



## Legislation Passed August 24, 2010

The Tacoma City Council, at its regular City Council meeting of August 24, 2010, 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.

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### **Resolution No. 38081**

Authorizing the execution of a Reconfiguration Agreement with Motorola, Inc., for reconfiguration equipment and services for the City's 800 MHz public safety communications system; and authorizing the execution of a Frequency Reassignment Agreement with Sprint to wholly fund all reconfiguration costs.

### **Purchase Resolution No. 38097**

Awarding contracts to:

1. Active Construction, Inc., on its bid of \$488,885.99, plus sales tax, budgeted from the Capital Projects-REET Fund, for a new water main, street improvements, and angle parking on Fife Street between North 8th Street and South 8th Street – Specification No. PW10-0331F;
2. Rognlin's, Inc., in the amount of \$165,000.00, including sales tax, for a cumulative total of \$649,582.96, budgeted from the Tacoma Rail Mountain Division Capital Projects Fund, to increase the contract for additional work on the Chehalis Line Improvements Project – Specification No. PW09-0675F; and
3. McClure and Sons, Inc., in the amount of \$509,011.00, plus sales tax, for a cumulative total of \$993,881.00, budgeted from the Capital Projects FWDA Fund, to increase the contract for additional work on the Foss Waterway North Moorage Float – Specification No. PW10-0204F.

### **Resolution No. 38098**

Authorizing the execution of an amendment to the Drinking Water State Revolving Fund American Recovery and Reinvestment Act of 2009 Loan Agreement with the Washington State Public Works Board, in the amount of \$518,885.48, for a cumulative total of \$6,578,885.48, for the McMillin Reservoir Replacement Project.

### **Resolution No. 38099**

Approving the recommendations of the Neighborhood Councils for the 2010 Innovative Grant Program; and authorizing the allocation and expenditure of \$158,647 from the Community and Economic Development Special Revenue Fund for neighborhood improvement projects.

### **Resolution No. 38100**

Authorizing the execution of an addendum to the Collective Bargaining Agreement with the International Brotherhood of Electrical Workers, Local 483, Customer and Field Services Unit, which covers approximately 135 full-time budgeted positions, and provides for wage increases to reflect the 70th percentile of the market and changes to classification titles, retroactive to January 1, 2010.

**Ordinance No. 27914**

Amending Chapter 1.30 of the Municipal Code, relating to retirement and pensions, to clarify that the Board of Administration of the Tacoma Employees' Retirement System has contracting and purchasing authority consistent with that of the City Manager or the Director of Utilities.

**Ordinance No. 27915**

Amending Chapter 9.20 of the Municipal Code, relating to trees and shrubs view blockage, to allow for an appeal of the issuance of a Notice of Violation and penalty.

## **RESOLUTION NO. 38081**

A RESOLUTION relating to the public safety radio system; authorizing the execution of a Reconfiguration Agreement with Motorola, Inc., to provide reconfiguration equipment and services for the City's 800 MHz public safety communications system; and executing a Frequency Reassignment Agreement with Sprint to wholly fund all reconfiguration costs incurred by the City.

WHEREAS, by a Federal Communications Commission ("FCC") order, all United States 800 MHz licensees must reconfigure their systems to operate on a different set of frequencies in the same band, and

WHEREAS licensees must determine reconfiguration procedures and costs for comparable facilities through a Reconfiguration Agreement ("RA") with their vendors, and

WHEREAS reconfiguration costs are funded through a separate Frequency Reassignment Agreement ("FRA") between Sprint and each licensee, and

WHEREAS, pursuant to the FCC order, the FRA defines the parties' respective reconfiguration obligation, including, without limitation, Sprint's obligation to pay for reasonable costs incurred in effecting comparable facilities after the reconfiguration, and

WHEREAS the FCC has mandated that Sprint pay 100 percent of the costs to move public safety communications to a different place in the 800 MHz band, and

WHEREAS the cost will be approximately \$1.36 million, and

WHEREAS Motorola, Inc., and Sprint will provide equipment and professional services through the RA, and

WHEREAS the FRA binds Sprint to fund the Motorola RA plus additional City labor, legal, and oversight 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 a Reconfiguration Agreement with Motorola, Inc., to provide reconfiguration equipment and services for the City's 800 MHz public safety communications system; and executing a Frequency Reassignment Agreement with Sprint to wholly fund all reconfiguration costs incurred by the City, said documents to be substantially in the form of the proposed agreements on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



RESOLUTION NO. 38097

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A RESOLUTION related to the purchase of materials, supplies or equipment, and the furnishing of services; authorizing the appropriate City officials to enter into contracts and, where specified, waiving competitive bidding requirements, authorizing sales of surplus property, or increasing or extending existing agreements.

