

NOV 22 1960

City Council Chambers, 7:00 P.M.  
Tuesday, November 22, 1960

Council met in regular session. Present on roll call 9: Bott, Cvitanich, Easterday, Murtland, Olson, Porter, Price, Steele and Mayor Hanson.

Mrs. Olson moved that the minutes of November 9, 1960 be approved as submitted. Seconded by Mr. Steele. Voice vote was taken on the motion resulting as follows: Ayes 9; Nays 0; Absent 0.

Mr. Steele moved that the minutes of November 15, 1960 be approved as submitted. Seconded by Mrs. Price. Voice vote was taken on the motion resulting as follows: Ayes 9; Nays 0; Absent 0.

#### HEARINGS AND APPEALS:

This is the date to which the Council has postponed action on the appeal submitted by H. M. Tollefson, attorney for the petitioners, for the rezoning of property located at 9201 Pacific Avenue from an "R-2" District to a "C-1" District.

Mr. Easterday moved that the recommendation of the Planning Commission to deny the rezoning of the property located at 9201 Pacific Avenue be overruled and that the proper Ordinance be drawn to rezone the property from an "R-2" to a "C-1" District, Seconded by Mr. Cvitanich.

Voice vote on the motion resulted as follows: Ayes 8; Nays 1, Murtland; Absent 0.

#### PETITIONS:

Harley R. Bailey, requesting the rezoning of property located at the S.W. corner of So. 64th and Yakima to be rezoned from an "R-2" District to a "C-P-N" District.

Referred to the Planning Commission.

Holroyd Land Company, Inc., requesting the rezoning of property located at East 26th and East J, from an "M-1" District to an "M-2" District.

Referred to the Planning Commission.

Rex Harrington & F. R. Kendall, requesting the rezoning of property located at the S. E. corner of No. 26th and Bristol extended, from an "R-2" District to an "R-4-L" District.

Referred to the Planning Commission.

#### COMMUNICATIONS:

Communication from J. B. Feist, Chairman of the City Planning Commission relating to the matter referred to the Commission regarding the "C-F" Freeway zoning.

Mayor Hanson said the communication advised the Council that the Planning Commission is giving the matter regarding the "C-F" Freeway zoning their immediate attention.

Mr. Buehler advised that they have set Monday, December 5, 1960, in the Council Chambers, as the date for the rehearing on this matter.

RESOLUTIONS:

Resolution No. 16343:

Amending the City Council Rules to provide that the regular Council meetings be held at 8:00 P.M. on Tuesday of each week, except when a holiday falls on a Tuesday, then the regular meeting of that week shall be held at 8:00 P.M. on the first business day following, and rescinding Resolution No. 16095.

Mr. Bott moved that the Resolution be postponed for two weeks. Seconded by Mr. Murtland.

Mr. Easterday moved a substitute motion that the Resolution be tabled. Seconded by Mr. Cvitanich.

Discussion was held on which motion would have preference. Mr. McCormick explained that the motion to table has precedence over the motion to postpone.

Mayor Hanson then called for voice vote on the motion to table the Resolution, which resulted as follows:

Ayes 7; Nays 2, Bott and Murtland; Absent 0.  
The Resolution was then declared lost by the Chairman.

Resolution No. 16344:

Fixing Monday, December 12, 1960 at 4:00 P.M. as the date for hearing on L I D 4683 for permanent paving on Geiger & Meyer Streets from 12th to So. 19th Streets. 540

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.  
The Resolution was then declared adopted by the Chairman.

Resolution No. 16345:

Fixing Tuesday, December 20, 1960 at 7:00 P.M. as the date for hearing on the vacation of So. 17th from the east line of Puget Sound Ave. and Lawrence Street; also Warner Street between So. 16th and 19th Streets. (Petition of First Assembly of God Church.) 573

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.  
The Resolution was then declared adopted by the Chairman.

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Resolution No. 16346:

Fixing Tuesday, December 20, 1960 at 7:00 P.M. as the date for hearing on the vacation of property on Warner St., between so 18th and 19th, alley between So. 19th from west line of Warner to the west line of Lawrence. (Petition of Gloria Dei Lutheran Church.)

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

Voice vote was taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16347:

Accepting certain offers to sell real property situated with in the Urban Renewal Project designated Project No. Wash. R-1 (Center Street)

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

Mr. Cvitanich asked if it would be possible hereafter to have the addresses of the property involved.

Mr. Rowlands said he would see that this is provided in the future.

