

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.  
Tuesday, April 11, 1967

Council met in regular session. Present on roll call 9: Bott, Cvitanich, Finnigan, Haley, Herrmann, Johnson, Murtland, Price and Mayor Tollefson.

Mr. Finnigan moved that the minutes of the meeting of March 28, 1967 be approved as submitted. Seconded by Mr. Haley. Voice vote taken. Motion carried.

HEARINGS & APPEALS:

a. This is the date set for hearing on the petition submitted by the Faith Temple Church for the vacation of the west 5 feet of So. I St. between So. 9th and 10th Sts. and the north 5 feet of So. 10th between I and the alley between I and J Sts.

Mr. Stan Wiley, Assistant Director of Planning, explained that the petitioners plan to utilize the proposed vacation to allow for the construction of new outside landings and stairs for an existing church.

He added, the Planning Commission has recommended that the vacation be limited to only that portion which abuts the church itself. Also they have recommended deleting the diagonal piece of property at the intersection of So. 10th and I Sts. The petitioner has agreed to the revised plan.

Donald Rody representing Faith Temple Church stated they were in accord with the revisions.

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. Bott. Voice vote taken. Motion carried.

b. This is the date set for hearing on the petition submitted by the Container Corporation of America for the vacation of McKinley Ave. between East 26th and 27th Sts.

Mr. Wiley explained that the petitioners plan to utilize the proposed vacation for industrial building expansion. He noted that a 20 foot easement will be retained for an existing storm sewer line with the provision that no structures be constructed over said easement.

Mr. Honeywell, attorney for the petitioner, stated there would be no construction over the sewer line.

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. Finnigan. Voice vote taken. Motion carried.

c. This is the date set over for hearing on the appeal filed by Lester E. Schneider on the denial of the request for rezoning of property located on the east side of Vassault & between No. 23rd St. extended and No. 25th Street.

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Mr. Wiley explained in detail the location of the property and stated the property in question would be substantially within an existing single family area rather than along the boundary of such an area. He added, there are numerous apartments in Tacoma and when properly located should not discourage adjoining single family development. Such locations should be along arterials and physically separated from single family dwelling areas. In these types of outlying locations, the apartment development is serving as a transition or buffer for a single family area. The Planned Residential Development District was designed for use in providing greater flexibility in locations which would not produce an adverse influence upon adjacent properties.

Dr. Herrmann asked what the Planning Commission concluded would be a proper site for this type of rezone.

Mr. Wiley said, generally the site should be along an arterial street. The matter of traffic generation and service is also considered.

Mr. Schneider, petitioner, felt the site was unsuited for single-family homes, as the property is bounded on three sides by a substation, transmission lines, a church and school.

Planning Commission Chairman Robert Strobel said the area to the south is developing with single-family homes and there was ample property in the general area already zoned for apartments.

Mr. Murtland said he felt the proposed apartment development would be a 'good buffer' between the various uses to the north and the homes to the south.

After further discussion, Dr. Herrmann moved to concur in the recommendation of the Planning Commission to deny the rezoning. Seconded by Mr. Haley. Roll call was taken: Ayes 4; Nays 5; Bott, Finnigan, Johnson, Murtland and Price. Absent 0; MOTION LOST.

Mrs. Price moved to overrule the recommendation of the Planning Commission and that the petition for rezoning be granted, and an ordinance be drafted approving same. Seconded by Mr. Johnson. Roll call was taken: Ayes 5; Nays 4; Cvitanich, Haley, Herrmann and Mayor Tollefson. Absent 0. Motion carried.

d. This is the date set for hearing on the appeal filed by George R. Marvin on the denial of the request for rezoning of property on the north side of Marine View Drive and between McMurray Road & Lincoln Ave. extended from an "R-2", "R-4" and "C-1" to an "M-2" District.

Mayor Tollefson explained, this hearing was set over from Feb. 14, 1967 because the Port of Tacoma intended to file a petition for rezoning of a similar nature, and it was felt that these matters should be resolved at the same time. He added, that Mr. Marvin's attorney had called him and asked that this appeal be set over for (60) days. 327

Mayor Tollefson explained if the Port of Tacoma representatives and Mr. Marvin's representatives have not come to some agreement within the next (60) days, he would request that Mr. Marvin abandon his appeal.