WHEREAS the City has complied with all applicable laws governing the acquisition of those supplies, and/or the procurement of those services, inclusive of public works, set forth in the attached Exhibit "A," which Exhibit is incorporated herein as though fully set forth, and

WHEREAS the Board of Contracts and Awards has reviewed the proposals and bids received by the City, and the Board has made its recommendation as set forth in Exhibit "A," and

WHEREAS the Board of Contracts and Awards has also made its recommendations as to entering into purchasing agreements with those governmental entities identified in Exhibit "A"; Now, Therefore,

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

That the Council of the City of Tacoma does hereby concur in the findings and recommendations of the Board of Contracts and Awards set forth in the attached Exhibit "A," and does hereby approve and authorize the:

(X) A. Procurement of those supplies, services, and public works recommended for acceptance in the attached Exhibit "A";

( ) B. Rejection of those bids and/or proposals that are recommended for rejection in the attached Exhibit "A";



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( ) C. Entry into the proposed purchasing agreement with those governmental entities identified in the attached Exhibit "A," which proposed agreement is on file in the office of the City Clerk;

( ) D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

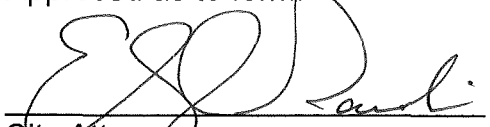
Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
City Attorney

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City of Tacoma  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 38097

ITEM NO.: 1

MEETING DATE: August 24, 2010

**DATE:** August 9, 2010  
**TO:** Board of Contracts and Awards  
**SUBJECT:** Fife Street Parking Improvements  
 Budgeted from Capital Projects-REET Fund 3211-REET  
 Request for Bids Specification No. PW10-0331F

**RECOMMENDATION:** Public Works - Engineering Division recommends that a contract be awarded to low bidder **Active Construction, Inc., Tacoma, WA**, for constructing a new water main, curb and gutter, asphalt grinding, asphalt paving, new ADA curb ramps, and new angle parking. The contract amount reflects a base award of \$488,885.99, plus sales tax.

**EXPLANATION:** This contract shall generally consist of constructing a new water main, angle parking, new curb and gutter, new ADA ramps, asphalt grinding, and asphalt paving from North 8th Street to South 8th Street.

**COMPETITIVE BIDDING:** Request for Bids Specification No. PW10-0331F was opened July 13, 2010. Six companies were invited to bid in addition to normal advertising of the project. Six submittals were received. The Historically Under-Utilized Business (HUB) participation level proposed by the bidder(s) are reflected as a credit (maximum applies) against the submitted base bid to arrive at an "evaluated bid" for ranking purposes. Active Construction, Inc. submitted a bid that resulted in the lowest evaluated submittal after consideration of HUB participation goals. The table below reflects the amount of the base award.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>Submittal Amount</u> Plus sales tax	<u>Evaluated Submittal</u>
<b>Active Construction, Inc.</b>	<b>Tacoma, WA</b>	<b>\$ 488,885.99</b>	<b>\$ 423,221.49</b>
Northwest Cascade, Inc.	Puyallup, WA	\$ 492,207.18	\$ 437,359.92
R.L. Alia Company	Renton, WA	\$ 540,641.74	\$ 484,878.33
R.W. Scott Construction Co.	Auburn, WA	\$ 565,800.11	\$ 510,370.97
Stan Palmer Construction, Inc.	Port Orchard, WA	\$ 591,372.10	\$ 546,400.75
Westwater Construction Company	Auburn, WA	\$ 598,500.12	\$ 541,565.19
	Pre-bid Estimate	\$ 500,863.07	

The recommended award is 11 percent below the pre-bid estimate.

**CONTRACT HISTORY:** New contract.

**FUNDING:** Funds for this are available in the Capital Projects-REET Fund 3211-REET. Funding beyond the current biennium is subject to future availability of funds.

