

## CITY COUNCIL MINUTES

City Council Chambers, 7:00 P. M.  
Tuesday, November 21, 1961

Council met in regular session. Present on roll call 7: Bott, Easterday, Murtland, Olson, Porter, Steele and Mayor Hanson. Absent, 2: Price and Cvitanich. Mr. Cvitanich coming in at 7:40 P. M.

Mayor Hanson announced that Mrs. Price will be absent from the meeting as she is home with the flu.

Mrs. Olson moved that Mrs. Price be excused from the meeting.  
Seconded by Mr. Murtland. Voice vote taken. Motion carried.

Mr. Easterday moved that the minutes of November 7, 1961 be approved as submitted. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

RESOLUTIONS:Resolution No. 16828:

Fixing Monday, December 11, 1961 at 4:00 P. M. as the date for hearing on L I D 6790 for modern street lights on ornamental poles on So. "I" from So. 80th to 83 rd.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Easterday.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16829:

Fixing Monday, December 11, 1961 at 4:00 P. M. as the date for hearing on L I D 4700 for concrete paving on alleys near No. 37th and Tyler; also various other north end alleys and sidewalks.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Porter.

Voice vote was taken on the Resolution .

The Resolution was then declared adopted by the Chairman.

Resolution No. 16830:

Opposing any continuation of the established rate differential on the basic iron and steel rates into the Puget Sound area which are higher than the rates to the Portland area and all other key West Coast points from Geneva, Utah.

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It was moved by Mr. Easterday that the Resolution be adopted. Seconded by Mr. Steele.

Mayor Hanson said there is a hearing to be held November 29, 1961 in Seattle pertaining to this subject matter.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16831:

Approving the plans and specifications for the Tacoma Industrial Airport.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Murtland.

Mr. Rowlands said this Resolution will formalize the requirements according to the F. A. A. specifications. He said the specs have not been officially approved, and formal action should be taken by the Council.

Mayor Hanson said, as he understands it, the agency has checked the plans and specs prior to the Council's final approval and they have indicated it was only a matter now of formal action by the Council.

Mr. Rowlands stated they have received a letter from the F. A. A. authorizing the City to proceed to advertise the bids.

Mr. Easterday said he would like to see a copy of the plans and specs.

Mr. Rowlands said a copy could be made available to the Council if they so desire. He further stated that approximately three or four months ago at a study session the plans were reviewed with the Council and also the Port Commissioners, and the plans are the same. He said he would be glad to show them further if necessary.

Mrs. Olson asked if this includes the firms specifications under the \$1,081,000.00 figure or does this also include the alternate specifications.

Mr. Rowlands said this includes the basic and the alternate specifications but does not include the subsequent contracts that will be let later on, probably next June or July. After several Council members discussed the plans and specifications of the Tacoma Industrial Airport, a decision was made that copies would be distributed to them for study and examination.

Mr. Porter then moved that the Resolution be postponed for one week, until November 28, 1961. Seconded by Mrs. Olson. Voice vote was taken. Motion carried.

Resolution No. 16832:

Submitting to the qualified voters of the City at a special Municipal election for their rejection or approval a proposition to amend Section 7.14 of the City Charter of the City.

It was moved by Mr. Easterday that the Resolution be adopted. Seconded

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by Mr. Bott.

Mr. Steele moved to amend the Resolution by inserting the date, February 13, 1962 in (2) different places on Page 1. Also on Page 2, on the blank space, insert the Resolution No. 16832. Seconded by Mr. Bott

Voice vote was taken on the amendment to the Resolution. Motion carried.

Voice vote was taken on the Resolution as amended.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16833:

Authorizing the proper officers of the City to execute a written contract with Donald McGoldbrick, David C. Staal and Philo C. Tyler, professional appraisers, who shall make appropriate appraisal reports for certain parcels of land located within the Fawcett Urban Renewal Project area.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Bott.

Mr. Rowlands explained that more data should have been sent out to the Council members for their information, therefore he requested that this Resolution be held over for one week until November 28, 1961.

Mr. Steele then moved that the Resolution be postponed for one week until November 28, 1961. Seconded by Mr. Easterday.

Voice vote was taken. Motion carried.

Resolution No. 16834:

Authorizing the proper officers of the City to execute a written contract with Western Real Estate Research Corp. to provide market analysis and related consultation services in connection with the preparation of Downtown Tacoma General Neighborhood Renewal Plan Wash. R-6.

It was moved by Mr. Steele that the Resolution be adopted. Seconded by Mr. Murtland.

Mr. Rowlands explained that there is an error in the proposal of Ashton and Associates, the amount should be \$2650.00 instead of \$2150.00.

It was moved by Mr. Steele that the amount be changed from \$2150.00 to \$2650.00. Seconded by Mr. Murtland. Motion carried.

Mr. Rowlands said this is in connection with the GNRFP downtown area. There were five proposals submitted with the low bid of \$2650.00 and ranging up to \$10,000. The staff felt that the Western Real Estate Research Corp. were better qualified even though they were not the low bidder, because of their past experience of this nature in other Northwest cities.

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Mr. Bott asked if the bids received were for the same amount of work as there is quite a difference between the lowest and the highest bidder.

Mr. Rowlands stated, considering the past experience of the Western Real Estate Research Corp., he knew they would do a good job for the amount they bid.

Mr. Maffin, Urban Renewal Director, said it is important to recognize the complexity of the downtown area. The analysis of the downtown area will involve a variety of vocations, such as appraisers, analysts, and economists who are employed by Western Real Estate Research Corp., it is not an opinion of one man. Mr. Ashton and his staff are principally a secretarial staff, therefore, would not qualify in all those fields needed to study this particular job.

Mrs. Olson asked why Ashton & Associates were asked to bid if it were felt they were not qualified to handle this bid.

Mr. Maffin said, everyone was invited to bid on the West Coast and also from the middle West, regardless of previous qualifications.

Mrs. Olson explained in the past she consistently opposed granting contracts to firms who are not the low bidder. In this case, she can see no reason why the policy should be changed. Mrs. Olson moved to amend the Resolution to substitute the firm of Ashton & Associates for Western Real Estate Research Corp. Seconded by Mr. Easterday. No roll call taken.

Mrs. Olson asked how much were Ashton & Associates paid on the Fawcett Street Urban Renewal project.

Mr. Maffin replied, approximately \$4,000 or \$4,500.

Mrs. Olson said if the Council is to discuss the merits of the individuals who bid on the various contracts they could, perhaps, find justification frequently to pass by the low bidder. She recalls two discussions held relative to passing by the low bidder and taking second or third bid. One involved the Escalades when there was some very good reasons to not award the contract to the low bidder, and yet they decided there was a good reason for not departing from the precedent which had been established by the Council to award the contract to the low bidder.

Mayor Hanson said in this instance they are dealing with professional services, ordinarily bids are not submitted when seeking professional services. He thought the staff has made a good recommendation.

Mr. Porter said in the past the Council have been furnished with brochures of the various firms who have bid, whereby the Council could do a little research before making a decision. He thought it would be wise to set this over for a week to give the Council members an opportunity to delve into the qualifications before voting.

Mr. Steele then moved that the Resolution be postponed for one week, until November 28, 1961. Seconded by Mr. Porter. Voice vote taken.  
Motion carried.

Mayor Hanson explained that before proceeding with the regular order of business Mr. Walter West of the Better Business Bureau had asked to appear before the Council.

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Mr. West said on November 17, 1958 he requested the City Council to enact an Ordinance licensing, bonding and finger printing itinerate photographers. He stated at that time there were over 1,000 complaints. A year later in 1959 there were only 29 complaints due to the enactment of the Ordinance asking for those requirements. He said we now have the problem of itinerate magazine salesmen who go from door to door. Mr. West suggested that the Council propose an Ordinance requiring them to be licensed, finger printed and bonded as has been done with photographers. He said this would apply to telephone magazine salesmen as well as the door to door.

Mr. Easterday said, inasmuch as the Ordinance passed on the photographers had been successful, he suggested that the City Attorney be requested to bring in an Ordinance concerning the magazine salesmen.

Mayor Hanson suggested that the City Manager and City Attorney consult with Mr. West before preparing the Ordinance.

**FINAL READING OF ORDINANCES:**

**Ordinance No. 16912: (as amended) (postponed from Nov. 14, 1961)**

Providing for the improvement of L I D 4682 for paving on Grandview Street, East 68th to East 72nd Streets. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7; Nays 0; Absent 2; Cvitanich and Price.

The Ordinance was then declared passed by the Chairman.

Mr. Cvitanich coming in at this time.

**Ordinance No. 16923: (postponed from Nov. 14, 1961)**

Amending the Official Code of the City relating to zoning by adding a new section 13.06.065-13 to include property on the southeast corner of No. 33rd and Proctor Streets in the "R-4-L" Low-Density Multiple family dwelling district. Read by title.

54:27  
54:23

Mr. Murtland said inasmuch as he had asked for a postponement on this Ordinance last week, he would like to explain that he has made further investigation concerning this matter. He said he checked with Harold Hanson of the building firm and looked over their proposals and from the plans they had available, although he will admit they do not have the full plans, whereby it specifies all details and specifications, from what he could determine from their plans they are sound as far as being able to build on this location. If there is a change needed, it should properly come in due course. As far as some of these residents have mentioned or implied, they have more or less invested rights in the fact they live in this area and they wish the zoning to remain status quo except for one home, as the others have been there for over 30 years. Except for 1953 there has not been any restrictions for this particular area. Prior to 1953 there could have been six families in three duplexes. He could not see that one more family in this proposed apartment house which is restricted to its height, setback, etc. would have much affect.

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As he mentioned before zoning is not static and must change with the times. He feels that this particular type of building is appropriate in this area, regardless of whom the owner might be.

Mr. Easterday said he realizes that the people in the area have quite an investment, which the Council should respect as far as what is proper and be guided somewhat by their wishes, so for that reason he will have to vote against the Ordinance.

Roll call was taken on the Ordinance resulting as follows:

Ayes 6; Nays 2; Bott and Easterday. Absent, Mrs. Price.  
The Ordinance was then declared passed by the Chairman.

**Ordinance No. 16924:**

Amending the Official Code of the City by adding (21) new sections and repealing two sections 2.10.010 and 170, relating to Boiler & Pressure Vessels. Read by title.

Homer King said he believed there is no difference as far as the need for inspection is concerned, between the six unit apartment and the dwelling which houses ten people. He referred to Section 2.11.030 (3) which excludes private residences and apartments with less than 6 units from the inspection and inspection fee. He also questioned whether or not a six-unit apartment not fully occupied would be subject to inspection and fee, and believed that this would not be justified.

In reference to the fee, the Ordinance states there is a charge of \$8.00 per hour, but does not mention a minimum charge; Mr. King asked if, after the City had inspected a building, would it be the property owners responsibility in the event of an accident. If the property owners were responsible, what would be the advantage of paying the inspection fee.

Mr. Easterday asked when this Ordinance was first read, Mr. Rowlands replied that it was up for first reading last week, and the Councilmen have been sent a memorandum explaining the number of meetings and hours spent on this subject by the staff and representatives of the Industrial Bureau, especially with Mr. Chambers and Mr. Newhouse, who represent the Boiler group. Mr. Rowlands at this time distributed pictures showing the tremendous damage which can occur when an explosion takes place.

Mr. Les Gillis, Chief Building Inspector, explained that the Code generally applies to public buildings, to give protection to those buildings which house the greater number of people.

He further stated that water heaters in a home are required to be inspected and to be equipped with safety devices. The only difference in an apartment building is that there are more people involved to adhere to the inspection standards.

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Mr. Gillis explained that the charges as set forth in Section 2.12.110 entitled (INSPECTION FEES) refer only to situations where extra work is involved for the inspectors.

Roll call was taken on the Ordinance resulting as follows:

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

**Ordinance No. 16925:**

Vacating So. Junett St. from So. 36th to So. 37th and re-aligned So. 37th from Cedar to Pine (petition of Bart Hogeberg, et al) Read by title.

Mr. Rowlands explained that on Page 1 of the Ordinance the words "Lots 19 and 32 in Block 15 of Wing's Addition", should be deleted wherever it appears.

Mr. Steele moved that that portion be deleted. Seconded by Mr. Porter.  
Voice vote taken. Motion carried.

Roll call was taken on the Ordinance resulting as follows:

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

**Ordinance No. 16926:**

Vacating the alley between Pacific Ave. and "C" St. extended between So. 93rd extended and So. 94th St. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

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

**Ordinance No. 16927:**

Amending the Official Code of the City by adding a new section 1.19.010 to increase the City Councilmen's salary from \$100 to \$200 per month. Read by title.

Mayor Hanson said, after the publication of this Ordinance, the Council will then consider the Resolutions to refer the proposition to the voters.

Roll call was taken on the Ordinance resulting as follows:

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**Ordinance No. 16928:**

Amending Section 1.18.040 of the Official Code of the City to increase the Mayor's salary from \$6,000 to \$12,000 per year. Read by title.

Mayor Hanson said there also will be a Resolution for the Council's consideration to be referred to the voters.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7, Nays 1, Murtland; Absent 1, Price.

The Ordinance was then declared passed by the Chairman.

**Ordinance No. 16929:** (as amended)

Amending the Official Code of the City of Tacoma by adding 14 new sections in reference to the sale of Fireworks. Read by title.

Mr. Cvitanich said he is concerned about the restriction of the granting of these licenses to just one wholesale distributor, inasmuch as there are three or four in the community. He said he would like to see that all distributors would have an opportunity to handle the fireworks. 233  
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Mr. McCormick, City Attorney, said the Ordinance does not apply to the wholesale distributors. It applies only to the retailer who can buy from whom he wishes.

Mr. Tollefson, Attorney, representing Primo Sales Fireworks, believed the maximum number of licenses, should be one license for each 5,000 people instead of one for each 8,000 residents.

Mr. Dynaski said he has lived in Tacoma many years and there has always been a City Ordinance prohibiting the sale of fireworks. He wondered if the Council at this time is using good judgment in granting licenses for the sale of fireworks in the City.

Mayor Hanson said at the last legislative session, a law was passed covering the entire State outlawing fireworks in general, all dangerous fireworks, with the exception of those which are considered safe to use which are not explosive.

Mr. Cvitanich moved to amend Section 6.76.060 on top of Page 2 by substituting the number 5,000 instead of 8,000. Seconded by Mr. Easterday.

Roll call was taken on motion to amend. Ayes 3; Nays 5- Murtland, Olson, Porter, Steele and Hanson. Absent 1, Mrs. Price. Motion lost.

Roll call was taken on the Ordinance resulting as follows:

Ayes 7, Nays 1, Murtland; Absent 1, Price.

The Ordinance was then declared passed by the Chairman.



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Ordinance No. 16930:

Amending the Official Code of the City by adding a new Chapter 8, 12.015 relating to public safety and morals. Read by title.

Mr. Murtland remarked that he took issue with the News Tribune editorial which said the Ordinance would tend to abridge the constitutional right of free speech at the Council meetings. Mr. Murtland said he asked the City Attorney for an opinion on this, and there is nothing that gives any citizen or a taxpayer the right to speak at a City Council meeting or for that matter, even a meeting conducted by the Legislature or Congress.

The provision seems to be that the Council meetings shall be open to the public who do not have the right to participate but the right to speak, seems to be reserved for the Council or the Legislative body which is in session. He would not want to take away the right of any individual to speak or oppose or to give constructive criticism as to what Council action might be. He said, he wishes to point out it is not that the Council should ~~abridge~~ <sup>abridge</sup> the right of the citizen to speak, but they have the right to do so and this Ordinance is certainly not proposed for that particular purpose.

He said he has asked the City Attorney as to what other Ordinances were effective if this Ordinance were not adopted. He stated, Mr. McCormick presented the usual Ordinances in effect on disorderly conduct. There is nothing in this Ordinance that will prohibit free speech. The City Council in the past has seen fit to allow people to speak. Anyone who wishes to conduct himself properly will not find there is any abuse of whatever right he is claimed. He stated, as far as free speech is concerned, there must be some order at any public meeting. The Council enacts legislative matters and as a Councilman would not appear any one from speaking unless there is a sufficient reason.

Mr. Steele moved for the previous question. Seconded by Mr. Bott.  
Voice vote taken. Motion failed.

Mayor Hanson said inasmuch as the motion failed, further discussion will be held on the subject.

Mrs. Olson asked the City Attorney if there were other Ordinances or laws which carry the same type of penalty that this Ordinance specifies.

Mr. McCormick, City Attorney, said practically all the Ordinances reflect the same penalty, not more than 90 days in jail or \$300.00 or both. That is the standard penalty for a misdemeanor.

Mrs. Olson asked if it were necessary to have this specifically attached to the Ordinance.

Mr. McCormick said as a rule this may be covered by some other general ordinance. There may be some general ordinance to this effect where the penalty is not specifically attached or provided for, the violation may be punishable by the same as in this Ordinance.

Mrs. Olson further asked who shall determine when the act of the person in attendance has reached the stage of being obnoxious, amoying or

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or insulting enough to charge them with this type of misconduct.

Mr. McCormick said this could probably be the City Attorney, a member of the City Council or a member of the audience, or whoever would want to sign a complaint.

Mayor Hanson said he was sure that the judge would operate discretion. The purpose of this is to make certain that persons who refuse to abide by the rules of the Council and who refuse to observe the ordinary rules of order, can be either compelled to accept them or be removed from the Council Chambers.

Mr. Porter said since he has not had sufficient time to review the 5 page opinion submitted by the Attorney, he would move that the Ordinance be postponed for one week until November 28, 1961. Seconded by Mr. Easterday.

Voice vote taken. Motion carried.

Mayor Hanson said he would like to explain that it would not be fair to place the blame on Mr. Murtland's shoulders, that this Ordinance is before the Council as it has been a topic of discussion on several occasions, and it just happens that Mr. Murtland had his name placed upon it as being requested by him.

**Ordinance No. 16931:**

Providing for the improvement of L I D No. 2335 for grading and oil mat surface on So. 73rd from I to J Streets. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Price.

The Ordinance was then declared passed by the Chairman.

**Ordinance No. 16932:**

Providing for the improvement of L I D 2336 for grading and oil mat surface on East 46th from East K to 775 feet east. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Price.

The Ordinance was then declared passed by the Chairman.

**Ordinance No. 16933:**

Providing for the improvement of L I D 4663 for paving on So. 55th from Fawcett Ave. to Park; McGhee from East 58th to approximately 390 feet south. Read by title and passed.

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

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

**The Ordinance was then declared passed by the Chairman.**

**Ordinance No. 16934:**

**Providing for the improvement of L I D 5340 for cast iron water mains in McGhee St. from East 58th to a point 430 feet south. Read by title and passed.**

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

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

**The Ordinance was then declared passed by the Chairman.**

**Ordinance No. 16935:**

**Providing for the improvement of L I D 6791 for modern street lights on No. M Street; Division Ave. to North Steele Street. Read by title and passed.**

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

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

**The Ordinance was then declared passed by the Chairman.**

**Ordinance No. 16936:**

**Approving and confirming the assessment roll for L I D 2314 for concrete sidewalks on various streets in the vicinity of So. 43rd and Junett; So. 19th and Yakima. Read by title and passed.**

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

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

**The Ordinance was then declared passed by the Chairman.**

**Ordinance No. 16937:**

**Approving and confirming the assessment roll for L I D 4666 for paving curbs and gutters and street lights on various streets in the vicinity of So. 78th and Alaska. Read by title and passed.**

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

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

**The Ordinance was then declared passed by the Chairman.**

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Ordinance No. 16938:

Approving and confirming the assessment roll for L I D 6769 for street lights at intersections in the vicinity of East 32nd and R Streets. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Price.

The Ordinance was then declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Utilities presents the assessment roll for the coast of L I D 5329 for cast iron water mains in 32nd St. , NE from 49th Ave. to 53rd Ave. and 53rd Ave. from 31st Ave. to 32nd Ave. NE and those streets in Beeler Heights.

Mr. Easterday moved that January 8, 1961 be set as the date for hearing. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

REPORTS:

Report from the L I D Committee recommending to the City Council that L I D 5341 for cast iron water mains in Huson & Ferdinand from No. 48th to No. 49th and in No. 49th from Ferdinand to Huson be abandoned inasmuch as the remonstrances are over 60%.

Mr. Easterday moved that the Council accept the recommendation of the L I D Committee and abandon the district. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. Report from the Tacoma Police Dept. for the month of Oct. 1961.
- b. Report from the Fire Dept. for the month of Oct. 1961.
- c. Report from the Director of Finance for the month of October 1961.

COMMENTS:

Mayor Hanson announced that the new L I D Committee for the months of December, January and February will be Mr. Easterday, Mr. Cvitanich and Mr. Steele. The next L I D meeting will be December 11, 1961 at 4 P. M.

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There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 9:00 P. M.