

Council Chambers, 4:00 P.M.
Tuesday, September 8, 1959

Council met in regular session. Present on roll call 8: Anderson, Bratrud, Easterday, Goering, Humiston, Perdue, Porter and Price. Absent 1, Mayor Hanson. In the absence of Mayor Hanson, Dr. Humiston, Vice Mayor, presided. Mayor Hanson coming in at 4:10 P.M.

Mr. Easterday moved that the minutes of the meeting of August 31, 1959 be approved as submitted. Seconded by Mr. Anderson. Roll call: Ayes 8; Nays 0; Absent 1, Mayor Hanson.

Mayor Hanson coming in at this time and assuming the chair.

HEARINGS AND APPEALS:

This is the date to which the Council continued the hearing on the appeal of the revocation of Mr. Edward R. Rose, private detective license.

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Filis L. Otto, Attorney for Mr. Rose, said the grounds for which the revocation was based was pointed out in a letter received from Mr. Rowlands, City Manager, Dated July 13, 1959 which stated "Information provided by the Police Dept. of this City indicated that your pattern of behavior is of such a nature that you are no longer of sufficiently high moral character to continue operating as a private detective in this city." Attorney Otto pointed out that Mr. Rose had been arrested seven times but that bail had been forfeited four times, which she said, does not constitute a legal admission of guilt.

She said the grounds for which the revocation of Mr. Rose's license was based had nothing to do with his private detective work. The grounds were based on an over-indulgence of intoxicating beverages. She said in her many years of practice she has never heard of an attorney, physician, engineer, etc. ever losing the right to practice his livelihood simply for the reason of a fondness for liquor. Mr. Rose is not here for any offense which involves the violation of the confidence of a client for attempting to extort money from a client or for embezzlement.

This profession is the sole livelihood of Mr. Rose and he holds the oldest license in the City of Tacoma as a private detective. There is nothing to show that he has in anyway mishandled any cases because of over-indulgence or that any fire arms were involved in these previously mentioned cases. She said such facts upon which this revocation of license is based do not justify depriving a man of his only means of livelihood. She cited cases to show that convictions on charges involving liquor are not evidence of moral turpitude.

Mr. Robert Hamilton, Assistant City Attorney, explained there are cases which hold that a private detective, who receives a commission is actually a public officer. A private detective, or special officer holding a commission from the City has a certain "aura of authority" because of the fact he has such a commission duly issued. With that in mind, the City Manager was justified on the basis of the record submitted to him, in revoking the license.

He pointed out that there are some (7) violations recorded against Mr. Rose, which he submitted for the record. It is obvious that in the past two years Mr. Rose's record has become progressively worse. This has alarmed both the Police Department and the City Manager. Here is a man who has a commission issued by the City as a private detective for the general public; he carries with him the authority of the City in the conduct of his business. Because of this he is held to a higher degree of care and conduct than would the normal tradesman who can engage in his activity without that "aura of authority" being granted to him from a municipality. On the basis of this record, the manager did not act in an arbitrary or capricious

manner in revoking the license, and his action should be sustained by the Council, he added.

Mayor Hanson said the matter before the Council then is whether the revocation is justifiable under the information submitted.

Mr. Anderson then moved that the appeal be denied and the action of the Manager be confirmed. Seconded by Mr. Pordue.

Mayor Hanson said he was opposed to the motion. Although there is evidence Mr. Rose has a drinking problem there is nothing to show that problem has reflected itself in ethical transgressions. Therefore on the basis of these facts, he felt the revocation was not justified.

Mr. Porter said he would also vote against the motion as he could not see that this revocation would gain anything. Mr. Rose could continue his practice as a private citizen.

Mrs. Goering said she did not feel that the Council has been provided with sufficient information that the license should be revoked. Therefore she too would vote "no."

Mr. Bratrud moved that the appeal be set over for two weeks so that further study could be made. Seconded by Mr. Easterday.

Mr. McCormick, City Attorney, said as far as they are concerned two weeks would make no difference. The Council has been presented with all the information upon which the revocation was based and it is simply the Council's duty to decide whether this was or was not justifiable.

Roll was then taken on Mr. Bratrud's motion to continue the appeal for two weeks. Motion lost: Ayes 1, Bratrud; Nays 8; Absent 0.

Roll call on Mr. Anderson's motion to deny the appeal resulted as follows: Ayes 3; Nays 6, Easterday, Goering, Humiston, Porter, Price and Mayor Hanson. Motion lost.

Mayor Hanson explained as the result of the Council's action Mr. Rose would therefore retain his private detective license.

