



## Legislation Passed June 8, 2021

The Tacoma City Council, at its regular City Council meeting of June 8, 2021, 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. 40789**

A resolution authorizing the approval of an Assignment of Interest in the Purchase, Sale, and Development Agreement from North America Asset Management Group, LLC, to Tacoma Town Center Parcels, LLC, to facilitate an opportunity zone investment and complete buildout of the mixed-use project, located between South 21st to South 23rd Streets, from Jefferson to Tacoma Avenues, directly south of the University of Washington Tacoma.  
[Elly Walkowiak, Assistant Director; Jeff Robinson, Director, Community and Economic Development; Jennifer Hines, Assistant Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

### **Resolution No. 40790**

A resolution setting Monday, June 28, 2021, at 5:00 p.m., as the date for a hearing by the Hearing Examiner to consider Local Improvement District No. 7732 for the conversion of the overhead primary electrical distribution, telephone, and cable television systems to underground along:

- Cascade Avenue from North 13th Street to the cul-de-sac north of North 17th Street;
  - The alley between Cascade Avenue and Fir Street from North 13th Street north to 1528 Cascade Avenue;
  - Fir Street from North 15th Street to the cul-de-sac north of North 17th Street;
  - North 13th Street from Cascade Avenue to the alley between Cascade Avenue and Fir Street;
  - North 15th Street from Jackson Avenue to Fir Street; and
  - North 17th Street from Jackson Avenue to Juniper Street.
- [Ralph Rodriguez, LID Administrator; Chris Robinson, Power Superintendent]

### **Resolution No. 40791**

A resolution authorizing the execution of a Collective Bargaining Agreement with the International Brotherhood of Electrical Workers, Local 483, Clerical Unit, consisting of 181 budgeted full-time equivalent positions, retroactive to January 1, 2021, through December 31, 2023.  
[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

**Resolution No. 40792**

A resolution authorizing the one-time use of \$1,500, budgeted from the Council Contingency Fund, to support neighborhood outreach efforts by the Safe Streets Campaign around and near Alling Park, located in the south end of Tacoma, to address illegal use of fireworks.

[Council Members Beale and Hunter]

**Resolution No. 40793**

A resolution authorizing the use of up to \$10,000, budgeted from the Council Contingency Funds, for expenditures related to the 2021 Tacoma Reads Together Program.

[Mayor Woodards, Deputy Mayor Blocker, and Council Member Walker]

**Resolution No. 40794**

A resolution requesting the Planning Commission to review the prohibition of shipping containers for accessory building and storage uses and to explore options for allowing shipping containers to be reused for innovative housing solutions to address the housing shortage and affordability crisis in the City.

[Mayor Woodards and Council Members Beale and Walker]

**Resolution No. 40795**

A resolution confirming the appointment of individuals to the Heal the Heart Core Coordinating Team.

[Mayor Woodards, Deputy Mayor Blocker, and Council Member Ushka]

**Ordinance No. 28750**

An ordinance vacating a five-foot wide strip of air rights over a westerly portion of Tacoma Avenue South, lying south of South 14th Street, to facilitate design options for a residential apartment building.

(1402 Tacoma LLC; File No. 124.1422)

[Jeff H. Capell, Hearing Examiner]

**Ordinance No. 28757**

An ordinance creating a new fund, to be known and designated as the “American Rescue Plan Fund”, for the dedication, segregation, and tracking of any funds received related to the American Rescue Plan Act of 2021.

[Reid Bennion, Lead Budget Analyst; Andy Cherullo, Director, Finance]

**Ordinance No. 28764**

An ordinance amending the Biennial Operating Budget of the City for fiscal years 2021-2022 for recommended budget adjustments that were not identifiable before the approval of the 2021-2022 adopted budget.

[Reid Bennion, Lead Budget Analyst; Andy Cherullo, Director, Finance]

**Ordinance No. 28765**

An ordinance amending the Capital Budget of the City for fiscal years 2021-2022 for recommended budget adjustments and Council-approved capital projects with outstanding balances.

[Reid Bennion, Lead Budget Analyst; Andy Cherullo, Director, Finance]

**Ordinance No. 28766**

An ordinance amending Chapter 1.07 of the Municipal Code, relating to Equity in Contracting, to clarify language and the waiver process, and replace outdated language, regarding the equity and contracting program.

[Carol Wolfe, Division Manager; Jeff Robinson, Director, Community and Economic Development]

**Ordinance No. 28767**

An ordinance amending Chapter 3.12 of the Municipal Code, relating to fireworks, to reclassify the use of illegal fireworks from a Class 2 civil infraction to a Class 1 civil infraction, to promote public safety.

[Council Member Hunter]



## RESOLUTION NO. 40789

1 A RESOLUTION relating to community and economic development; approving  
2 the Assignment of Interest in the Purchase, Sale, and Development  
3 Agreement from North America Asset Management Group, LLC, to  
4 Tacoma Town Center Parcels, LLC, and to one or more Washington  
5 limited liability companies formed and controlled by Galena Equity  
6 Partners LLC, to facilitate an opportunity zone investment and complete  
7 buildout of the mixed-use project located between South 21st and  
8 South 23rd Streets, from Jefferson to Tacoma Avenues, directly south of  
9 the University of Washington Tacoma.

10 WHEREAS the North America Asset Management Group, LLC ("NAAM"),  
11 entered into a Purchase, Sale and Development Agreement with the City on  
12 August 18, 2015, to redevelop a 6.4-acre City-owned property, located between  
13 South 21st and South 23rd Streets, from Jefferson to Tacoma Avenues, directly  
14 south of the University of Washington Tacoma, into a mixed-use urban village  
15 named Tacoma Town Center, and

16 WHEREAS NAAM purchased the property on October 16, 2017, and  
17 completed construction of the first apartment building onsite in March 2021, which  
18 included 144 market-rate housing units, and

19 WHEREAS NAAM initially committed to using some of its own and EB-5  
20 equity derived from immigrant investors to fund the mixed-use project, estimated at  
21 \$125 million in 2015, and

22 WHEREAS EB-5 had proven to be effective in attracting significant  
23 investment capital to projects throughout the United States, and from 2015-2019,  
24 NAAM obtained U.S. Customs and Immigration Service approval of the 6.4-acre  
25 Tacoma Town Center site to receive EB-5 funding and conducted several  
26 investment recruitment trips to China and India, and



WHEREAS, despite these efforts, NAAM was unable to secure EB-5 funding, in part due to program uncertainty prompted by Congressional inaction to extend the program permanently and the lengthy timeframe of up to 8-10 years to obtain U.S. citizenship through investment, and

WHEREAS, in April 2018, the City successfully competed for and obtained opportunity zone designation for the south downtown census tract that encompasses the University of Washington Tacoma and the 6.4-acre Tacoma Town Center site, and

WHEREAS, subsequently, Community and Economic Development Department staff assisted NAAM by marketing the property for opportunity zone investment and forwarded inquiries from potential investors, including Galena Equity Partners LLC, an Idaho limited liability company ("Galena"), to NAAM to explore mutually beneficial partnerships, and

WHEREAS NAAM and Galena have come to an agreement and are requesting City Council approval of an Assignment of Interest in the Purchase, Sale and Development Agreement to facilitate opportunity zone investment into this \$300+ million, mixed-use project, and

WHEREAS key provisions of the proposed Second Amendment to the Amended and Restated Agreement are as follows:

1. NAAM would retain sole ownership of Building 2, located at the northwest corner of South 23rd Street and Jefferson Avenue, and, pending City Council approval of an Assignment of Interest, would convey the remaining undeveloped property to its subsidiary, Tacoma Town Center Parcels, LLC, which would assign



its interest to one or more Washington limited liability companies formed and controlled by Galena.