**HUB/LEAP COMPLIANCE:** The recommended contractor is in compliance with the Historically Under-utilized Business (HUB) Regulation requirements per memorandum dated July 26, 2010. The HUB goal for this project is 25 percent. The HUB participation level of the recommended contractor is 25.78 percent. Active Construction, Inc. submitted the lowest evaluated bid per the

HUB Regulation requirements. The Local Employment and Apprenticeship Training Program (LEAP) goal is 396 hours.

**PROJECT ENGINEER/COORDINATOR:** Kurtis Kingsolver, Public Works Engineering Division, 253-591-5269.



Richard E. McKinley  
Public Works Director

cc: Chuck Blankenship, Purchasing Analyst  
Percy Jones, HUB  
Peter Guzman, LEAP  
Jason Turner, Engineering Division  
Mike Waits, Engineering Division



City of Tacoma  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 38097

ITEM NO.: 2

MEETING DATE: AUGUST 24, 2010

**DATE:** August 9, 2010  
**TO:** Board of Contracts and Awards  
**SUBJECT:** Chehalis Line Improvements WA-298  
Budgeted from the PW TRMD Cap Proj Fund 4120-CAPTL  
Request for Bids PW09-0675F  
Contract No. 4600006222

**RECOMMENDATION:** Public Works Construction Division requests approval to increase contract 4600006222 to **Rognlin's, Inc., Aberdeen, WA**, by \$165,000, including sales tax, for additional project work. This increase will bring the contract to a cumulative total of \$649,582.96, including sales tax.

**EXPLANATION:** This amount is requested due to change orders by the City of Tacoma to increase the amount of tie replacement work on the project. This additional work is of similar nature and within the project scope.

**COMPETITIVE BIDDING:** This contract was originally awarded to Rognlin's, Inc. as a result of Request for Bids Specification No. PW09-0675F in March 2010. The contractor has agreed to extend the contract at the same prices, terms, and conditions as the original contract.

**CONTRACT HISTORY:** The original contract for \$484,582.96, including sales tax, was approved by City Council Resolution 38005 on March 30, 2010. This increase will bring the contract to a cumulative total of \$649,582.96, including sales tax. This is the first amendment to the contract.

**FUNDING:** Funds for this are available in the PW TRMD Cap Proj Fund 4120-CAPTL.

**PROJECT ENGINEER/COORDINATOR:** Rae Bailey, Public Works Construction Division Manager, 253-591-5488.

Richard E. McKinley  
Public Works Director

cc: Chuck Blankenship, Finance/Purchasing  
Percy Jones, HUB  
Peter Guzman, LEAP  
Leigh Starr/Rae Bailey/Travis Tucker, Public Works Construction Division  
Chris Storey, Public Works Engineering Division  
James Parvey, PWD



City of Tacoma  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 38097

ITEM NO.: 3

MEETING DATE: August 24, 2010

**DATE:** August 9, 2010  
**TO:** Board of Contracts and Awards  
**SUBJECT:** Foss Waterway North Moorage Float  
Budgeted from the Cap Projects FWDA Fund 3211-FWDA  
Request for Bids PW10-0204F  
Contract No. 4600006334

**RECOMMENDATION:** Public Works Construction Division requests approval to increase contract 4600006334 to **McClure and Sons, Inc., Mill Creek, WA**, by \$509,011.00, plus sales tax, for additional project work. This increase will bring the contract to a cumulative total of \$993,881.00, plus sales tax.

**EXPLANATION:** This amount is requested due to installation of a sewage flow meter and the additional installation of 500.38 linear feet of Moorage Float. This additional work is of similar nature and within the project scope.

**COMPETITIVE BIDDING:** This contract was originally awarded to McClure and Sons, Inc. as a result of Request for Bids Specification No. PW10-0204F in April 2010. The contractor has agreed to extend the contract at the same prices, terms, and conditions as the original contract.

**CONTRACT HISTORY:** The original contract for \$484,870.00, plus sales tax, was approved by City Council Resolution 38027 on May 11, 2010. This increase will bring the contract to a cumulative total of \$993,881.00, plus sales tax. This is the first amendment to the contract.