COMMUNICATION:

Communication from Arthur Angove, president of the Retired Employees of the City of Tacoma. 258

Mr. Arthur Angove, President of the Retired Employees of Tacoma, said he was speaking on behalf of 155 retired employees who were retired prior to the Social Security program affecting public employees. These employees are seeking an increase in pension payments and sincerely ask the Council's consideration of the request. Six or eight different plans have been studied. This request, if granted, would increase pensions at the rate of \$1.00 per month per year of City service and not to exceed \$25.00. This plan will only apply to a portion of the retired personnel of the City and the total cost per year should not exceed \$23,000.

It has been observed that many of these 155 employees involved have been faced with definite financial and physical needs. Some of them are doing without sufficient clothing, food and entertainment and also are restricted to unsuitable dwellings.

Mr. Easterday asked how much of the \$23,000 would be paid by the Utilities.

Mr. Angove replied that the Belt Line, Water & Light Departments would assume approximately \$13,500 while the General Fund would assume approximately \$8,553. He added that this amount will never increase but actually will decrease with every mortality.

This matter has been discussed with the Utilities Department and Mr. Barline is not objecting to the plan although no formal action has yet been taken. He said that they have also met with the Civil Service League, the Pension Board and many

employees - all who have expressed a desire to support this proposed plan.

Dr. Humiston said he does not know how he will vote on this, but wondered if the Council might set a precedent by their action. He feared such a direct subsidy might undermine, in principle, the soundness of the City's fully funded pension system. If we grant this request today what will prevent other employees in future years from asking the same thing.

Mayor Hanson said he could not see where this unusual situation could set a precedent. These people did not have an opportunity to pay into Social Security as the employees of today do.

Mayor Hanson complimented Mr. Angove and his group on the method and approach to this matter. With reference to this problem, he said it should be mentioned for the benefit of those unaware of the situation that this has been provided for in the Preliminary Budget and will be discussed at budget time.

RESOLUTIONS:

Resolution No. 15866:

BY ANDERSON:

Awarding contract to E. J. Redy & Sons in the amount of \$12,899.69 on the basic bid and \$1,730.00 plus sales tax on the supplemental bid for L I D 1898.

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

Adopted on roll call September 8, 1959
Ayes 9; Nays 0; Absent 0.

Resolution No. 15872:

BY EASTERDAY:

Fixing Wednesday, October 14, 1959 at 4:00 P.M. as the date for hearing on L I D 2255 for the construction of concrete sidewalks on South and East 56th Streets between Pacific Avenue and East L Street.

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

Adopted on roll call September 8, 1959
Ayes 9; Nays 0; Absent 0.

Resolution No. 15878:

BY BRATRUD:

Fixing Wednesday, October 14, 1959 at 4:00 P.M. as the date for hearing on L I D 4558 for permanent paving on Streets in the vicinity of So. K Street and So. 54

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

Adopted on roll call September 8, 1959
Ayes 9; Nays 0; Absent 0.

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Resolution No. 15874:**BY HANSON:**

Authorizing the proper officers of the City to execute and deliver a quit claim deed for the sale of property which borders Cleveland Way and just right of the Puyallup Avenue Bridge to the United States in trust for the Puyallup Indian Tribe, in order to remove a cloud on the title.

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

Adopted on roll call September 8, 1959
Ayes 9; Nays 0; Absent 0.

Dr. Hamiston moved to suspend the rules in order to take up Ordinance No. 16416 which was not on the agenda. Seconded by Mr. Easterday. Roll call: Ayes 9; Nays 0; Absent 0.

FIRST READING OF ORDINANCES:**Ordinance No. 16416:**

Authorizing the issuance and sale of General Obligation Bonds of the City in the sum of \$590,000 for the purpose of providing funds to construct an athletic and recreational field. Read by title.

Mr. Rowlands said this Ordinance was necessary in order that the City can proceed with the bond sale in connection with the construction of the ball park. The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:**Ordinance No. 16415:**

Creating a new fund in the Treasury of the City of Tacoma to be known as "Athletic and Recreational Field Construction Fund." Read by title. 261.

Mr. Easterday moved that action be deferred for one week as this is related to Ordinance No. 16416 which had first reading today. Seconded by Mr. Purdue. Roll call: Ayes 9; Nays 0; Absent 0.

UNFINISHED BUSINESS:

The Director of Public Works presents the assessment roll for the cost of the improvement in L I D 2299 for concrete sidewalks on the north side of East 59th from I to J and both sides of East 59th from J to K Streets. 102

Dr. Hamiston moved that October 14, 1959 be set as the date of hearing for the assessment roll for the cost of improvement in L I D 2299. Seconded by Mr. Anderson. Roll call: Ayes 9; Nays 0; Absent 0.

Opinion from the Assistant City Attorney, whether the A. D. T. Company would be exempt from paying the Franchise Tax to the City of Tacoma. 256

Dr. Hamiston said he would like a little more information on this matter. The reason he asked for this opinion was to find out, since the passage of the Resolution if the City will be taxing all firms in the fire alarm field equally.

Mr. Rowlands said it must be remembered that A. D. T. has a burglar alarm system in addition to the fire alarm system.

Mr. Bratrud said it seemed to him that any other company stringing wires and using poles in the City would be subject to a franchise tax the same as A. D. T. It is one or the other - A. D. T. is being charged too much or the other companies are not paying enough.

Dr. Humiston said he felt a careful examination should be made on the situation to find out if one company is being given a preferential fee over another.

Mr. Rowlands said further study would be made of the subject and a report submitted to the Council within a couple of weeks.

NEW BUSINESS:

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Communication from Washington Public Service Commission in reference to a City tax on telephone bills outside the City.

Mr. Rowlands said representatives of the City of Tacoma met informally with the Washington Public Service Commission on July 28, 1959 to discuss the possibility of effecting a change in the present telephone rate treatment of municipal business and occupation taxes. The commission is of the opinion that they should continue to follow the practice of authorizing municipal business and occupation, use of the street, or other similar excise taxes upon the operations of the telephone company, to be absorbed only by the telephone ratepayers within the limits of the taxing body.

COMMENTS:

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Mr. Rowlands said a letter has been received from the American Municipal Association desiring to know how many members plan on attending the convention.

Mayor Hanson asked that those wishing to attend notify the Managers office. Then a decision can be made as to the number the City will send.

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Mayor Hanson said a new offer has been received from Mr. Ben Cheney whereby making the Cheney Field cost comparable to the Snake Lake site in regard to the proposed Baseball Park for Coast League Baseball. MC-271 which is distributed to the Council points out the advantages and the disadvantages of both sites. The overall advantage of Cheney Field is that it will be easier to construct and will be ready by April 14, 1960. Mr. Cheney has agreed that at least 2,000 parking spaces will be made available. Traffic congestion will probably be more of a problem at the Cheney Field site than it would be at the Snake Lake area.

Mr. Cheney has agreed to furnish the City with a field that has been prepared for construction; therefore there would be no delay for bids. He has also withdrawn his requirements that the construction be made under the lease-purchase agreement so that all contracts will be under the control and supervision of the City. Mayor Hanson said after reviewing all of the pros and cons he recommends that Cheney Field be chosen as the site for the ball park.

Mr. Rowlands explained, the plan is to make some test holes at Cheney Field this week and then determine the general layout from the engineer's and architect's plans. If this works out agreeably, based on these reports and Mr. Cheney's offer, an proposed agreement can be incorporated and sent out to the Council members before next Monday's meeting.

Mayor Hanson said he felt this was a favorable approach.

Mr. Henry Carlson, a citizen, protested the type of literature being sold at magazine stands today and asked that the Council members take steps to prevent the sale of such books.

Mrs. Marie Roberts asked if the Teen-age Dance at which a young boy was seriously injured was to be discussed at this meeting. 257

Mayor Hanson replied that no such discussion had been planned at this Monday's meeting. He added that this incident was unfortunate but in no way indicates that there was a lack of wisdom in proceeding on this program. There were hundreds of youngsters present at the dance who had a good time and they should not be penalized because of the action of a few. 276

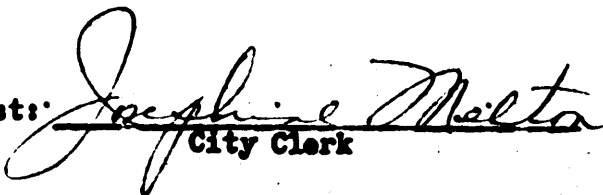
Mr. Perdue asked that a full investigation of this incident be made and reported to the Council members next Monday. Perhaps a change is needed in the Ordinance so as to provide for more supervision, he added. If so, the Council should act accordingly.

There being no further business to come before the meeting, upon motion duly seconded and passed, the meeting was adjourned at 6:30 P.M.

Mayor Hanson asked that the matter of having the Totem Pole moved near the County-City Building location be investigated. 341


President of the City Council

Attest:


City Clerk

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

Report from the Personnel Dept. for the month of July, 1959.