2. Residential density of at least 600 housing units would be maintained or exceeded; the Second Amendment would require Galena to construct at least 456 residential units, of which a minimum of 98 affordable housing units at or below 80 percent AMI must be constructed, and no stand-alone retail space would be built. Mixed-use retail/space commercial space would be increased from 20,000 square feet to 36,000 square feet, and required office space would be enlarged from 50,000 square feet to 200,000 square feet. The number of required parking stalls would remain at 600; however, Galena intends to construct approximately 1,000 parking stalls to accommodate market demand generated by residential use and a much larger office building.

3. NAAM has invested approximately \$39 million into developing Building 2 (144 market-rate apartment units) at the northwest corner of South 23rd Street and Jefferson Avenue, and Galena plans to invest an additional \$264 million into the Tacoma Town Center. The project will be funded through creation of a qualified opportunity zone fund, with approximately 50 percent equity from successors in interest and a bond/equity fund and 50 percent construction debt.

4. The existing agreement is in default regarding construction deadlines, which are modified as set forth in the proposed amendment. The entire buildout is anticipated to be completed approximately two and one-half years later than identified in the Amended and Restated Agreement, and the City's administration is provided with the authority to approve appropriate modifications to the schedule.



5. The City will retain its discretionary rescission rights to reacquire property at the pro-rated price of \$45 per square foot for the Developer's failure to perform, such as insufficient financing or encountering significant project construction and completion delays, with remedies outlined in the Agreement, and

WHEREAS staff will review quarterly reports to ascertain project progress as well as ensure compliance with the Amended and Restated Agreement; upon completion, the residential portion of the development will be monitored to confirm that affordability requirements are being met to qualify for the Multi-Family Property Tax Exemption, and

WHEREAS the Tacoma Town Center mixed-use project will catalyze additional development within the Brewery District adjacent to the University of Washington Tacoma, increase downtown residential density, add affordable housing, create livable wage jobs, provide additional Class A office space to attract growing companies, and improve the City's investment climate for local, regional, national and international investors; Now, Therefore,

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

Section 1. That the assignment of interest in the Purchase, Sale, and Development Agreement from North America Asset Management Group, LLC, to Tacoma Town Center Parcels, LLC, and to one or more Washington limited liability companies formed and controlled by Galena Equity Partners LLC, to facilitate an opportunity zone investment and complete buildout of the mixed-use project located between South 21st and South 23rd Streets, from Jefferson to Tacoma Avenues, directly south of the University of Washington Tacoma, is hereby



1 approved, said documents to be substantially in the form of those on file in the  
2 office of the City Clerk.

3           Section 2. That the City Manager, or designee, is hereby authorized to take  
4 and execute any additional measures or documents that may be necessary to  
5 complete this transaction which are consistent with the approved form of  
6 documents referenced by this Resolution and the intent of this Resolution.

7  
8 Adopted \_\_\_\_\_

9  
10 \_\_\_\_\_  
11 Mayor

12 Attest:

13 \_\_\_\_\_  
14 City Clerk

15 Approved as to form:

16 \_\_\_\_\_  
17 Deputy City Attorney





## RESOLUTION NO. 40790

1 A RESOLUTION relating to the conversion of overhead utilities to underground;  
2 setting Monday, June 28, 2021, at 5:00 p.m., as the date for a hearing  
3 before the Hearing Examiner to consider the construction of certain  
4 improvements and to form Local Improvement District No. 7732 in order to  
5 provide long-term financing for the improvements.

6 WHEREAS the City has received Advisory Survey No. 8640, which received  
7 the consent of a majority of property owners for the conversion of the existing  
8 overhead electrical primary, telephone and cable television lines to underground  
9 along:

- 10 • Cascade Avenue from North 13th Street to the Cul-De-Sac north of  
11 North 17th Street;
- 12 • The alley between Cascade Avenue and Fir Street from North 13th Street  
13 north to 1528 Cascade Avenue;
- 14 • Fir Street from North 15th Street to the Cul-De-Sac north of North 17th  
15 Street;
- 16 • North 13th Street from Cascade Avenue to the alley between Cascade  
17 Avenue and Fir Street;
- 18 • North 15th Street from Jackson Avenue to Fir Street; and
- 19 • North 17th Street from Jackson Avenue to Juniper Street; and

20 WHEREAS the real property to be benefited by the improvements, and  
21 which will constitute Local Improvement District ("L.I.D.") No. 7732, is described as  
22 follows:

23 Those portions of the Southeast Quarter of the Northwest  
24 Quarter, and the Northeast Quarter of the Southwest Quarter,  
25 in Section 34, Township 21 North, Range 02 East, W.M.  
26 described as follows:

Platted Property:

Lot 2, Lot 6 through Lot 29, inclusive of **Miller's Panorama  
Park** (Replat of Olympic Highlands recorded in Volume 12,  
Page 40, filed September 29, 1941 & also part of NW Quarter  
of Section 34, Township 21 North, Range 02 East, W.M.)



according to the plat thereof recorded in Volume 18, Page 20,  
filed July 18, 1957, records of Pierce County Auditor;

Together with Lots 1 through 20, Block 1; Lots 1 through 20,  
Block 2; Lots 1 through 20, Block 3; Lots 1 through 20,  
Block 4; **Narrows Bridge Addition to Tacoma, Washington**  
according to the plat thereof recorded in Volume 12, Page 41,  
filed October 3, 1941, records of Pierce County Auditor;

And together with the Westerly portion of Jackson Avenue  
vacated per City of Tacoma Ordinance No. 26406 recorded  
under Recording Number 9906280445, records of Pierce  
County Auditor lying between a line extended easterly of the  
North line of the South 40 feet of Lot 4, and the extended  
South line of the North 25 feet of Lot 5, Block 1 of said  
**Narrows Bridge Addition to Tacoma, Washington**, lying  
West of a line 2 feet Westerly of the West line of the sidewalk  
constructed by City of Tacoma Project BP0344.

And together with the East 135 feet of Lot 1 of City of Tacoma  
Short Plat recorded under Recording Number 8407100395,  
records of Pierce County Auditor.

All situate in the City of Tacoma, County of Pierce, State of  
Washington.

Unplatted Property:

The West 135 feet of the following described property;  
Beginning 30 feet West and 30 feet South of the Northeast  
corner of the Southeast Quarter of the Southwest Quarter of  
Section 34, Township 21 North, Range 02 East, W.M., thence  
West 270 feet; thence South 120 feet, thence East 270 feet,  
thence North 120 feet to the Point of Beginning.

Together with the East 175 feet of the following described  
property; Beginning 360 feet West of Northeast Corner of the  
Northwest Quarter of the Northeast Quarter of the Southwest  
Quarter of Section 34, Township 21 North, Range 02 East,  
W.M., thence West 299.93 feet, thence South 90 feet, thence  
East 299.68 feet, thence North 90 feet to the Point of  
Beginning.

