

CITY COUNCIL MINUTES

City Council Chambers , 4:00 P. M.
Wednesday, July 5, 1967

Council met in regular session. Present on roll call 8: Bott, Cvitanich, Finnigan, Haley, Herrmann, Johnson, Price and Mayor Tollefson. Absent 1, Murtland. Mr. Murtland arriving at 4:37 P. M.

Mr. Haley moved that the minutes of the meeting of June 20, 1967 be approved as submitted. Seconded by Mr. Finnigan. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

a. This is the date set for hearing for the rezoning of property located on the south side of So. 72nd between Ash & Alaska St. from an "R-2" to an "R-4" District., submitted by Edwin C. Brenden. 371

Mr. Buehler, Director of Planning, explained that the site abuts an arterial street and adjoins a "C-F", Freeway Commercial district along the west, an "R-4-L" apartment zoning along the south and a proposed seventeen acre high school site to the east. He noted that since the site fronts on four separate streets, the Planning Commission felt that the improvement cost of these streets warranted a multiple family zoning for the site. He said the applicant's original petition was amended and a new plan was submitted which included the one remaining dwelling, raised the number of off-street parking stalls to 141 and provided for a single access off Ash Street. An agreement will be prepared between the applicant and the City to include these revisions and proper site screening.

Mr. John A. Rorem, Attorney representing property owners, protested the rezoning because of the traffic it would generate. He noted that it would be detrimental to the residential character of the neighborhood and attract more apartments and businesses into the area.

A number of property owners spoke against the rezoning, particularly in regard to the traffic problem. They were concerned about the school children who have to cross 72nd St. and desirous of keeping their area in strictly a residential category.

Mr. Thomas Dunstan, architect for the applicant, stated this site is on the periphery of a residential district, being bordered by commercial zoning, apartment zoning and the freeway interchange. He felt this zoning would provide a buffer zone between the residential district and the commercial districts. He noted that an agreement will be prepared between the applicants and the City which will include the conditions that the Planning Commission has set down. The site would be limited to a maximum of ninety-four dwelling units and 141 off-street parking stalls.

Mr. Johnson asked if the City could handle any increased traffic at that point without an overpass or underpass.

Mayor Tollefson felt overpasses in several locations in the City should be considered.

Mr. Rowlands called the Council's attention to the fact there was already an "R-4-L" rezone just south of the proposed rezone.

Mr. Buehler felt the traffic problem had been resolved by eliminating entrances to the apartment complex on three sides of the block, allowing only one entrance off Ash Street.

After further discussion the Council felt the seven-story, 200 foot long structure was not suitable for the area.

Dr. Herrmann felt that since this particular "R-4" district was judged by the Planning Commission to be the highest and best use of this property, the Council should not refuse to rezone just because of the traffic generation.

Mr. Finnigan reminded the Council that the Most Rev. Thomas A. Connolly, Archbishop of the Diocese of Seattle, has stated they had no objection to a rezone with a lower-density classification such as an "R-4-L", but since their co-educational high school will accommodate 1000 children, any increase in traffic congestion would cause them undue concern.

Mr. Johnson moved to concur in the recommendation of the Planning Commission to approve the rezone and that an ordinance be drafted approving same. Seconded by Mrs. Price. Roll call was taken on the motion, resulting as follows: Ayes 4; Nays 4; Bott, Cvitanich, Finnigan, and Haley; Absent 1, Mayor Tollefson (temporarily) MOTION LOST.

Mr. Murtland requested that his vote be changed to 'Nay' so that this matter may be reconsidered at the next Council meeting.

b. This is the date set for hearing for the rezoning of the property on the NE corner of So. 19th and Union Ave. from an "R-2" District to an "R-2-T" and a "C-1" District, submitted by the Puget Sound National Bank.

Mr. Buehler pointed out the location of the proposed rezones. He noted that the applicants originally requested a "C-1" Commercial zoning for the entire tract. However, after the Commission's first public hearing on this request a letter was filed by the applicants amending a majority of the petition to an "R-2-T" zoning. A new overall master plan was also submitted for the entire parcel. This plan indicated driveway locations, and an agreement is to be prepared between the property owners and the City regarding the number and location of driveways which would serve the entire tract. Also to be included in the agreement would be the provision that the "C-1" zoning be used only for an "R-2-T" use, or a bank use, and that signs would be in keeping with the character of the immediate general area.

Mrs. Price asked which would generate more traffic, a bank or an apartment house.

Mr. Buehler stated due to the business hours maintained by a bank, peak traffic volumes are not normally affected along abutting streets.

No one appearing and no protests being made, Mr. Finnigan 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. Haley. Voice vote taken. Motion carried.

PETITIONS:

a. Petition submitted by Forrester Realty requesting rezoning of the property on the N. W. corner of No. 29th & Carr from an "R-2" to an "R-4-L" District.

b. Petition submitted by Forrester Realty Co. requesting rezoning of the property located on the S. E. corner of No. 21st & Orchard St. from an "R-2" to an "R-3" District.

c. Petition submitted by Forrester Realty Co. requesting rezoning of the property located between So. 43rd & 45th Sts. on the east side of So. Warner St. from an "R-3" to an "R-4-L" District.

d. Petition submitted by Forrester Realty Co. requesting rezoning of the property located on the north side of No. 26th St. & east side of Scenic Dr. from an "R-2" to an "R-4-L" District.

e. Petition submitted by Frieda L. M. Murphy requesting rezoning of the property in the vicinity between So. 52nd & So. 54th and the west side of So. Manitou Way from an "R-2" and "R-3" District to an "R-4-L" District.

Referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 19253

Fixing Monday, July 24, 1967 at 4:00 P. M. as the date for hearing on LID 5443 for water mains in Shirley, Baltimore & Villard from No. 35th to No. 38th St.; and No. 38th from Baltimore to Orchard St.

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

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

Resolution No. 19254

Fixing Monday, July 24, 1967 at 4:00 P. M. as the date for hearing on LID 5442 for water mains in Mullen from So. 56th to So. 62nd St.

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

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

Resolution No. 19255

Fixing Tuesday, Aug. 8, 1967 at 4:00 P. M. as the date for hearing for the vacation of property located on the west side of Jackson Ave. at No. 23rd St. (petition of Roy Quinn & A. F. Swanson)

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

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

Resolution No. 19256

Fixing Tuesday, Aug. 8, 1967 at 4:00 P. M. as the date for hearing for the vacation of Ea. "B" St. between So. 86th & So. 88th Sts. extended. (petition of Tacoma School Dis. #10)

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

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

Resolution No. 19257

Awarding contract to Earley Construction Co. on its bid of \$1,847,969.34, including tax, for Schedule "A", IMP. No. 3122-P-North End Sewage Treatment Plant, and to McCray Marine Construction Co. on its bid of \$70,557.99 including tax, for Schedule B, Submarine Outfall Sewer.

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

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

Resolution No. 19258

Awarding contract to Freigang Construction Co. on its bid of \$9,718.50, including sales tax, for W. O. No. 91507.

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

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

Resolution No. 19259

Accepting a sealed bid for the purchase of real property situated within the Center Street Urban Renewal Project No. Wash. R-1 located on the east side of So. "J" St. about midway between Center & So. 30th St.

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

Mr. Richmond, Urban Renewal Director, explained that the property is located on the east side of South "J" St. about midway between Center St. and So. 30th St. The Home Service Co. is the redeveloper and owner-participant, and has previously purchased property both to conform to the Urban Renewal Plan and for expansion. The Home Service Co. plan to use the property for future expansion of their laundry and office facilities, which, of course, prompted the request for additional parking space. The purchase of this parcel of land will allow for the parking requirements of future expansion.

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

Resolution No. 19260

Accepting the proposal regarding the balance of Antitrust Pipe Litigation.

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

Mr. McCormick, City Attorney, explained that the City and Attorney General, John O'Connell, have been involved for some time in an antitrust litigation suit against certain manufacturers of steel and concrete pressure pipe. A settlement has been reached with all the firms involved except the American Pipe and Construction Co. This resolution will approve the retention of the law firm of Ferguson & Burdell to complete the litigation remaining against the American Pipe & Construction Co. He added that the State Attorney General does not have an adequate staff to prosecute the case and the law firm will receive between 20 and 30 percent of the amount recovered. The suit involves transactions by Tacoma of approximately \$509,000.