**FUNDING:** Funds for this are available in the Capital Projects Foss Waterway Development Authority Fund 3211 – FWDA.

**PROJECT ENGINEER/COORDINATOR:** Rae Bailey, Public Works Construction Division Manager, 253-591-5488.

Richard E. McKinley  
Public Works Director

cc: Chuck Blankenship, Finance/Purchasing  
Percy Jones, HUB  
Peter Guzman, LEAP  
Leigh Starr/Rae Bailey/Mark Henry, Public Works Construction Division  
Rae Bailey, Public Works Construction Division  
Tom Rutherford, Public Works Engineering Division  
James Parvey, PWD

## **RESOLUTION NO. 38098**

A RESOLUTION relating to the Department of Public Utilities, Water Division (d.b.a. "Tacoma Water"); authorizing the execution of an amendment to the loan agreement, in the amount of \$518,885.48 for a cumulative loan total of \$6,578,885.48, received by the Department of Public Utilities, Water Division, from the Washington State Public Works Board through the Drinking Water State Revolving Fund American Recovery and Reinvestment Act of 2009.

WHEREAS, pursuant to Board Resolution No. U-10313, the Department of Public Utilities, Water Division, was approved to enter into an agreement for a \$6,060,000 low-interest (1%) construction loan, with a term of 20 years, through the Drinking Water State Revolving Fund ("DWSRF") for the McMillin Reservoir Replacement Project, and

WHEREAS the DWSRF has offered to increase the amount of the loan by an additional \$518,885.48 for a new loan total of \$6,578,885.48, under the same terms and conditions of the original loan agreement; 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 an amendment to the loan agreement, in the amount of \$518,885.48 for a cumulative loan total of \$6,578,885.48, received by the Department of Public Utilities, Water Division, from the Washington State Public Works Board through the Drinking

Water State Revolving Fund American Recovery and Reinvestment Act of 2009,  
said document to be substantially in the form of the proposed amendment 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-10410

## **RESOLUTION NO. 38099**

A RESOLUTION relating to community and economic development; approving the recommendations of the Neighborhood Councils for the 2010 Innovative Grant Program; and authorizing the allocation and expenditure of \$158,647 for neighborhood improvement projects.

WHEREAS, for the year 2010, the Neighborhood Council Program received \$158,647 to be used for the Innovative Grant Program, and

WHEREAS a portion of the funding is derived from Community Development Block Grant ("CDBG") funds for eligible projects and supplemented by the Community Economic Development Special Revenue Fund for those projects that are not CDBG eligible, and

WHEREAS the innovative grant projects eligible for funding recommendations by the eight Neighborhood Councils include projects such as street- and sidewalk-related improvements, removal of blight, and traffic-calming, and

WHEREAS the boards for each of the Neighborhood Councils have reviewed all applications received and have submitted to the City Council their recommendations for the projects set forth in Exhibit "A," attached hereto, and made a part hereof, and

WHEREAS the City Council hereby expresses its intent to adopt the recommendations of the Neighborhood Council Office for allocation of funding for such projects from CDBG funds and other funding, subject to eligibility requirements of the other funding to be utilized; Now, Therefore,

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

Section 1. That the proper officers of the City are hereby authorized to approve the 2010 Innovative Grant Program project recommendations, as set forth in the attached Exhibit "A," to be paid from the Community Economic Development Special Revenue Fund.

Section 2. That the various programs and projects referred to in the attached Exhibit "A" shall not be implemented or carried into effect until such time as the same have been further reviewed by the appropriate officers and employees of the City, with reference to the legality thereof, and the making of such technical adjustments as may be required to carry out such programs and projects.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney

## EXHIBIT "A"

### 2010 INNOVATIVE GRANT RECOMMENDATIONS

#### FINAL RECOMMENDATIONS

##### South End Neighborhood Council

**Lincoln West Safe Street—Signage** **\$1,100**  
Produce and install Safe Street signage at the entrance of the neighborhood as a warning and to discourage illegal and questionable behavior in the area.

**Fallen Riders Memorial Park—Curb Ramps** **\$5,000**  
Install handicap accessible curb ramps, according with the Americans With Disabilities Act ("ADA") standards, at/around the site of the Fallen Riders Memorial Park, located at South 48th Street and Yakima Avenue.

**Fallen Riders Memorial Park—Stairs and Flag Pole** **\$4,000**  
Complete the Fallen Riders Memorial Park project by installing handicap (wheelchair) accessible ramps (with anti-skateboard rails) leading to the memorial and by installing a lighted flag pole.