And together with the following described property; Beginning  
30 feet West & 30 feet South of Northeast Corner of the



Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 34, Township 21 North, Range 02 East, W.M., thence South 120 feet, thence West 270 feet, thence North 120 feet, thence East 270 feet to Point of Beginning.

And together with the following described property; Beginning 30 feet West & 270 feet South of the Northeast Corner of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 34, Township 21 North, Range 02 East, W.M., thence running parallel with the East line of said subdivision South 300 feet, thence West 135 feet, thence North 300 feet, thence East 135 feet to the Point of Beginning.

And together with the East 130 feet of the following described property: Beginning at a point 30 feet West & 570 feet South of the Northeast Corner of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 34, Township 21 North, Range 02 East, W.M., thence South parallel with the East line of said Northwest Quarter of the Northeast Quarter of the Southwest Quarter 63.28 feet to a point 30 feet North of the South boundary of said subdivision, thence West parallel with the South boundary of said subdivision 270 feet, thence North 63.24 feet, thence East 270 feet to Point of Beginning.

Together with that portion of vacated North 15th Street lying between North Fir Street and North Juniper Street per City of Tacoma Ordinance No. 27802 recorded under Recording Number 200908250640 and amended under Recording Number 201007290474, records of Pierce County Auditor, more particularly described as follows: Commencing at the center line of the intersection of North 15<sup>th</sup> and North Fir Streets; thence North 87°54'58" West along the westerly extension of the center line of North 15th Street a distance of 30.00 feet to the Westerly margin of North Fir Street and True Point of Beginning; thence North 87°54'58" West along the Southerly margin of North 15th Street, a distance of 130 feet; thence North 01°09'34" East 30 feet to the Northerly margin of said street; thence South 87°54'58" East along said Northerly margin, 130 feet to the Westerly margin of North Fir Street; thence South 01°09'34" West along said Westerly margin 30 feet to the True Point of Beginning.

And together with that portion more particularly described as beginning at the Northeast Corner of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter of



1 Section 34, Township 21 North, Range 02 East, W.M., with  
2 said Northeast Corner being 1.88 feet North of the monument  
3 at the centerline of North 15th & Fir Streets in **Narrows**  
4 **Bridge Addition to Tacoma, Washington** according to the  
5 plat thereof recorded in Volume 12, Page 41, filed October 3,  
6 1941, records of Pierce County Auditor; thence on the North  
7 line of said subdivision West 165 feet, thence parallel with the  
8 East line of said subdivision South 75.5 feet, thence parallel  
9 with the North line of said subdivision East 165 feet, thence  
10 North 75.5 feet to beginning except the East 30 feet.

11 All situate in the City of Tacoma, County of Pierce, State of  
12 Washington; and

13 WHEREAS the estimated cost of the improvements described above is  
14 \$1,965,125, except the sum of \$137,970, pursuant to Tacoma Public Utility  
15 Customer Service Policies adopted by Resolution U-39985, with the balance  
16 assessed against property benefitted by the improvements, and

17 WHEREAS the actual assessments may vary from assessment estimates,  
18 so long as they do not exceed a figure equal to the increased true and fair value the  
19 improvement adds to the property, and

20 WHEREAS, at the option of the property owners, the assessments levied  
21 against the property shall become due and payable in cash, without interest, within  
22 30 days after publication of notice of assessment, or in 20 equal annual installments  
23 with interest on deferred payments at a rate to be hereafter fixed, but in no event  
24 greater than one-half percent above the rate of interest fixed upon sale of bonds for  
25 L.I.D. No. 7732, and

26 WHEREAS, pursuant to Section 35.43.125 RCW, a public hearing shall be  
held on the creation of the proposed L.I.D. that is initiated by Advisory Survey  
No. 8640; Now, Therefore,



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

1       Section 1. That Monday, June 28, 2021 at 5:00 p.m., is hereby fixed as the  
2 date and time, and the Council Chambers on the first floor of the Tacoma Municipal  
3 Building, 747 Market Street, as the place, or alternatively, a call-in option will be  
4 provided until the end of the COVID-19 emergency, when and where said request  
5 will be heard by the Hearing Examiner of the City of Tacoma, and that all persons  
6 who may desire to object to the formation of the Local Improvement District  
7 No. 7732 shall do so in writing and file such remonstrance with the City Clerk before  
8 5:00 p.m. on Monday, June 28, 2021, or shall appear and present their objections  
9 at the hearing before the Hearings Examiner of the City of Tacoma and that his  
10 recommendations thereafter be transmitted to the Council of the City of Tacoma.  
11  
12

13       Section 2. That the Department of Public Works shall submit to the Hearing  
14 Examiner, at a date prior to Monday, June 28, 2021 the estimated cost of the  
15 improvements; a statement of the proportionate amount thereof, which should be  
16 borne by the property within the proposed Local Improvement District; a statement  
17 of the aggregate actual value of the real estate, including 25 percent of the actual  
18 value of the improvements thereon within the district, according to the valuation last  
19 placed upon it for the purpose of general taxation; a statement in detail of the local  
20 improvement assessments outstanding and unpaid against the property within the  
21 district, together with a diagram or print showing the lots, tracts, and parcels of land  
22 that will be specially benefited by the improvement; and the estimated amount of  
23 the cost and expense of the improvements to be borne by each parcel of property.  
24  
25  
26



Section 3. That the City Clerk shall publish this resolution in the official  
newspaper of the City of Tacoma, as required by law.

Section 4. That the Department of Public Works shall give proper notice of  
the hearing, as required by law.

Adopted \_\_\_\_\_

Attest:

\_\_\_\_\_  
Mayor

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

Approved as to form:

Property description approved:

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

\_\_\_\_\_  
Chief Surveyor  
Public Works Department

Requested by Public Utility Board  
Resolution No. U-11255



## RESOLUTION NO. 40791

1 A RESOLUTION related to collective bargaining; authorizing the execution of a  
2 three-year Collective Bargaining Agreement between the City and the  
3 International Brotherhood of Electrical Workers, Local 483, Clerical Unit,  
4 consisting of 181 budgeted full-time equivalent positions, retroactive to  
5 January 1, 2021, through December 31, 2023.

