Legislation Passed April 12, 2016

The Tacoma City Council, at its regular City Council meeting of April 12, 2016, 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.

Substitute Resolution No. 39418
A resolution setting Tuesday, April 26, 2016, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the proposed amendments to the Marijuana Use Regulations, Land Use Regulatory Code, and the Nuisance Code, as recommended by the Planning Commission, and as recommended by staff, concerning the production, processing, researching, and retail sale of marijuana.
[Brian Boudet, Planning Manager; Peter Huffman, Director, Planning and Development Services]

Resolution No. 39419
A resolution authorizing the execution of Amendment No. 1 to the Interlocal Agreement with the Port of Tacoma, and increasing the City’s commitment in the amount of $662,119, for a cumulative total of $1,691,589, budgeted from the Streets Initiative Fund, as the City’s portion of a local grant match for the Port of Tacoma Road Reconstruction Project, to extend reconstruction work to include the section from Marshall Avenue to State Route 509.
[Tom Rutherford, P.E., Project Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39420
A resolution appointing and reappointing individuals to the Board of Building Appeals and the Transportation Commission.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Resolution No. 39421
A resolution appointing and reappointing individuals to the Human Rights Commission.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Ordinance No. 28352
An ordinance 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 International Brotherhood of Electrical Workers, Local 483, Custodial and Building Maintenance Unit.
[Joy St. Germain, Director, Human Resources]
A RESOLUTION relating to land use regulations associated with Initiative 502; setting Tuesday, April 26, 2016, as the date for a public hearing on the proposed amendments to the Marijuana Use Regulations, Land Use Regulatory Code, and the Nuisance Code, as recommended by the Planning Commission, and as recommended by staff, concerning the production, processing, researching and retail sale of marijuana.

WHEREAS State Initiative 502 ("I-502"), approved by Washington voters in November 2012, provides a framework for licensing and regulating the production, processing, and retail sale of recreational marijuana, and

WHEREAS, in February 2015, the City adopted pertinent land use regulations in order to provide policy and regulatory guidance and facilitate the review of recreational marijuana license applications within City limits, and

WHEREAS, in April 2015, the Washington State Legislature enacted the Cannabis Patient Protection Act, establishing regulations for the formerly unregulated aspects of the marijuana system and aligning it with the existing recreational system, and

WHEREAS the State Liquor and Cannabis Board, through its rulemaking process to establish corresponding administrative procedures and standards, has expanded the existing cap on retail marijuana stores in the City earlier than anticipated, and is set to promulgate other potential rule changes and establish a new class of use, the marijuana cooperative, and

WHEREAS, in order to preserve the City’s regulatory authority and the validity of its legislative process, and to allow sufficient time for local policy discussion on the matter, the City Council enacted a temporary moratorium on
new marijuana retail uses and the establishment of marijuana cooperatives for a
period of six months, pursuant to Substitute Ordinance No. 28343, enacted on
January 12, 2016, and

WHEREAS the six-month moratorium allowed the Planning Commission and
staff sufficient time to develop recommendations for amended regulations which
address community concerns, and

WHEREAS the Planning Commission developed its recommendations
through a public review process, including a public hearing on March 2, 2016, and

WHEREAS the Planning Commission finalized its recommendations on
April 6, 2016, for proposed amendments to the Marijuana Use Regulations and the
Land Use Regulatory Code, and

WHEREAS Planning and Development Services staff has also developed
recommendations for proposed Code amendments based on technical analysis and
public comments, and presented such recommendations for consideration by the
Planning Commission, and

WHEREAS, while the Planning Commission and staff recommendations
differ in certain key provisions, they present valuable alternatives for the City
Council's decision-making at the policy level, and both merit citizen review and
comments, and

WHEREAS the nuisance regulations, as contained in Title 8 of the Tacoma
Municipal Code, applicable to marijuana-related businesses are also being
amended to be consistent with the proposed amendments to the Land Use
Regulatory Code, and
WHEREAS, pursuant to TMC 13.02, the City Council is required to conduct a public hearing before enacting any amendments to the Land Use Regulatory Code and other relevant provisions of the Code; Now, Therefore,

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

Section 1. That a public hearing on the proposed amendments to the Marijuana Use Regulations and Land Use Regulatory Code, as recommended by the Planning Commission, and as recommended by staff, concerning the production, processing, researching and retail sale of marijuana, as well as the proposed amendments to the Nuisance Code, shall be held before the City Council in the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, on Tuesday, April 26, 2016, at approximately 5:30 p.m. or as soon thereafter as the same may be heard.

Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted _______________________

Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
RESOLUTION NO. 39419

A RESOLUTION relating to the Port of Tacoma; authorizing the execution of Amendment No. 1 to the Interlocal Agreement with the Port of Tacoma increasing the City's commitment in the amount of $662,119, for a cumulative City contribution of $1,691,589, budgeted from the Streets Initiative Fund, as the City's portion of a local grant match for the Port of Tacoma Road Reconstruction Project, to extend reconstruction work on the Port of Tacoma Road to include the section from Marshall Avenue to SR 509.

WHEREAS, on February 24, 2015, the City Council adopted Resolution No. 39119, authorizing the execution of an Interlocal Agreement with the Port of Tacoma ("Port") for the Port of Tacoma Road Reconstruction Project ("Project"), which outlined the financial contributions and management responsibilities for both parties, and

WHEREAS the Project was funded through grants from the Washington State Transportation Improvement Board ("TIB") and Washington State Freight Mobility Strategic Investment Board, as well as contributions from the Port, Tacoma Water, Tacoma Rail, private funding, and the City's Heavy Haul Corridor Permit Fund, and

WHEREAS, in January 2016, as the Project neared completion, the TIB notified City staff that additional funding might be available, contingent on a local agency match, to extend reconstruction work on the Port of Tacoma Road to include an additional 1,600 feet of pavement, from Marshall Avenue to SR 509, and

WHEREAS, working collaboratively with the Port, Public Works staff prepared an amendment to the Interlocal Agreement to allow for the additional work on Port of Tacoma Road, and to specify the financial responsibilities of each party to supplement the additional TIB funding, and
WHEREAS the proposed amendment will increase the City’s contribution to the Project from $1,029,470 to $1,691,589, and the Port’s contribution from $865,970 to $1,045,970, and

WHEREAS the Port Commission approved the proposed amendment on March 17, 2016, and

WHEREAS it is in the best interests of the City to enter into the proposed amendment; 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 Interlocal Agreement with the Port of Tacoma, increasing the City’s commitment in the amount of $662,119, for a cumulative City contribution of $1,691,589, budgeted from the Streets Initiative Fund, as the City’s portion of a local grant match for the Port of Tacoma Road Reconstruction Project, to extend reconstruction work on the Port of Tacoma Road to include the section from Marshall Avenue to SR 509, said amendment to be substantially in the form of the document on file in the office of the City Clerk.

Adopted ____________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
RESOLUTION NO. 39420

BY REQUEST OF COUNCIL MEMBERS BLOCKER, IBSEN, McCARTHY, AND THOMS

A RESOLUTION relating to committees, boards, and commissions; appointing
and reappointing individuals to the Board of Building Appeals and
Transportation Commission.

WHEREAS vacancies exist on the Board of Building Appeals and
Transportation Commission, and

WHEREAS, at its meeting of March 23, 2016, the Infrastructure,
Planning, and Sustainability Committee conducted interviews and
recommended the appointment and reappointment of individuals to the Board
of Building Appeals, and

WHEREAS, at its meeting of March 23, 2016, the Infrastructure,
Planning, and Sustainability Committee conducted interviews and
recommended the appointment of an individual to the Transportation
Commission, and

WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,
Regulations, and Procedures of the City Council, the persons named on
Exhibit “A” have been nominated to serve on the Board of Building Appeals
and Transportation Commission; Now, Therefore,

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

That those nominees to the Board of Building Appeals and Transportation
Commission listed on Exhibit “A” are hereby confirmed and appointed or

-1-
reappointed as members of such board or commission for such terms as are set forth on Exhibit “A.”

Adopted __________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
City Attorney
EXHIBIT “A”

BOARD OF BUILDING APPEALS
Appointing Rick Semple to Position 1 for an unexpired term to expire August 12, 2019.
Reappointing Rory Connolly to Position 4 for a five-year term to expire January 7, 2021.

TRANSPORTATION COMMISSION
Appointing John Thurlow to the At-Large No. 4 position for an unexpired term to expire July 31, 2016, followed by a three-year term to expire July 31, 2019.
RESOLUTION NO. 39421

BY REQUEST OF COUNCIL MEMBERS BLOCKER, LONERGAN, AND WOODARDS

A RESOLUTION relating to committees, boards, and commissions; appointing and reappointing individuals to the Human Rights Commission.

