Resolution No. 39573
A resolution setting Tuesday, November 15, 2016, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the surplus and proposed sale of approximately 0.70 acres of property, located in the southeast corner of Tacoma Mall Boulevard and South 58th Street, to Heritage Bank for the amount of $560,000.
[Gloria Fletcher, Senior Real Estate Officer; Linda McCrea, Water Superintendent]

Resolution No. 39574
A resolution awarding a contract to Eberle Vivian Incorporated, in the amount of $870,683.40, sales tax not applicable, budgeted from the Workers’ Compensation Fund, for third-party administration services of workers’ compensation claims for an initial three-year term, with the option to renew for two additional one-year terms, for a projected contract total of $1,475,109.60 - Specification No. HR16-0134F.
[Saada Gegoux, Risk Manager; Joy St. Germain, Director, Human Resources]

Resolution No. 39575
A resolution authorizing an increase to the contract with OSW Equipment & Repair Inc., in the amount of $331,115, plus sales tax, for a total of $799,875, budgeted from the Fleet Equipment Rental Capital General Fund, for steel dump bodies - Specification No. GF16-0153F.
[Justin E. Davis, Facilities Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39576
A resolution authorizing the execution of a Letter of Agreement with the Tacoma, Washington County and City Employees, Local 120, creating a new classification entitled Integration Developer.
[Joy St. Germain, Director, Human Resources]

Amended Resolution No. 39577
A resolution directing the City Manager to hire an independent third-party consultant or consultants to audit, analyze and establish a reasonable methodology for cost allocation between Tacoma Power and Click! Network and evaluate the expansion of Click! Network; authorizing the execution of professional services agreements outlining the scope of work and deliverables; and authorizing the use of up to $100,000, budgeted from the City Council Contingency Fund, to pay for the costs pending reimbursement from Click! Network.
[Council Member McCarthy]
Ordinance No. 28384

An ordinance transferring the Center for Urban Waters land from the Solid Waste Utility to the Wastewater Utility, and providing for cash reimbursement to the Solid Waste Utility for the net book value of said land.

[Michael P. Slevin III, P.E., Director, Environmental Services]
RESOLUTION NO. 39573

A RESOLUTION relating to utility-owned surplus property; setting Tuesday, November 15, 2016, as the date for a public hearing on the sale of approximately 0.70 acres of property located at the southeast corner of Tacoma Mall Boulevard and South 58th Street in Tacoma, Washington, owned by the City of Tacoma through its Department of Public Utilities, Water Division, and now surplus to its needs, to Heritage Bank for the sum of $560,000.

WHEREAS the City of Tacoma, through its Department of Public Utilities, Water Division (d.b.a. “Tacoma Water”), acquired an 80-acre parcel of property through condemnation, for the purpose of constructing, operating, and maintaining a reservoir, and

WHEREAS, in the early 1970s, the site was declared surplus when Tacoma Water determined that it would not develop a reservoir, and the majority of the property was sold and preserved as the Wapato Hills Urban Wildlife Habitat, and

WHEREAS Tacoma Water owns 0.70 acres of the original 80-acre acquisition, located at the southeast corner of Tacoma Mall Boulevard and South 58th Street in Tacoma, Washington (“Property”), as more particularly described in the documents on file in the office of the City Clerk, and

WHEREAS the Property is vacant and zoned C-2, General Community Commercial District, and has been appraised at $530,000, and

WHEREAS Tacoma Water has determined that the Property is not essential for continued effective utility service, and
WHEREAS Heritage Bank has offered to purchase the Property for $560,000, and
WHEREAS the purchase price is based on fair market value, and the terms and conditions of the proposed agreement have been approved by Tacoma Water and Public Works, Real Property Services, and
WHEREAS, on October 12, 2016, by adoption of Public Utility Board Resolution No. U-10883, the Property was declared surplus to Tacoma Water’s needs and approved for sale, pending confirmation from the City Council, and
WHEREAS, pursuant to RCW 35.94.040 and TMC 1.06.280, the City Council shall conduct a public hearing on the proposed sale of City-owned real property; Now, Therefore,

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

Section 1. That a public hearing on the sale of approximately 0.70 acres of surplus property located at the southeast corner of Tacoma Mall Boulevard and South 58th Street in Tacoma, Washington, owned by the City of Tacoma through its Department of Public Utilities, Water Division (d.b.a. “Tacoma Water”), and now surplus to its needs, to Heritage Bank for the amount of $560,000, 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, November 15, 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:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10883
A RESOLUTION related to the purchase of materials, supplies or equipment, and the furnishing of services; authorizing the execution of a contract with Eberle Vivian Incorporated in the amount of $870,683.40, sales tax not applicable, budgeted from the Workers’ Compensation Fund, for third-party administration services of workers’ compensation claims for an initial three-year term, with the option to renew for two additional one-year terms, for a projected contract total of $1,475,109.60, pursuant to Specification No. HR16-0134F.

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

WHEREAS the Board of Contracts and Awards has concurred with the recommendation for award as set forth in the attached Exhibit “A”; Now, Therefore,

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

Section 1. That the Council of the City of Tacoma concurs with the Board of Contracts and Awards to adopt the recommendation for award as set forth in the attached Exhibit “A.”

Section 2. That the proper officers of the City are hereby authorized to enter into a contract with Eberle Vivian Incorporated in the amount of $870,683.40, sales tax not applicable, budgeted from the Workers’ Compensation Fund, for third-party administration services of workers’ compensation claims for an initial three-year term, with the option to renew for two additional one-year
terms, for a projected contract total of $1,475,109.60, pursuant to Specification No. HR16-0134F, consistent with Exhibit “A.”

Adopted ______________________

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Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
City Attorney
RESOLUTION NO. 39575

A RESOLUTION related to the purchase of materials, supplies or equipment, and the furnishing of services; authorizing the increase of Contract No. 4600011687 with OSW Equipment & Repair Inc., in the amount of $331,115, plus sales tax, for a total contract amount of $799,875, plus sales tax, budgeted from the Fleet Equipment Rental Capital General Fund, for the purchase of additional steel dump bodies pursuant to Specification No. GF16-0153F.

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

WHEREAS the Board of Contracts and Awards has concurred with the recommendation for award as set forth in the attached Exhibit “A”; Now, Therefore,

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

Section 1. That the Council of the City of Tacoma concurs with the Board of Contracts and Awards to adopt the recommendation for award as set forth in the attached Exhibit “A.”

Section 2. That the proper officers of the City are hereby authorized to increase Contract No. 4600011687 with OSW Equipment & Repair Inc., in the amount of $331,115, plus sales tax, for a total contract amount of $799,875, plus sales tax, budgeted from the Fleet Equipment Rental Capital General Fund,
for the purchase of additional steel dump bodies pursuant to Specification No. GF16-0153F, consistent with Exhibit “A.”

Adopted ______________________

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Mayor

Attest:

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City Clerk

Approved as to form:

_____________________________
City Attorney
RESOLUTION NO. 39576

A RESOLUTION relating to collective bargaining; authorizing the execution of a Letter of Agreement negotiated between the City of Tacoma and the City of Tacoma, Washington, County and City Employees, Local 120, AFSCME, AFL-CIO.

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

WHEREAS Resolution No. 38968, adopted July 22, 2014, authorized the execution of the four-year Collective Bargaining Agreement (“CBA”) between the City of Tacoma and the City of Tacoma, Washington, County and City Employees, Local 120, AFSCME, AFL-CIO (“Union”), on behalf of the employees represented by said Union, and

WHEREAS the City and Union have negotiated a Letter of Agreement (“LOA”) to the CBA which provides for the creation of a new classification to the Compensation Plan, entitled “Integration Developer” (CSC 0160), which will be classified, eligible for overtime, and represented by the Union, and

WHEREAS it appears in the best interest of the City that the LOA 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 the Letter of Agreement negotiated between the City of Tacoma and the City of Tacoma, Washington, County and City Employees, Local 120, AFSCME, AFL-CIO,
said document to be substantially in the form of the document on file in the office of
the City Clerk.

Adopted ______________________

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Mayor

Attest:

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City Clerk

Approved as to form:

____________________________________________________

Deputy City Attorney
RESOLUTION NO. 39577

BY REQUEST OF COUNCIL MEMBERS BLOCKER, IBSEN, MCCARTHY, AND WOODARDS

A RESOLUTION directing the City Manager to hire an independent third-party consultant or consultants to audit, analyze, and establish a reasonable methodology for cost allocation between Tacoma Power and Click! Network and evaluate the expansion of Click! Network; authorizing the execution of professional services agreements, as necessary, which outline the scope and deliverables; and authorizing the use of up to $100,000, budgeted from the City Council Contingency Fund, to pay the costs associated therewith, pending reimbursement from Click! Network.

WHEREAS, on December 15, 2015, the City Council approved Resolution No. 39347, which required Tacoma Power to develop a business, financial, and marketing plan to provide Click! Network (“Click!”) customers with retail cable television, voice, and internet services, and

WHEREAS, following a nine-month review, the Click! Engagement Committee (“Committee”) described the community benefits of an enhanced Click! telecommunications system and an outline of the features of such a system, and

WHEREAS, on September 28, 2016, pursuant to Resolution No. U-10879 (“Resolution”), the Tacoma Public Utility Board (“Board”) approved the Click! “All-In” Business Plan (“Plan”), and

WHEREAS, since its inception in 1996, Click! has been part of Tacoma Power’s telecommunications system and was initially financed with Tacoma Power electric revenues, and

WHEREAS, since that time, the internal cost allocation between Click! and Tacoma Power has changed significantly and, over time, Tacoma Power has substantially increased the cost allocation borne by Click!, and
WHEREAS the most recent shift in cost allocation is supported by an accountant assessment which relies predominantly upon the cost-accounting recommendations of Tacoma Power, and

WHEREAS this dramatic change in cost allocation has been the key driver underlying the debate over the future of Click!, and has encouraged considerable public scrutiny as to the veracity and appropriateness of the current accounting assumptions and methodology implemented by Tacoma Power, and

WHEREAS the concerns raised about the current cost allocation methodology and the implications of said methodology on the Plan are significant and must be resolved, and

WHEREAS, at the October 25, 2016, City Council Study Session, Council Member McCarthy shared a Council Consideration Request directing the City Manager to hire an independent third-party consultant or consultants to audit, analyze, and establish an independent cost allocation methodology between Tacoma Power and Click! and evaluate the expansion of the telecommunications system contemplated by the proposed Plan in the context of an evolving broadband telecommunications industry, and, further, to authorize the use of up to $100,000 of City Council Contingency Funds for said purposes, and

WHEREAS the purpose of the proposed audit is to provide the City Council with the best analysis and information available for its deliberations on the proposed Plan, and to encourage the public’s confidence in both the process and underlying assumptions of the Plan, and
WHEREAS Ordinance No. 22569 requires an affirmative vote of not less than six members of the Council in order to withdraw moneys from the City Council Contingency Fund; Now, Therefore,

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

Section 1. That the City Manager is hereby directed to hire an independent third-party consultant or consultants to audit, analyze, and establish a reasonable methodology for cost allocation between Tacoma Power and Click! Network, and evaluate the expansion of Click! Network.

Section 2. That the City Manager is hereby authorized to execute professional services agreements, as necessary, which outline the scope and deliverables necessary to perform the work described in Section 1.

Section 3. That the use of up to $100,000, budgeted from the City Council Contingency Fund, is hereby authorized to pay the costs associated with the work authorized herein, pending reimbursement from Tacoma Power.

Section 4. Concurrent with the third-party consultant review requested by the City Council, Tacoma Public Utilities staff will complete the more detailed aspects of the Business and Marketing Plan for the “All-In” Business Plan (“Plan”)
consistent with the direction provided in City Council Resolution No. 39347. This Plan will be reviewed and revised based upon the findings of our third-party audit.

Adopted __________________________

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Mayor

Attest:

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City Clerk

Approved as to form:

______________________________
City Attorney
ORDINANCE NO. 28384

AN ORDINANCE relating to real property owned by the Environmental Services Utilities; authorizing the transfer of the Center for Urban Waters land from the Solid Waste Utility to the Wastewater Utility; and providing for cash reimbursement to the Solid Waste Utility for the net book value of said land.

WHEREAS a portion of the Center for Urban Waters ("CUW") land was purchased with operating cash by each of the Environmental Services Utilities prior to the construction of the CUW building, and

WHEREAS the CUW building was funded by bonds sold in 2009 by Tacoma Environmental Services ("TES") Properties, a component of the National Development Council, and

WHEREAS the TES bonds were refunded and refinanced by the City with the Sewer 2016A Sewer Bonds in June 2016, and

WHEREAS the CUW building and Sewer 2016A Bonds are recorded in the Wastewater Utility, and

WHEREAS, in order to consolidate the CUW land with the CUW building and associated bonds, the CUW land should be recorded in the Wastewater Utility, and

WHEREAS, the City desires to transfer the CUW land to the Wastewater Utility, and, in return, the Wastewater Utility will provide cash reimbursement to the Surface Water and Solid Waste Utilities for the net book value of said land;

Now, Therefore,
BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the transfer of Center for Urban Waters (“CUW”) land from the Solid Waste Utility to the Wastewater Utility, is hereby approved.

Section 2. That the Wastewater Utility will provide cash reimbursement to the Solid Waste Utility for the net book value of the land.

Passed ______________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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Deputy City Attorney