##### South Tacoma Neighborhood Council

**Edison Alley Street Numbers** **\$4,468.84**  
This project is part of the City's Safe and Clean Team's effort to provide street numbering in alleys for residential housing. The numbering will benefit the resident and emergency respondents by making locations more visible.

**South Tacoma Median Lighting—Phase II** **\$7,500**  
This will complete the installation of electrical wiring of the median in South Tacoma Way from South 54th Street to South 56th Street. Installation of wiring will provide electrical outlets/conduit for various uses in the Neighborhood Business District.

**Manitou Traffic Control Sign** **\$7,500**  
Install a vehicle-activated sign near South 66th Street and Mullen Street to calm traffic on this arterial corridor in Manitou to alert drivers that they are exceeding the posted speed.

**Manitou Crosswalks** **\$ 531.56**  
Install six crosswalks on South 66th Street in Manitou. Three crosswalks would be installed at the intersection of South 66th Street and Mullen Street and three installed at the intersection of South 66th Street and Ferdinand Street.

### Eastside Neighborhood Council

**McKinley Avenue Flower Project** **\$4,000**  
Purchase flower pots, soil, plants, and other materials and supplies for street beautification on McKinley Avenue between East 34th Street and 40th Street.

**Eastside Safety Lighting** **\$1,100**  
Install street lighting on existing poles in the Dome Top Area of East 34th Street and McKinley Avenue.

**Upgrade and Repaint Crosswalks—McKinley Avenue** **\$6,700**  
Upgrade and repaint the crosswalks at East 36th Street, 40th Street, and 56th Street along McKinley Avenue to make the areas visible for pedestrians and drivers. This project will upgrade and/or resurface the areas by repairing or chip sealing and by repainting crosswalks at these sites.

**Installation of Lights—East 40th Street and 43rd Street** **\$5,060**  
Install two light poles on Spokane Street between East 40th Street and 43rd Street and add a light on existing pole on the corner of East 40th Street and Spokane Street.

**Goats for McKinley Park Clearing** **\$4,000**  
Remove blighted conditions in McKinley Park by contracting with a company that uses goats to clear overgrown vegetated property.

### Central Neighborhood Council

**Ferry Park—Speed and Safety Regulation** **\$7,200**  
The project is intended to stabilize driving conditions around Ferry Park by placing traffic-calming devices around the park to slow vehicular traffic and to enhance safety for the children using the park.

### North End Neighborhood Council

**North 16th and Junett Community Garden** **\$7,500**  
Purchase materials and supplies for the newly acquired property at North 16th Street and Junett Street to transform this property into a community garden. Supplies purchased will include lumber to build raised-bed gardens for wheelchair accessible residents making the community garden ADA compliant.

**Old Town Park—Stage** **\$7,500**  
These funds, along with an additional \$20,000 contributed by the community and/or in-kind contribution, will be used to make the outdoor performance stage ADA compliant.

**Signage Installation on Proctor Street** **\$5,000**  
This project is Phase I of developing the Proctor District identification entrance signs and will consist of producing the sign mold for the manufacture of entrance signage.

**Northeast Tacoma Neighborhood Council**

**Wildflower Garden at Alderwood Park** **\$ 450**  
Produce wildflower identification signage for the various species as part of the wildflower beautification and identification project at Alderwood Park.

**Browns Point Boulevard, NE, Right-of-Way Access** **\$1,185**  
Discourage and/or reduce illegal dumping and multi-drive vehicle recreation use. This “blight and illegal dumping program effort” requests funds for installation of four-foot-high, bright orange, plastic safety fencing along with appropriate signage instructing individuals that dumping and multi-drive vehicle recreation are inappropriate and illegal.

**Irrigation Water Meter—Julia’s Gulch** **\$7,500**  
Install irrigation service with seasonal use for recreational, landscaping, and horticultural purposes as a water source for Julia’s Gulch habitat restoration project. This includes installation of main, 5/8” meter, system development, and meter services.

**Northshore Parkway Guardrail** **\$6,000**  
In several locations, replace damaged sections of the guardrail located on the south side of the Northshore Parkway. Guardrail replacement recommended because of the curve in the road and to provide for pedestrian safety on the sidewalk.

**Northeast Tacoma Semi—Circle Wayfinder Signage** **\$3,600**  
This project will complete the implementation of the Northeast Tacoma directional signs (Wayfinder’s Signage Program) that have been erected over the past several years. This project will add semi-circular top sign elements with neighborhood-specific text and imagery and will be located at entrances to the neighborhood to identify and help direct residents to key destinations.

**Crosswalk Striping—Northshore Parkway Intersections** **\$6,000**  
Install crosswalk safety striping in two locations (Northshore Parkway and Nassau Avenue and Northshore Parkway and Norpoint Way) to improve pedestrian safety at these two major intersections on a major arterial.

### **West End Neighborhood Council**

**Community Garden** **\$5,000**  
Purchase equipment and supplies to prepare between 30 to 40 community garden sites. These sites will be made available for the large number of residents living in low-income units within walking distance of the site. Approximately half of the sites will be raised beds to accommodate wheelchair accessibility.

**Lighting Installation on South 19th Street** **\$1,500**  
Install lights on existing pole in the vicinity of the 8300 Block of South 19th Street.

### **New Tacoma Neighborhood Council**

**South 8th Street and "I" Street Community Garden** **\$ 550**  
Purchase gardening equipment and supplies, improve fencing around the gardening site, purchase locks, and have signage produced and installed.

**Maritime Heritage Project** **\$7,500**  
Remove blighted conditions along the City right-of-way site in the vicinity of 15th Street and East "D" Street for Shoreline access. This is a blight removal and beautification project that is intended to transform this neglected property into a Maritime Heritage Park.

**St. Helens Gateway Renovation Project** **\$5,975**  
Renovate the intersection of St. Helens Street, 6th Avenue, and Baker Street as a gateway to the St. Helens neighborhood by making improvement over several years. The funds from this project will create clear pedestrian crosswalks by installing ADA curb ramps and add planting.

**Wright Park Pedestrian Enhancement** **\$5,975**  
Make street safety improvements to enhance pedestrian safety at the intersection of South "G" Street and Division Avenue by installing a curb ramp and appropriate signalization and striping.

## **RESOLUTION NO. 38100**

A RESOLUTION relating to employment; authorizing the execution of Addendum #1 to the Collective Bargaining Agreement between the City and the International Brotherhood of Electrical Workers, Local 483, Customer and Field Services Unit.

WHEREAS the City of Tacoma and the International Brotherhood of Electrical Workers (“IBEW”), Local 483, Customer and Field Services Unit (“Union”), negotiated a Collective Bargaining Agreement (“Agreement”) approved by the Public Utility Board on April 23, 2008, Resolution No. U-10197, and

WHEREAS the proposed Addendum #1 to the Agreement covers approximately 134.6 budgeted, full-time equivalent positions, and clarifies titles and outlines wages for the covered period, and

WHEREAS the proposed Addendum #1 to the Agreement provides for increases in wages to reflect the 70th percentile of the market, based on the Citywide classification and compensation study retroactive to January 1, 2010, through December 31, 2010, and

WHEREAS the proposed Addendum #1 to the Agreement changes the title of Customer Service Assistant to Customer Service Representative and Customer Service Assistant, Senior, to Customer Service Representative, Technical; and adds new classifications to be titled Customer Service Representative, Lead, and Mail and Stock Processor, Senior, to the Agreement. The proposed addendum also deletes application of rate language that is no longer needed, and

WHEREAS it now appears in the best interest of the City that the proposed Addendum #1 to the Agreement negotiated by said Union and the City be approved; 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, a proposed Addendum #1 to the Collective Bargaining Agreement between the City and the International Brotherhood of Electrical Workers, Local 483, Customer and Field Services Unit, said document to be substantially in the form of the proposed Addendum #1 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 retroactive to January 1, 2010, through December 31, 2010.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney

Requested by Public Utility Board  
Resolution No. U-10408

## **ORDINANCE NO. 27914**

AN ORDINANCE relating to the Retirement System; amending Section 1.30.470 of the Tacoma Municipal Code to clarify that the Board of Administration of the Tacoma Employees' Retirement System has contracting and purchasing authority consistent with that of the City Manager or the Director of Utilities.

WHEREAS, currently, subsection 1.30.470.A of the Tacoma Municipal Code ("TMC") provides the Board of Administration ("Board") of the Tacoma Employees' Retirement System authority to negotiate contracts, select individual managers, add investment categories, or change investment allocations without action on the part of the City Council; however, it does not specifically provide the Board with the type of contracting and purchasing authority that Chapter 1.06 TMC grants the City Manager, or his or her designee, or the Director of Utilities, or his or her designee, and

WHEREAS, at its April 8, 2010, meeting, the Board approved the proposed amendments to provide clarification that the City Council intends to grant the Board certain authority beyond the authority directly related to investments and, in so doing, to mirror the authority granted to the City Manager and the Director of Utilities; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That subsection 1.30.470.A of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "A."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Deputy City Attorney

## EXHIBIT "A"

### 1.30.470 Creation of Board of Administration.

A. Composition and Powers. There is hereby created and established a Board of Administration which shall, under the provisions of this chapter and the direction of the City Council, administer the Retirement System and Retirement Fund created by this chapter. Under and pursuant to the direction of the City Council, the Board shall provide for the proper investment of the moneys in the Retirement Fund. The Board of Administration shall not require City Council action to enter into contracts within the scope of its functions to provide for the proper investment of moneys in the Retirement Fund. The Board's authority shall include, but not be limited to, the authority to negotiate such contracts, select investment managers, add investment categories, or change investment allocations, all without action on the part of City Council. ~~All delegations of authority under this section shall be subject to the limitations for the City Manager in Chapter 1.06 TMC, to the extent that such delegated acts regard funds outside of the Retirement Fund.~~ The City Council also delegates to the Board contracting and purchasing authority other than that described above as is consistent with the authority granted the City Manager, or his or her designee, or the Director of Utilities, or his or her designee, contained in Chapter 1.06 TMC or as hereinafter amended. However, the Board shall provide the City Council with quarterly status reports justifying the overall investment strategy for the Tacoma Employees' Retirement System.

The Board of Administration shall consist of nine regular members and one alternate member as follows: The Mayor, a designee of the Tacoma Public Utilities Director, a designee of the City Manager, the Director of Finance, three City employees who are eligible for membership in the Retirement System heretofore or hereafter elected by the employee members, and one member of the Retirement System who need not be a City resident but who has heretofore retired under this Retirement System, elected by the retired members of this Retirement System or surviving beneficiaries. The above eight members shall appoint the ninth member, who shall be a City resident not employed by the City.

The Board of Administration shall appoint a member of the Retirement System, either active or retired, to serve as an alternate. The alternate shall serve a three-year term. The alternate may participate at meetings of the Board of Administration as a non-voting member of the Board. The alternate shall participate as a voting member of the Board of Administration when the alternate's presence is necessary to constitute a quorum under the Board's rules or By-Laws, or when necessary to fill a temporary vacancy among the elected members of the Board. When filling a temporary vacancy, the Board shall, by motion, set forth the duration of the temporary vacancy. The Board shall solicit applications of individuals interested in appointment as the alternate by providing notice for not less than 28 days to eligible members by posting, in the case of active members, and mailing, in the case of retired members.

## ORDINANCE NO. 27915

AN ORDINANCE relating to trees and shrubs; amending Section 9.20.070 of the Tacoma Municipal Code to allow for an appeal of the issuance of a Notice of Violation and penalty.

WHEREAS, in order to afford property owners the opportunity to appeal a penalty imposed for violating Chapter 9.20 of the Tacoma Municipal Code ("TMC"), City staff proposes to revise Chapter 9.20 TMC to include additional appeal rights, and

WHEREAS the proposed revisions include incorporating procedures for appealing the issuance of a Notice of Violation and penalty; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 9.20.070 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "A."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Deputy City Attorney

## EXHIBIT "A"

### 9.20.070 Violation – Penalty.

The violation of any of the provisions of Chapter 9.20 [TMC](#) shall constitute a civil ~~violation~~[infraction](#). Any person violating such provisions shall be penalized in a sum not exceeding the value of the vegetation pruned or removed plus \$1,000.00. Any money collected under this provision shall be placed in the General Fund. [Any person who has been issued a Notice of Violation or civil penalty of any of the provisions of Chapter 9.20 TMC shall be entitled to seek reconsideration of the violation or penalty, as set out in subsection 9.20.060.C TMC and shall also be entitled to appeal the violation or penalty, pursuant to subsection 9.20.060.D TMC.](#)