



Legislation Passed August 25, 2009

The Tacoma City Council, at its regular City Council meeting of August 25, 2009, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 37854

Authorizing the execution of Amendment No. 1 to the Tacoma-Pierce County Employment and Training Consortium (TPCETC) Interlocal Government Agreement with Pierce County, to provide and account for certain support services to TPCETC.

Resolution No. 37856

Appointing Michael West and MacKenzie Allen to serve on the Citizen Review Panel, for terms expiring on December 31, 2011.

Resolution No. 37857

Authorizing the execution of a Drinking Water State Revolving Fund-American Recovery and Reinvestment Act of 2009 Loan Agreement with the Washington State Department of Health, in the amount of \$6,060,000, for the replacement of the McMillin Reservoir.

Resolution No. 37858

Authorizing the execution of a collective bargaining agreement with the United Transportation Union, Yardmasters Unit, which consists of four budgeted, full-time positions, effective July 1, 2007 through December 31, 2011.

Resolution No. 37859

Approving the Human Services Commission's recommendations for allocation of the 2009-2012 Homelessness Prevention and Rapid Re-housing Program funds, in the amount of \$1,182,824, from the Department of Housing and Urban Development through the American Recovery and Reinvestment Act of 2009.

Ordinance No. 27827

Dedesignating the Revenue Development Area created by Ordinance No. 27724, which was established to apply for the Local Infrastructure Financing Tool (LIFT).

Amended Ordinance No. 27828

Designating approximately 658.6 acres in downtown Tacoma as a revitalization area to be called The Link; and authorizing the submittal of a Local Revitalization Financing application to the Washington State Department of Revenue by September 1, 2009.

Ordinance No. 27829

Amending Chapter 11.05 of the Municipal Code, relating to the Model Traffic Ordinance, by adding a new section entitled "Human Habitation of Vehicles," to prohibit human habitation of vehicles, establish a permit process to allow visitors to use recreational vehicles, and provide penalties for violations.

RESOLUTION NO. 37854

A RESOLUTION relating to community and economic development; authorizing the execution of Amendment No. 1 to the Tacoma-Pierce County Employment and Training Consortium (“TPCETC”) Interlocal Government Agreement with Pierce County to provide and account for certain support services to TPCETC.

WHEREAS, in 1982, the City and Pierce County (“County”) created the Tacoma-Pierce County Employment and Training Consortium (TPCETC”), and

WHEREAS, as part of that agreement, the City agreed to provide certain support services to TPCETC, and

WHEREAS, in 2009, TPCETC, now d.b.a. WorkForce Central (“Workforce”), purchased and implemented software, which more closely aligns to its needs; hence City-provided support services outlined in the original interlocal agreement are no longer needed, and

WHEREAS the proposed Amendment No. 1 to the interlocal agreement will indicate that the City and Workforce will develop a service level agreement for City support services by September 1, 2009, for the period through June 30, 2010, as well as make other miscellaneous changes, and

WHEREAS, each April thereafter, the City and WorkForce will develop the service level agreement for WorkForce’s next fiscal year with each service level agreement specifying the services to be provided along with the estimated costs; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute Amendment No. 1 to the Tacoma-Pierce County Employment and Training

Consortium (“TPCETC”) Interlocal Government Agreement with Pierce County to provide and account for certain support services to TPCETC, said document to be substantially in the form of the proposed Amendment No. 1 on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

RESOLUTION NO. 37856

BY REQUEST OF MAYOR BAARSMA, DEPUTY MAYOR ANDERSON, AND COUNCIL MEMBERS LONERGAN AND MANTHOU

A RESOLUTION relating to committees, boards, and commissions; appointing or reappointing citizens to the Citizen Review Panel.

WHEREAS there exists in the City of Tacoma a number of committees, boards, and commissions, and

WHEREAS vacancies presently exist on certain committees, boards, and commissions, and

WHEREAS, pursuant to the City Charter and the Rules, Regulations, and Procedures of the City Council, the persons named on Exhibit "A" have been nominated to serve on the committees, boards, and commissions listed; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That those nominees to the committees, boards, and commissions, listed on Exhibit "A" are hereby confirmed and appointed or reappointed as members of such committees, boards, and commissions, for such terms as are set forth on Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

EXHIBIT "A"

Citizen Review Panel

Appointing Michael West to a term expiring December 31, 2011.

Appointing MacKenzie Allen to a term expiring December 31, 2011.

RESOLUTION NO. 37857

A RESOLUTION relating to Tacoma Public Utilities; authorizing the acceptance of a State Drinking Water Revolving Fund American Recovery and Reinvestment Act of 2009 loan, in the amount of \$6,060,000; and authorizing the execution of a loan agreement with the Washington State Public Works Board for the McMillin Reservoir Replacement Project.

WHEREAS the Department of Public Utilities, Water Division (d.b.a. Tacoma Water), has been selected to receive a low-interest loan for the McMillin Reservoir Replacement Project, which will replace an existing open topped concrete drinking water reservoir with two new covered concrete reservoirs to comply with our Bilateral Compliance Agreement with the State of Washington, Department of Health, and

WHEREAS Tacoma Water seeks approval to obtain a \$6,060,000 low-interest (1 percent) construction loan, with a term of 20 years, from the Drinking Water State Revolving Fund ("DWSRF") American Recovery and Reinvestment Act of 2009 for such a project, and

WHEREAS it is in the best interests of the citizens of Tacoma and customers of Tacoma Water that the Public Utility Board recommend the City Council approve the acceptance of the \$6,060,000 DWSRF loan for Tacoma Water; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to accept a State Drinking Water Revolving Fund American Recovery and Reinvestment Act of 2009 loan, in the amount of \$6,060,000, and to execute a loan agreement with the Washington State Public Works Board for the

McMillin Reservoir Replacement Project, said document to be substantially in the form of the proposed loan agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10313

RESOLUTION NO. 37858

A RESOLUTION relating to employment, recommending approval of a Collective Bargaining Agreement between the City and the United Transportation Union, Yardmasters Unit, effective July 1, 2007, through December 31, 2011.

WHEREAS the City of Tacoma ("City") and the United Transportation Union, Yardmasters Unit, have negotiated a proposed Collective Bargaining Agreement ("Agreement"), and

WHEREAS the Agreement covers approximately four budgeted positions for the period of July 1, 2007, through December 31, 2011, and clarifies various working conditions and wages for the covered period, and

WHEREAS the Agreement provides for the following: A one-time, lump sum payment in lieu of retroactivity for the contract period of July 1, 2007 through December 31, 2008. The lump-sum payment will be based on a calculation of a 3 percent increase effective July 1, 2007, and an increase of 4 percent effective July 1, 2008. This amount will be reduced by the total amount of employee health insurance premium contributions owed for the same period. Effective in 2009, all employees will be required to contribute to their monthly health insurance premiums. Effective January 1, 2010, a one-time, lump-sum payment of \$4,000 will be paid to each regular Yardmaster. Effective January 1, 2011, an increase of 2.5 percent will be applied to base wages. The Agreement also includes an increase of 2.5 percent to be applied January 1, 2012, and the first pay period of January each year thereafter, until a new Agreement is reached, and

WHEREAS the Agreement also includes provisions to restrict a Yardmaster from working longer than 15 consecutive hours in one day; recognizing a Yardmaster facilitating training with an additional hour of straight pay; and allowing an open enrollment for employees to convert to the City's Personal Time Off plan; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute, for and on behalf of the City, an agreement between the City and the United Transportation Union, Yardmasters Unit, said agreement to be substantially in the form of the proposed Collective Bargaining Agreement on file in the office of the City Clerk, and by its terms to remain in full force and effect upon adoption by the City Council, effective July 1, 2007, through December 31, 2011.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10312

RESOLUTION NO. 37859

A RESOLUTION relating to human services; approving the Human Services Commission's recommendations for allocation of the 2009-2012 Homelessness Prevention and Rapid Re-housing Program funds, in the amount of \$1,182,824, from the Department of Housing and Urban Development through the Federal American Recovery and Reinvestment Act of 2009.

WHEREAS, on May 12, 2009, the City Council adopted

Resolution No. 37793, authorizing the adoption and submittal of the 2009 Substantial Amendment to the 2008-2009 Annual Action Plan of the Consolidated Plan for Housing and Community Development to include Homelessness Prevention and Rapid Re-Housing funding from the Federal American Recovery and Reinvestment Act of 2009 ("ARRA"), and

WHEREAS the City has received \$1,182,824 from the Department of Housing and Urban Development for Homelessness Prevention and Rapid Re-housing services through the ARRA, and

WHEREAS the City distributed requests for proposals for Homelessness Prevention and for Rapid Re-housing, which would service households currently housed but in need of temporary assistance to prevent them from becoming homeless and which would provide temporary assistance to help homeless households to quickly obtain housing, and

WHEREAS a review panel of three Human Services Commission members and two subject matter experts reviewed the proposals and developed recommendations for funding, and

WHEREAS the full Human Services Commission thoroughly reviewed the recommendations and forwarded them to the City Council with additional comments, and

WHEREAS the recommendations were presented to the Public Safety, Human Services and Education Committee on July 23, 2009; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to approve the Human Services Commission's recommendations for allocation of the 2009-2012 Homelessness Prevention and Rapid Re-housing Program funds, in the amount of \$1,182,824, from the Department of Housing and Urban Development through the Federal American Recovery and Reinvestment Act of 2009, as set forth in the attached Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

EXHIBIT "A"

(See Attached)

EXHIBIT "A"

**Homelessness Prevention & Rapid Re-Housing
Recommended Program Allocations**

Agency/Program	Program Funding Amount	Administrative Amount	Total Allocation
Associated Ministries/CIAT	\$60,000	\$2,366	\$62,366
Catholic Community Services/Phoenix Housing Network	\$278,781	\$11,828	\$290,609
South Sound Outreach Services/Phoenix Housing Network Partnership	\$42,000	\$1,893	\$43,893
Pierce County Housing Authority/Concierge Program	\$237,902	\$10,175	\$248,077
Tacoma Community House/Concierge Program	\$35,000	\$1,497	\$36,497
South Sound Outreach Services/Concierge Program	\$35,000	\$1,497	\$36,497
Washington Women's Employment & Education/Concierge Program	\$35,000	\$1,497	\$36,497
Total	\$723,683	\$30,753	\$754,436

Homelessness Prevention (HP) Services

Agency/Program	Program Funding Amount	Administrative Amount	Total Allocation
Pierce County Housing Authority/Concierge Program	\$140,000	\$5,678	\$145,678
Tacoma Community House/Concierge Program	\$30,000	\$1,301	\$31,301
South Sound Outreach Services/Concierge Program	\$30,000	\$1,301	\$31,301
Washington Women's Employment & Education/Concierge Program	\$30,000	\$1,301	\$31,301
Exodus Housing/Concierge Program	\$30,000	\$1,301	\$31,301
Salvation Army	\$140,000	\$5,678	\$145,678
Total	\$400,000	\$16,560	\$416,560

Rapid Re-Housing (RR) Services

Human Rights & Human Services Administration	\$11,828	\$11,828
Total		\$1,182,824

ORDINANCE NO. 27827

AN ORDINANCE relating to community revitalization financing; dedesignating the Revenue Development Area created by Ordinance No. 27724.

WHEREAS on June 24, 2008, as part of the process to apply for the Local Infrastructure Financing Tool (“LIFT”) Program, the City Council passed Ordinance No. 27724, establishing a Revenue Development Area (“RDA”), and

WHEREAS the City was not selected to participate in the LIFT Program; however, the state of Washington enacted the Local Revitalization Financing (“LRF”) Program, under Second Substitute Senate Bill 5045 (“2SSB 5045”), to allow local governments to receive up to \$500,000 per year for 25 years for public infrastructure financing, and

WHEREAS, in order to receive financing under 2SSB 5045, the City must establish a Revitalization Area (“RA”) that does not overlap an existing RDA, and

WHEREAS the City’s proposed RA overlaps with the RDA established for the LIFT, and

WHEREAS the City desires to dedesignate the existing RDA before establishing the RA; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That the Revenue Development Area, created by City of Tacoma

Ordinance No. 27724, is hereby de-designated.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

ORDINANCE NO. 27828

AN ORDINANCE relating to community revitalization financing; designating a revitalization area in downtown Tacoma, to be called The Link; and authorizing an application to the State of Washington, Department of Revenue, to be submitted by September 1, 2009.

WHEREAS Washington State enacted Local Revitalization Financing (“LRF”) legislation under Second Substitute Senate Bill 5045 (“2SSB 5045”) in order to allow a local government to obtain a credit against future state sales and use tax generated from new development within a designated revitalization area (“RA”), and

WHEREAS up to \$500,000 per year in state funds, over 25 years, is proposed to be invested in public infrastructure improvements in the RA, provided that the state contribution is matched on a 1:1 basis, and

WHEREAS the LRF does not increase local or state sales and use or property tax rates, and

WHEREAS the local match is anticipated to come from the City’s incremental sales and property taxes from new development in the RA, the Parking Fund, real estate excise taxes, the Sewer Enterprise Fund, and federal funds, which the City is currently seeking, and

WHEREAS the proposed RA, to be called The Link, would include approximately 658.6 acres in the downtown area and would be bounded by South 4th Street to the north; South 28th Street, Interstate 705, and State Route 7 northbound, Wiley Avenue and Interstate 5 to the south; Dock Street, Puyallup Avenue, and “L” Street to the east; and Tacoma Avenue to the west, and

WHEREAS the City intends to issue general obligation bonds and/or revenue bonds to finance the public improvements and retire the indebtedness in whole or in part from the LRF it receives, and

WHEREAS the maximum indebtedness contemplated from state funds is \$12.5 million, and

WHEREAS, beginning July 1, 2010, the LRF anticipated to be generated over 25 years from state funds would yield an estimated \$7.8 million in net proceeds, which would be used to repay the general obligation bonds and/or revenue bonds, and

WHEREAS the LRF would be used primarily for transportation improvements, such as parking, light rail, and streetcar; streetscape improvements, such as complete streets, sidewalks, crosswalks, lighting, landscaping, and traffic light controls; environmental analysis and remediation; utility infrastructure; and sustainable storm drainage, and

WHEREAS the LRF will not be used to finance costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, or reequipping of public facilities funded with taxes collected under RCW 82.14.048 or 82.14.390, and

WHEREAS the estimated cost of the proposed public improvements is \$39.3 million, of which \$25 million is estimated to be financed by LRF, which includes the state's contribution of \$12.5 million and the City's match of \$12.5 million generated from incremental tax revenue and other local and federal funds from new development in the RA, and

WHEREAS the projected investment in public improvements will be designed to encourage new private investment in office and/or residential development, increase the fair market value of real property within the RA, and create family wage jobs; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the proposed revitalization area (“RA”), to be called The Link, would include approximately 658.6 acres in the downtown area and would be bounded by South 4th Street to the north; South 28th Street, Interstate 705, and State Route 7 northbound, Wiley Avenue and Interstate 5 to the south; Dock Street, Puyallup Avenue, and “L” Street to the east; and Tacoma Avenue to the west, as shown on the map at Exhibit “A.”

Section 2. That the public improvements proposed in the RA shall include transportation improvements, such as parking, light rail, and streetcar; streetscape improvements, such as complete streets, sidewalks, crosswalks, lighting, landscaping, and traffic light controls; environmental analysis and remediation; utility infrastructure; and sustainable storm drainage.

Section 3. That the City Council finds that:

A. The RA is in need of economic development or redevelopment and, absent Local Revitalization Financing (“LRF”), the proposed economic development or redevelopment would more than likely not occur.

B. The proposed public improvements are reasonably likely to encourage private investment within the RA, increase the fair market value of property within

the RA, increase employment within the RA, and generate increases in state and local property and sales and use tax revenues equal to or greater than the respective state and local contributions.

C. LRF will improve the viability of existing businesses in the RA.

D. LRF will be used exclusively within the proposed RA.

E. LRF will not be used to relocate a business from elsewhere in the state into the RA.

Section 4. That the City has entered into a letter of intent from a private developer within the RA relating to the developer's plans for the development within the RA.

Section 5. That the private development that is anticipated to occur within the RA as a result of the public improvements will be consistent with Pierce County Planning Policies under RCW 36.70A.210 and the City's comprehensive plan and development regulations adopted under RCW 36.70A.

Section 6. That all of the overlapping taxing districts have adopted ordinances removing themselves as participating taxing districts.

Section 7. That the local property tax allocation revenues will commence January 1, 2011.

Section 8. That the anticipated rate of sales and use tax that the City will impose, commencing July 1, 2011, is .00014, which does not raise tax rates but

acts as a distribution of state sales taxes to be generated proportionally over ten months, and that the criteria for the sales and use tax in Section 601 of 2SSB 5045 will be met as of July 1, 2011.

Section 9. That the estimated period during which local property tax allocation revenues and other local public revenues including sales and use taxes will be used for the RA is 25 years from the date first imposed.

Section 10. That the proper officers of the City are authorized to apply to the Washington State Department of Revenue for the use of the LRF program, as provided for in 2SSB 5045, Chapter 270, Laws of 2009, and this ordinance, and to take all necessary and reasonable actions to implement this ordinance. Any prior actions consistent with and in support of this ordinance are hereby ratified and confirmed.

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

ORDINANCE NO. 27829

AN ORDINANCE relating to parking and human health; amending Chapter 11.05 of the Tacoma Municipal Code by adding a new section thereto to be known as Section 11.05.231, "Human Habitation of Vehicles," to prohibit human habitation of vehicles, establish a permit process to allow visitors to use recreational vehicles, and provide penalties for violations.