Dr. Herrmann asked what amount of the sales would Tacoma recover.

Mr. McCormick stated it was hoped that approximately 8 percent of the original amount of sales would be recovered.

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

Resolution No. 19261

Authorizing settlement of Antitrust Litigation.

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

Mr. McCormick remarked that this resolution approves the actual antitrust settlement with the United States Steel Corp., Kaiser Steel Corp., Martin-Marietta Corp., U. S. Industries, Inc., United Concrete Pipe Corp. and Smith-Scott Co. Inc.

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

Resolution No. 19262

Authorizing the proper officers of the City to acquire a site between the Green River Headworks and Tacoma's Port Industrial Area for the purpose of storing water.

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

Mr. H. S. Baarslag, Assistant Water Superintendent of the Utilities Dept., explained that at the present time the City has only one existing water transmission line into the Port of Tacoma and it would soon reach its capacity. There is a great need for a terminal reservoir to meet the fluctuating industrial demands and need for an additional transmission main from the Green River Headworks to the Port of Tacoma Industrial area.

He added that the proposed route will facilitate construction of a main between the Water Division's Green River Headworks and terminal reservoir in the Federal Way area, together with a supply line from this reservoir to the Port Industrial Area.

Mr. Baarslag further stated that several potential sites located about two miles east of Federal Way have been investigated and they were able to obtain a 6-day option to purchase a desirable site consisting of approximately 19 acres at a price of \$3,500 per acre. They were also considering the purchase of a 100-foot wide strip from an abutting property owner comprising approximately 3 acres which would allow for improved reservoir placement and possibly lower the over-all construction cost. He remarked that the unit price per acre as contained

the option does not exceed the fair market value as determined by a qualified independent appraiser.

Mr. Erdahl, Director of Utilities, stated it is very important to buy this property at this time as the land in the Federal Way area is being rapidly developed, and if the City owns this land the reservoir can be built when the need arises in the future.

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

Resolution No. 19263

Authorizing the disposition of approximately 850 track feet of 60 lb. rail to Trolleyland Electric Railway in consideration of their removal and clean-up of the area. (Rescinding Res. No. 18908)

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, Cvitanich.

Resolution No. 19264

Authorizing the proper officers of the City to extend the agreement executed on June 22, 1966, with the University of Washington for participation in the Work-Study Program for an additional year.

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, Cvitanich.

Resolution No. 19265

Authorizing the proper officers of the City to sell surplus buildings acquired incident to Sprague Ave. acquisition program with a minimum acceptable price on each property of \$1.00. 351

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

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

Resolution No. 19266

Authorizing the proper officers of the City to extend the contract with the Washington Transit Advertising Co. for a period of (5) years expiring June 30, 1972. (Extending Res. No. 17981 re. to time)

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

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

FIRST READING OF ORDINANCES:

Ordinance No. 18346

Amending Chapter 13.06 of the official code by adding a new section 13.06.067 (3) to include property on the north side of So. 12th between Shirley & Villard in an "R-4-L" PRD District. (petition of Jackson W. Bailey & Assoc.)

The ordinance was placed in order of final reading.

Ordinance No. 18347

Amending & repealing certain sections of Chapter 2.04 of the official code of the City relating to the Electrical Code.

Mr. Bert Hardy, Chief Electrical Inspector of the Utility Dept., explained the requirements of the Tacoma Electrical Code and stated that it incorporated requirements contained in the current State Electrical Code.

Mayor Tollefson asked that Mr. Hardy be present at the next Council meeting on July 11, 1967.

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18335

Amending Chapter 13.06 of the official code by adding a new section 13.06.055 (3) to include property on the east side of Hosmer St. between So. 90th and So. 92nd Sts. in an "R-3-PRD" District. (petition of Oscar T. Hokold.)

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

Ayes 8; Nays 0; Absent 1, Cvitanich.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18336

Relating to elections and precincts by amending Chapter 1.14 of the official official code by amending Sections 1.14.134, 1.14.135, 1.14.136, 1.14.149, 1.14.155, 1.14.157, 1.14.158, 1.14.159, 1.14.160, 1.14.165 and 1.14.167 and by repealing Sections 1.14.190 and 1.14.191.

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

Ayes 8; Nays 0; Absent 1, Cvitanich.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18337

Amending Chapter 5.04 of the official code by amending Sections 5.04.030, 5.04.070 and 5.04.080 and adding a new section 5.04.175, relating to air pollution.

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Mr. Rowlands explained that another change in the ordinance has been recommended for Sub-section C on Page 3. This change would restrict the amount of sulfur dioxide coming out of a stack to 2,000 parts per million instead of 1,000 parts per million.

Mr. Durnin, Air Pollution Control Officer, explained that the ordinance is patterned after one that has been in effect in the San Francisco area for several years. The primary purpose of recommending the change to 2,000 parts per million is to control any future industries coming into the area which might cause pollution, since the ground-level concentration is the important thing.

Mr. Arthur Dammkoehler, Director of the new Puget Sound Regional Air Pollution Authority, commended the Council on its anti-smog action and offered his group's assistance. He felt the ordinance was a possible forerunner to a regional law.

Mr. Finnigan wondered why industry has been 'picked on' when everyone knows automobiles are the main offender.

Mr. Dammkoehler stated he thought new federal regulations would take care of that problem by requiring smog-control devices on all 1968 cars.

Dr. Donald F. Adams, head of the Air Pollution Research Section of the College of Engineering at Washington State University, stated that the restriction in the amount of sulfur dioxide on the ground to basically 1.5 parts per million of air for more than three consecutive minutes, was less than the amounts allowed in a law recommended by the Department of Health, Education and Welfare. He mentioned that their department had determined the amounts of the chemical it deemed harmful after several decades of research.

A property owner in the audience, asked how the City of Tacoma could restrict Ruston-produced smog.

Mr. McCormick explained that in most cases the City has no jurisdiction beyond the City limits, but he felt in the case of smog, he could convince the Supreme Court, if necessary, that an exception should be made. He said the fumes come across the City lines and in the temporary absence of a regional authority, and if the City could prove the fumes are coming from a particular source outside the City, he felt action would be taken.

Mr. Rowlands felt that by the time any suit might be taken to the Supreme Court, the new Puget Sound Regional Air Pollution Authority would be operative and would be willing to prosecute.

Mr. Johnson moved that on Page 3, the wording of Sub-section C, be changed to the following: "Such persons responsible for emissions of sulfur compounds calculated in excess of 2,000 parts per million of sulfur dioxide at any emission point shall be required to provide proper data from such emission point which will adequately describe the emission rate of sulfur dioxide."

Seconded by Mrs. Price. Voice vote taken. Motion carried.

Mayor Tollefson remarked that it should be remembered that this is Tacoma's first venture into this field. This ordinance can be amended if it is ineffective. It is hoped that it will be an effective ordinance and will do the job in the City of Tacoma and this particular area.

Roll call was taken on the ordinance, as amended, resulting as follows:

Ayes 8; Nays 0; Absent 1, Cvitanich.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18338

Amending Title 8 of the official code of the City by adding a new section 8.12.025 relating to public safety and morals.

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

Ayes 8; Nays 0; Absent 1, Cvitanich.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18339

Providing for the improvement of L I D 6867 for intersection street lights along Pine St. from 6th Ave. to North 13th St. and other nearby streets.

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

Ayes 8; Nays 0; Absent 1, Cvitanich.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18340

Providing for the improvement of L I D 4813 for permanent paving on Ferdinand from No. 33rd to No. 35th St.

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

Ayes 8; Nays 0; Absent 1, Cvitanich.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18341

Providing for the improvement of L I D 2383 for grading & oil mat on Ea. 61st from "L" to "M" and Ea. 62nd from "K" to "M" St.

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

Ayes 8; Nays 0; Absent 1, Cvitanich.
The Ordinance was declared passed by the Chairman.

Ordinance No. 18342

Providing for the improvement of L I D 5435 for water mains in Ea. 61st and Ea. 62nd from Ea. "L" to "N" St. and in Ea. 63rd from "L" St. to Portland Avenue.

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

Ayes 8; Nays 0; Absent 1, Cvitanich.
The Ordinance was declared passed by the Chairman.

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Ordinance No. 18343

Providing for the improvement of L I D 5441 for water mains in Tacoma Ave. from So. 92nd to So. 94th St.

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

Ayes 8; Nays 0; Absent 1, Cvitanich.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18344

Approving and confirming the Assessment Roll for L I D 5412 for water mains in Pearl St. from 6th Ave. to Westgate Blvd. and in No. 14th from Woodlawn to Pearl St.

Mr. Herbert Syford of R. E. Anderson Co., objected to their assessment and contended that the property did not benefit from this improvement. He stated that on May 30, 1966 they filed a protest to the amount of the assessment on the basis that the Highland Hill Shopping Center does not now receive any benefit and there is no anticipated benefit from the installation of the water main on Pearl Street. The Highland Hill Corp. installed its own water and hydrant service on its property at its own cost. Later it paid for three hydrants on Sixth Ave. which provided no benefit to the center as the buildings are sprinklered and adequately serviced with hydrant service.

Mayor Tollefson asked Mr. Syford why the Highland Hill developers hadn't gone down Pearl St. at the time they installed their own water system.

Mr. Syford stated there were no mains in Pearl St. at that time, and this was also part of the plat.

Mr. Baarslag, Assistant Supt. of Water, explained that the nearest water main constructed in this area is within 300 feet of Pearl St., and the property abutting Pearl St. would definitely be benefited by a water main in Pearl St. He pointed out on photographs the area that was assessed in this L I D.

After further discussion, Mr. Erdahl, Director of Utilities, suggested that this Ordinance be set over for two weeks, during which time his department would review the matter and report to the Council on July 18, 1967.

Mr. Finnigan moved that Ordinance No. 18344 be set over for two weeks, until July 18th, 1967. Seconded by Mr. Haley. Voice vote taken. Motion carried.

Ordinance No. 18345

Approving and confirming the Assessment Roll for L I D 4777 for concrete paving in alley between So. Thompson St. and Yakima Ave. from So. 37th St. to So. 38th St. and other nearby alleys and concrete sidewalks.

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

Ayes 7; Nays 0; Absent 2, Cvitanich and Johnson.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Works presents the following Assessment roll for hearing:

L I D 4783 for alley paving on alley between "I" & "K" from So. 21st to So. 23rd St. and also north end alleys.

Mrs. Price moved that Monday, August 28, 1967 at 4:00 P. M. be set as the date of hearing. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Fire Dept. for the month of May, 1967.
- b. Reports from the Water and Belt Line Divisions for the month of May, 1967.

COMMENTS:

Mr. Rowlands reminded the Council that at Noon on Monday, July 10th, 1967 there will be a luncheon at the Allied Arts Bldg. 352

Mr. Rowlands reminded the Council that on Monday, July 17th, 1967 there will be a trip to tour the Cushman Development. 352

Mr. Rowlands introduced Mr. Richard Hartman from Washington, D. C whom he had met at the COG meeting last spring.

Mr. Hartman remarked that he had been visiting City and County officials throughout the country for the purpose of forming voluntary regional Councils which could exchange information within the Council of Government to the advantage of all concerned. 364

Mayor Tollefson remarked that a letter had been received from Harry Sprinker, Chairman of the Board of County Commissioners suggesting that the Council members meet with the Commissioners at their earliest convenience to discuss sewer service to the unincorporated areas contiguous to Tacoma. 61-268

Mr. Finnigan remarked that an Air Show will be held at the Tacoma Industrial Airport on July 8th, 1967. He was under the impression that the Council had decided not to participate in any air show. ✓

Mayor Tollefson felt the consensus was that the City would not participate alone, but if the fixed base operator were going to contribute to the show, Tacoma would also contribute.

Mr. Rowlands noted that on July 15th, 1967 the Annual City Picnic will be held at Spanaway Park, Areas 2 and 3. This picnic is sponsored by the Civil Service League.

There being no further business to come before the Council, upon motion duly seconded and passed the meeting adjourned at 7:48 P. M.