

City Council Chambers, 7:00 P. M.
Tuesday, January 30, 1962

Council met in regular session Present on roll call 8. Bott, Cvitanich, Easterday, Murtland, Olson, Porter, Price and Mayor Hanson Absent 1; Mr Steele Mr Steele coming in at 7:05 P. M.

Mr Easterday moved that the minutes of January 16, 1962 be corrected to correspond with the substitute Page 11 which was submitted to each Council member Seconded by Mr Cvitanich
Voice vote taken on the minutes as corrected Motion carried

PETITIONS

Petition submitted by Frank V & Stan H. Novotney, requesting the rezoning of property at 72nd & Portland Ave from an "R-2" to a "C-2" District.

Petition submitted by Henry W & Richard H Shaw, requesting the rezoning of property in the area of So 84th and Alaska Streets from an "R-2" to a "R-4-L" District. ⁵⁶⁹⁷₅₅₋₁₃₄

Referred to the Planning Commission.

RESOLUTIONS:

Mr Easterday explained that he would like to have Resolution No. 16923, which does not appear on the Agenda taken up at this time

It was moved by Mr Easterday that Resolution No. 16923 be considered Seconded by Mr Cvitanich Voice vote taken. Motion carried

Resolution No 16923:

Amending Rule (3) of the City Council Rules to provide that the City Council meetings be held on Wednesday night instead of Tuesday when Primary and General elections are held

Mr Easterday explained inasmuch as February 13 and March 13, 1962 fall on a Tuesday, which are elections days, he thought in respect to those members running for office it would be more suitable to hold the Council meetings the next day

According to the Council Rules, this Resolution requires two readings Therefore, the Resolution was set over until next week, February 6, 1962

Resolution No 16911:

Fixing Tuesday, Feb 27, 1962 at 7:00 P. M. for the vacation of the West 10 feet of "M" St. from the north r/w line of Center to a point 140 feet north of said r/w line.

Mr Rowlands asked that this Resolution be stricken from the Agenda for the reason that there is additional property which is to be included on this Resolution

Mr Easterday moved that Resolution No 1692 be stricken from the Agenda Seconded by Mr Cvitanich Voice vote taken Motion carried

Resolution No 1691:

Fixing Monday, April 9, 1962 at 4:00 P. M. as the date for hearing on L I D 4697 for paving and storm drains in Harrowmoor's 3rd Addition

It was moved by Mrs Frice that the Resolution be adopted Seconded by Mr Steele

Voice vote was taken on the Resolution

The Resolution was then declared adopted by the Chairman

Resolution No 1693:

Fixing Tuesday, February 20, 1962 at 7:00 P. M. as the date for hearing on the Sidewalk Construction Fund #62, for sidewalk construction, reconstruction and repair

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

Voice vote taken on the Resolution

The Resolution was then declared adopted by the Chairman

Resolution No 1694:

Awarding contract to the Tide Company for Improvement 3112-F-2 in the amount of \$5,857.00 including sales tax, which was determined to be the lowest and best bid

It was moved by Mr Steele that the Resolution be adopted Seconded by Mrs Frice

Voice vote taken on the Resolution

The Resolution was then declared adopted by the Chairman

Resolution No 1695:

Awarding contract to Morris Construction Co. for L I D 2323 in the amount of \$13,992.64 which was determined to be the lowest and best bid

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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. 16916.

Authorizing the sale and removal of certain buildings from the Center Street Urban Renewal area.

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

Voice vote taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16917.

Authorizing the transfer of certain items within the same class in the Budget to balance the 1961 operations.

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

Mr. Rowlands explained there are several Resolutions on tonight's agenda pertaining to the transfer of items within the same class to balance the 1961 operations.

Mrs. Olson said, according to State Law the City budgets within the broad categories of Salaries and Wages, Maintenance & Operation, Capital Outlay, and asked why is it necessary to transfer from one fund to another at the end of the year.

Mr. Gatsford explained this now could be accomplished under the new law with the approval of the Council.

Mr. Rowlands stated if the Council wishes to establish a rule or regulation, they could authorize the Finance Director to make these transactions.

Mrs. Olson said, since the balance is not known, it amounts to house-keeping measures even with the Council's approval.

Mr. Gatsford explained that the first items in the Resolution show that the Personnel Dept. had a surplus in their budget so it would be transferred to the City Clerk's office and also to the Finance Dept., in the salaries and maintenance and operation category.

Mr. Bott asked if there were some requirement by law that they could not spend over the budget without authorization.

Mayor Hanson explained that requirement is in regard to the gross Budget figure. He said, this is not meant to be a shackling device; it is rather a method of bookkeeping and bringing to the Council's attention the extent of the changes needed.

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Mrs. Olson said she thought this matter should be brought to the Council's attention at the time the emergency arises instead of waiting until the end of the year. She said, this may be a perfectly proper procedure, however, the only question she raises is they are transferring some \$200,000 from one account to another some 30 days after the end of the year when the books are well on their way to being closed.

Mayor Hanson explained that the State Auditor can verify the figures that are presented by the Finance Dept. and can be checked to determine their accuracy without having to have the entire report. This is merely a book-keeping procedure. He asked, Mr. Gaisford to prepare for next week's Council meeting the reasoning, and a series of examples of what is included in the sundry expense.

Mr. Rowlands explained that this procedure has been followed for a number of years and is a customary procedure used by most Cities.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16918:

Authorizing the proper officers of the City to execute an agreement with the Northern Pacific Railway Co. for the installation of storm drain trunk line in the area bounded by Center St. and So. Tacoma Way; M Street and Lawrence Street.

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

Mr. Rowlands asked that the Council set this Resolution over for two weeks as they are negotiating to see if \$21,600.00 for cost of the right-of-way might possibly be modified. They should have an answer from the St. Paul office within two weeks, he added.

Mr. Easterday moved that action be deferred for two weeks, until February 14, 1962. Seconded by Mr. Steele. Voice vote taken. Motion carried.

Resolution No. 16919:

Authorizing the sale of surplus right-of-way of the Chehalis, Cowlitz and Cascade Railway.

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

Mr. Benedetti, Assistant Utility Director, explained this is a section of railroad right-of-way which was acquired from Chehalis, Cowlitz and Cascade Railroad for Major Projects Division. It has been found that it can not be used for access to the construction area, therefore, this Resolution

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authorizes the disposal of that portion of the right-of-way that now lies outside of the Reservoir boundaries

Voice vote was taken on the Resolution

The Resolution was then declared adopted by the Chairman

Resolution No. 16920

Authorizing the proper officers of the City to execute a power contract and agreement with the Town of Eatonville for a term of (20) years

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

Mr. Benedetti stated that the Eatonville area is growing and it is anticipated that the revenue will increase. This contract provides for a review of rates every 2 1/2 years. This contract has worked out very nicely with the City of Eatonville. Good relations have been established by the City of Tacoma for their fine services rendered to the City of Eatonville.

Mayor Hanson said he thought the Utility Board, Mr. Erdahl, Mr. Benedetti and the City of Eatonville should be complimented for the fine spirit of cooperation in terms of negotiations that have been carried out.

Voice vote was taken on the Resolution

The Resolution was then declared adopted by the Chairman.

Resolution No. 16921:

Appropriating the sum of \$89,020.89 from the Public Works Revolving Fund for Salaries and Wages and for M & O

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

Voice vote was taken on the Resolution

The Resolution was then declared adopted by the Chairman.

Resolution No. 16922:

Transferring funds from certain categories to other categories within the 1962 Budget.

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

Mr. Rowlands explained that these are Inter-Departmental transfers of funds to balance the books.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

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FIRST READING OF ORDINANCES:

Ordinance No 16988:

Amending the Official Code of the City by adding a new section 13 06 130-18 to include property in the area bounded by North 45th, Pearl, Vischer and North 46th in a "C-2" Commercial District Chester A Hogan petition } Read by title

The Ordinance was then placed in order of final reading

Ordinance No 16989:

Amending the Official Code of the City relating to zoning by adding a new section 13 06 065 (15) to include property on the south side of So 60th between Pacific and "D" Streets in the "R-4-L" Low Density Multiple -Family Dwelling District (Claude McLaughlin petition) Read by title

The Ordinance was then placed in order of final reading

Ordinance No 16990:

Vacating the area of Wright Avenue and the alley between Prospect and Steele Streets (Lincoln Land Co) Read by title

The Ordinance was then placed in order of final reading

Ordinance No 16991:

Appropriating the sum of \$28, 331. 66 from the Garbage and Refuse Fund for Maintenance and Operation and Salaries and Wages Read by title

The Ordinance was then placed in order of final reading

FINAL READING OF ORDINANCES:

Ordinance No 16961. (postponed from January 2, 1962.)

Amending the Official Code of the City by adding a new Chapter 6 77 and seven new sections in reference to the licensing of Magazine sales people Read by title.

Mayor Hanson stated that this Ordinance has been the topic of conversation for sometime with the Better Business Bureau and the Magazine representatives. The Ordinance before the Council at this time is the original Ordinance and it was discussed at the Council meeting two or three

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Weeks ago, also a copy of the proposed amendments was submitted which was discussed at the last meeting

Mr. Easterday moved that the Ordinance be postponed so that further study can be had on the proposed amendments. Seconded by Mr. Porter

Mayor Hanson explained that since there are a great number of people in the audience who have traveled some distance to be heard tonight on this matter, he thought it would not be fair to postpone the Ordinance again

Mrs. Price asked that Mr. McCormick, City Attorney, to brief the Council on the proposed changes

Mr. McCormick explained that the changes or amended draft of the Ordinance differs from the original in the following respects:

- (a) "Using telephone sales technique" has been deleted from Section 6 77 010
- (b) In Section 6 77 050 the license fee has been reduced from \$10 00 to \$5 00 per year
- (c) In Section 6 77 060 the bond requirements provide that in the event an applicant is working as an employee, he will not be required to post an individual bond if his employer posts a bond sufficient in scope and undertaking to cover his activities
- (d) Section 6 77 070 now provides that all orders taken shall either be given or mailed to the purchaser
- (e) In Section 6 77 080 a new section has been added, making the general licensing provisions applicable to this license, except that the minimum age is reduced from twenty-one years of age to sixteen year of age, or more

Mr. McCormick, further stated, the remaining sections of the original Ordinance were not changed

Mr. Steele moved that the proposed amendments as presented be substituted for the original Ordinance No 26901. Seconded by Mrs. Price

Mr. Porter said the motion made by Mr. Easterday objects to amending the Ordinance at this time for the reason he wishes further study on the amendments, therefore, he said he will vote against the amendments since he seconded Mr. Easterday's motion

Mayor Hanson called for a voice vote on the substitute amendment. Voice vote taken Motion failed.

Mayor Hanson stated that the original Ordinance is now before the Council for discussion.

Walter West of the Better Business Bureau said he is in favor of an Ordinance controlling magazine solicitations in the City. The revised Ordinance which the representatives of the magazine industry and Mr.

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McCormick, City Attorney, have drafted is a good Ordinance and he hoped that the Council would accept it. The magazine industry in 1948 established what is called the Central Registry which sets up a code of ethics in which they promised to police the magazine industry. They had hopes that it would work and were naive enough to believe the organization could do that. However, it did not work out, he added. There are kids that are on the streets selling magazine subscriptions who are trained and schooled in misrepresentation. He added, their file of complaints are mountainous at all times.

Mr. John M. Hall a member of the audience was in favor of the Ordinance, in fact was in favor of a Green River Ordinance. He said, almost all communities are adopting a licensing Ordinance or putting through a Green River Ordinance to govern door to door selling.

Mr. Gunnar B. Lesberg, a member of the audience, said he was in favor of the passage of an Ordinance governing door to door sales.

Mr. Steele leaving at 9:00 P. M.

Mr. Morrow representing, Central Registry, explained that Central Registry was established by the magazine industry because the industry recognized there were problems in the door to door sales.

(1) The subscription agencies register all their solicitors with Central Registry.

(2) The subscription agency posts a bond of a \$1,000.00, therefore, it is a guarantee for delivery of subscription.

(3) There is a code of ethics which includes that there should be no misrepresentation or sympathy appeals.

It has been agreed upon by all the agencies to give the power to Central Registry to discipline an individual if a violation has been committed by an agency. In case of complaints on sales methods, the company involved can be fined or expelled following a Central Registry hearing. Mr. Morrow produced letters testifying to the value of the Central Registry program from the National Business Bureau and bureaus in Seattle and Spokane. He said they feel that they can offer more protection than any Ordinance would provide.

Mr. William Wright, Regional Manager, Family Publication Service, member of Central Registry, said they adhere to the rules and regulations set up by Central Registry and oppose the passage of the Ordinance.

Mr. Robert Parshall, Regional Manager, Parent's Institute explained that people who work for them are local residents, housewives, students, etc. They are also active in educational programs. They felt there is no need for an Ordinance.

Mr. Harry Levine, Branch Manager, Periodical Publishers in Seattle; Mr. Charles Wetstein, affiliated with Look Magazine; C. V. Culver, Branch Manager, Homemakers Library League, Seattle; Mr. William Day, Franchise Dealer, Home Reader Service; Mr. Austin Grout, Educational Book Club all spoke against the proposed Ordinance.

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Mr. Comfort, Attorney, representing Magazine industry, said the most objectionable aspect of the Ordinance is that potential sales people must first be mugged and fingerprinted the same as criminals. He was happy to hear just what the Central Registry does for the magazine industry and the protection of the people.

Mr. Bott stated since the proposed Ordinance deals only with Magazine solicitors and the assurances given tonight by the responsible members of the industry, he fails to see the need for further legislation. Mr. Bott then moved that the Ordinance be tabled. Seconded by Mr. Cvitanich.

Roll call was taken on the motion to table the Ordinance, resulting as follows:

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

The Ordinance was then declared TABLED by the Chairman.

Ordinance No. 16962: (postponed from January 23, 1962 ;

Amending the Official Code of the City by adding a new section 6.68.225 by levying a tax on businesses whether such business activities occur or take place within or without the City. Read by title.

Mr. Easterday asked if this Ordinance were passed, how much would it bring into the City.

Mr. Rowlands said the estimate given is approximately \$20,000, but it could fluctuate \$5,000 or \$6,000 either way, depending upon the amount of construction work being done, and the amount of supplies sold and particularly the work being done outside the City. For each \$1,000,000 of business done for the City, the General Fund will net \$1,000.00.

Mr. Murtland said the City is in need of revenue and believed this is a particular occupation and type of work that should be subject to tax.

Mr. Murtland moved to amend the Ordinance to conform with the proposed amendment which is before them at this time by changing the last paragraph to include after the word "shall" (be taxed on the contractual transactions in the same manner and form and under the same rules and regulations and at the same rates of tax as if they were doing business within the City of Tacoma.) Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

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

Ayes 8; Nays 0; Absent 1, Steele.

The Ordinance was then declared passed by the Chairman.

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Ordinance No 16978: (postponed from the meeting of Jan 23, 1962)

Amending the Official Code of the City by adding a new section
: 06 294 to provide for taxing of purchases and contracts Read by title
and passed

Roll call was taken on the Ordinance resulting as follows:

Ayes 8, Nays 0, Absent 1, Steele

The Ordinance was then declared passed by the Chairman

Ordinance No 16980:

Amending Section 1 24 620, 650, 660 and 675 of the Civil Service
and Personnel Rules in regard to the "Rule of one" on promotion Read
by title