WHEREAS vacancies exist on the Human Rights Commission, and

WHEREAS, at its meeting of March 24, 2016, the Community Vitality and Safety Committee conducted interviews and recommended the appointment and reappointment of individuals to the Human Rights Commission, and

WHEREAS, pursuant to the City Charter Section 2.4 and the Rules, Regulations, and Procedures of the City Council, the persons named on Exhibit “A” have been nominated to serve on said commission; Now, Therefore,

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

That those nominees to the Human Rights Commission listed on Exhibit “A” are hereby confirmed and appointed or reappointed as members of such commission for such terms as are set forth on Exhibit “A.”

Adopted ______________________

____________________________
Mayor

Attest:

____________________________
City Clerk

Approved as to form:

____________________________
City Attorney

-1-
EXHIBIT “A”

HUMAN RIGHTS COMMISSION

Appointing Lorenzo Cervantes to an unexpired term to expire December 31, 2018.

Appointing Kelsey Fischer to an unexpired term to expire December 31, 2016.

Appointing Thomas Hudson to a three-year term, effective May 3, 2016, to expire May 2, 2019.

Appointing Joseph Kloby to an unexpired term to expire December 31, 2016.

Appointing Brogan Shell to a three-year term, effective May 1, 2016, to expire April 30, 2019.

Appointing Matthew Smith to a three-year term to expire March 3, 2019.

Reappointing Anita Latch to a three-year term to expire March 3, 2019.


Reappointing Lucas Smiraldo to a three-year term to expire March 3, 2019.
ORDINANCE NO. 28352

AN ORDINANCE relating to the Compensation Plan; amending Section 1.12.355 of the Tacoma Municipal Code to implement rates of pay and compensation for employees represented by the International Brotherhood of Electrical Workers, Local 483, Custodial and Building Maintenance Unit; and declaring the effective dates thereof.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective retroactive to January 1, 2016, to read as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>Job Title</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
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</thead>
<tbody>
<tr>
<td>6006</td>
<td>Building Maintenance Supervisor, Assistant</td>
<td>29.69</td>
<td>31.18</td>
<td>32.73</td>
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<td>6005</td>
<td>Building Maintenance Worker</td>
<td>24.74</td>
<td>25.98</td>
<td>27.28</td>
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<td>6002</td>
<td>Custodian</td>
<td>17.27</td>
<td>18.14</td>
<td>19.04</td>
<td>20.00</td>
<td>20.99</td>
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</table>

Section 2. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2017, to read as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>Job Title</th>
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<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>6006</td>
<td>Building Maintenance Supervisor, Assistant</td>
<td>30.28</td>
<td>31.80</td>
<td>33.39</td>
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<tr>
<td>6005</td>
<td>Building Maintenance Worker</td>
<td>25.23</td>
<td>26.50</td>
<td>27.83</td>
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<tr>
<td>6002</td>
<td>Custodian</td>
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<td>18.50</td>
<td>19.42</td>
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<th>Code</th>
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<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>6006</td>
<td>Building Maintenance Supervisor, Assistant</td>
<td>30.90</td>
<td>32.44</td>
<td>34.06</td>
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<td></td>
</tr>
<tr>
<td>6005</td>
<td>Building Maintenance Worker</td>
<td>25.73</td>
<td>27.03</td>
<td>28.39</td>
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<td></td>
</tr>
<tr>
<td>6002</td>
<td>Custodian</td>
<td>17.97</td>
<td>18.87</td>
<td>19.81</td>
<td>20.81</td>
<td>21.84</td>
</tr>
</tbody>
</table>
Section 3. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2018, to read as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>A</th>
<th>Job Title</th>
<th>1</th>
<th>2</th>
<th>3</th>
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<td>Building Maintenance Worker</td>
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<td></td>
</tr>
<tr>
<td>6002</td>
<td></td>
<td>Custodian</td>
<td>47.97</td>
<td>48.87</td>
<td>49.81</td>
<td>20.84</td>
<td>21.84</td>
</tr>
</tbody>
</table>

Section 4. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2019, to read as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>A</th>
<th>Job Title</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>6006</td>
<td></td>
<td>Building Maintenance Supervisor, Assistant</td>
<td>31.51</td>
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<tr>
<td>6005</td>
<td></td>
<td>Building Maintenance Worker</td>
<td>26.25</td>
<td>27.57</td>
<td>28.95</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6002</td>
<td></td>
<td>Custodian</td>
<td>18.33</td>
<td>19.25</td>
<td>20.20</td>
<td>21.22</td>
<td>22.27</td>
</tr>
</tbody>
</table>

Section 5. That Section 1 of this ordinance shall become effective retroactive to January 1, 2016. That Section 2 of this ordinance shall become effective January 1, 2017. That Section 3 of this ordinance shall become effective
January 1, 2018. That Section 4 of this ordinance shall become effective January 1, 2019.

Passed______________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney