

Council Chambers, 4:00 P. M.  
Monday, June 8, 1959

Council met in regular session. Present on roll call 7; Anderson, Bratrud, Easterday, Goering, Porter, Price and Mayor Hanson. Absent 2; Humiston and Perdue.

It was moved by Mr. Anderson that the minutes of the meeting of June 1, 1959 be approved as submitted. Seconded by Mr. Bratrud. Roll call: Ayes 7; Nays 0; Absent 2; Humiston and Perdue.

#### HEARINGS AND APPEALS:

The City Planning Commission recommending the denial of the petition of Byron F. Anderson for the rezoning of property on Jackson Ave. between Lief Erickson Drive and 19th Street from an R-1 to a R-3 District.

Mr. Buehler explained that the Planning Commission recommended the denial of the petition of Byron F. Anderson and that he had filed an appeal. Mr. Buehler added that the Planning Dept. has suggested July 13, 1959 as the date for hearing on the appeal.

Mr. Anderson moved that the date of hearing for this appeal be July 13, 1959. Seconded by Mr. Easterday. Roll call: Ayes 7; Nays 0; Absent 2; Humiston and Perdue.

The City Planning Commission recommending the denial of the petition of Neil Skelton for the vacation of Huson Street between Center St. and So. 30th St.

Mr. Rowlands said this type of procedure does not come before the Council very often. Although the petition was denied by the Planning Commission this individual would still like to appeal to the City Council. Therefore, he felt July 13, 1959 would also be the date for such hearing.

Mr. Anderson moved that July 13, 1959 be set as the date for hearing. Seconded by Mr. Easterday. Roll call: Ayes 7; Nays 0; Absent 2; Humiston and Perdue.

Mayor Hanson asked that there be a motion to suspend the rules of Council in order to take up Ordinance No. 16368, dealing with the Minimum Wage and Hour question, as most of the people present were interested in this particular Ordinance.

Mr. Bratrud moved to suspend the regular order of business to consider Ordinance No. 16368 at this time. Seconded by Mr. Anderson. Motion carried on roll call: Ayes 7; Nays 0; Absent 2; Humiston and Perdue.

#### FINAL READING OF ORDINANCES

##### Ordinance No. 16368

Amending Sections 1.12.290, 1.12.330 and 1.12.600 of the Official Code of the City in reference to the Pay and Compensation Plan to conform to the request of the "Washington Minimum Wage and Hour Act," Chapter 294 - Laws of 1959. Read by title.

Mr. Rowlands advised that after the Attorney General's opinion was rendered a week or ten days ago, he said they felt something should be done/in connection with the adjustments with the work week and also the payment to the fund, in such a way that the present retirement benefit or disability benefit would not be jeopardized in any way. He said they have had several meetings with the City Attorney, Personnel Director, and representatives of the Fire Department to discuss this question to try to resolve it in a satisfactory manner. He advised that last Friday, Mr. McCormick, Mr. Bixel, several other staff members, and he went to Seattle at the suggestion of Mr. Jerry Hagan who is head of the Dept. of Labor and Industry in the State. We talked to Mrs. Beulah Compton, the manager of the Seattle office, also to Mr. Wilson, one of the Assistant Attorney Generals who has been assigned to this particular problem. Under the new Minimum Wage and Salary Act it was indicated that the normal work week of forty hours and the time and one-half over the forty hours would be paid. There is a difference of opinion as to the legality of this act as it pertains to Cities and Counties particularly. The initial act included governmental agencies as being covered by the act. The amended act specifically excluded the words "governmental agencies" so it is the opinion of our own City Attorney, the Attorney for the Association of Washington Cities, and others, that the act is not legal. Since the Attorney General did issue the opinion that indicated it was legal as far as he was concerned, then obviously we felt it only right that an ordinance should be developed which will protect the City's interest in the event the law was declared valid by the Courts.

The particular purpose of this Ordinance is to continue the 56 hour minimum work week for the Fire Department and along the same lines as the Council set up originally in the Compensation Plan. In the Salary-Compensation Plan now, the work week for Firemen has been defined as a 56 hour work week. It is very difficult at the present time to come up with any further interpretation because Mrs. Compton and Mr. Wilson made it very clear in the meeting last Friday that it will take maybe four or five weeks before they will hold public hearings on some of the regulations which they must issue pursuant to the Act, to explain certain sections of the Act. They also indicated that they would be glad to meet with some of the City officials before they issue these regulations in order that some of the wording might be proper, and in order that they would have a complete understanding of some of the workings of the various City Departments. It does affect other departments that work their employees more than an 8-hour shift. For example, we have various working shifts in the water utility, electrical utility and also in the sewer utility. They may work 14 hours, 3 or 4 days on, and a couple of days off. They recognize that it will be necessary, from that standpoint, that everyone doesn't work just a straight 8 hour day. There are different shifts.

Mr. McCormick said we unequivocally state in our opinion they are protected. Basically, what we did was to take the total pay and reduce the first 40 hours of that pay, plus the 16 hours of guaranteed overtime. In other words, exactly what the Council is doing by this Ordinance is segregating the total amount as to what should be paid for the 40 hours and what should be paid for the additional 16 hours. This new Act, of course, provides that all hours worked in excess of 8 hours a day or 40 hours per week must be paid for at the rate of one and one-half times the regular wage, and, the regular wage, of course, the Council, as I pointed out in this brief, undoubtedly has the legal right to fix what they deem is a reasonable rate. So what we have done is take the same amount which Council has heretofore fixed for 56 hours; guaranteed them still 56 minimum work hours per week so that

they come out within a very few cents with exactly the same amount of money which they have been receiving; except that we have established with the 40 hours the base pay, and then the time and one-half based on that for 16 hours comes out to what they are getting now. In that way we are in full compliance, in my opinion, and I think several of the firemen have had their own attorneys check and they are also in agreement that it is in full compliance with the provisions of the State Law. Their rights are fully protected insofar as the total amount which they have been receiving and insofar as the Pension rights are concerned. The Firemen were very greatly concerned, and had a right to be, that in drafting this Ordinance that we be very careful that we do not fix a base rate or monthly rate which would be less than they are getting now for 56 hours, upon which to apply the Pension rights. We definitely still have the 56 minimum hour work week; we have the further provision that monthly base pay upon which all pension rights are to be determined include the total amount which they receive for the 56 hours. In other words the same basis they have now. So in my opinion they are completely protected insofar as their pension rights are concerned. This act becomes effective on June 11 and it is our opinion that to eliminate any question or legal problems as to the amount the City would have to pay in the event this law was declared constitutional later on, that this change in the base pay should be made prior to the effective date of this new law, which is the reason we have made this an emergency Ordinance to take effect immediately upon publication. That was pointed out by the Assistant Attorney General in Seattle. He thought that in any changes like this it was perfectly alright to eliminate any question made prior to the effective date of the law.

Mr. Rowlands stressed the fact that the Assistant Attorney General also thought that the procedure contemplated here was certainly legal and came within the provisions of the Act. Later on in the morning he said they met with the Executive Board of the County Commissioners group and Mr. Chester Biesen of the Association of Washington Cities. Mr. Rowlands said the County is also thinking in terms of a similar ordinance to cover many of their deputies. About the only other point that should be mentioned is the fact that after meeting Friday with members of the Fire Department and representatives of the Union, I think that Mr. Reiser was there in behalf of Stan Gorski, the Secretary-Treasurer of Local 31, they did mention that the Firefighters Local 31 at the regular union meeting held June 4, passed the following Resolution:

"Firefighters Local #31, Tacoma go on record as being in favor of full compliance with Substitute Senate Bill #424 as passed by the Washington State Legislators, (Wage & Hour Law), at the present pay scale for all grades of the Tacoma Fire Department and that we strongly oppose by whatever action deemed necessary, any cut in pay, working conditions, pension, or personnel in any manner by any city ordinance."

Mayor Hanson asked Mr. McCormick if it would be very difficult to amend this Ordinance to put in that provision concerning the minimum monthly salaries. On this condition would it be possible to do that as it is proposed?

Mr. McCormick advised that you could do it but he did not think it would serve any useful purpose because the minimum salary is the salary at which you arrive at by working 56 hours.

Mayor Hanson said he was anticipating a question that he believed will be brought up later. He said he was just hinking of the mechanics of an amendment that we could add on right here today.

Mr. McCormick said he thought it could be added at the bottom in the form of a statement to the effect of what would be the total amount received for the 56 minimum hours. As I understand it, they work 5 days, 10 hours a day, and

then the next shift they work 5 days, fourteen hours a day. So it averages out on a 15 week cycle at 56 hours per week.

Mayor Hanson said the objective of the representatives of these Firefighters is to cut down on their work week, and if they should next year try to obtain a 54 hour work week their concern would be that they would be cutting down on the time and one-half portion. There would be some confusion there.

Mr. McCormick said all this actually does is to keep the status quo in the requirements of the law. There is nothing to prevent the Council next week or two weeks from now, if they want, to add an amendment or guarantee. They can always do that. The only thing he was concerned about is establishing a status quo prior to the time the law becomes effective.

Mr. Rowlands said he thought it should be pointed out that as far as the pay is concerned it will take a cycle before everyone will get his full amount. It will come out at different times depending on when they start.

Mr. Bixel advised that was correct, and as Mr. McCormick pointed out, it will average out exactly over a 15 week cycle. During that period of time all will have worked 56 hours a week according to the Fire Department's scale.

Mr. Charles R. Dunbar, a City Firefighter, advised that he had been asked to speak on behalf of Local 31, Firefighters. He advised that 100% of the Firemen are very much concerned over this proposed Ordinance and about 95% are opposed to it. There were many reasons for its opposition. First, he said they questioned that there was any emergency. He said they understood that at least 4 suits had been filed in the Courts at this time, and there is almost certain to be an injunction out before the effective date of the law. He added that if these injunctions are put into effect the City will have plenty of time to consider any other action. Mr. Dunbar advised that they had consulted with various Attorneys, some officially and some unofficially, and they have been advised there is no need for this Ordinance. This new Ordinance, he said, in effect takes them off a monthly basis and puts them on an hourly rate of about \$1.65 per hour which is actually a cut in the hourly rate as previously it was approximately \$1.90 per hour. He said that in future negotiations, especially if talk is about shorter hours, this base of \$1.65 will probably be used as a basis of negotiations. He said they believed the Ordinance evades the intent of the law. There are various provisions in the Substitute Senate Bill that provide for collective bargaining to handle things the Ordinance takes care of. There has been no effort, he said, towards collective bargaining, and labor feels it has this right and, he said, he believed the Firemen were being denied this right. In further negotiations we must start from the basis of \$1.65 an hour and most of the firemen are very much opposed to this. Furthermore, on the 40 hour situation, if the City grants a 40 hour work week in the future, the way the Ordinance is drawn the hours that will be cut down will be those for which overtime is paid. If this were carried to the ultimate 40 hours we would receive only \$1.65 an hour for a 40 hour week. He said that if this day is reached, he would forecast that there will be no Fire Department.

Mr. Albert Disbro, Chairman of the Legislative Committee of the Pierce County Central Labor Council, advised that on June 8, 1959, the Executive Board of the Pierce County Central Labor Council and the Legislative Committee of the Pierce County Central Labor Council met in special joint session to consider proposed Ordinance No. 16368, which is before the Tacoma City Council for final passage today. It was the unanimous decision of the joint meeting that the Chairman

of the Legislative Committee should convey to the Tacoma City Council the fact that the Pierce County Central Labor Council vigorously opposes proposed Ordinance No. 16368 in its entirety or any like Ordinance, and to reaffirm the position of the Pierce County Central Labor Council that it favors a work week of 40 hours or less.

Mr. D. H. Ketter advised that this matter is so vital to the Firemen that they had two special meetings on Sunday to consider it. He said the Ordinance was given to the Firefighter's Committee when they left the meeting with Mr. Rowlands and other department heads at 5:00 P. M. Friday, and they knew at that time that it was rather late to get any legal help. This Ordinance was posted in the Fire Stations throughout the City and considerable discussion and unrest resulted among the men. At the special meetings, committees were appointed and labor attorneys were consulted to get their version of the matter because it is a labor law and needs special interpretation. In talking to these attorneys, and because of the newness of the law, they have not had a chance to go over it enough to understand it and to know what effect it is going to have. He said that because of lack of sufficient time for the Firefighters to obtain legal advice in the matter, he requested Council to postpone this Ordinance for 2 weeks. It is a very important Ordinance and should be done right and not hurried. He said they felt that with the proper consideration and with proper time to talk this over with management, something better can be obtained. He advised that he knew of quite a few of the Firement that are eligible for retirement and they are waiting to see what happens with this Ordinance. The Retirement Fund at the present time is probably at the point where it is expending as much as it is taking in, and if these men retire now it is going to cost the Fire Pension Fund more money. There are 25 that are eligible for retirement, 7 have already retired and the others are waiting to see what happens here tonight. He said they felt if this Ordinance is not passed now, but is postponed for 2 weeks, it will give all the Firement a chance to understand them better and to know what to do.

Mr. Anderson stated that the law was evidently passed several months ago and asked Mr. Rowlands why it was not brought to the attention of the Council before this?

Mr. Rowlands advised that the Attorney General's opinion was not released until about 10 days ago. Prior to the Attorney General's opinion being released, Mr. McCormick had prepared an opinion saying that the law did not apply to Cities and Counties. The Attorney for the Association of Washington Cities likewise said it did not apply and we know of no City Attorney in the State that still thinks it applies to Counties and Cities. Actually I think all of the men realize that when you are talking about annual or monthly rates of pay you are talking about it in terms of so much per month. And you try to relate the pay for Firemen, or the pay for any other employees, on a monthly basis. I don't think the question of an hourly rate will be discussed as far as the negotiations are concerned. He stated that the Attorney for the Firemen was in attendance at Friday's meeting and had read and reviewed Mr. McCormick's opinion, and concurred that it will not affect the benefits, - that is the pension benefits or the disability benefits. The Attorney General said, "Your procedure is certainly proper and legal" and he reiterated that several times. If this in any way, shape, or form even had a smattering of an effect on the Pension benefits, we would be the first ones to recommend that the subject be delayed and that this be postponed until all were assured. He said he believes that Mr. McCormick, Chief Fisk and Mr. Bixel, of the Personnel Department, would say the same thing. They felt this will protect the men as far as the benefits are concerned. It is true that there are several cases pending. We don't know what will happen or whether

an injunction will be granted.

Mr. McCormick stated that if the Court upholds the Act, it will have been fair all the way along. To That extent it would not answer any of the questions here.

Mayor Hanson stated that the Legislative Committee that worked on the bill and sent it out understood that it would not apply to Municipalities.

Mr. Bratrud advised that his chief concern was that the Pensions of the Department be protected. He asked what position does it put the City in if we don't pass this Ordinance tonight.

Mr. McCormick advised that it puts us in this kind of a situation. He said the Attorney General will probably take the position some of the Courts have taken under the interpretation of the provisions of the National Labor Legislation Act, which follows that in the event the law becomes effective you can arrive at the pay by taking the total number of hours worked, divided by what you get for the 56 hours, and multiply that by 3. This gives you a base which is considerably more than the wage they are now getting. He added that Mr. Al Newbolde, Assistant City Attorney of Seattle, asked if they have the right to presume that the overtime is included in that 56 hours. If you bring a suit against the City you have to prove that we're not paying overtime, or time and one-half. We feel that we might very well be subjecting the City to a claim for computation on the basis of what has just been outlined. The Council has a perfect legal right to change this; under our law we base the pay and they can't increase the compensation, but it can be decreased, which they are not doing. They are simply segregating it now as to how much would be paid for the 40 hours and how much would be paid for the 16. It is a matter of policy entirely for the Council. We were asked to legally draw an instrument which would fully protect their pension rights and which would still give them every cent that they have coming from the present Act set by the Budget, and that is what has been done.

Mayor Hanson asked how much would we be risking if we delayed it two weeks?

Mr. McCormick stated that you would have the additional problem after the law becomes effective of whether you can get out from under it. This eliminates the question. He said he does not know what the Court would say, but he does know that it is the safest in his opinion and will eliminate the question entirely if it is passed.

Mr. Porter asked Mr. McCormick that in case we should postpone action on this Ordinance for two weeks and then at that time decided that it is the safest and wisest course to take, can it then be made retroactive to this date.

Mr. McCormick said that it could not be made retroactive.

Mayor Hanson agreed from the legal standpoint and said that this would appear to be the safest, but he said it is our duty to weigh the factor of safety as against prudence in terms of judicial time. If we are right then I think we could consider the possibility, as Mr. Ketler has put it, of clearing up the questions and misunderstanding in the minds of the Firemen.

Mayor Hanson asked if the Cities that are refraining from taking action are depending on the protection of the law that says they cannot pay more than what is established in the budget?'

Mr. McCormick said they are and that he believes some of them just don't know what to do.

Mr. Rowlands said Mr. McCormick has mentioned several times that the hourly rate basis for the 40 hours is as high as it can possibly go when you add

your time and one-half to it, that is with the accitional 16 hours you will be getting the 56 hour week. We never, when negotiating, talk about hourly rates. We are still going to be discussing your monthly pay. When we talk about 1960, for example we don't talk about the hourly rate, it is bases on the monthly rate for a 56 hour work week.

Mr. Easterday advised that he regrets that we did not get the Attorney General's opinion sooner so that these things could have been ironed out. He could readily see if we were to go on a 40 hour week and pay time and-half for overtime, every municipality in the State of Washington would be worse off than in the State of Michigan, which is pretty bad. He said he realized, as was pointed out to us here that if we pass this Ordinance today we can look forward to immediate retirement of 25 or more City Firement who do not wish to jeopardize their pension. It is an unfortunate situation and he hoped, if necessary, the Governor will go so far as to call a Special Session of the Legislature to clarify the situation for all. It was moved by Mr. Easterday that Ordinance No. 16368 be deferred for two weeks to June 22, 1959. Motion seconded by Mr. Porter.

Mr. Bratrud said he could see from Mr. Ketler's and Mr. Dunbar's remarks that there is considerably consideration for what is in this Ordinance. He asked Mr. Ketler what conclusions they would recommend other than this two weeks.

Mr. Ketler said he couldn't answer until they get more advice from their Attorney on this. They have half a dozen questions posed to him that he can't answer.

Mr. Bratrud said there is no intention on the part of the City to push it through and he believed he could speak for the Council on this that they do not want to infringe upon any pension rights, nor do they want to see any cut in wages.

Mr. Ketler advised that they have that protection for their pension system they way they are now. Nothing disturbed, everything stays the same as it is now until we can work out something better, that is one thing; but to pass this Ordinance, you have too many questionable situations that are still in existence. To try to work them out after you have something in effect is not an easy matter. That is a pretty hard thing to do and has been our experience.

Mr. Anderson said we all realize that 40 hours of work is desired by everybody, but nevertheless if we go to a 40 hour shift we are going to have to put a complete shift on. In other words you are going to have three shifts instead of two.

Mr. Ketler said there would not be under Proposition "B."

Mr. Anderson said if you did go to a 40 hour week you would have to have another shift, wouldn't you?

Mr. Ketler said that was one way of doing it.

Mr. Anderson said if you had another shift that would add another complete payroll wouldn't it? And he asked Mr. Rowlands how much it would cost.

Mr. Rowlands said we figured it out and it would be about \$575,000 if you were to put on additional men.

Mr. Anderson said if we added another shift and \$600,000, we are already broke, not completely so but in the hole, we would have to cut down a number of fire stations, or we would have to cut down the personnel. He asked Mr. Ketler if he ever thought what we should do.

Mr. Ketler said yes, pay by the hour. Actually he said they have many questions before their Attorney now and they just can't give us the answer.

Mayor Hanson said he believed that the Firemen's position is actually consistent with the Council's, in that they strongly oppose any action that would affect



pay, working conditions or pensions in any manner by any City Ordinance. He asked Mr. Ketler if the Attorneys you had look over this Ordinance were of the opinion, though it was rapidly arrived at, that it would protect the pension.

Mr. Ketler said Yes, they were.

Mayor Hanson said that then there is the question of the personnel being sure that the opinion of their attorney is right, and apparently the Council is in agreement to the objection. Now we are at a point of who should assume the risk. Should it be the City or should it be the men. He said he believed that if the risk is financial it should be assumed by the City, and for that reason he believes we should grant a two week continuance even if it means sacrificing a possible legal position. Mayor Hanson said, in weighing the register, there is also the additional risk of weakening our position in terms of the application of the statute.

Mr. McCormick said that in our opinion we would be in a stronger legal position if the change were made prior to the time the Act becomes effective.

Mayor Hanson stated it is well to recognize that additional risk before making the decision.

Mr. Bratrud asked Mr. Ketler that within the next two weeks, if by really pushing this thing he could come up with a good recommendation?

Mr. Ketler said he believes that they will know definitely where they are from a legal standpoint. The pensioners will have a chance to study this and know what to do, as will the people that are eligible, and the Union itself will have a chance to have its committee meet with the management to see if there are any errors, especially in regards to difference in pay and so on.

Mr. Rowlands said he wanted to make it very clear that we followed out the Council's instructions and think that the staff did a commendable job in getting this Ordinance prepared, particularly the City Attorney and the Personnel Director. We feel that it does what you wanted us to do in the way of protecting the City's interests. It protected the Firemen and very definitely protects the Firemen's Pension rights. Their own Attorney was with us Friday. He looked this over and there was no question about it protecting the rights of the Firemen, so, we feel that everything is protected. Their hours are the same, the pay is the same, the pension-disability benefits are the same, the vacation-sick leave policy are the same. He said that it in no way adversely affects those.

Mayor Hanson asked if there was any more discussion. There being no further discussion, vote was then taken on the motion to postpone the Ordinance for two weeks resulting as follows: Motion carried. Ayes 6; Nays 1, Mrs. Goering; Absent 2, Humiston and Perdue.

The order of business was then resumed.

#### COMMUNICATIONS:

Communication from L. W. Craig, County Assessor, requesting that they be notified which three members of the Council will represent the City on this year's Board of Equalization, which will convene in the Assessor's office on Monday, July 7th at 1:30 P. M.

Mayor Hanson said he was prepared to name the committee, but inasmuch as he knew all of the members of the Council would not be present he inquired at Mr. Craig's Office to see if it would be agreeable with them for him to make the appointments at next week's meeting. Mr. Craig's office advised that next week



would be satisfactory with them. Mayor Hanson then stated that this matter would be considered next week.

RESOLUTIONS:

Resolution No. 15752:

(Postponed from May 25th)

By Price:

Setting forth the conditions which private firms may connect to the City's Fire Alarm Circuit.

Mr. Bratrud said he would like to have a further postponement of this Resolution for the reason that after talking with several of the people involved, he has discovered that there are three types of systems that should be covered by this Resolution: Auxiliary connections, direct connection and central service. This Resolution, and an Ordinance following later deals only with the auxiliary fire alarm system. There is nothing in this Resolution in regard to direct connection - whether it can or cannot be done. He said he felt that this Resolution should include all three systems, therefore, he moved that Resolution No. 15752 be postponed for 4 weeks, to July 6. Seconded by Mr. Anderson.

Mr. Marvin Mohl, Attorney for the Notifier Northwest Distributors said this matter has been under discussion for some time. During this time his client has had many inquiries from various firms in Tacoma desiring connection, either direct or auxiliary. They have been unable to answer these inquiries because of the delay in the adoption of this Resolution. Mr. Mohl said the intention is to formulate one Ordinance which will cover all three facets of the fire alarm system. At the present time the Central Station System is allowed to connect to the Fire Alarm Headquarters. He said they ask the same privilege for direct reporting system, pending the adoption of this Resolution, which would treat his company on the same basis as the A. D. T. By postponing consideration of this matter for 4 weeks it is not intended to limit the Fire Chief's discretion to allow us to install a panel in the same way that A. D. T. presently has a signaling system installed. Mr. Mohl said they agree that all three systems should be covered but until a Resolution is adopted it remains within the Fire Chief's discretion.

Mr. Mohl was informed that this was correct.

Roll was called on Mr. Bratrud's motion to postpone Resolution No. 15752 for 4 weeks. Motion carried: Ayes 7; Nays 0; Absent 2, Humiston and Perdue

Resolution No. 15774:

By Anderson:

Fixing July 14, 1959 at 4:00 P. M. as the date for hearing on LID 4492 for grading and permanent type pavement, including concrete curbs, gutters and storm water catch basins on "D" Street from South 60th to South 63rd; South 63rd from "C" to Pacific; also on South 58th from Pacific to "A" Street.

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

Adopted on roll call June 8, 1959  
Ayes 7; Nays 0; Absent 2, Humiston and Perdue

Resolution No. 15775:

By Anderson:

Fixing July 14, 1959 at 4:00 P. M. as the date for hearing on L I D 6767 for the installation of modern lighting on ornamental steel or concrete standards with <sup>214</sup> underground wiring on North 30th from Proctor to Orchard, North 30th from Shirley to Pearl and Stevens from South 12th to South 19th Streets.

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

Adopted on roll call June 8, 1959  
Ayes 7; Nays 0; Absent 2, Humiston and Perdue

Resolution No. 15776:

By Easterday:

Awarding contract to George Madsen Company for L I D 4655 and 4656 in the amount of \$31,073.49 which was determined to be the lowest and best bid.

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

Adopted on roll call June 8, 1959  
Ayes 7; Nays 0; Absent 2, Humiston and Perdue

Resolution No. 15777:

By Humiston:

Commending Captain R. C. Marshall for his many years of service and outstanding record in the Police Department of the City of Tacoma.

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

Mayor Hanson said he knew that we all regret losing Captain Marshall and wish him well in his new position.

Adopted on roll call June 8, 1959  
Ayes 7; Nays 0; Absent 2, Humiston and Perdue

Resolution No. 15778:

By Anderson:

Appropriating the sum of \$15,667.00 or so much as may be necessary from the Cumulative Reserve Fund for Capital Outlay and Maintenance and Operation, for the completion of the construction of a new fire station located at South 56th and Warner Streets.

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

Mr. Rowlands advised that this came up last week. At that time we should have appropriated the entire sum of \$32,677.00 instead of \$17,000.00 because the previous \$16,000.00 appropriated a month ago was for the acquisition of the two houses and the site. The cost of the station and the incidental fees will come to \$32,677.00 or thereabouts so this additional appropriation of \$15,667.00, plus the \$17,000 from last week will take care of this.

Adopted on roll call June 8, 1959  
Ayes 7; Nays 0; Absent 2, Humiston, Perdue

FIRST READING OF ORDINANCES:

Ordinance No. 16369:

Amending Sections 6.68.190, 6.68.220, 6.68.220 (c), 6.68.270 (a), 6.68.300, 6.68.345 and 6.68.350 of the Official Code of the City relating to the Business and Occupation Tax, to conform to the new State reporting period by changing the bi-monthly period to a quarterly period. Read by title.

Mr. Rowlands said this particular ordinance was worked up by the Finance Staff. He advised that this quarterly period will coincide with what is being done on a State level and will be an assistance to businessmen who will only have to report 4 times a year rather than 6. The Ordinance was then placed in order of final reading.

Ordinance No. 16370:

Amending Section 11.20.010 of the Official Code of the City relating to Traffic, and designating certain streets as one way streets in the City. Read by title.

Mr. Rowlands said this particular Ordinance is the result of studies made by the Traffic Engineering and the Public Works Department, and of meetings by the Traffic Engineer with various retailers in different sections of the City. This matter was also reviewed by the Planning Commission last week. They recommended the proposition to the City Council in its proposed form.

Mr. Kenneth Ostlund, President of the K Street Boosters, reported that a postcard poll was taken of businessmen in the district on the proposed one-way

system. Of the 76 postcards sent out 38 were returned. The vote was 15 for and 23 against. Several service stations on South 12th Street felt it would be very detrimental to their business if 12th Street was to be one-way as they would receive none of the afternoon traffic.

Mr. Fred Pease of the Pease Brothers at 7th and Broadway said he would like a little more detailed explanation of Broadway from 9th to 7th being a one-way street.

Mr. Kosai, Traffic Engineer, said he would cover that in his discussion. A year ago he said they were talking about one-way streets in Tacoma. Last fall a report was issued. The basic point being to improve traffic flow, reduce traffic accidents and traffic congestion. Because of additional problems since the issuance of the original plans, the situation has had to be re-analyzed. The basic reason for re-analyzing the plans was to relieve traffic in this poor area. As a result they made the one-way plan in such a way as to make it easier for people to come into town and help them leave as soon as they are finished with their business.

The reason the one-way plan was extended over the plan as originally designed is due to several factors. One, terminating our one-way program on 11th Street at "G" or Yakima created inadequate capacity. In any one-way plan the terminals are the problems. Because of the natural terminal at 11th and 12th at Ferry Street we continued 11th and 12th Streets to that point. Coupled with that, there was a request from one of the business groups in K Street to eliminate the peak hour parking prohibition now in practice on 12th Street. The solution to that was to widen the street so that the peak car traffic can be handled, or increase the capacity of the street by making it one-way. Another factor for including the K Street area in the plan was because of the tremendous growth of activities in that area, pedestrian growth, accidents, etc.

Broadway was made one-way from 9th to 7th because of the problem at 9th and Broadway created by southbound traffic making turns at the 9th and Broadway intersection. One way traffic on this portion should reduce congestion and give a better flow of traffic.

Mr. Pease asked if it would help the situation if a sign was put at 9th and Broadway that would allow no left turns.

Mr. Kosai said it would not resolve the problem of the right turn going through the red light. If a sign "Turn Right Only on Green Light" was put up, this would create the problem of making a right turn lane and a thru lane.

It is felt that by coming up to 7th and then on to Market Street will be better than maintaining two-way streets in the area in question.

Mr. Bratrud said because there is so much opposition on making Broadway from 7th to 9th one-way, he would suggest that the City make Broadway a two-way street, including this area, and then if it doesn't function properly change it.

Mr. Bratrud then moved that the Ordinance be amended to delete from the one-way plan, Broadway from South 7th to South 9th, and South 7th Street from Broadway to St. Helens Avenue. Motion seconded by Mr. Easterday and carried. Ayes 7; Nays 0; Absent 2, Humiston and Perdue.

Mr. Kosai said that 14th Street should also be deleted from the Ordinance as a one-way street.

Mr. Anderson moved that South 14th Street from "A" to Pacific be deleted from the Ordinance. Seconded by Mrs. Price and carried on roll call: Ayes 7; Nays 0; Absent 2, Humiston and Perdue.

Mr. Easterday moved that South 11th and 12th Streets west of K Street be deleted from the Ordinance and remain a 2-way street. Motion seconded by Mr. Bratrud.

Mr. Kosai said this would create problems at the intersections of 11th and 12th with L, M and Sprague. He added that the termination of one-way streets at traffic lights was not desirable and also that 11th and 12th streets lend themselves to three-lane rather than four-lane streets. When the overall picture is considered, 11th and 12th Streets to Ferry should remain one-way streets, he said.

Mr. Porter said that Mr. Kosai has worked out a very good system for expediting traffic in and out, and if you delete some of the parts you end up with confusion.

Mr. Anderson said he agreed with Mr. Porter. It would be harmful for us, in a minute, to override the recommendations of someone who has worked on this plan a year or so.

Roll was then taken on Mr. Easterday's motion to delete 11th and 12th from K Street west as one-way streets. Motion lost: Ayes 1, Nays 6, Anderson, Bratrud, Goering, Porter, Price and Mayor Hanson. Absent 2, Humiston and Perdue.

Henry Carlborn suggested that South 11th Street be one-way eastbound in the morning and westbound in the evening.

Mr. Kosai said the alternating system had been rejected after considerable study.

The Ordinance was then placed in order of final reading.

Ordinance No. 16371:

Amending Chapter 13.06 of the Official Code of the City and adding a new section 13.06.085, reclassification of property located on the S. W. corner of Pacific Avenue and South 37th Street from an "R-3" Two-family dwelling district to an "R-4-L-TM" District. Read by title.

Mr. Buehler explained that Mr. McMenamain had requested that this property be rezoned from an R-3 District to a C-1 District. At the May 19th, 1959 meeting of the Planning Commission they recommended denial of this petition, but in lieu of the applicant's request, the Planning Commission recommended approval of a reclassification of the property from an R-3 District to an R-4-L-TM Low density Multiple Family Medical Transitional District, as this would provide for a more extensive land use along Pacific Avenue, while preserving the residential character of the general surrounding area.

The applicant was informed of his appeal rights. This Ordinance enacting the Planning Commissions' recommendations was held in abeyance until the appeal period expired, which it now has, and to date no appeal had been filed by Mr. McMenamain. The ordinance was then placed in order of final reading.

Mayor Hanson requested that the Council Rules be suspended in order to consider Ordinance No. 16372 which does not appear on the Agenda. It was moved by Mr. Anderson, seconded by Mr. Porter that the Council Rules be suspended in order that Ordinance No. 16372 might be considered at this time. Motion carried. Ayes 7; Nays 0; Absent 2, Humiston and Perdue.

Ordinance No. 16372:

Amending Section 3. 54. 010 of the Official Code relating to pyrotechnics and small arms ammunition. Read by title.

Mayor Hanson advised that the only change in this Ordinance was in the definition of the word "pyrotechnics", by deleting the word "sparklers." This would permit the sale of sparklers within the City. The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16350:

Amending Section 6. 75 of the Official Code of the City relating to licensing those engaged in the business of selling, installing, maintaining or repairing of the fire detective and/or fire alarm devices and equipment. Read by title.

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Mr. Bratrud moved that this be postponed for 4 weeks, to July 6th. Motion seconded by Mr. Anderson and carried on roll call: Ayes 7; Nays 0; Absent 2, Humiston and Perdue.

Ordinance No. 16363:

Vacating Hill Street and the East half of East "N" from the north line of East 38th Street to the north line of McKinley Park 4th Addition. Read by title and passed.

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Roll call: Ayes 7; Nays 0; Absent 2, Humiston and Perdue.

Ordinance No. 16364:

Amending Section 1. 12. 400 and 1. 12. 480 of the Official Code of the City relating to the pay and compensation plan - establishing a new position for Urban Renewal Program, and a Chief Cook and a Cook for the Police Department. Read by title and passed.

Roll call: Ayes 7; Nays 0; Absent 2, Humiston and Perdue.

Ordinance No. 16365:

Amending Section 1. 34. 180 of the Official Code of the City relating to Working Fund Advances - increasing the Equipment Rental Fund of the Public Works Department from \$25. 00 to \$50. 00. Read by title and passed.

Roll call: Ayes 7; Nays 0; Absent 2, Humiston and Perdue.

Ordinance No. 16367:

Amending Sections 1 and 2 of Ordinance No. 16361, approving and confirming the Assessment Roll for L I D 2283, to provide for 4% interest. Read by title and passed.

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Roll call: Ayes 7; Nays 0; Absent 2, Humiston and Perdue.

UNFINISHED BUSINESS:

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The Director of Public Works presents the Assessment Roll for the cost of the improvement in L I D 6755 for ornamental street lighting standards with underground wiring on Highland, Winnifred and Shirley Streets from North 18th to North 26th Streets and on North Bennett from North 18th to North 23rd.

The Director of Public Works also presents the Assessment Roll for the cost of the improvement in L I D 6756 for Ornamental street lights on Tacoma Avenue from South 72nd to South 74th Streets.

It was moved by Mr. Anderson that July 14th, 1959 be fixed as the date for hearing on the above assessment rolls. Motion seconded by Mrs. Goering and carried: Ayes 7; Nays 0; Absent 2, Humiston and Perdue.

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The Director of Utilities presents the Assessment Roll for the cost of the improvement in L I D 5301 for cast iron water mains in North Shore Country Club Estates.

It was moved by Mr. Easterday that July 14th, 1959 be fixed as the date for hearing. Motion seconded by Mr. Anderson and carried: Ayes 7; Nays 0; Absent 2, Humiston and Perdue.

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

Report from the Municipal Court for the month of May, 1959.

Report from the Tacoma Employees' Retirement System for the month of May, 1959.

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Mr. Bratrud said he thought that a second look should be made at the City's new commercial sewer rates. He said he knew of one firm that was forced to pay a separate \$2.00 monthly sewer charge on one faucet used to water a small strip of grass and another \$2.00 sewer charge on a faucet nearby which is used once a week to wash a truck. In neither instance would the water run into a sewer, but because of the way the Ordinance is set up this rate must be paid and he felt it was unjust, and that the Ordinance should be relaxed in instances where there is a good reason for doing it another way.

Mr. Rowlands said he would investigate the possibility of changes in the sewer rate Ordinance and report back.

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Mr. Robert Evans, representing a group of Tacomans who ask that the demolition of the City Hall be delayed pending a study of possible use for the building, asked the Council for permission for his group to be allowed, at the next Council meeting, June 15th, to make its presentation.

The City Council agreed to set aside time at its next Monday meeting.

Mr. Easterday asked that Mr. Hoppe of the overtaxed Taxpayers League be invited to attend also, as he knew he would be interested in this discussion.



Mr. Rowlands said a telegram had been received from Senator Magnuson which stated that he had talked to F. A. A. people regarding the tentative allocation of \$368,000 for the Tacoma Airport, and had received assurance that this money will retain its present status at least until F. A. A. reaches a final decision. So, Mr. Rowlands said, as yet we still do not know what their decision will be.

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Mr. Homer King said he objected to being required to pay a \$7.00 fee for a boiler inspection. He claimed property owners, like himself, pay large amounts of taxes each year which should take care of these services. The inspection of the boiler in his firm lasted for 5 minutes and he felt that there was no justification for such a charge. He asked Mr. Rowlands if he recalled their telephone conversation in regard to this.

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Mr. Rowlands replied that he did and that he had asked someone to contact Mr. King about the situation to explain to him the necessity of such a charge.

Mr. King said he had been contacted by phone, but had not received a satisfactory explanation.

Mr. Rowlands said this was a special service, as was electrical, plumbing or building inspection and therefore a special fee is required.

Mr. Homer King said he felt it was unnecessary as he carries his own private insurance and does not feel that people should be assessed on top of taxes. He felt it should be an inspection without charge, if it is required by Ordinance.

Mr. Bob Comfort, Attorney, said he represented the Pierce County Branch of the Washington State Music Operators Association, which comprises 8 of the 9 licensed local juke box operators. He said as the Council no doubt knows, stories of racketeering in the juke box field have been in the news recently. Seattle has already passed an "anti-racketeering" Ordinance.

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The present Ordinance in Tacoma provides merely for a fee of \$250.00 for an operator of juke boxes. It also provides for a \$5.00 license for location and a \$12.00 machine license. That is the full regulation we have in Tacoma. There is no provision which affords any legitimate businessman in this industry any sort of protection against racketeering.

Mr. Comfort said it was their request that the City Council consider formally an anti-racketeering ordinance. This Ordinance, proposed by his clients, would require Council or the City Manager's approval of all location license transfers, which would prevent the "muscleing in" of outside unsavory elements. It would prohibit the giving or receiving of gifts to location owners to induce them to change operators, would limit each operator to 150 machines and would not allow juke box operators to operate in allied fields such as pinballs, shuffleboard, bowling machines, etc. It should also include the provision that any person heretofore convicted of a crime shall not be able to hold a music operator's license.

Mr. Comfort added that his clients feel that many so-called "home-owned" juke boxes are actually owned by operators who wish to avoid the operators license. He suggested a provision that the keys to each "home-owned" machine be required to be kept on the premises and that the books of the operation be subject to the scrutiny of City Auditors.

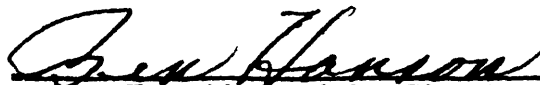
This "anti-racketeering" Ordinance will not result in any loss of revenue to the City. His clients feel that besides providing protection for them, it will in fact, result in a net gain to the City. In asking for such an Ordinance, his

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clients are not saying there is racketeering in Tacoma, but they do feel that a preventive measure is needed.

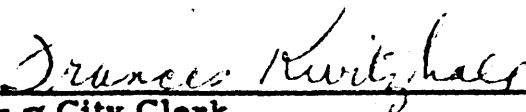
Mr. Anderson asked Mr. Rowlands to have such an Ordinance drawn up for the Council's consideration.

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



President of the City Council

Attest:



Acting City Clerk