Mr Pearson representing the Tacoma Chapter of the Washington
Society of Professional Engineers, urged the Council to refer the matter
back to the Civil Service Board so the Society could go on record in opposing
any change. Examinations for engineers do not take into account engineer's
specialties, and the City might not get the best engineer for the job by
appointing the top man in a test, he added

Mr John Coffee, attorney, representing the Municipal Civil Service
League of Tacoma, stated he represented about 80% of the City Employees,
and in effect, is a bargaining agent for the Joint Labor Committee. He said,
the Central Labor Council of Tacoma and Pierce County have voted in favor
of the Rule of One. Teamsters International of Pierce County and all affiliated
Unions, the Federal Employees, the American Federation of Government
Employees representing Ft. Lewis, McChord, etc. have all endorsed this
Rule of One. There is a 6-month probationary program during which the
Department Director can discharge an employee the same as he would on a
new employee. The Rule of Three has been in effect since 1954. The Rule
of One provides that the person at the head of the list shall be appointed; if he
waives certification then the position should go to the next one on the list.

Mr Rowlands stated he had submitted a memorandum to the Council
giving their views on the matter last week. He said he wanted the Council
members to know that it is virtually impossible to have such a precise type
of examination procedure. Most cities including Seattle have the Rule of
Three or Five.

Mr Murtland said he would like to explain his vote prior to voting.
"I think that if I were to make this determination myself, I would probably vote
against the Ordinance. However, we do have a Civil Service Commission
and why the majority decided to make this change I do not know what pressures
might have been brought or otherwise. I am not certain that this is a proper
change but we do have the Board to take care of that matter." I will vote, Aye

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Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 16981:

Providing for the improvement of L I D 4704 for paving of the alley between So. "G" and Yakima Ave. from 6th Avenue and So. 8th Street. Read by title. and passed.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 16982:

Providing for the improvement of L I D 4703 for grading and paving of No. 32nd; No. 33rd; from Junett to Cedar; No. 30th; No. 31st from Warner to Lawrence. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 16983:

Providing for the improvement of L I D 4702 for paving in various streets between So. 17th and So. 54th between So. D and Hosmer Street. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

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

Ordinance No. 16984:

Providing for the improvement of L I D 5335 for water mains in the area bounded by So. 19th, Highland, So. 12th and Shirley Streets. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

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

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Ordinance No 16985:

Approving and confirming the assessment roll for L I D 2326 for an oil mat surface on East E from East 84th to East 86th Streets Read by title and passed

Roll call was taken on the Ordinance resulting as follows:

Ayes 8, Nays 0, Absent 1, Steele

The Ordinance was then declared passed by the Chairman

Ordinance No 16986:

Approving and confirming the Assessment Roll for L I D 6749 for street lights on wooden poles in the vicinity of East 40th & C Streets Read by title and passed

Roll call was taken on the Ordinance resulting as follows:

Ayes 8, Nays 0, Absent 1, Steele

The Ordinance was then declared passed by the Chairman

Ordinance No 16987:

Approving and confirming the Assessment Roll for L I D 6774 for street lights in the vicinity of East M; 32nd East between East 29th and Morton and between Portland Avenue and East L Street Read by title and passed

Roll call was taken on the Ordinance resulting as follows:

Ayes 8, Nays 0, Absent 1, Steele

The Ordinance was then declared passed by the Chairman

REPORTS.

- a Report on the Walkway between Totem Yacht Basin & 11th Street, MC 383
- b Report on the operations of the Office of Urban Renewal for 1961.

Mr Rowlands said, in reference to M C-383, he would like the Council's opinion on the matter of a Walkway for access to the Catamaran soon to be in service between Tacoma and Seattle for Century 21.

Mayor Hanson stated that the Council would study the report and discuss

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the matter further next week

ITEMS FILED IN THE OFFICE OF THE CITY CLERK.

Report from the Tacoma Police Dept for the month of December, 1961

There being no further business to come before the Council, upon motion duly seconded and passed the meeting adjourned at 11:00 P. M.

Ben Hanson
Mayor of the City Council

Attest: Jacqueline Meston