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

9 WHEREAS this resolution allows for the execution of a three-year  
10 Collective Bargaining Agreement ("CBA") between the City and the International  
11 Brotherhood of Electrical Workers, Local 483, Clerical Unit ("Union"), on behalf of  
12 the employees represented by said Union, and

13 WHEREAS the bargaining unit consists of approximately 181 budgeted,  
14 full-time equivalent ("FTE") positions, and

15 WHEREAS the CBA provides for a general wage increase of 1 percent,  
16 retroactive to January 1, 2021; a general wage increase of 1 percent, effective  
17 January 1, 2022; a general wage increase of 1 percent, effective July 1, 2022;  
18 and effective January 1, 2023, a general wage increase equal to 100% of the  
19 increase in the Consumer Price Index for Urban Wage Earners and Clerical  
20 Workers (CPI-W), Seattle-Tacoma-Bellevue Area, all items, measured from  
21 June 2021 to June 2022, with a minimum increase of 2 percent and a maximum  
22 increase of 3 percent, and

23 WHEREAS, in addition to the general wage increases above, the following  
24 market rate adjustments shall be applied:



Market Adjustments				
Code	Classification	January 1, 2021	January 1, 2022	January 1, 2023
0006	Office Assistant	3.0%	2.0%	2.0%
0504	Financial Assistant	3.0%	2.0%	2.0%
0508	Accountant	4.0%	4.0%	2.0%
0514	Accountant, Senior	4.0%	4.0%	2.0%
0547	Retirement Specialist	3.0%	2.0%	2.0%
0737	Administrative Assistant	3.0%	2.0%	2.0%
1140	Public Disclosure Specialist	4.0%	3.0%	2.0%
1141	Public Disclosure Analyst	5.0%	5.0%	2.0%

and

WHEREAS other changes include: (1) language changes to Article 9, clarifying discipline timelines used in the investigation and discipline process; (2) language changes to Article 12, providing that Human Resources will provide notice to employees covered by the CBA when a new list is being created for their classification; (3) language changes to Article 14, clarifying that, should a dispute arise when employees are either bidding on work shifts, or for vacation requests, the senior employee will have preference, and

WHEREAS the CBA was considered and approved by the Public Utility Board at its meeting of May 26, 2021, and

WHEREAS it appears in the best interests of the City that the CBA 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 three-year Collective Bargaining Agreement between the City and the International Brotherhood of Electrical Workers, Local 483, Clerical Unit, effective





1 retroactive to January 1, 2021, through December 31, 2023, said document to be  
2 substantially in the form of the agreement on file in the office of the City Clerk.  
3

4 Adopted \_\_\_\_\_  
5

6 \_\_\_\_\_  
7 Mayor

8 Attest:  
9

10 \_\_\_\_\_  
11 City Clerk

12 Approved as to form:  
13

14 \_\_\_\_\_  
15 Deputy City Attorney

16 Requested by Public Utility Board  
17 Resolution No. U-11254  
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## RESOLUTION NO. 40792

1 BY REQUEST OF COUNCIL MEMBERS BEALE AND HUNTER

2 A RESOLUTION authorizing the one-time use of funds in the amount of \$1,500,  
3 budgeted from the Council Contingency Fund, to support neighborhood  
4 outreach efforts by the Safe Streets Campaign around and near Alling  
5 Park, located in the south end of Tacoma, to address the illegal use of  
6 fireworks.

7 WHEREAS neighbors around and near Alling Park, located in the south  
8 end of Tacoma, have been trying to address the rampant illegal use of fireworks  
9 around the July 4th holiday every year, and

10 WHEREAS the Safe Streets Campaign ("Safe Streets") specializes in  
11 engaging with community and established neighborhood groups to assist in  
12 mobilizing for a specific outreach event or cause, and

13 WHEREAS, in collaboration with Safe Streets and residents near Alling  
14 Park, a small, local ad hoc group has been organizing to create a pilot program  
15 to help reduce the illegal use of fireworks leading up to and on the July 4th  
16 holiday, and

17 WHEREAS Council Members Beale and Hunter shared a Council  
18 Consideration Request to authorize the one-time use of \$1,500, budgeted from  
19 the Council Contingency Fund, for neighborhood outreach efforts by Safe Streets  
20 around and near Alling Park, to address the illegal use of fireworks, and

21 WHEREAS, in combination with the anticipated passage of the ordinance  
22 to increase the penalty of illegal use of fireworks from a Class 2 civil infraction to  
23 a Class 1 civil infraction, this request will provide funding for the local community  
24  
25  
26



1 outreach necessary to bring awareness of the dangers from the illegal use of  
2 fireworks, and

3 WHEREAS Safe Streets will work with the ad hoc group to bring  
4 awareness of the new legislation, educate neighbors on the risk of fireworks to  
5 property and life, and promote public safety leading up to the July 4th holiday and  
6 the weeks after, if deemed helpful, and

7 WHEREAS RCW 35.34.250 and 35.34.260 authorize a withdrawal from  
8 the Council Contingency fund for any municipal expense, the necessity or extent  
9 of which could not have been foreseen or reasonably evaluated at the time of  
10 adopting the budget, and  
11

12 WHEREAS the need for neighborhood outreach efforts to address the  
13 illegal use of fireworks around and near Alling Park could not have been foreseen  
14 or reasonably evaluated at the time the City adopted its biennial budget, and  
15

16 WHEREAS Ordinance No. 22569 requires an affirmative vote of not less  
17 than six members of the Council in order to withdraw moneys from this fund;

18 Now, Therefore,

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

20 That one-time funding in the amount of \$1,500, budgeted from the Council  
21 Contingency Fund, is hereby approved for the purpose of supporting neighborhood  
22  
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26



1 outreach efforts by the Safe Streets Campaign near and around Alling Park,  
2 located in the south end of Tacoma, to address the illegal use of fireworks.

3  
4 Adopted \_\_\_\_\_

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Attest:

\_\_\_\_\_  
Mayor

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

Approved as to form:

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



## RESOLUTION NO. 40793

1 BY REQUEST OF MAYOR WOODARDS, DEPUTY MAYOR BLOCKER, AND  
2 COUNCIL MEMBER WALKER

3 A RESOLUTION authorizing the one-time use of up to \$10,000, budgeted from the  
4 Council Contingency Fund, for expenditures related to the 2021 Tacoma  
5 Reads Together programming and events.

6 WHEREAS "Tacoma Reads" is a local community reads program where the  
7 larger community is encouraged to read, think, and discuss compelling and  
8 meaningful themes from a selected book, and

9 WHEREAS the City works with the Tacoma Public Library to select titles for  
10 adult, young adult, children, and their families around a shared theme; develop  
11 programming; and arrange for a Tacoma event with the author of the adult  
12 selection, and

13 WHEREAS, in alignment with Resolution No. 40622, the 2021 Tacoma  
14 Reads program will engage the community in conversations and programming that  
15 explore the topics of race, social justice, and healing, and

16 WHEREAS, in partnership with the Tacoma Urban League as the primary  
17 event sponsor, the following titles have been selected for the 2021 Tacoma Reads  
18 Program:  
19

- 20 • The children's selection is "The Day You Begin," by Jacqueline Woodson;
- 21 • The young adults selection is "A Good Kind of Trouble," by Lisa Moore
- 22 Ramee; and
- 23 • The adult selection is "Caste," by Isabel Wilkerson, and

24 WHEREAS, through "Caste," Pulitzer Prize-winning author Isabel Wilkerson  
25 gives us a masterful portrait of an unseen phenomenon in America as she  
26



explores, through an immersive, deeply researched narrative and stories about  
1 real people, how America today and throughout its history has been shaped by a  
2 hidden caste system, a rigid hierarchy of human rankings, and

3 WHEREAS the 2021 Tacoma Reads programming will include a virtual event  
4 with Isabel Wilkerson which is tailored to the Tacoma community, and

5 WHEREAS Mayor Woodards, Deputy Mayor Blocker, and Council Member  
6 Walker have shared a Council Consideration Request to authorize the one-time  
7 use of \$10,000, budgeted from the Council Contingency Fund, to support the  
8 2021 Tacoma Reads programming and events, and

9 WHEREAS the Tacoma Urban League is providing a sponsorship of \$25,000  
10 to expand on the programming for this year's titles, and this would mark the third  
11 year that the City Council has provided a \$10,000 sponsorship of the Tacoma  
12 Reads program, and

13 WHEREAS RCW 35.34.250 and 35.34.260 authorize a withdrawal from the  
14 Council Contingency fund for any municipal expense, the necessity or extent of  
15 which could not have been foreseen or reasonably evaluated at the time of  
16 adopting the budget, and

17 WHEREAS Ordinance No. 22569 requires an affirmative vote of not less  
18 than six members of the Council in order to withdraw moneys from this fund; Now,  
19 Therefore,



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

That one-time funding in the amount of \$10,000, budgeted from the Council Contingency Fund, is hereby approved for expenditures related to the 2021 Tacoma Reads Together programming and events.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 40794

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS BEALE AND  
2 WALKER

3 A RESOLUTION relating to land use; requesting the Planning Commission to  
4 review the prohibition of shipping containers for accessory building and/or  
5 storage uses as well as explore how the city could allow shipping containers  
6 to be adaptively reused for innovative housing solutions to address the  
7 housing shortage and affordability crisis in the City of Tacoma.

8 WHEREAS, with the exception of temporary uses subject to the limitations  
9 and standards set forth in Tacoma Municipal Code 13.06.080, Special Use  
10 Standards, commercial shipping and/or storage containers, also known as cargo  
11 containers or intermodal freight containers, are currently prohibited to be used as  
12 an accessory building and/or for storage in the City in residential, commercial, and  
13 mixed-use zoning districts, and

14 WHEREAS, unlike a number of other jurisdictions, this prohibition is outright  
15 and does not allow for exceptions when specified conditions are met, such as  
16 design standards, landscape buffers, sight-obscuring fences or walls, or the  
17 container's location on the site, that either remove the containers from the sight of  
18 neighbors or passersby or ensure that the containers are an aesthetically pleasing  
19 part of their surroundings, and

20 WHEREAS thousands of shipping containers are left inactive and unutilized  
21 in America each year because the nation's imports exceed exports and the cost to  
22 return cargo containers to exporting countries can be high, and

23 WHEREAS, in 2012 alone, U.S. Department of Transportation statistics  
24 indicated there were more than five million 20-foot containers sitting dormant, and  
25  
26





WHEREAS reprocessing or melting down a used shipping container to repurpose the steel requires at least 8,000 kWh of energy, and

WHEREAS, if it can be accomplished in a way that maintains the aesthetics of the surrounding neighborhood, reuse of used containers as building materials or as accessory buildings/storage uses in the City could be a sustainable, energy efficient, and cost-effective way to repurpose them, and

WHEREAS the City Council recognizes the need for innovative housing solutions to address the housing shortage and housing affordability, and

WHEREAS the City Council is requesting the Planning Commission to review the outright prohibition of commercial shipping and/or storage containers as accessory buildings and/or for storage in the City and determine if there are design standards, siting requirements, or other conditions which may make these uses appropriate in specified zoning districts, and, within subsequent phases of Home in Tacoma, review how the City could allow shipping containers to be adaptively reused for innovative housing solutions to address the housing shortage and housing affordability in the City of Tacoma; Now, Therefore,

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

That the City Council hereby requests the Planning Commission to review the prohibition of shipping containers for accessory building and/or storage uses, as well as explore how the City could allow shipping containers to be adaptively



1 reused for innovative housing solutions, to address the housing shortage and  
2 affordability crisis in the City of Tacoma.

3  
4 Adopted \_\_\_\_\_

5  
6 \_\_\_\_\_  
7 Mayor

8  
9 Attest: \_\_\_\_\_  
10 City Clerk

11 Approved as to form:  
12  
13 \_\_\_\_\_  
14 Deputy City Attorney

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## RESOLUTION NO. 40795

1 BY REQUEST OF MAYOR WOODARDS, DEPUTY MAYOR BLOCKER, AND  
2 COUNCIL MEMBER USHKA

3 A RESOLUTION appointing individuals to the Core Coordinating Team to support  
4 the community-led Heal the Heart of Tacoma initiative.

5 WHEREAS, on December 8, 2020, the City Council adopted Resolution  
6 No. 40708, formally appointing members and an alternate to the Heal the Heart  
7 Core Coordinating Team ("Team"), and

8 WHEREAS these appointments support Resolution No. 40667, authorizing  
9 the one-time use of \$75,000, budgeted from the Council Contingency Fund, to  
10 stand up a community-led, multi-sector systems transformation effort to address all  
11 institutions, systems, policies, practices, and contracts impacted by systemic  
12 racism; and Resolution No. 40622, affirming the City's commitment to anti-racist  
13 systems transformation throughout the community, and

14 WHEREAS Resolution No. 40708 designated Chris Tubig as an alternate to  
15 the Team; subsequently, Annalycia Matthews, who was one of the Team members  
16 appointed pursuant to Resolution No. 40708, obtained employment with the City of  
17 Tacoma and resigned her position on the Team to avoid the appearance of any  
18 conflicts of interest, and

19 WHEREAS the Team has nominated Chris Tubig to fill the seat that has  
20 opened due to the resignation of Annalycia Matthews, and

21 WHEREAS, while initial appointments were made to represent a diverse  
22 cross-section of viewpoints and lived experiences, it was anticipated that additional  
23 viewpoints or gaps in representation might be identified by the Team, and  
24  
25  
26



WHEREAS, in their discussions, the Team expressed a desire to add a member with lived experience as a member of the Puyallup Tribe and have nominated Lucia Earl-Mitchell as a member to add this perspective, and further, anticipate bringing forward a second person for confirmation who is a member of the Puyallup Tribe, and

WHEREAS the Team provided an update to the City Council at its March 16, 2021, Study Session, and is scheduled to present to the City Council on the work done since that time, as well as next steps, on June 22, 2021; Now, Therefore,

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

That the individuals listed on Exhibit "A," attached hereto, are hereby confirmed and appointed as members of the Heal the Heart Core Coordinating Team.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## EXHIBIT "A"

### HEAL THE HEART CORE COORDINATING TEAM

- Marcia Tate Arunga
- Lawrence Coleman
- Keysha-Rae Cooper
- Kayla Davis
- [Lucia Earl-Mitchell](#)
- Ronnie Gordon
- Fahren Johnson
- Bruce Kadden
- Marquis King Mason
- ~~[Annalycia Matthews](#)~~
- Vhonda McElroy
- Salvador Mungia
- Anna Nepomuceno
- Priya Saxena
- Vanna Sing
- [Chris Tubig](#)
- Anaid Yarena
- Patricia Flores, as the Commission on Immigrant and Refugee Affairs Representative
- Verda Washington, as the Human Services Commission Representative
- ~~[Chris Tubig, as the alternate](#)~~



## ORDINANCE NO. 28750

AN ORDINANCE related to the vacation of City right-of-way; vacating a five-foot wide strip of air rights over a westerly portion of Tacoma Avenue South, lying southerly of South 14th Street, to facilitate design options for a residential apartment building; and adopting the Hearing Examiner's Findings, Conclusions, and Recommendations related thereto.

WHEREAS all steps and proceedings required by law and by resolution of the City Council to vacate the portion of the right-of-way hereinafter described have been duly taken and performed; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner's Findings, Conclusions, and Recommendations as contained in the Hearing Examiner's Report and Recommendation to the City Council bearing File No. 124.1422 and dated February 23, 2021, which Report is on file in the office of the City Clerk.



Section 2. That the five-foot wide strip of air rights over a westerly portion of Tacoma Avenue South, lying southerly of South 14th Street, legally described as follows:

The westerly 5.00 feet of that portion of Tacoma Avenue South lying adjacent to the following: Lots 1 through 5, inclusive, and the north half of Lot 6, Block 1412, Map of New Tacoma, W.T., according to plat filed for record February 3, 1875 in the Office of the County Auditor; and lying between the elevations of 245.63 and 330.63 feet at the northeast corner and elevations between 244.93 and 329.93 feet at the southeast corner (NGVD29 Vertical Datum);

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, as a part thereof, and all right or title of the City in and to the portion of the right-of-way so vacated does



hereby vest in the owners of the property abutting thereon, all in the manner provided by law.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

Property description approved:

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

\_\_\_\_\_  
Chief Surveyor  
Public Works Department

Location: A five-foot wide strip of air rights over a westerly portion of Tacoma Avenue South, lying southerly of South 14th Street

Petitioner: 1402 Tacoma LLC

Vacation Req. No. 124.1422





## ORDINANCE NO. 28757

1 AN ORDINANCE relating to the budget of the City of Tacoma; creating a new  
2 fund in the Treasury of the City of Tacoma, to be known and designated  
3 as the "American Rescue Plan Fund," for the dedication, segregation, and  
4 tracking of any funds received related to the American Rescue Plan Act of  
5 2021.

6 WHEREAS, on March 11, 2021, President Joseph R. Biden, Jr., signed  
7 the American Rescue Plan Act of 2021, which provides significant funds to new  
8 and existing government programs, and

9 WHEREAS one important provision of the legislation was direct funding to  
10 the nation's municipal governments, including the City, and

11 WHEREAS current estimates indicate that the City may receive  
12 approximately \$63 million in direct aid from the federal government; additional  
13 funds may come to the City through various channels, including Washington  
14 State, Pierce County, and other agencies of the federal government, and

15 WHEREAS, in order to track these funds in a transparent manner, it is the  
16 intent of the City to establish a new and separate fund, named the "American  
17 Rescue Plan Fund," for the dedication, segregation, and tracking of any funds  
18 received related to the American Rescue Plan Act of 2021; Now, Therefore,

19  
20 BE IT ORDAINED BY THE CITY OF TACOMA:

21 That there is hereby created in the Treasury of the City of Tacoma a new  
22 fund, to be known and designated as the "American Rescue Plan Fund," for the  
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dedication, segregation, and tracking of any funds received related to the  
American Rescue Plan Act of 2021.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## ORDINANCE NO. 28764

1 AN ORDINANCE relating to the Biennial Operating Budget; amending the  
2 Biennial Operating Budget of the City for fiscal years 2021-2022 for  
3 recommended budget adjustments that were not identifiable before the  
approval of the 2021-2022 adopted budget.

4 WHEREAS this ordinance will adjust the Biennial Operating Budget for  
5 (1) obligations from 2019-2020 that are not complete; (2) transfers to the Capital  
6 Budget for City Council-approved capital projects; and (3) other recommended  
7 adjustments, and  
8

9 WHEREAS the budget adjustment will increase the 2021-2022 Operating  
10 Budget by the amount of \$96,052,074, which is funded by grants, existing fund  
11 balances, and other miscellaneous revenue sources, and  
12

13 WHEREAS the General Fund portion of the budget increase is \$4,589,950,  
14 with balances reserved for encumbrances and an adjustment to the sales tax plan  
15 offset this General Fund increase; Now, Therefore,

16 BE IT ORDAINED BY THE CITY OF TACOMA:

17 That the Biennial Operating Budget of the City for fiscal years 2021-2022  
18 ("Biennial Budget") is hereby amended by adopting the proposed modifications  
19 set forth in Exhibit "A," and Exhibit "B," which provides the expenditures,  
20 revenues and totals by fund and category, and which exhibits are attached  
21 hereto and incorporated as part of this ordinance; and that the Biennial  
22 Operating Budget shall be deemed to be and is hereby amended for  
23 recommended budget adjustments, 2021-2022 contract obligations, and  
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transfers to the Capital Budget for Council-approved capital projects with  
outstanding balances or budget adjustments.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## EXHIBIT A

City of Tacoma, Washington  
 2021-2022 Biennial Operating Budget  
 Reappropriation of 2019-2020 Contracts, Transfers, other Obligations

Fund No.	Fund Name	Adopted Budget	Reappropriation Ordinance	Revised Budget
<b>0010</b>	<b>General Fund</b>	<b>505,225,047</b>	<b>4,589,950</b>	<b>509,814,997</b>
<b>Special Revenue Funds</b>				
1020	Courts Special Revenue	170,399		170,399
1030	Contingency Fund	550,000	195,549	745,549
1050	PWS Transportation Revenues	7,008,708	2,135,852	9,144,560
1065	PW Street Fund (Street Ops, Eng, Transp)	52,661,465	2,153,999	54,815,464
1070	Transportation Benefit District	19,507,418		19,507,418
1085	Voted Streets Initiative	41,357,352		41,357,352
1090	TFD Special Revenue	3,585,276		3,585,276
1100	PWF Property Management	640,951		640,951
1110	Local Improvement Guaranty	36,780		36,780
1145	PWB Building & Land Use Services	1,261,297		1,261,297
1155	TFD EMS Special Revenue	72,441,086		72,441,086
1180	PAF Tourism & Conventions	9,598,822		9,598,822
1185	NCS Special Revenue	13,909,589	9,020,283	22,929,872
1195	CED Economic Development Grants	32,458,615	4,609,281	37,067,897
1200	Library Special Revenue	794,489	20,300	814,789
1236	CED Small Business Enterprise	482,184		482,184
1267	TPD Special Revenue	1,849,084		1,849,084
1431	CMO Municipal Cable TV	796,245		796,245
1500	CED Local Employment Apprenticeship Program	678,137		678,137
1650	Traffic Enforcement, Engineering & Education	7,215,228		7,215,228
1700	American Rescue Plan		30,500,000	30,500,000
	<b>Total Special Revenue Funds</b>	<b>267,003,124</b>	<b>48,635,264</b>	<b>315,638,388</b>
<b>Debt Service Funds</b>				
2010	Voted Bonds	5,461,000		5,461,000
2035	LTD GO Bonds 1997 A & B	8,543,059		8,543,059
2038	Public Works Trust Fund Loan	1,160,851		1,160,851
2040	LTGO 2009 Series A-F Bond Redemption	3,292,760		3,292,760
2041	2010 LTGO Bonds Series 2010B - 2010E	9,293,820		9,293,820
2043	LTGO Bond Issuances	3,463,765		3,463,765
	<b>Total Debt Service Funds</b>	<b>31,215,254</b>	<b>0</b>	<b>31,215,254</b>
<b>Capital Project Funds</b>				
3210	Real Estate Excise Tax	18,350,621	25,423,449	43,774,070
	<b>Total Capital Project Funds</b>	<b>18,350,621</b>	<b>25,423,449</b>	<b>43,774,070</b>

## EXHIBIT A

City of Tacoma, Washington  
 2021-2022 Biennial Operating Budget  
 Reappropriation of 2019-2020 Contracts, Transfers, other Obligations

Fund No.	Fund Name	Adopted Budget	Reappropriation Ordinance	Revised Budget
<b>Enterprise Funds</b>				
4110	Permit Services Fund	34,140,167	1,596,559	35,736,726
4120	PW Tacoma Rail Mountain Division	5,441,738		5,441,738
4140	PWE Parking Operating	17,122,216	2,006,941	19,129,156
4165	Convention Center	24,358,544	700,000	25,058,544
4170	Cheney Stadium	3,419,543		3,419,543
4180	Tacoma Dome	30,258,870		30,258,870
4190	Performing Arts	3,095,728	397,000	3,492,728
4200	Solid Waste	156,652,410	6,895,744	163,548,154
4300	Wastewater	232,547,400	1,769,837	234,317,237
4301	Surface Water	118,464,948	1,901,768	120,366,716
4450	Union Station	4,903,400		4,903,400
4500	Tacoma Rail	78,331,658		78,331,658
4600	Water Utility	281,649,598		281,649,598
4700	Power	1,022,414,175		1,022,414,175
4800	TPU Self Insurance Claims	5,716,200		5,716,200
4805	Low Income Assistance	2,500,000		2,500,000
	<b>Total Enterprise Funds</b>	<b>2,021,016,594</b>	<b>15,267,849</b>	<b>2,036,284,443</b>
<b>Internal Service Funds</b>				
5050	TPU Fleet Service	11,601,721		11,601,721
5086	Tacoma Training & Employment Program	628,103		628,103
5400	PW Fleet Equipment Rental	23,590,884	479,000	24,069,884
5453	PWS Asphalt Plant	2,152,827		2,152,827
5540	Comms Equipment - Replacement Reserve	6,200,793		6,200,793
5550	Third Party Liability Claims	12,987,067		12,987,067
5560	Unemployment Compensation	1,030,000		1,030,000
5570	Worker's Compensation	15,005,271		15,005,271
5700	Municipal Building Acquisition & Oper	11,671,715	497,159	12,168,874
5800	General Governmental Internal Services	138,226,797	1,159,405	139,386,202
	<b>Total Internal Service Funds</b>	<b>223,095,178</b>	<b>2,135,563</b>	<b>225,230,741</b>
<b>Clearing Funds</b>				
6050	Deferred Compensation Trust	431,501		431,501
	<b>Total Clearing Funds</b>	<b>431,501</b>	<b>0</b>	<b>431,501</b>
<b>Trust &amp; Agency Funds</b>				
6100	Employees Retirement	393,692,944		393,692,944
6120	Relief & Pension Police	10,618,941		10,618,941
6150	Relief & Pension Firefighters	13,022,542		13,022,542
6430	Health Care Trust Labor Management	161,069,187		161,069,187
6440	Group Life Trust	1,604,965		1,604,965
6460	Dental Care Labor Management	11,672,148		11,672,148
6470	Health Care Trust Firefighters	8,540,084		8,540,084
6480	Health Care Trust Police	7,827,328		7,827,328
6795	Public Facilities Districts	8,180,362		8,180,362
	<b>Total Clearing Funds</b>	<b>616,228,501</b>	<b>0</b>	<b>616,228,501</b>
<b>Total City of Tacoma Operating Budget</b>		<b>\$3,682,565,819</b>	<b>\$96,052,074</b>	<b>\$3,778,617,893</b>

EXHIBIT B

City of Tacoma, Washington  
2021-2022 Biennial Operating Budget  
Reappropriation of 2019-2020 Contracts, Transfers and Other Obligations

Narrative Explanation for the Budget Amendment Ordinance

Authorize an Increase in Revenues and Expenditures for 2021-2022 Appropriations:

General Fund

<b>0010 - General Fund</b>	<b>Amount</b>
<b>Revenues</b>	
Beginning Cash Balance Budget	(4,236,435)
Contributions and Donations	(28,000)
Law Enforcement Services	(502,262)
Transfer from Motor Vehicle Fuel Tax	82,628
Transfer from Other Active Fund	94,119
	<u>\$ (4,589,950)</u>
<b>Expenditures</b>	
<b>Encumbrances by Department</b>	
City Manager's Office.....	65,200
Community & Economic Development.....	(58,102)
Information Technology.....	53,496
Library.....	1,348,382
Neighborhood & Community Services.....	220,000
Non-Departmental.....	1,653,667
Office of Management & Budget.....	199,705
Planning & Development Services.....	643,500
Police.....	174,485
Tacoma Venues & Events.....	60,000
	<u>\$ 4,360,332</u>
<b>Emergent Need Budget Adjustments by Department</b>	
Finance.....	161,712
Municipal Court.....	25,906
Non-Departmental.....	42,000
	<u>\$ 229,618</u>
<b>Total General Fund</b>	<b>\$ 4,589,950</b>

EXHIBIT B

City of Tacoma, Washington  
2021-2022 Biennial Operating Budget  
Reappropriation of 2019-2020 Contracts, Transfers and Other Obligations

Narrative Explanation for the Budget Amendment Ordinance

Authorize an Increase in Revenues and Expenditures for 2021-2022 Appropriations:

Special Revenue Funds

<b>1030 - Contingency Fund</b>		<b>Amount</b>
<b>Revenues</b>		
Beginning Cash Balance Budget		(195,549)
	\$	(195,549)
<b>Expenditures</b>		
Council Contingency		195,549
	\$	195,549
<b>1050 - Transportation Revenues</b>		<b>Amount</b>
<b>Revenues</b>		
Beginning Cash Balance Budget		(2,135,852)
	\$	(2,135,852)
<b>Expenditures</b>		
Heavy Haul Funding for Capital Projects		324,204
Motor Vehicle Fuel Tax Funding for Capital Projects		1,561,648
Striping Program Additional Funding		250,000
	\$	2,135,852



EXHIBIT B

City of Tacoma, Washington  
2021-2022 Biennial Operating Budget  
Reappropriation of 2019-2020 Contracts, Transfers and Other Obligations

Narrative Explanation for the Budget Amendment Ordinance

Authorize an Increase in Revenues and Expenditures for 2021-2022 Appropriations:

<b>1065 - PW Street Fund</b>	<b>Amount</b>
<b>Revenues</b>	
Beginning Cash Balance Budget	(900,000)
Direct WA Dept of Transportation	(117,523)
External Overhead	(6,770)
Ind Fed Dept of Transportation 20.205	(654,924)
Indirect Fed Dept of Transportation 20.6	(76,092)
PW Damage Repair/Replace Maintenance	(73,947)
Transfer from Multimodal Transportation	(250,000)
Transfer from Street Initiative Fund 108	(74,742)
	<u>\$ (2,153,999)</u>
<b>Expenditures</b>	
Active Transportation 2019-2020 Grant Match Funds	50,000
Budget Q1 2021 Damage Revenues to Traffic Assets	80,718
Commute Trip Reduction Grant	117,523
Cultural Shift to Active Transportation Grant	477,500
Impact Fee Program Development	100,000
Improving Bike & Pedestrian Safety Around Schools 2.0 Grant	57,227
On-Call Traffic Consultant Contracts	50,000
PCB Removal Project at Park Plaza North Parking Garage	200,000
Pedestrian & Bicycle Counts & Facility Inventories Grant	226,803
School Arrival and Dismissal Support Project Grant	18,865
Spall Repair - East 34th St Bridge	250,000
Stormwater Erosion Repairs: SB Tac Spur to Stadium Wy Bridge	100,000
Striping Program Supplement	250,000
Traffic Count Module Development	50,000
Transportation Demand Management Grant	25,363
Transportation Master Plan (TMP) Update	100,000
	<u>\$ 2,153,999</u>

