Amended Resolution No. 38701
Appointing individuals to committees that will prepare statements “For” and “Against” City of Tacoma Proposition No. 1 regarding 2% Earnings Tax on Utility Companies for Tacoma Street Improvements, which will appear in the voters’ pamphlet for the November 5, 2013 General Election.

Resolution No. 38702
Authorizing the execution of an interest-free loan agreement with the Washington State Department of Transportation for a term of ten years, in the amount of $823,227, with a required match of $280,807, budgeted from the Tacoma Rail Fund, to partially finance a track improvement project located in the vicinity of Marshall Avenue and State Route 509, and Milwaukee Way and Port of Tacoma Road, to be completed by June 30, 2015.

Resolution No. 38703
Authorizing the execution of an interest-free loan agreement with the Washington State Department of Transportation for a term of ten years, in the amount of $250,000, with a required match of $120,110, budgeted from the Tacoma Rail Fund, to partially finance the replacement of a segment of track used as the primary access point to the Tacoma Rail Yard, to be completed by June 30, 2015.

Resolution No. 38704
Declaring surplus approximately 2,190-square-feet of city-owned property in the area of North 21st and Proctor Streets; and authorizing the execution of purchase and sale agreements with adjacent property owners in order to cure outstanding encroachments.

Resolution No. 38705
Amending the General Fund Reserve Policy to state that reserves should be maintained between 10 and 20 percent of projected annual expenditures.

Ordinance No. 28162
Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented by the United Transportation Union, Yardmasters Unit, which consists of five budgeted, full-time positions.
RESOLUTION NO. 38701

A RESOLUTION appointing individuals to committees that will prepare statements “For” and “Against” City of Tacoma Proposition No. 1, 2% Earnings Tax on Utility Companies for Tacoma Street Improvements, which will appear in the voters’ pamphlet for the November 5, 2013, General Election.

WHEREAS infrastructure improvement and road maintenance were identified as major concerns by citizens during 2012 budget input discussions, and

WHEREAS the City Council and Council-appointed task forces have consistently identified the issue of sustainable, dedicated funding for basic maintenance of City and neighborhood streets; safety upgrades; pothole repairs; repaving of streets and arterials; bridge maintenance and repairs; and safety improvements at intersections, sidewalks, and crosswalks near schools as a top priority, and

WHEREAS adequate and dedicated funding to preserve and maintain City streets continues to be a significant challenge for the City, and

WHEREAS RCW 35.21.870 permits cities to levy a tax on the privilege of conducting electrical energy, natural gas, or telephone businesses, which tax is currently levied at 6 percent, and

WHEREAS state law authorizes a tax in excess of 6 percent for these utility businesses when approved by a majority of voters, and

WHEREAS, on July 23, 2013, the City Council adopted Resolution No. 38700, to place City of Tacoma Proposition No. 1 on the November 5, 2103, General Election ballot, which proposition, if approved, would authorize a tax
increase of 2 percent on utility company earnings for the sole purpose of funding
street maintenance improvements and safety upgrades, and

WHEREAS RCW 29A.32.280 requires the City Council to formally appoint a
committee to prepare arguments advocating voters’ approval of the measure and
to formally appoint a committee to prepare arguments advocating voters’ rejection
of the measure, and

WHEREAS the Government Performance and Finance Committee will
review applications at a Special Meeting to be held on July 30, 2013, and will
forward its committee recommendations for consideration by the City Council at
the July 30, 2013, City Council meeting; Now, Therefore,

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

That the nominees for the “For” and “Against” committees, as listed on the
attached Exhibit “A,” are hereby confirmed and the persons designated thereon are
hereby appointed as committee members of the “For” and “Against” committees for
City of Tacoma Proposition No. 1, 2% Earnings Tax on Utility Companies for Tacoma Street Improvements, which will appear in the voters’ pamphlet for the November 5, 2013, General Election.

Adopted

__________________________________________
Mayor

Attest:

__________________________________________
City Clerk

Approved as to form:

__________________________________________
City Attorney
EXHIBIT “A”

“FOR” COMMITTEE

Mark Martinez
Harold Moss
Clare Petrich

“AGAINST” COMMITTEE

Rachel Hanson
Robert Casey
Thomas Oldfield
RESOLUTION NO. 38702

A RESOLUTION relating to the Department of Public Utilities; authorizing the Beltline Division, d.b.a. Tacoma Rail, to enter into an interest-free loan agreement with the Washington State Department of Transportation for a term of ten years, in the amount of $823,227 to partially finance a track improvement project.