Voice vote was then taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16348:

Authorizing the execution and delivery of a certain project temporary loan note in connection with Project No. Wash. R-1. (Center Street)

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

Mr. Rowlands explained that this is the City's third request for a temporary loan on the Center Street Project. The amount involved is \$848,000 which will enable the City to acquire the land and also take care of operating expenses.

Mr. Cvitanich remarked that on the first page of the Resolution reference is made to the Local Public Agency, the Mayor and the City Clerk of the Local Public Agency and on the second page reference is made to the City Manager. He asked if the Local Public agency was a flexible definition.

Mr. Jacobson, Urban Renewal Director, said the City of Tacoma is the Local Public Agency. The City Council has delegated to the City Manager the authority to administer the Project. Federal regulations are set up on the assumption that a Local Public Agency is not a City but a separate authority. The Manual is footnoted so that in some cases when reference is made to Local Public Agencies, in a Municipality, reference is made to the principal executive officer of the City.

Mayor Hanson explained that in this Resolution the Council, as the governing body of the Local Public Agency, is authorizing the Mayor and the City Clerk to execute the note; the Manager is authorized to deliver and accept payment.

Voice vote was then taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16349:

Amending Resolution No. 16299 in reference to the execution and delivery of a certain project temporary loan note in connection with Project No. Wash. R-1. (Center Street)

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

Mr. Rowlands said this Resolution is to correct an error made in Resolution No. 16299.

Mr. Jacobson explained that this amendment is more or less a mechanical adjustment of the procedure so that the records of the Federal Urban Renewal Administration will be clarified.

Voice vote was then taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16350:

Awarding contract to Stevens Motor Co. for two 4-door Station Wagons in the amount of \$5,349.59, less trade-in allowance.

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

Mr. Bott asked if the policy now is to trade in those vehicles instead of calling for bids, as has been done previously. He called attention to the 1956 Station Wagon trade-in value which was only \$235.00 and felt that a better price could have been obtained in an open bid.

Mr. Rowlands said normally bids are called for on vehicles, but in this instance the vehicle in question had been involved in an accident, and the price received was a fair one considering the condition of the Station wagon.

Voice vote was then taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

Mr. Rowlands said there was another Resolution to be considered this evening which was not on the Agenda.

Mrs. Price moved to suspend the rules in order to consider Resolution No. 16351 at this time. Seconded by Mr. Porter. Voice vote: Ayes 9; Nays 0 Absent 0.

Resolution No. 16351:

Awarding contract to Sound Mattress & Felt Company for property located at So. 24th and 25th Streets and Holgate and C Streets, in the amount of \$30,500.00

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

Mr. Barline said this property and building is known as the Nisqually Sub-station at 23rd and Holgate and has not been used for approximately two years by the Light Division.

Mr. Barline said this property was advertised for sale some three or four months ago and at that time the best bid received was approximately \$22,000. Since the property has been appraised at \$35,000, the Board rejected all bids at that time and considerable more advertising was given and a new call for bids was submitted. As a result, 8 bids were received and it was determined that the Sound Mattress and Felt Company bid of \$30,500.00 was the best bid.

Mrs. Olson asked, what was the original appraisal of the property.

Mr. Barline said approximately three years ago the property was appraised at \$52,000. Shortly after that it was re-appraised at \$43,000. Before advertising the sale of this property it was again re-appraised for the amount of \$35,000. The reason for this drop was that originally there was a shortage of warehouse space and it was felt it could be used for that purpose. In the meantime the demand for that type of usage was decreased; also over this period of time the building has deteriorated and will cost several thousand dollars for repairs.

Mr. Bott said he noted that Lindall Brothers offered \$41,000 for the property and the Sound Mattress and Felt Company's bid was only \$30,500.00 He wondered why the bid was given to the Sound Mattress and Felt Company.

Mr. Barline explained that the two figures are not comparable. Lindell Brothers' bid was a lease-purchase agreement in the amount of \$41,000. The bid of the Sound Mattress Co. of \$30,500.00, together with the 6% interest would amount to a larger sum than the Lindell Brothers' bid. Mr. Barline added, the Lindell Brothers bid was also not acceptable since they did not comply with the bidding requirements to furnish a certified or cashier's check or did not sign the bid proposal.

Voice vote was then taken on the Resolution resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Resolution was then declared adopted by the Chairman.

#### FIRST READING OF ORDINANCES:

##### Ordinance No. 16675:

Amending certain sections of the Official Code in reference to Public safety and morals. Read by title.

