. Donald McGoldrick of Swanson-McGoldrick, Inc. who appraised the land to explain how he arrived at the price of \$5,000 for air rights on this property.

Mr. McGoldrick explained in arriving at the appraisal fee he had given consideration to the area above the inclined plane going from Pacific Ave. to Commerce St. to a width of (16) feet. The bulk of the net income of any property downtown is generated from the ground-floor level. Therefore, the value of the upper areas, or the air rights, will tend to be toward the lower end of the bracket. He felt the gross annual rental received, deducting a vacancy allowance of 10%, would amount to \$36,382.50. From that figure operating costs, real estate taxes and depreciation costs were deducted leaving the figure of \$5,000.

Mayor Rasmussen felt the City should take a portion of the gross rental and lease the air rights rather than sell them.

Mr. James Wright, Acting Director of Urban Renewal, mentioned that Dean Witter & Co. has now proposed a six-story building design which is a much improved proposal than the two-story design building and it will be eight times as much in value, and an appreciable amount of taxes will be charged. He was wondering if a lessee would bring in as much under those circumstances.

Mayor Rasmussen felt the City should not give something away that was worth a lot more money than \$5,000.

Dr. Herrmann pointed out that the escalades were built for the vertical movement of people from Pacific Ave. to Commerce St. and will still be used for that purpose. He felt the architect and Dean Witter & Co. should be commended for the manner in which they plan to incorporate the escalade architecturally into the building.

Mr. Finnigan pointed out that the (16) feet that the Mayor refers too is adjacent to the (34) feet that is slated for open-space under the Urban Renewal programming. The escalades were voted on by the people. Mr. Finnigan said he would like the architect for the building to explain the plans to the Council.

Mr. Robert Evans, Architect for the building, pointed out on a map the new six-story planned building for Dean Witter & Co. and explained they are making every attempt to coordinate the Commonwealth Ins. building which is adjacent to the Dean Witter & Co. building.

Mr. Floyd U. Jones, Manager of Dean Witter & Co., explained he would like to correct one statement, that his company is not buying the escalade and they have no interest in the escalade, but they do wish to buy the air rights as they cannot obtain financing on a building as large as this on a leased basis. He explained that the new building will have a property tax billing in the amount of approximately \$34,000 a year. He explained the operations of Dean Witter & Co. He felt the company was a fine contribution to the City of Tacoma and they wish to enlarge.

Mayor Rasmussen still felt that the company should pay at least \$23,000 for the air rights.

Mr. Jones stated, such a plan would rule the project out of existence. However, they felt the six-story building would be an asset to the City of Tacoma.

Mr. Cvitanich explained the bond issue that was proposed to the people of the City stated that the escalades would be constructed and the downtown merchants would come forth with \$750,000 for the accompanying garages to be built along side of the escalades, but the money never came forth, as a result the garages were not constructed. He could see the Mayor's concern in regard to these air rights.

Mayor Rasmussen stated he was going to vote 'no' on this resolution and he felt the Councilmen would be remiss in their duty if they allowed the air rights

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to be sold for \$5,000.00.

Mr. Johnson stated, if the Council approves this building there will be approximately \$34,000 a year in taxes and if they do not accept it, only \$2400 will be paid in taxes. In addition, a beautiful building which affords opportunities for more jobs will be built. He felt this will be a decided asset to the downtown area. He said he would vote 'yes' on the resolution.

Mr. Zatkovich wondered if it could be possible to have Dean Witter & Co. maintain the escalade.

Mayor Rasmussen moved that the figure of \$20,000 be substituted for \$5,000 in the resolution. Seconded by Mr. Cvitanich. Roll call was taken. Ayes 2: Nays 7; Banfield, Bott, Cvitanich, Finnigan, Herrmann, Johnson and Murtland. Absent C. Motion lost.

Mr. Zatkovich moved to postpone the resolution for two weeks to seek more information. Seconded by Mrs. Banfield. Roll call was taken. Ayes 4: Nays 5; Bott, Finnigan, Herrmann, Johnson; and Murtland. Motion lost.

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

Ayes 5: Nays 4: Banfield, Cvitanich, Zatkovich and Mayor Rasmussen. Absent 0. The Resolution was declared passed by the Chairman.

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Resolution No. 19691 (postponed from the meeting of April 30, 1968)

Authorizing the proper officers of the City to execute and deliver all instruments necessary and proper to consummate the approval of a proposed six-story structure located on Parcel 17-B within the New Tacoma Urban Renewal Area Wash. R-14 to Dean Witter & Company.

Mr. Johnson moved that the resolution be adopted. Seconded by Mr. Murtland.

Mayor Rasmussen stated he understood that the new buildings in the Urban Renewal area would be constructed low-level buildings so as to make Tacoma a more beautiful city.

Mr. Wright, Acting Urban Renewal Director, explained there has never been any height restrictions placed on any specific parcel. The density of the redevelopment area has been under consideration, but the height has not.

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

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Resolution No. 19693

Fixing Monday June 24th, 1968 at 4 P. M. as the date for hearing for L I D 3659 for sanitary sewers in No. 27th from Narrows Place to Bridgeview Drive and other nearby streets.

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

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

Resolution No. 19694

Awarding contract to Tucci & Sons, Inc. for W. O. No. 55641 on its bid of \$92,152.06.

Dr. Herrmann moved to adopt the resolution. Seconded by Mr. Johnson.

Mayor Rasmussen asked Mr. Schuster to explain the substitute resolution.

Mr. Schuster, Director of Public Works, explained that this project is for the removal of the various utilities that are now in Court A between So. 12th and So. 31th St. which has been vacated to the National Bank of Washington. The total cost of the project will be paid by the National Bank of Washington and at no cost to the City of Tacoma. The substitute resolution spells this out in detail.

Mr. Cvitanich moved to accept the substitute resolution. Seconded by Mr. Johnson. Voice vote taken. Motion carried.

The Resolution was passed unanimously by voice vote.

Ayes 9; Nays 0; Absent 0.

Resolution No. 19695

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Awarding contract to Randolph & Hardy for W. O. No. 54949 on its bid of \$3,134.00.

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

Mr. Burton W. Lyon, Jr., Attorney, representing Dr. Raymond Magnuson, stated that his client is the owner of the building for which this contract for demolition is being discussed. He said there has been an inadvertent omission of notifying all prospective bidders. Mr. Don Murphy did not receive a bid for this project, and when Dr. Magnuson became aware of this omission, he found that Mr. Murphy's bid was \$500 better than the low bid. Mr. Lyon said he had notified the Board of Contracts and Awards on April 23, 1968 explaining the situation and that Dr. Magnuson is requesting that the City reject the bids that have been made and readvertise for this demolition job.

Mr. Schuster, Director of Public Works, explained that the original letter addressed to Dr. Magnuson relative to the demolition of this property was sent through certified mail on May 10th, 1967, notifying him of a hearing set for Aug. 2nd, 1967, but at the request of Mr. Lyons representing Dr. Magnuson the hearing was delayed until Sept. 6th, 1967. The demolition hearing was then held on Oct. 24th, 1967 and a notice was sent again by registered mail to Dr. Magnuson requesting that the building be demolished by Dec. 15th, 1967. The Department has waited four and one-half months and Dr. Magnuson has taken no action to demolish the building, therefore the Department has called for bids for the removal of the building.

Mr. Schuster said, he appreciated Dr. Magnuson's concern for saving a certain amount of money which his attorney has brought to the attention of the Council, however, he did have to opportunity to demolish the building himself.

Mr. Schuster explained that bids were received from a number of contractors but it was after these bids were received and opened by the City that Mr. Murphy's bid was received, saying that he could demolish the building for less than what was bid.

Mr. Bott asked if Dr. Magnuson would have the right to demolish the building on his own.

Mr. Schuster stated at this time the City would preempt the right if this contract were awarded, as Dr. Magnuson has had since last October to take care of the matter.

Dr. Herrmann stated the successful bidder on this contract was Randolph & Hardy from Buckley. Mr. Lyons has indicated that Mr. Murphy was not contacted and he asked if Mr. Murphy had the same opportunity to bid as the other contractors.

Mr. Schuster stated the Purchasing Dept. has, as a matter of courtesy over the years, notified the contractors if they had a contract for which they were interested. Inadvertently Mr. Murphy was not notified of this, however, all the legal advertising was done as was required by law. The Purchasing Dept. had tried to contact Mr. Murphy but did not reach him by phone.

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Mr. Bott moved that Resolution No. 19695 be postponed for one week, until May 14th, 1968. The motion failed for want of a Second.

Mr. Johnson felt it was very unethical to allow a person to submit a bid after the bids were opened.

Mr. Cvitanich felt that the responsibility should not be left to one person in a Department to call these contractors. If the bids are advertised in the Tacoma Daily Index that should be the responsibility of the contractor to note.

Mr. Schuster stated that action has been taken and the next time if a contractor is unavailable to be contacted by phone, a letter will be sent.

After some discussion, Mr. Bott moved to delay action on this resolution for one week, until May 14th, 1968 so the Council can receive more information. Seconded by Mr. Zatkovich. Voice vote taken. Motion carried.

The Resolution was postponed until Tuesday, May 14th, 1968.

Resolution No. 19696

Awarding contract to Lige Dickson Company for W. O. No. 54965 on its bid of \$1,901.90.

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

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

Resolution No. 19697

Awarding contract to four separate bidders for the purchase of cars for the Police, Fire and Public Works Department.

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

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

Resolution No. 19698

Authorizing the proper officers of the City to execute and deliver to Virginia M. Richardson a local improvement deed for property located between No. Ferdinand and Mullen & 27th and 28th Streets, for the sum of \$36.96.

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

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

FIRST READING OF ORDINANCES:

Ordinance No. 18573

Amending the pay and compensation plan to reflect the pay increases provided in the Electrical Workers Agreement for certain employees of the City, effective as of April 1, 1968.

The ordinance was placed in order of final reading.

Ordinance No. 18575

Providing for charges for the vacation of streets and alleys to conform with the 1967 Session Laws.

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Mr. Stan Wiley, Assistant Director of Planning, explained that the Planning Commission had submitted a letter to the Council in January of 1968 explaining that they felt there were some basic policy considerations that should be taken into account on this matter, and they suggested that it be thoroughly reviewed before an ordinance was submitted. As a result the City Council referred the matter to the Planning Commission at that time. A meeting was held in February and April and it was felt that some additional time should be allowed and suggested the matter be set over until May 20th, 1968. Subsequently this ordinance was brought before the Council, however, a study session was held this afternoon and it was suggested that a member of the Real Estate Board and Mr. Johnston, Realtor, who is protesting the proposed ordinance, appear before the Council this evening.

Mr. Wiley noted that the Planning Commission has set a special public meeting for next Tuesday, May 14th, 1968 at 1 P. M. where a final recommendation could be made before the Council meeting at 4 P. M.

Mr. Cvitanich explained that this particular ordinance was referred to the Planning Commission as a matter of courtesy in Nov. 1967 and at last Monday's Planning Commission meeting it was brought up, as there had been a study session held at which time a member of the Planning Commission, who is also a member of the Real Estate Board requested a week's continuance. Mr. Cvitanich felt since this has been discussed for approximately six months, it was incumbent of every member of the Council and the Planning Commission to reach a decision.

Mr. McCormick, City Attorney, said the ordinance as now drafted was the result of a State statute which was passed in 1967. He said he has information that Seattle has been charging for the vacations for some time and years ago Tacoma did also. However, it was concluded that there was no statutory authority stating it was legal so the City of Tacoma had discontinued the practice and adopted the \$100 processing fee. The State Legislature passed the act that authorized this procedure, consequently, this ordinance was drafted pursuant to that State enabling law.

Mr. McCormick continued, insofar as the ordinance itself is concerned, there was some feeling of the Council that in the instance where the right-of-way was dedicated to the City from a private owner for street purposes, that there should be no appraised value fixed on the property assessed as a condition of the vacation. The Legal Dept. felt insofar as the processing was concerned, it would be impossible to check all previous deeds, therefore, a proviso is set in the ordinance that, "in no event shall compensation be required from property owners where the right-of-way proposed for vacation was conveyed to, or dedicated by deed, for street purposes."

Mr. McCormick added, that Seattle has been operating under their own ordinance and it has not been questioned, and the State did pass the act in 1967 authorizing the cities to charge, therefore, he felt it wasn't unconstitutional to draft this ordinance for passage.

Mr. Cvitanich stated, that it was his hope that this particular ordinance would have the City of Tacoma conforming with the State Law, and it would give the Planning staff, the Dept. of Public Works and the Legal Dept. the tools so they could apply this particular criteria based on this ordinance, if and when the need arises.