WHEREAS the Tacoma Police Department, Code Enforcement, and Road Compliance's officers respond to complaints about persons living in vehicles in City right-of-ways, and

WHEREAS these individuals generally do not have adequate sanitary facilities and waste disposal, use parking that could otherwise be used by residents, and create visual blight in neighborhoods, and

WHEREAS this proposed ordinance will provide permits for temporary visits by persons utilizing a recreational vehicle, and

WHEREAS the permit will need to be obtained by a City resident and is valid only adjacent to that resident's residence, and

WHEREAS the fee for the permit will be \$10 for a 14-day permit, and

WHEREAS temporary, 24-hour parking will be allowed without a permit to accommodate recreational vehicle users who are travelling through the City, and

WHEREAS the regulations will not apply to any recreational vehicle park in compliance with state and local laws or to persons who have obtained the proper City permit, such as a special events or temporary use permit, and

WHEREAS violations of the ordinance would be a class 1 civil infraction with a penalty amount of \$250, and

WHEREAS any violation in any street, park, alley, public parking lot, or other public way will subject the vehicle to immediate impoundment if the vehicle cannot be moved under its own power or if the person in control of the vehicle refuses to move the vehicle or if the same person or vehicle has violated this section within the prior 60 days; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 11.05 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

EXHIBIT "A"

11.05.231 Human habitation of vehicles.

A. It is unlawful for any person to use, occupy, or permit the use or occupancy of any vehicle for human habitation. For purposes of this section, "human habitation" means the use of a vehicle as a dwelling place and does not include temporary use of a vehicle for alleviation of sickness or because of physical inability to operate the vehicle.

B. A recreational vehicle being used for human habitation may be parked for up to 24 hours during a 72-hour period. However, parking the recreational vehicle in another location within the City within the 72-hour period is a violation of this section.

C. Recreational vehicle parks in compliance with the municipal code and state law are exempt from the provisions of this section.

D. A recreational vehicle may be used for human habitation if an appropriate permit, such as a special events, special use, or temporary use permit, has been obtained from the City that authorizes a recreational vehicle to be parked and used for human habitation.

E. Recreational vehicles ("RVs") may be permitted to be used for human habitation for up to 14 days per calendar year at a specific location when the resident of the property adjacent to which the RV will be parked has first obtained a permit from the City.

1. Permits are valid only for the dates authorized on the permit and only for the location indicated on the permit. A permit must be displayed in a manner that it is clearly visible from the outside of the recreational vehicle.

2. A recreational vehicle permitted under this subsection may be used for human habitation for a maximum of 14 days per calendar year. This maximum period may not be exceeded by obtaining a permit for more than one location.

3. The owner, operator, and occupants of the RV must comply with all conditions printed on the permit. Conditions include: (a) the vehicle must be legally parked, (b) all waste and sewage generated within the RV must be disposed of in a safe and legal manner, (c) operation of a generator while the RV is parked is prohibited, (d) the use of extension cords and other hookups is prohibited, (e) the erection of awnings and setting up furniture or similar items outside the RV is prohibited.

4. The violation of any condition printed on the permit is a violation, and the owner or operator of the RV may be cited, as provided in this section. A permit may be summarily revoked by a police officer, road compliance officer, code enforcement officer, tax and license compliance officer, or parking enforcement officer when (a) a condition printed on the permit or other City code provision has been violated by the

vehicle owner, operator, or occupant or (b) the municipal code is violated in relation to the parking or occupancy of the vehicle or (c) the permit was obtained by fraud or misrepresentation.

5. The resident obtaining the permit must present proof of residency at the address at the time of application for the permit.

6. Definitions:

A. "Vehicle" shall include, but not be limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, boats, travel trailers, boat trailers, utility trailers, or other similar devices.

B. "Recreational Vehicle" ("RV") means a vehicular-type unit primarily designed for recreational camping or travel use that has its own ~~motive power or is mounted on or~~ towed by another vehicle. The units include travel trailers, fifth wheel trailers, folding camping trailers, truck campers, and motor homes.

Deleted: motor

7. Violations.

A. Any violation of this section is a class 1 civil infraction not to exceed \$250, not including statutory assessments.

B. Any violation in any street, park, alley, public parking lot, or other public way will subject the vehicle to immediate impoundment if the vehicle cannot be moved under its own power or if the person in control of the vehicle refuses to move the vehicle or if the same person or vehicle has violated this section within the prior 60 days.

C. Penalties for a violation of this section shall be in addition to any other remedy provided by law, including section 2.01.070 MM of the municipal code.

8. Fees. The cost of a permit is \$10 payable to the Finance Department. Fees shall be paid to the Director in United States currency by bank draft, certified check, cashier's check, personal check, money order, cash, or by wire transfer or electronic payment if such wire transfer or electronic payment is authorized by the Director of Finance.