Mr. Rowlands said the Attorney's office prepared a memorandum listing the various changes, some of which are of a technical nature and some of which were for clarification purposes. He said this Ordinance more or less brings the Code up to standard with some of the State Laws and the State Code.

Mr. Porter said ordinarily when amendments are presented, they are underlined in the Ordinance. He wondered why this policy wasn't followed in this instance.

Mr. McCormick, City Attorney, explained the reason this wasn't done in this particular instance was that the Chapters of the present Code as enumerated in the heading of the Ordinance were repealed and have practically been completely reworded. He said the explanation prepared by the Attorney's office which was distributed to the Council members, points out the information on the revisions.

Mr. McCormick said this was first brought to his attention by a request from Chief Kerr in July 1959. At that time it was thought that there were quite a few voids and omissions in the Criminal Code and that it should be brought up to date.

This Ordinance presented tonight is the culmination of the study and work done during the past year and one half. He added that several conferences were held with the Chief and with other Police Officers in an attempt to make a more modern workable criminal code insofar as the City is concerned.

Mr. McCormick further added that the next Ordinance which is to be considered prohibits the sale of automobiles on Sunday. He said this is now contained in the disorderly section. In the redrafting of the Ordinance it was felt that this type of infraction should not be contained in the disorderly section and should be give a separate Chapter.

Mr. Cvitanich remarked that the Traffic Code of the City is also outdated, and wondered what would be required to bring it up to date with the 1959 State Code.

Mr. McCormick said this is an area which he felt should be explored also, as there has been many changes. He said his office received a codification of the new State Traffic Manual a short time ago and thought it would be well to bring the City's Code up to date with the State Code.

Mayor Hanson said that Mr. Cvitanich's suggestion will then be followed-

The Ordinance was then placed in order of final reading.

Ordinance No. 16676:

Amending the Official Code of the City by enacting Chapter 8.46 relating to the conduct of business on the Sabbath. Read by title and placed in order of final reading. 535

Ordinance No. 16677:

Amending Sec. 1.06.395 of the Official Code of the City in reference to changing the title of the Urban Renewal Coordinator to Urban Renewal Director. Read by title.

Mr. Rowlands explained that this matter was discussed with the City Council some months ago, but in order to accomplish this procedure the Administrative Code must be amended.

Mr. Bott asked if this meant an increase in salary.

Mr. Rowlands said the salary remains the same as provided in the Pay and Compensation Plan.

The Ordinance was then placed in order of final reading.

Ordinance No. 16678:

Amending the Official Code of the City to include a new title known as Title 14 and adding six new sections applicable to the Urban Renewal Code. Read by title.

Mr. Rowlands advised this particular Ordinance makes it possible to add various new sections to the Code which is applicable to the Urban Renewal area.

Mrs. Olson pointed out that in Section 14.02.040 it mentions the Federal Housing Act of 1949, as amended, etc., and asked if a copy of that Act might be made available.

Mr. Rowlands said he would see that the Council members are supplied with a copy of this Act.

The Ordinance was then placed in order of final reading.

Ordinance No. 16679 :

Establishing policies and procedures for Property Management in Urban

Renewal Project areas. Read by title.

Mr. Rowlands explained that this Ordinance established various rules and regulations by which the Urban Renewal Office can take possession of the property. He added, it more or less sets forth the rules of procedure for acquiring the property and establishing a procedure for the residents who will continue paying rent to the City if they so desire to live in the house after it is purchased by the City.

Mr. Jacobson said this Ordinance also sets up the conditions under which a tenant can be evicted, but, he added, this procedure would only be used as a last resort.

Mr. Cvitanich said he had requested an MC some time ago regarding the cost incurred in moving the Urban Renewal Office to the 11th floor and as yet has not received this information.

Mr. Jacobson explained that there has been some confusion in reference to the bills. He said some were sent to Public Works Dept. and some to the Urban Renewal Dept. which seems to be duplications. He said as soon as this is straightened out, they will compile the information.

Mr. Rowlands said he would try to have this information for the Council by next week if at all possible.

The Ordinance was then placed in order of final reading.

#### FINAL READING OF ORDINANCES:

##### Ordinance No. 16660:

Granting to the State-Wide Advertising co. the right, privilege and permission to place, construct and maintain benches with advertising thereon at designated locations on the streets and sidewalks in the City of Tacoma. Read by title.

Mr. Steele said he had a number of amendments he would like to submit with reference to this Ordinance.

He then moved that in Section 4, the words "or exterior type plywood" be added to the first sentence after "solid wood" so as to read "All benches shall be made of solid wood or exterior type plywood construction and concrete and shall be approved by the City Manager or his representatives." Seconded by Mr. Porter. Voice vote on the motion resulted as follows: Ayes 9; Nays 0; Absent 0.

Mr. Steele moved that Section 5 be amended by adding an additional sentence, to wit, "That no political advertising appear on any such bench."

It was brought to Mr. Steele's attention that this was already provided for in the Section. He then withdrew his motion.

Mr. Steele said in Section 13 he would move that the sum of the performance bond to be posted be changed from \$1,000 to \$10,000. Seconded by Mr. Murtland.

Mr. Steele said the performance bond, required, shall be forfeited in the event of failure to perform the conditions of the franchise. This franchise concerns not only the placing of the benches, the maintenance of the benches and/or the removal of the benches as may be required by the City Manager upon proper circumstances under Section 10. Section 10 requires the grantee to pay to the City of Tacoma \$5.00 per bench as cost of said removal or destruction thereof. He said he thought that the sum of \$1000 is a very nominal fee for this large concern to bond itself, for this franchise.

Mr. Porter remarked that the City cannot grant an exclusive franchise to any firm under this Ordinance.

Mayor Hanson said therefore, there would still be an opportunity for other companies to apply for the same privileges.

Mr. Steele said he still felt if the bond were increased to \$10,000 it would be a very modest amount.

Mr. Porter asked what amount of bond is required by the City of Modesto, California, from which this Ordinance was drafted.

Mr. McCormick, City Attorney, said he thought it was for \$1,000.

Mr. Porter said they are however, allowed to give an exclusive franchise.

Mr. Porter said he recalls, when this matter was discussed, the Council members felt inasmuch as Tacoma could not give an exclusive franchise, that the various payments and fees should be lower. He said in discussing this with the City Manager of Vancouver, Washington the Assistant Commissioner of Public Works in Portland, Oregon, as near as they could recollect, there was no bond required in either of their Ordinances, although there were other provisions similar to this, he added. He said it seems to him that as long as there is sufficient liability insurance there would be sufficient protection.

Mr. Steele asked what assurance does the Council have that liability insurance shall be filed prior to the assumption of operation, by the franchise holder.

Mr. McCormick, City Attorney, said the Ordinance states that the policy shall be kept in full force and effect throughout the existence of the franchise, so in order that the franchise can become effective there would have to be a liability insurance.

Mr. Steele said, then, without the insurance coverage the franchise would not be authorized. He said he would like to have this made a matter of record in the minutes.

Mayor Hanson said the question before the Council now is whether or not a \$1000 bond will be sufficient to assure the City of meeting any expense involved in actually performing any of the obligations the franchise involves.

Mayor Hanson said he felt that \$10,000 was quite high.

Mr. Steele said he would then move to amend his motion to \$5,000, as he still felt that \$1000 was not sufficient. Seconded by Mr. Murland.

Mr. Knecht, Attorney, said he thought the \$1000 was only a good will gesture. He said it would be impossible for a firm to put up a bond that would actually guarantee the City the cost of removal of the benches; furthermore, he said, these people are not going to put in an expensive installation without being able to back themselves up in respect to the sale of the advertising and the fulfillment of the contract with the City and the fulfillment of the contract with the advertising.

Mr. Steele asked Mr. Knecht if he would object to a \$5000 bond.

Mr. Knecht said he felt this could be raised to extremes.

Mayor Hanson said, what Mr. Knecht is saying, is that the investment in the benches themselves would be a guarantee of performance in terms of removal. He said there is also a provision in the Ordinance which will permit the City to sell the benches as a final recourse should it be necessary.

Mr. Porter said in talking to an operator who has bench advertising in another City, he estimated that the cost of the benches alone would be around \$60,000 or \$70,000 and in the event the operator doesn't remove them, the City would be able to sell them.

Mayor Hanson said the Council has before them the motion to amend the amount of the performance bonds from \$1000 to \$5000, and called for a voice vote on the motion, which resulted as follows: Ayes 2; Nays 7; Cvitanich, Easterday, Murland, Olson, Price, Porter, Bott and Mayor Hanson; Absent 0. Motion lost.

Mrs. Olson said the Council members have received MC-325 pertaining to response of inquiries to other cities on the use of benches at bus stops for the use of the public. She asked if this covered the inquiries made by Mr. Rowlands.



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Mr. Rowlands replied, it did. He pointed out that under the category of "Cities allowing Benches at Bus Stops," only 7 out of 17 major Cities allowed benches at bus stops. Six of these Cities permitted benches with advertising, all privately maintained. The City of Grand Rapids, Michigan, discontinued privately owned benches and now maintain some with no advertising. Mr. Rowlands added that he wrote to Des Moines, Iowa, Fort Worth, Texas, Peoria, Illinois and Springfield, Illinois and they indicated that there had been no adverse comments from the general public, although he said some of the officials themselves were not in favor of the proposal from the standpoint of appearances, but little adverse comment was given by the Cities allowing benches.

Mr. Rowlands said he would suggest if this Ordinance is adopted by the Council that consideration be given to painting the advertising on the benches so that there will be no problem of the advertising becoming detached to clutter the area.

Mr. Overland, Attorney, explained that all the advertising would be painted on the surface.

Mayor Hanson said much concern has been expressed that the colors used on these benches will be distasteful. He suggested that perhaps the Council could consider confining the type of lettering to various shades of green or white. He said he would like to have the thinking of the Beautification Committee in this respect.

Mr. Porter said "Section 5" of the Ordinance gives the City Manager or his representative practically supreme power. He felt that it would be best to leave this up to their discretion.

Mayor Hanson asked Mr. McCormick if the interpretation of Section 5 would give the Manager, even though he may turn to the Beautification Committee for guidance, the authority to set up some rules in reference to the type of lettering, etc.

Mr. McCormick said he felt that any rule that were set up would have to be based on a sound reason, otherwise such rule would be subject to legal action.

Mayor Hanson said he was interested in knowing what objection the Beautification Committee had to this Ordinance. He said he felt some means could be worked out without defeating the entire Ordinance.

Mr. Brown, Chairman of the Beautification Committee, said they were not opposed to the benches, but they were concerned about the colors used.

Mayor Hanson said it seemed to him that it would be a relatively simple matter to set forth the specific colors that would be permitted.

Mr. Rohrs, Attorney, said he was asked to be spokesman for a group of citizens in favor of these bus stop benches and is not connected with this proposition in any other way. He said it would appear to him that there are enough safeguards in the proposed Ordinance to eliminate any trouble. He said he has read the Ordinance rather carefully and finds that it is a franchise for 10 years and not for an unlimited time. A 1% of the gross receipts will be received from this franchise to the City plus the quarterly payment of \$1.25 for each bench. Everything in this Ordinance is subject to the approval of the City Manager or his representative. Section 5 even provides that if the City so desires, bus schedules shall be placed on the benches. With respect to the types of advertisements, it is found that there is nothing that will permit anything repugnant to the citizens of Tacoma. He said it seemed to him that there was a multiplicity of protection not only for the citizens but also for the City itself.

Mayor Hanson asked if there would be any objection to inserting in the Ordinance some measure of control with reference to the coloring. He said he was certain the people involved in this venture, are interested in having as much public approval as possible and perhaps this provision would eliminate some of the basic objections to the Ordinance.

Mr. Knecht said he was sure that the proponents of this Ordinance have no objection to the use of any colors as would be approved by the City Manager or

agent.

Mr. Overland, Attorney representing the State-Wide Advertising Company, said the matter of colors is very suggestive and if certain colors were to be approved and some were not, the risk is of being so arbitrary that advertisers may think they cannot go along with the requirement. The matter of color and of taste being left up to one individual can be completely out of reason, he added. He felt that a general stipulation could be contained in the Ordinance that certain brightness or garishness of colors, be avoided.

Mr. Porter suggested that some Broad language be added to some section of the Ordinance giving the City Manager the right to establish or object to color combinations.

Mr. Rohrs pointed out Section 3 "Commencement of Work" which provides that "no work shall be commenced under the provisions of this franchise until plans and specifications shall have been filed with, and approved by, the City Manager or his representative." He thought this section could be spelled out more specifically as to color specifications.

Mr. McCormick said it should be pointed out that the Charter provides that this franchise, while it is granted for 10 years, cannot be exclusive. It also, provides, whether it is specified in the Ordinance or not, that this franchise, as are all franchises, subject to repeal, amendment or modification with due regard to the rights of the grantee and the interests of the public. Furthermore, the Council has the right to cancel, forfeit, and abrogate the same if the franchise, right or privilege is not operated or exercised in full accordance with its provisions, or any part thereof.

He said the fact that a ten year franchise is being granted by this Ordinance does not mean that it cannot be changed within that time.

Mr. McCormick explained if the City Council desires to make this more specific, he suggested that on page 2, line 1, Section 5, the words "for any reason whatsoever" be added after the words "benches which."