WHEREAS the City of Tacoma, Department of Public Utilities, Beltline Division (d.b.a. “Tacoma Rail”), requests approval to enter into an interest-free loan agreement (“Agreement”) with the Washington State Department of Transportation (“WSDOT”) for a term of ten years, in the amount of $823,227, less a one percent (1%) administrative fee, at zero percent interest, for the purpose of partially financing the replacement of old and worn rail manufactured between 1906 and 1908, four track switches, and approximately thirty percent of the cross ties with new components, of Tacoma Rail yard tracks numbered 8 and 9, and

WHEREAS the improvements will benefit the state and local economy by ensuring the efficient movement by rail of agricultural, chemical, and natural resource products to local, national, and international markets, and by accordingly reducing the burdens on state highways and local roads, and

WHEREAS, pursuant to the Agreement, Tacoma Rail is required to contribute matching funds, in a minimum amount of $280,807, for use towards completion of the rail project detailed herein, and to complete specified project tasks by June 30, 2015, and
WHEREAS § 4.11 of the Tacoma City Charter requires that all matters relating to the “incurring of indebtedness . . . shall be initiated by the Board, subject to approval by the Council, and executed by the Board,” prior to acceptance of the Agreement, and

WHEREAS, by adoption of Public Utility Board Resolution No. U-10639 on July 10, 2013, the Public Utility Board approved the proposed Agreement;

Now, Therefore,

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

Section 1. That the City of Tacoma, Department of Public Utilities, Beltline Division (d.b.a. “Tacoma Rail”) is approved to enter into an interest-free loan agreement with the Washington State Department of Transportation (“WSDOT”) for a term of ten years, in the amount of $823,227, less a one percent (1%) administrative fee, at zero percent interest, for the purpose of partially financing the replacement of old and worn rail manufactured between 1906 and 1908, four track switches, and approximately thirty percent of the cross ties with new components, of Tacoma Rail yard tracks numbered 8 and 9.
Section 2. That the Superintendent of Rail is authorized to execute the loan agreement with WSDOT, said document to be substantially in the form 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- 10639
RESOLUTION NO. 38703

A RESOLUTION relating to the Department of Public Utilities; authorizing the Beltline Division, d.b.a. Tacoma Rail, to enter into an interest-free loan agreement with the Washington State Department of Transportation for a term of ten years, in the amount of $250,000, to partially finance the replacement of a segment of track used as the primary access point to the Tacoma Rail Yard.

WHEREAS the City of Tacoma, Department of Public Utilities, Beltline Division (d.b.a. “Tacoma Rail”), requests approval to enter into an interest-free loan agreement (“Agreement”) with the Washington State Department of Transportation (“WSDOT”) for a term of ten years, in the amount of $250,000, less a one percent (1%) administrative fee, at zero percent interest, for the purpose of partially financing the replacement of a segment of track used as the primary access point to the Tacoma Rail Yard, and

WHEREAS, once complete, the track upgrade project will allow the continued safe exchange of freight railcars at the primary interchanges point for Tacoma Rail, Burlington Northern Santa Fee, and the Union Pacific Railroads, and

WHEREAS the improvements will benefit the state and local economy by ensuring the efficient movement by rail of agricultural, chemical, and natural resource products to local, national, and international markets, and by accordingly reducing the burdens on state highways and local roads, and

-1-
WHEREAS, pursuant to the Agreement, Tacoma Rail is required to contribute matching funds, in a minimum amount of $120,110, for use towards completion of the rail project detailed herein, and to complete specified project tasks by June 30, 2015, and

WHEREAS § 4.11 of the Tacoma City Charter requires that all matters relating to the “incurring of indebtedness . . . shall be initiated by the Board, subject to approval by the Council, and executed by the Board,” prior to acceptance of the Agreement, and

WHEREAS, by adoption of Public Utility Board Resolution No. U-10640 on July 10, 2013, the proposed agreement was approved, pending confirmation from the City Council, and

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

Section 1. That the City of Tacoma, Department of Public Utilities, Beltline Division (d.b.a. “Tacoma Rail”) is approved to enter into an interest-free loan agreement with the Washington State Department of Transportation (“WSDOT”) for a term of ten years, in the amount of $250,000, less a one percent (1%) administrative fee, at zero percent interest, for the purpose of partially financing the replacement of a segment of track used as the primary access point to the Tacoma Rail Yard.
Section 2. That the Superintendent of Rail is authorized to execute the loan agreement with WSDOT, said document to be substantially in the form 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-10640
RESOLUTION NO. 38704

A RESOLUTION relating to surplus property; declaring certain real property owned by the City, located at North 21st and Proctor Streets and approximately 2,190 square feet in area, to be surplus; authorizing the execution of four Purchase and Sale Agreements with adjacent property owners each for a portion of City property abutting the Proctor Community Garden in order to cure existing encroachments.

WHEREAS the Proctor Community Garden (“Garden”), located at North 21st and Proctor Streets, is owned by the City and managed by the Metropolitan Park District of Tacoma (“Metro Parks”), and

WHEREAS, in August 2012, Metro Parks procured a survey of the Garden as part of its effort to replace the existing fencing around the Garden, and

WHEREAS the survey identified that the current northerly fence line of the Garden could be expanded closer to the boundaries of the City’s property, which would result in the addition of approximately 14 garden plots on the northern side of the Garden, bringing the total to 62 garden plots, and

WHEREAS the survey further identified that the abutting neighbors’ existing fences were encroaching on City property by approximately eight feet, and

WHEREAS, in order to resolve this issue, the City and abutting property owners have come to an agreement whereby the property owners will each individually purchase from the City a strip of land eight feet wide by the respective length of each of their properties, as follows: Christopher and Bobbie Bailey, 510 square feet for the amount of $1,233; Ivan Lackey, 800 square feet for the amount of $1,935; Stephen and Kimberly Baker, 240 square feet for the amount of $580; and Tereasa Gandhi, 640 square feet for the amount of $1,548, and
WHEREAS this transaction will allow the City to establish a new contiguous property boundary across the northern boundary of the Garden and allow the existing fence improvements to remain, with Metro Parks to construct a new northerly fence by December 2013, and

WHEREAS the project is funded by the 2005 UTGO Metro Parks Tacoma Bond, and

WHEREAS, there being no foreseeable need for continued ownership of the Property, a declaration of surplus and negotiated sales now appear in the best interests of the City, pending final approval from the City Council; Now, Therefore,

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

Section 1. That the portion of City-owned real property located at North 21st and Proctor Streets and approximately 2,190 square feet in area, is not essential to the needs of the City and is hereby declared surplus property pursuant to RCW 35.22.020 and Article I, Section 1.2, and Article IX of the Tacoma City Charter.

Section 2. That the proper officers of the City are hereby authorized to enter into a Purchase and Sale Agreement with Christopher and Bobbie Bailey, in the amount of $1,233, for 510 square feet of City-owned real property, all as more specifically set forth in the proposed Purchase and Sale Agreement on file in the office of the City Clerk.

Section 3. That the proper officers of the City are hereby authorized to enter into a Purchase and Sale Agreement with Ivan Lackey, in the amount of $1,935, for
800 square feet of City-owned real property, all as more specifically set forth in the proposed Purchase and Sale Agreement on file in the office of the City Clerk.

Section 4. That the proper officers of the City are hereby authorized to enter into a Purchase and Sale Agreement with Stephen and Kimberly Baker, in the amount of $580, for 240 square feet of City-owned real property, all as more specifically set forth in the proposed Purchase and Sale Agreement on file in the office of the City Clerk.

Section 5. That the proper officers of the City are hereby authorized to enter into a Purchase and Sale Agreement with Tereasa Gandhi, in the amount of $1,548, for 640 square feet of City-owned real property, all as more specifically set forth in the proposed Purchase and Sale Agreement on file in the office of the City Clerk.

Adopted _________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney

-3-
RESOLUTION NO. 38705

A RESOLUTION relating to finance and budget; amending the General Fund Reserve Policy section of the Financial and Budget Policy Statement of the City of Tacoma.

WHEREAS the City’s Financial and Budget Policy Statement was last updated in 2006, and

WHEREAS the document incorporates “best practices” of budgeting, financial, and debt management; comprehensively combines and updates key policies; and provides a framework for the 2013-2014 biennial budget, and

WHEREAS the General Fund Reserve Policy section of the document should be updated to reflect current policy standards, and

WHEREAS, at its meeting of July 17, 2013, the Government Performance and Finance Committee reviewed and recommended the proposed changes for adoption; Now, Therefore,

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

That the General Fund Reserve Policy of the Financial and Budget Policy Statement of the City of Tacoma is hereby amended as set forth in the attached Exhibit “A.”

Adopted ________________

__________________________________
Mayor

Attest:

__________________________________
City Clerk

Approved as to form:

__________________________________
Deputy City Attorney

-1-
EXHIBIT “A”

General Fund Reserve Policy

- Unreserved fund balance Reserves should be maintained between 510% and 4520% of projected annual expenditures. Ideally, the City should have a total unencumbered reserves equal to at least 150% of projected annual expenditures. Any proposed use of the reserves below 5% of projected annual expenditures will require super-majority (majority plus one of voting members) approval by the City Council.

- The first 5% to 10% of reserves shall only be available to fund one-time emergencies, unanticipated expenditure requirements, or offset unanticipated revenue fluctuations occurring within a fiscal year.

- The next 10% to 15% of reserves is a counter-cyclical reserve. This portion of the reserve is to either maintain General Fund current service level programs or transition expenditure growth to match slower revenue growth during the first 12-18-24 months of a recession.
ORDINANCE NO. 28162

AN ORDINANCE relating to the Compensation Plan; amending Chapter 1.12 of the Tacoma Municipal Code to increase rates of pay and compensation for employees represented by the United Transportation Union, Yardmasters Unit in accordance with the collective bargaining agreement approved by City Council on July 23, 2013.

WHEREAS the City has, for years, adopted the policy of collective bargaining between the various labor organizations representing employees and the administration, and

WHEREAS, on July 23, 2013, the City Council authorized the execution of the 2012-2018 Collective Bargaining Agreement (“CBA”) between the City of Tacoma, Department of Public Utilities, Belt Line Division (“Rail Division”) and the United Transportation Union, Yardmasters Unit (“Union”), on behalf of the employees represented by said Union, and

WHEREAS the CBA covers approximately five, full-time equivalent (“FTE”) positions, with all positions assigned to the Rail Division, and

WHEREAS the proposed CBA includes: (1) a wage increase in the amount of $1.25 per hour, effective January 1st for each year of the agreement from 2014 through 2018, which amount represents an increase of between 2.7 to 3 percent of Yardmaster base wages each year; and (2) the creation and implementation of an employer-paid matching contribution to an employee deferred compensation account, beginning in 2014, of an amount up to 2 percent or up to 3 percent of a Yardmaster and Extra Board Yardmaster base

-1-
salary, said employer-paid matching contribution to be determined by the prior
year’s financial performance of Rail, and

WHEREAS, should it be determined that Rail posts a negative net
income for the prior year, a maximum employer-paid matching deferred
compensation contribution of up to 2 percent of base salary will be made, and

WHEREAS, should it be determined that Rail posts a positive net income
for the prior year, a maximum employer-paid matching deferred compensation
contribution of up to 3 percent of base salary will be made, and

WHEREAS, by adoption of Public Utility Board Resolution No. U-10638,
the proposed CBA was approved, pending confirmation from the City Council,
and

WHEREAS it now appears in the best interest of the City that the proposed
Tacoma Municipal Code amendments negotiated by said Union and the City be
enacted; Now, Therefore,
BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended effective January 1, 2014 as follows:

***

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Section 2. That Section 1.12.115 of the Tacoma Municipal Code is hereby amended effective January 1, 2014 as follows:

1.12.115 Deferred compensation.

***

F. The City will match the deferred compensation contribution of Rail personnel covered by the Federal Railroad Retirement Act in the classifications of Administrative Secretary (CSC 0023) to a maximum City contribution of 7.38 percent of base salary; of Utilities Director, Deputy, Rail Superintendent (CSC 0830) to a maximum City contribution of 9.0 percent of base salary; and Railway Roadmaster (CSC 7126) to a maximum City contribution of 7.26 percent of the base salary; provided, however, that as to any personnel hired after the effective date of the ordinance codified in this section, the City will match the deferred compensation contribution of Rail personnel in classifications that are unrepresented, appointive, and covered by the Federal Railroad Retirement Act to a maximum contribution of 3 percent of the base salary for such positions; and, provided further, that all contributions are subject to the limitations of the IRC maximum contribution requirements for Section 457 plans.

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G. The City will match the deferred compensation contribution of Rail personnel in the classification of Railway Yardmaster (CSC 7115) based on criteria as set forth in the collective bargaining agreement between the City of Tacoma and the United Transportation Union, Yardmasters Unit. The amount of the deferred compensation match will be determined by the financial performance of Tacoma Rail in the prior year. If a negative net income is posted, the employer match will be an amount up to 2 percent of base salary. If a positive net income is posted, the employer match will be an amount of up to 3 percent of base salary.

***

Section 3. That Sections 1 and 2 of this ordinance shall become effective January 1, 2014.

Passed ________________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney

Requested by Public Utility Board Resolution No. U-10638