Mayor Rasmussen felt the fee of \$100.00 has not been in relation to the size of the property for either the rezones or vacation requests.

Mr. Stan Warp, 1516 So. 11th, real estate broker, objected to the ordinance.

Mr. McCormick said, in view of the discussion, it appeared to him that there were two ways for this to be handled, perhaps, a fixed sliding scale for the fee for a front foot, or the other approach could be to exempt no one and leave the provision in the ordinance whereby the Council could waive the fee. Also in an individual case, if they found the owner had already given some particular property to the City, the Council could waive the fee.

Mr. Cvitanich asked Mr. Schuster to check into the property that was vacated on Delin St. and have a report on it in connection with this ordinance.

The ordinance was placed in order of final reading.

Ordinance No. 18576

Appropriating the sum of \$4300.00 or so much thereof as may be necessary from the General Fund for the purchase of eleven breathing masks, and a receiver and transmitter for the Civil Defense Bus for the Tacoma Fire Dept.

The ordinance was placed in order of final reading.

Ordinance No. 18577

Amending Chapter 13.06 of the official code of the City by adding a new section 13.06.155-1 to include property between Mildred & MacArthur St. from So. 15th to So. 17th St. extended in an "RP" District.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18570

Appropriating the sum of \$39,242.50 or so much thereof as may be necessary from the General Fund of the City for the purpose of hiring additional personnel for the Police Dept.

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. 18571

Appropriating the sum of \$18,720.23 or so much thereof as may be necessary from the General Fund of the City for the purpose of purchasing additional equipment for the Police Dept.

Mr. Rowlands, City Manager, mentioned that Charles Zittel, Chief of Police, had submitted additional items in the amount of \$7,171.00, since at least two members of the Council had felt his request had been too conservative in this ordinance last week.

Mr. McCormick, City Attorney, stated an ordinance could be brought in next week concerning this additional request.

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. 18572

Amending Chapter 12.06 of the official code relating to the sale of electric energy and fixing rates.

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:

Report from the City Planning Commission reporting back to the City Council their findings relative to the problem of excessive traffic on Alaska St. which was referred to them on March 26th, 1968 for their investigation and recommendation. 396

Mr. Murtland moved to postpone the discussion on the above report until Tuesday, May 14, 1968. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of the following:

L I D 3642 for sanitary sewers in the vicinity of So. 92nd & Hosmer Sts.

L I D 4800 for paving on Union Ave. from So. 1. th to approximately 300 feet north of So. 28th Street.

Mr. Johnson moved that Monday, June 10th, 1968 at 4 P. M. be set as the date for hearing on the above assessment rolls. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Director of Finance for the month of March 1968.
- b. Report from the Personnel Dept. for the month of March 1968.
- c. Report from the Employees' Retirement System for the month of April 1968.

COMMENTS:

Mayor Rasmussen asked Mr. Zittel, Chief of Police, if the Police Force was now at full staff.

Chief Zittel remarked that they were one short of the complement called for in the budget.

Mr. Rowlands, City Manager, introduced Mr. Peter Harvey who is the new staff member as Assistant to the City Manager.

Mr. Rowlands reminded the Council members of the AWC Convention in Spokane next week and asked who would be attending so reservations could be made. 6297

Six Council members indicated they would attend, Mr. Bott, Mr. Cvitanich, Mr. Johnson, Mr. Murtland, Mr. Zatkovich and Mayor Rasmussen.

Mr. Rowlands requested the Council appropriate \$15 to \$20,000 to provide additional jobs during the summer months. He added, that the Neighborhood Youth Corps will continue operating, but this takes care of only the younger people in the community. The Public Works Dept. can always use crews for the clean up of right of ways, etc.

Mayor Rasmussen said he would like a review on the total amount spent out of the General Fund which had not been budgeted, before any action could be taken on the above request.

Mr. Rowlands stated he would have a report on the matter next week.

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Mr. Cvitanich requested that the staff write to Los Angeles and San Francisco for their anti-smog ordinance.

Mr. Rowlands stated he would take care of the matter.

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Mr. Fred Carlbom again requested a report from the City Manager on gambling within the City of Tacoma.

Mr. Rowlands stated he had not been receiving any complaints and the City is certainly under surveillance at all times.

Mr. Zatkovich wondered what was the purpose of the letter received from Alva C. Long, Attorney at Law from Auburn, relative to Henry K. and Fred O. Carlbom's request for a report about gambling within the City.

Mr. Carlbom stated that the City Manager was going to investigate activities that occurred on Washington's Birthday at the Elks Club. He was quite sure that everyone in the community recognizes whatever illegal activities are being carried on in the City of Tacoma. He would like to have someone deny that the State Laws are not being violated.

444

Mr. John Zelenak, 5414 So. J St., stated he did not have any objection to Policemen working on second jobs, but he did object to them working in Hotels and Night Clubs.

Mr. Rowlands, City Manager, stated there is a policy that police officers can accept these off duty jobs and Chief Zittel is well aware who is working and where.

Chief Zittel stated the policemen are hired through the merchants themselves and they are hired to preserve the peace and enforce the law.

62-181

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 10:05 P. M.

A. L. Rasmussen
MAYOR

Attest: Josephine Melton
City Clerk

Addendum

~~XXXXXX~~ to the City Council Minutes of May 7th, 1968 relative to Resolution No. 19690.

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62-81

Mrs. Banfield stated she was against the philosophy of urban renewal. She stated she is from Baltimore, Maryland and there they consider air rights being very valuable. Many home owners do not own their own land, as they lease it from the City for (99) years. She added, she has nothing against Dean Witter but it seemed to her that air rights, being as valuable as they are, the taxpayers of Tacoma are losing out if the City sells these valuable air rights for a nominal fee of \$5,000. She believes this is a steal.

Mrs Banfield continued, Mr. Goldrick might be a fine appraiser and he obviously felt this was a real fine appraisal, however, she said in his notes relative to the appraisal, he had not mentioned the area on the side of the escalade or under the escalade. He merely gave an appraisal of \$5,000 over and above the escalade. The taxpayers paid approximately \$226,600 for these escalades and she wondered why the Council felt Dean Witter should combine them in his new building. This might improve the aesthetics of the building, but the taxpayers still own the escalades and she felt the Council would be foolish to do this, according to the value of the property right now. She said if Dean Witter needed to use the ground she felt it should be leased to him.

Mrs. Banfield further stated, she could see no reason for selling this property to Dean Witter & Co. and furthermore, the resolution reads that the City is not only selling the air rights for \$5,000 but also the air rights over and under. She felt the Council should look very carefully into this situation, since the City owns the land, they should control it. She felt the Council could lease the air rights but not sell them.

Addendum
~~Amendment~~

to the City Council Minutes of May 7th, 1968 relative to
Mr. Jones of Dean Witter & Co., remarks under Resolution No. 19690.

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Verbatim requested by Mrs. Banfield.

Mr. Jones:

Thank you Mr. Mayor, Mrs. Banfield and City Council members. I would like to point out that this area right here turns out to be, because of the odd shape of the building, turns out to be space, that frankly we do not know what to do with. But we are going to have to build on it anyway in order to make the rest of the building, to make the whole building compatible in looks. This is dead space as far as we are concerned at this time. We don't know what to do with it and we doubt if it is large enough to do anything with.

Mr. Jones:

There is quite an investment there and it is not rentable space. I would like to say that when Dean Witter & Co. decided to do this, and it was my suggestion, that we do this, our prime concern was to get an office space. That's the only thing we were after. It became apparent afterwards that, well, why don't we do something better on this lot in order to enhance Tacoma. Tacoma has been fairly good to us and we hope we have been good to it. And, so we wanted to make a better investment in the location. Now, I would like to get something clear, as far as we are concerned, we are not buying an escalade, we have no interest in an escalade, and we want to get the air rights, and we have to own them. We cannot get financing on a large building like this on a leased basis. So that part of it is simply out of the question, and we cannot get clear title to a leasing arrangement of this type.

Mr. Jones:

Now, we are talking about investments, really yours, the City's investment and our investment. Now, we think we are putting up a pretty good investment here for the City of Tacoma and I'll tell you why.

This last year, we are leasing space now, our part of the property tax here was \$181.45. The building that we propose to build will have a tax bill per annum of about \$34,000. Now, the smaller building that we will build if we have to, will have about \$2400 a year in taxes. So, it is \$2400 or \$34,000.

Mr. Jones:

I would like also to tell you something else, a little bit about our operation. In 1967 we paid in B & O tax, \$1,461.00. Our telephone bill last year was \$24,239.00. Now, we understand we are the second largest user in this City of the telephone and telegraph. Our Western Union bill was \$16,000; our wire equipment and rental bill was \$13,296.00. This comes to a total in communications of \$53,000. We service approximately 5,000 individual accounts in the Tacoma area. We pay out in wages and salaries about \$202,000. We think that in terms of investments, we are making a pretty good contribution to the City of Tacoma. We wish to make a larger one, but we can only make it

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if this price, that has been appraised at, is accepted. And we think it is infinitely fair because actually, in taking on the escalade, we are taking on a great problem. It is structurally not compatible with what we want to build, we will have to build over it, and we offered to decorate the sides of it and encompass it into the building in order to make it a more beautiful structure. And, that is all I have to say.

Mayor Rasmussen:

Would Dean Witter Co. contemplate taking out the escalade and putting an escalator in the middle of the building, so the people may ride on it?

Mr. Jones:

No Sir. We have no interest whatever in getting into the escalator business, it is a public thoroughfare and we do not want to own something that is a public thoroughfare.

Mayor Rasmussen:

In getting back to the value of the land, \$23,333.00, value of the land, the additional 16 feet; and you may say you're not, but, you want to buy it because you want to put columns down that can support your building.

Mr. Jones:

Actually, no.

Mayor Rasmussen:

On the south side; at least what the architect---

Mr. Jones:

No, our structure will be on the north side of the building.

Mayor Rasmussen:

It will be unless you get this additional 16 feet.

Mr. Jones:

On the north side of the escalade.

Mayor Rasmussen:

Originally, when it was presented, you were going to put columns on the south side of the escalade.

Mr. Jones:

No, the finishing of that side is only for decorative purposes. That is all we had in mind.

Mayor Rasmussen:

But, the 16 feet is 1/3rd of the 50 foot property, it should be worth at least \$200 a month, or it should be worth a cash amount, at least to make it worthwhile for the City of Tacoma to sell.

Mr. Jones:

There is no land there, Sir.

Mayor Rasmussen:

There is land, going clear up to the sky.

Mr. Jones:

Mr. Mayor, we are not buying front foot either; your front foot starts at the top of the escalade and goes on up, on both streets.

Mayor Rasmussen:

Right, but you will have a \$40,000 income from that section of the building that is going above the escalade.

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- Mr. Jones: Well, that is, if we can rent it out, it might be something in that neighborhood. Our cost figures show that our toughest problem at this time is to break even on the building as it stands, and that is the cost of \$5,000.00 for this particular space. In fact, there are many people who do not believe that we can successfully lease this out at the prices that we will have to charge for it, because Mr. Goldrick, appraiser, referred to a while ago, to what the average lease rental is in this town of about \$3.60 a square foot. Here we're going to build a building that will have to come in at probably \$5.50 or \$6.50 a square foot in order to break even on it.
- Mayor Rasmussen: You will get it, you are in prime location, with a garage right along side of you.
- Mr. Jones: You have to have applicants; this is not a City that has a lot of density downtown, and applicants have to come. We would not build a building if we did not think we could fill it. I want to point out that many people think we cannot, and we don't know whether we can or not.
- Mayor Rasmussen: It is my opinion, Mr. Jones, that you could finance this by paying \$23,000 for additional property or the air rights, or pay it on a lease basis per month. You say you can't finance, certainly, they finance all the buildings in the east that are built over the air rights of the railroads, and I am sure that the same financing could be arranged; if it is arranged in the east, it can be arranged out here. However, you should pay at least \$23,000 for that additional air rights.
- Mr. Jones: That would rule the project out of existence, and I'm not being facetious nor threatening, or anything else, Mr. Mayor, it simply would.
- Mayor Rasmussen: Oh, no, we don't work on that basis. I would not like to see us get into another bum deal like we are on the airport. Less than \$200 a month rent and we don't get that for ten years.
- Mr. Jones: When I say we have worked long and hard on this, and so have you, but we approached the City on the possibility of doing this, and they had a very highly regarded appraiser in this town make the appraisal, and if we can get it at that price it's acceptable to use, then we will go ahead. Anything other than that, I'm afraid we can't do it. We would like to do it because we think it would be a good deal for the City of Tacoma.
- Mayor Rasmussen: Well, \$5,000 I would not feel right in voting for it.