Mr. Porter then moved that the words "for any reason whatsoever" be added to Section 5 on page 2, line 1, after "benches which" so that the sentence would read "No advertising matter or sign whatever shall be placed or maintained on said benches, which, for any reason whatsoever, does not meet with the approval of the City Manager or his representatives." Seconded by Mr. Easterday. Voice vote was then taken on the motion resulting as follows: Ayes 9; Nays 0; Absent 0. Motion carried.

Mr. Bott said there has been several people opposing this Ordinance and handed the City Clerk a letter to read which was received from the Retail Trade Bureau objecting to the advertising benches,

A letter from the South Tacoma Business Club opposing the Ordinance was also presented.

Several people in the audience spoke in favor of the proposed Ordinance.

Mr. Murtland said what has bothered him on the whole matter is that if the City passes this Ordinance and the benches are placed at certain locations, for instance, in the downtown area in front of a particular business establishment, can the City Council in good faith deny a request for a bench in front of a business firm next door? Also he said he would like the Council to consider the affect it would have on traffic. He said he was not opposed to providing benches for people to sit upon, however, this Ordinance provides that only one bench be installed in the residential area, for every 20 in the Commercial area. He further added, that the City Council has given the Beautification Committee the authority to beautify the City and have passed an Ordinance requesting the merchants to remove their wares from the sidewalks, and if this Ordinance is approved he felt that they would be inconsistent in their actions.

Mr. Bott asked where they proposed to install these benches on the sidewalks.

Mr. Rowlands advised that the safety of the citizens of Tacoma will be the first consideration and assured the City Council that he would not be recommending any location in the heart of the Central Business District unless the Traffic Engineer advises that it will be safe. He added that each location will be analysed very carefully to make certain that a bench is not placed in a hazardous location.

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

Ayes 7; Nays 2, Murtland and Steele; Absent 0.  
The Ordinance was then declared passed by the Chairman.

Ordinance No. 16670:

Amending certain sections of the Official Code of the City relating to the Pay and Compensation Plan for the year 1961. (Salary Ordinance) Read by title.

Mrs. Price moved that the Ordinance be held over for two weeks so that further information could be obtained. Seconded by Mr. Steele.

Mayor Hanson said there were Union representatives present to speak on this Ordinance and he would like to give them an opportunity to do so before the Council acts on this motion for postponement.

Mr. Ketler, representing the Civil Service League, said he was present this evening in regard to the rate paid by the City to temporary employees hired out of the Craft Unions. He explained when these carpenters, plumbers or painters are called from the Union Hall for temporary work for the City, they receive a lower rate of pay than is normally received by them for this work; consequently, he added, they take a wage cut when they come to work for the City under the present Pay and Compensation Plan. As a result of this procedure it is difficult for the City to obtain the services of anyone from the Craft Unions, unless someone happens to be hard-up for a job.

Mr. Ketler said since this is only on a temporary basis it does not affect a great number of workmen, but what they are mostly concerned with is that these skilled men, who are called on a temporary basis be paid the prevailing rate according to the Union scale.

He said they are requesting that this Ordinance be amended so that whenever there is a skilled craftsman called from the Union Hall on a temporary basis, that he be paid the regular rate as set up by the Union.

Mr. Bott asked what the practice was in the other crafts in the City such as the teamsters, laborers, etc.

Mr. Ketler said the situation in most of the crafts is that they are promotional from laborers, semi-skilled, etc., within the City. So that whenever there is a vacancy, an employee is stepped-up to fill the position; they are not called from the Union Hall. There is no problem there, he added. But when mention is made of skilled trade, the situation exists that when a carpenter, painter or plumber is recruited, it is asked in the examination requirement that those men be journeymen. He said, in the opinion of the labor group, they do not feel that anyone should step up and fill those positions when they are vacant, as they are journeyman positions. So the City is not in a position to step someone up to a painter, for instance, because the City does not have that as a promotional series. Therefore, he added, there is not this problem in most of the other crafts because they are promotional.

He said this request pertains actually to the skilled trades where they are journeyman that are called from the Union Hall. Mr. Ketler said it is important to know that this does not affect many people as this only happens a few times during the year.

Mayor Hanson asked, when the City needs a painter and sends to a Union Hall for a man, is it right to expect this man to give priority to City work if he received lower pay. It leaves the impression that the City is not recognizing Union scale. On the other hand, there is the failure to recognize the fine fringe benefits that are realized by the City employees if the temporary workman working along side the permanent employee is receiving exactly the same amount per hour as the permanent employee. Therefore, he felt the payment on the Union scale is justified. He thought the City should also look into the matter of unemployment compensation so that when a skilled craftsman is called on these temporary matters he is paid at the same rate as if he were working for anyone else.

Mr. Ketter said the unemployment compensation was important to these people as they are unemployed often times during the winter months and if there is not a great cost involved, he thought it would be well to have something worked out along this line.

Mr. Steele said he had understood that this was resolved some time ago during the Budget Hearing with reference to these few temporary employees being paid in accordance with the prevailing wage scale.

Mr. Ketter said the matter was brought up at Budget time, but it was decided at that time to wait until the Pay and Compensation Plan was brought before the Council before final action was taken.

Mr. Steele said he thought that the Council should initiate whatever amendment is necessary to accomplish this request. The number of people involved is small and obviously, the prevailing wage should be paid to these part time employees.

Mr. Rowlands said a memorandum was prepared by Mr. Bixel on this matter, copies of which were distributed to the Council. He said he wanted to make it very clear that based on the information of the Personnel staff other private concerns in the area indicate that the maintenance and shop rate is paid by private Industries and Businesses to these temporary employees called in from the Union Hall. The Salary and Wage Survey which is conducted quite extensively each year is predicated on what the going rate is for those Crafts and Trades in the general area representing about 80% of employment. Mr. Bixel and Mr. Lund have checked, the past few days, to determine what the general practice is in other organizations in the community in reference to their policy in hiring from the Union Hall. He said it seems to be the general practice to pay the going rate to the employees.

The other point which was discussed, Mr. Rowlands added, was the question of unemployment compensation. This was discussed between the Labor-Management Committee at the last meeting and is a matter very seriously considered by the Labor representative. Mr. Rowlands said this might be a possible area where more investigation can be made and still pay these employees the City's going rate but making a concession on the Unemployment Insurance.

Mr. Cosgrove of the Carpenter's Union said whenever a call is received at the hiring hall for a carpenter or skilled craftsman, there is only the one rate they are sent out on. He said the Personnel Dept, has taken into consideration some of the other associate unions but not the hiring of the Skilled Craftsman from the Carpenters Hall.

Mr. Porter said there was also the matter of the City's getting its moneys worth. The man who pays the prevailing rate is going to get his moneys worth. He also thought it was important that these people are covered by unemployment compensation.

Mr. Steele said the people working for the City on a regular basis are working on a Civil service tenure, but when temporary help is brought in then the City should not be in any different category than any other employer when selecting men from the Union Hall - they should pay the prevailing rate and also unemployment compensation.

Mrs. Price asked how many crafts would be involved.

Mr. Ketler said approximately 8 or 10.

Mayor Hanson said it was principally painters and carpenters, however.

Mr. Barline asked if laborers were being included in this request.

Mr. Ketler said laborers are hardly ever called for through the hiring hall. Mr. Barline said most of the Utility Division temporary help is called in the summer time for ground maintenance work. He said many Utilities and Business Firms adopt the policy of hiring college students. He added that insofar as possible they have tried to hold those temporary jobs open for students who are taking engineering in Universities and he would not want to see this get into a position such as is discussed tonight.

Mr. Ketler said all that they are concerned about is those Skilled Craftsman being hired out of the Union Hall and this amendment need not include laborers, only Skilled Craftsman.

Mr. Ketler said another item he wanted to bring before the Council was in the Compensation Plan on page 12, under Salaries - 0006 (A) Customer Accounting and Collection Supvr. and on page 15 - 0046 (A) Principal Accountant. He said these are two new appointive positions and there is concern that these higher level positions in Civil Service have become appointive positions and are not under Civil Service, whereby they would have to compete by examination and be promotional from within the ranks if possible; or if the person being recruited has to take an open examination that they have Civil Service rights. He thought these classifications should not be appointive positions.

Mayor Hanson said perhaps the Council could have a report on this matter before final action is taken on the Ordinance.

Mr. Porter said he would also like to have a report as to the exact duties of these two positions.

Mr. Cvitanich asked for an ME on the number of appointed positions in the City Service. He added that he would like a breakdown rather than just numerical information.

Mr. Rowlands said the Personnel Dept., had prepared a memorandum explaining a proposed compensation amendment in Section 1.12.350 of the Salary Ordinance in which the City Attorney suggested that the addition of the words "or any other subsequent date for which funds are available" after the date of January 1, 1961 in Section 1.12.350 line 21. This will make it possible to make payment at any time, he explained.

Mrs Price moved that the words "or any other subsequent date for which funds are available" be added to Section 1.12.350, line 21, after the words "January 1, 1961". Seconded by Mr. Murtland. Voice vote: Ayes 9; Nays 0; Absent 0.

Mr. Cvitanich said he would like to have an amendment to the Compensation Plan brought in at the next Council meeting that would be favorable to what Mr. Ketler has requested, Seconded by Mr. Steele.

Mr. Rowlands said he would like some clarification on the suggested amendment regarding hiring of temporary help from the Union Halls. As he understands it the Council desires to pay these skilled craftsmen the prevailing construction rates. He asked if they wanted the unemployment compensation feature to be included.

Mr. Murtland asked if the policy of private industry was to pay unemployment compensation to temporary help.

Mr. Ketler said it was, and they are also covered by Health and Welfare and other benefits.

Mr. Bixel said he would like to make some clarification on one matter. He said he was unable to find any Firm in the City that pays two rates for their maintenance employees, and their full time employees. He said, when men are called for construction work they are paid the construction rate. The City follows the same procedure, he added, but he was unable to find any support in private

Industry where two rates are being paid for the same class of employment irrespective of whether it was temporary or full time.

Mr. Cvitanich then moved that the Compensation Plan be amended to include "That skilled craftsmen such as painters, carpenters and plumbers who are recruited from a Union hiring hall and employed on temporary work shall be paid at the prevailing construction rates; provided further, that such skilled craftsmen above referred to shall receive coverage under the State Unemployment Compensation Act in addition to the usual City fringe benefits accorded to temporary employees." Seconded by Mr. Steele. Voice vote was taken on the motion resulting as follows: Ayes 9; Nays 0; Absent 0.

Mrs. Price then moved to postpone the Ordinance for two weeks to December 6, 1960. Seconded by Mr. Steele. Voice vote resulted as follows: Ayes 9; Nays 0; Absent 0.

Mr. Steele leaving at this time.

Ordinance No. 16671:

Providing for the improvement of L I D 4681 for pavement on No. 22nd Street from Stevens to Huson. Read by title and passed. 468

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. 16672:

Providing for the improvement of L I D 2319 for grading and oil mat surface on 49th Avenue N. E. to 53rd Avenue, and also on Beeler Plat. Read by title, and passed. 462

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. 16673:

Providing for the improvement of L I D 4670 for permanent pavement and storm drainage on So. 57th & G; A Street, So. 48th to So. 50th Street. Read by title. 462

Mr. Murtland said he noticed in two of these L I D Ordinances there were deletions although the percentage on the deletions did not come up to what is usually thought of as being sufficient. He said the L I D Committee holds a hearing on the L I D, then they vote to delete an area; therefore the Council is not given the full L I D to consider.

Mrs. Price explained that the Ordinance comes before the Council only as a recommendation.

Mr. Murtland said the Ordinance is then prepared with the deletions and the Council does not have an opportunity to pass upon it.

Mayor Hanson said the Ordinance conforms to the recommendation of the L I D Committee and the Council can, of course, overrule the recommendation if they wish.

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Mr. Murtland said, however the L I D Committee initiates the Ordinance and the Council does not have the entire L I D before them.

Mr. McCormick said a Resolution setting up the date of the L I D is presented to the Council at the outset. After the hearing an Ordinance should be drawn creating the district.

Mrs. Price said the remonstrances filed against the L I D's were 48% and 52% and the reason the L I D Committee recommended deletion of the two areas was because it was brought out that if this were not done, the people involved would immediately go out and obtain more remonstrances that would kill the entire L I D. However, the Council does have the opportunity to make an amendment to the Ordinance if anyone so desires, she added.

Mr. Porter said if the deletions were not made from the Ordinance at the time it was brought before the Council, there would probably be another hearing similar to, or longer than the one before the L I D Committee, so the purpose would actually be defeated of having an L I D Committee.

Roll call was then 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. 16674:

Approving and confirming the Assessment Roll for L I D 5303 for water mains in area bounded by So. D, East I, East 64th and East 72nd Street. Read by title and passed.

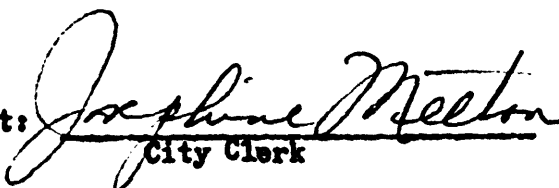
Roll call was then taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Steele.

The Ordinance was then declared passed by the Chairman.

There being no further business to come before the Council upon motion duly seconded and passed, the meeting adjourned at 9:45 P.M.

  
Mayor of the City Council

Attest:   
City Clerk