Mr. Haley moved that the George R. Marvin appeal hearing be continued for (60) days, until June 13, 1967. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

#### PETITIONS:

Petition submitted by Edwin C. Brenden requesting rezoning of property located on the south side of So. 72nd between Ash & Alaska St. from an "R-2" to an "R-4" District.

Referred to the Planning Commission.

RESOLUTIONS:

Resolution No. 19116 (postponed from the meeting of April 4, 1967)

Awarding contract to Houghton Elevator Company on its bid of \$412.80 per month for maintenance and lubrication of moving sidewalks-W. O. 73355.

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

Mr. Sankovich, Assistant City Manager, explained that the staff has checked out the insurance question and has found that there is no duplication of coverage.

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

Resolution No. 19122

Fixing Tuesday April 25, 1967 at 4:00 P. M. as the date for hearing for the Zoning Text Amendment providing for Retirement Homes in a "PRD" District.

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, Dr. Herrmann (temporarily).

Resolution No. 19123

Fixing Tuesday May 9, 1967 at 4:00 P. M. as the date for hearing for the vacation of portions of So. Steele St. and the alley between So. Tacoma Way and a point 240 feet south. (petition of Earl Cashar)

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

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

Resolution No. 19124

Fixing Tuesday April 25, 1967 at 4:00 P. M. as the date for hearing for the rezoning of property in the area bounded by So. 27th; So. 28th; Sheridan and Yakima Ave. from an "R-3" and "R-4" to an "R-4-L" and "M-1" District. (petition of Urban Renewal Dept.)

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

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

Resolution No. 19125

Fixing Tuesday May 2, 1967 at 4:00 P. M. as the date for hearing on the rezoning of the west side of Pacific Ave. between So. 96th and So. 100th St.

and the north side of So. 99th between Pacific Ave. & A St. from a "C-2" to an "R-4-L" District. (City Planning Commission petition of the Park-N-Shop Annexation area)

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. 19126

Fixing Tuesday April 25, 1967 at 4:00 P. M. as the date for hearing for the rezoning of the Old Highland Golf Course bounded by Pearl St.; Mildred St.; No. 17th and the future freeway R/W from an "R-2-PRD" and "R-3-PRD" to an "R-2-T" and "R-5-PRD" District. (petition of H. A. Briggs Company)

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

Mr. Haley asked if this was setting a date for hearing on a rezone that has been modified as recommended by the Planning Commission.

Mayor Tollefson explained, this resolution was not presented to the Council until the appeal date had expired. In this instance, Mr. Briggs, the petitioner, has withdrawn the fourth part of the petition, which was denied by the Planning Commission. Therefore, it has now come before the Council to be considered. The Council is considering only what the Planning Commission has approved and which Mr. Briggs has accepted as the Planning Commission's recommendation.

Mr. Haley moved that the resolution be amended to delete the words on page two, beginning with "Whereas, the applicant, H. A. Briggs, Co. by letter has requested the withdrawal of portions of the property contained within his petition for rezoning and has agreed to accept modifications in the rezoning requested, as recommended by the Planning Commission after public hearing thereon, and the Planning Commission is therefore requesting a resolution by the City Council setting a date for hearing on the reclassification." Seconded by Mr. Cvitanich. Voice vote taken. MOTION LOST.

Mr. Bott asked for an opinion from the Legal Dept.

Mr. McCormick, City Attorney, stated this will not make any difference, because when it comes before the City Council, it will show that Mr. Briggs has withdrawn portions of property that he has petitioned for originally. This resolution only informs the Council there was no disputes.

Mr. Cvitanich remarked, in light of the new zoning ordinance involving retirement homes, he wished a report for the Council's information in regard to adequate fire protection and adequate water supply for these homes.

Mayor Tollefson asked Mr. Wiley, Assistant Planning Director, to take care of the matter.

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

Mr. Murtland requested that a sprinkler system be required in the plans for retirement homes.

Mr. McCormick remarked that the Building Dept. and the Fire Dept. have been asked to look into the matter and to recommend an amendment to the Building Code if at all possible.

Mr. Murtland asked that a report be submitted from the Building and Fire Departments when a petition is presented for rezoning for retirement homes for the Council's approval.

Resolution No. 19127

Awarding contract to Morris Construction Co. on its bid of \$54,735.50 for Improv. No. 3661.

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. 19128

Awarding contract to Tucci & Sons, on its bid of \$83,832.95 for L I D 4788.

Mr. Johnson 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. 19129

Approving and accepting the Preliminary plat of Devore Addition located at the S. W. corner of 49th Ave. N. E. and 35th St. N. E.

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

Mr. Devore, petitioner, asked that Lots 1, 2, and 3 of the proposed plat be deleted.

Mr. Wiley remarked that this could be deleted by the Planning Commission at the time Mr. Devore comes in with the Final Plat.

Mayor Tollefson explained that houses have already been built on Lots 1, 2 and 3. Under the law, when a person submits a plat the taxes must be paid. Inasmuch as these houses are now under different ownerships, Mr. Devore cannot force them to pay their taxes. That is why he has asked that these three lots be deleted.

Mrs. Price moved that Lots 1, 2, and 3 of the proposed plat be deleted. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mr. Johnson asked if underground wiring is requested in this plat.

Mr. Wiley explained that overhead wiring had been installed about a year ago. Five houses have been built on two existing streets prior to the time Mr. Devore came in with the plat. The property owners asked for electric connections and the utility department installed poles and wires.

Mr. Haley felt the light poles should not have been put in, as the discussion of the Council for a number of years had been to request underground wiring in new plats. He mentioned, however, that the resolution setting up this policy did not pass until January 1967.

The Resolution as amended was passed by voice vote.  
Ayes 8; Nays 1, Haley, Absent 0.

Mr. Cvitanich requested a report from the Public Utilities Dept. in regard to revised costs of underground wiring.

Resolution No. 19130

Authorizing the proper officers of the City to execute an agreement with the State Highway Commission setting forth the responsibilities of both the City and the State in the ownership and maintenance of M Street from So. 34th to South Tacoma Way through and under Primary State Highway No. 1.

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

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

FIRST READING OF ORDINANCES:

Ordinance No. 18262

Amending Chapter 13.06 of the official code by adding a new section 13.06.045-4 to include property on the N. W. corner of So. 66th and Sprague Ave. in an "R-2-T" District. (petition of Hillcrest Properties, Inc.)

The ordinance was placed in order of final reading.

Ordinance No. 18263

Vacating Division Lane and adjoining alley between East B & Freeway (PSH #5) located to the east. (petition of Washington State Highway Commission)

The ordinance was placed in order of final reading.

Ordinance No. 18264

Vacating Wilkeson St. between So. 92nd & 96th Sts. (petitioned by Vincent Pontani)

The ordinance was placed in order of final reading.

Ordinance No. 18265

Vacating the south 17 feet of So. 4th from L St. to the alley west and east of L Street. (petition of Mary Bridge Hospital)

The ordinance was placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 18257 (as amended)

Amending Title 11 of the official code of the City by adding a new chapter consisting of (5) sections to be known as Chapter 11.27 relative to

requiring a motorist to lock the ignition of a car and remove the key.

Mr. Finnigan referred to section 11.27.050-Exception, as he thought it would be difficult to determine what a commercial vehicle is as there is such a large variety of vehicles. He felt this section should be deleted.

Mr. Finnigan moved to delete paragraph 11.27.050. Seconded by Mr. Haley.

Mr. Bott stated, according to law, a truck is required to display on its side, in large letters the gross weight for which it is licensed.

Mr. Murtland said he was concerned about 'pick ups', whether or not they are designated to be a commercial vehicle. He felt the amendment should read to provide for commercial vehicles of 6000 gross lbs. or more.

Mayor Tollefson asked Mr. McCormick if there was a definition that determines a commercial vehicle and what was the common understanding under the law.

Mr. McCormick said he did not recall any decision of the Supreme Court that had decided what the definite definition is. He presumed it has a term in the general course of trade. The only time he had seen it used was in insurance cases.

Mr. Cvitanich explained that a commercial vehicle regardless of the size is required to pay a license in the State of Washington. If it hauls any type of merchandise or cargo without a commercial license, the owner is subject to a fine.

Chief Zittel remarked, the proposed ordinance was drafted for the purpose of eliminating car theft. If the cars are designated as commercial or private, this should take care of the matter. If a commercial vehicle is stolen because the keys are left in the vehicle, a fine will not be imposed. However, if a private car is stolen, the owner will have to pay a \$2.00 fine. The ordinance will save many youngsters from a life of crime.

Mr. Finnigan withdrew his motion with the consent of his second.

Mr. McCormick requested that section 11.27.050 read as 11.27.040, and then 11.27.040 Penalty, read as 11.27.050.

Mr. Haley moved that section 11.27.040 Penalty be changed to read 11.27.050 and section 11.27.050 Exceptions, be changed to read 11.27.040. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mr. Murtland then moved that section 11.27.040 Exception, should read as follows: "The provisions of this chapter shall not apply to commercial vehicles of 6,000 gross, or more, when the same are being used in the normal course of business activities." Seconded by Dr. Herrmann. Voice vote was taken. Motion carried.

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

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18258

Amending Title 8 of the official code of the City by adding a new subsection 37 to Section 8.12.010, relative to contributing to the delinquency of a minor.

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

Ayes 8; Nays 0; Absent 1, Finnigan.

The Ordinance was declared passed by the Chairman.

Ordinance No. 18259

Amending Title 8 of the official code of the City by adding a new section 8.06.080 for the establishing of a helicopter landing pad in an area which is to be used by governmental subdivisions for official business.

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

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

Ordinance No. 18260

Vacating So. 17th St. and the north 20 feet of So. 18th St. between So. Puget Sound Avenue and Warner St. (Petition - Assembly of God Church)

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

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

Ordinance No. 18261

Amending Chapter 13.06 of the official code of the City by amending (7) sections relative to Zoning Text Amendments for Retirement Homes.

Mr. Cvitanich remarked that since regulations for sufficient water pressure for fire protection had been discussed previously, he wondered if it should be included in this ordinance.

Mr. McCormick said it would be more logical to include those regulations in the building code.

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

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

UNFINISHED BUSINESS:

The Public Works & Utilities Directors present the assessment rolls for the cost of the following L I D's.

- a. L I D 3645 for sanitary sewers in Roosevelt Ave. from Ea. 68th to 700 feet south; A St. from Ea. 80th to 330 feet south.
- b. L I D 4775 for paving on East L from East 48th to East 51st and other nearby streets.
- c. L I D 5423 for water mains in Bennett & Baltimore Sts. from No. 33rd to No. 35th Sts.

Mr. Cvitanich moved that Monday, May 22, 1967 at 4:00 P. M. be set as the date for hearing on the assessment rolls for L I D 3645, 4775, and 5423. Seconded by Mr. Murland. Voice vote taken. Motion carried.



ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the City Planning Dept. for the month of March 1967.
- b. Report from the Tacoma Employees Retirement System for March 1967.
- c. Report from the Municipal Court for the month of March 1967 and 1967.

COMMENTS:

Mr. Johnson remarked, there are two places in the Management & Audit Survey under the Public Health Service that have been recommended for certain changes. He felt these suggested changes should be reviewed and adjustments made. ✓

Mayor Tollefson stated, since the Health Dept. is a joint operation between City and County, these adjustments would have to be discussed by the City Manager and the County Commissioners. 59-392  
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Mr. Sankovich, Assistant City Manager, explained that there is a meeting scheduled for Thursday of this week on the matter. 61-110

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Mr. Cvitanich mentioned that there has been a number of disturbances at drive-ins throughout the community. He noted that the City of Seattle was faced with the same problem. He said the Seattle City officials met with the drive-in operators requesting that they police their own establishment because it required too many police personnel to control the disturbances. He asked if the Council should pass some kind of legislation to control the problem. 61-61 ✓

Chief Zittel stated he would submit a report on the matter.

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Mr. Bott commended the downtown merchants who have erected flags on the parking meters. He also commended the art students, under the sponsorship of the Downtown Lions Club, who placed pictures of the proposed downtown garages in vacant store windows. ✓

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Mayor Tollefson stated he received a letter from Gordon C. Fors in regard to the appeal hearing of George Long and Charles Gordon for the rezoning of property located between So. 10th & 12th Sts. from Pearl to Woodlawn from an "R-2" to an "R-4-L" district. Mr. Fors informed the Council that Mr. Long and Mr. Gordon had asked that the May 2nd, 1967 date for hearing of the appeal be changed to May 9th, 1967 due to the fact that they had a previous commitment for the scheduled date. 264

Mr. McCormick asked that the hearing be put on the agenda for May 2nd and then have it continued until May 9th, 1967, otherwise a new notice would have to be posted.

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

Attest: Josephine Minton  
City Clerk

WAM Jolley  
Mayor of the City Council