EXHIBIT B

City of Tacoma, Washington  
2021-2022 Biennial Operating Budget  
Reappropriation of 2019-2020 Contracts, Transfers and Other Obligations

Narrative Explanation for the Budget Amendment Ordinance

Authorize an Increase in Revenues and Expenditures for 2021-2022 Appropriations:

<b>1185 - NCS Special Revenue</b>		<b>Amount</b>
<b>Revenues</b>		
Beginning Cash Balance Budget		(2,453,000)
Direct Federal Dept of Treasury		(6,567,283)
		<u>\$ (9,020,283)</u>
<b>Expenditures</b>		
Accept and Expend Emergency Rental Assistance Grant		6,567,283
Carryforward Budget for Beacon Center Renovations		1,700,000
Carryforward Youth Violence Reduction & Gun Violence Reduction		103,000
Increase Youth & Young Adult Drop-in Center & Shelter Funding		300,000
Transfer Cash to new OEPS Fund		350,000
		<u>\$ 9,020,283</u>
<b>1195 - CED Economic Development Grants</b>		<b>Amount</b>
<b>Revenues</b>		
Beginning Cash Balance Budget		(4,489,189)
Transfer from General Fund		(120,092)
		<u>\$ (4,609,281)</u>
<b>Expenditures</b>		
CED - Downtown Business Improvement Area Labor correction		(79,613)
CED - NCS Rent correction		133,102
Tacoma Creates Cash Balances Reappropriation		4,555,792
		<u>\$ 4,609,281</u>

EXHIBIT B

City of Tacoma, Washington  
2021-2022 Biennial Operating Budget  
Reappropriation of 2019-2020 Contracts, Transfers and Other Obligations

Narrative Explanation for the Budget Amendment Ordinance

Authorize an Increase in Revenues and Expenditures for 2021-2022 Appropriations:

<b>1200 - Library Special Revenue</b>		<b>Amount</b>
<b>Revenues</b>		
Contributions and Donations		(20,300)
	\$	(20,300)
<b>Expenditures</b>		
Foundation for Tacoma Students Grant		15,300
GESA Credit Union Grant		5,000
	\$	20,300
<b>1700 - American Rescue Plan</b>		<b>Amount</b>
<b>Revenues</b>		
Beginning Cash Balance Budget		(30,500,000)
	\$	(30,500,000)
<b>Expenditures</b>		
American Rescue Plan Transfer		30,500,000
	\$	30,500,000
<b>Total Special Revenue Funds</b>		<b>\$ 48,635,264</b>

EXHIBIT B

City of Tacoma, Washington  
2021-2022 Biennial Operating Budget  
Reappropriation of 2019-2020 Contracts, Transfers and Other Obligations

Narrative Explanation for the Budget Amendment Ordinance

Authorize an Increase in Revenues and Expenditures for 2021-2022 Appropriations:

Capital Projects Funds

<b>3210 - Real Estate Excise Tax</b>		<b>Amount</b>
<b>Revenues</b>		
Beginning Cash Balance Budget		(25,423,449)
	\$	(25,423,449)
<b>Expenditures</b>		
General Fund Capital Encumbered Funds		5,641,000
REET 1 Funding for Capital Projects		3,648,973
REET 1 Reserves		4,561,042
REET 2 Funding for Capital Projects		5,576,630
REET 2 Reserves		5,475,804
REET Transfer corrections		520,000
	\$	25,423,449
<b><u>Total Capital Funds</u></b>		<b>\$ 25,423,449</b>

EXHIBIT B

City of Tacoma, Washington  
2021-2022 Biennial Operating Budget  
Reappropriation of 2019-2020 Contracts, Transfers and Other Obligations

Narrative Explanation for the Budget Amendment Ordinance

Authorize an Increase in Revenues and Expenditures for 2021-2022 Appropriations:

Enterprise Funds

<b>4110 - Permit Services Fund</b>	<b>Amount</b>
------------------------------------	---------------

**Revenues**

Beginning Cash Balance Budget	(1,596,559)
	<u>\$ (1,596,559)</u>

**Expenditures**

Onboard MAIL for REAP Implementation	223,241
Onboard Professional Engineer for Traffic Review	280,977
Onboard Senior Planner for Housing Permitting	232,341
Procure New Vehicle for Site Inspection	60,000
Reconstitute Permit Resource Center	300,000
Scan and Archive PDS Documents	150,000
Upgrade Technical Software	350,000
	<u>\$ 1,596,559</u>

<b>4140 - PWE Parking Operating</b>	<b>Amount</b>
-------------------------------------	---------------

**Revenues**

Beginning Cash Balance Budget	(2,006,941)
	<u>\$ (2,006,941)</u>

**Expenditures**

Convention Center Parking Stall Buy-Back	2,018,341
Parking Facilities Correction	
Parking labor plug correction	(11,400)
	<u>\$ 2,006,941</u>

<b>4165 - Convention Center</b>	<b>Amount</b>
---------------------------------	---------------

**Revenues**

Beginning Cash Balance Budget	(700,000)
	<u>\$ (700,000)</u>

**Expenditures**

GTCC Guard Shack Project	700,000
	<u>\$ 700,000</u>

**EXHIBIT B**

**City of Tacoma, Washington**  
**2021-2022 Biennial Operating Budget**  
**Reappropriation of 2019-2020 Contracts, Transfers and Other Obligations**

**Narrative Explanation for the Budget Amendment Ordinance**

Authorize an Increase in Revenues and Expenditures for 2021-2022 Appropriations:

<b>4190 - PAF Performing Arts</b>		<b>Amount</b>
<b>Revenues</b>		
Beginning Cash Balance Budget		(397,000)
	\$	(397,000)
<b>Expenditures</b>		
Theater Safety Fencing Project		397,000
	\$	397,000
<b>4200 - Solid Waste</b>		<b>Amount</b>
<b>Revenues</b>		
Beginning Cash Balance Budget		(6,353,059)
Indirect Fed Dept Env Prot Agency 66.039		(542,685)
	\$	(6,895,744)
<b>Expenditures</b>		
2021 Environmental Health and Sustainability Grants Award		175,000
Capital Projects & Purchases		6,569,730
Climate Action Plan		68,604
Electric Vehicle Siting Study		6,666
Make-up Missing 1% for Arts Funding 2017-2020		5,744
Refresh ES Rate Models for Succession Planning		50,000
The Recycling Partnership Grant		20,000
	\$	6,895,744
<b>4300 - Wastewater</b>		<b>Amount</b>
<b>Revenues</b>		
Beginning Cash Balance Budget		(1,769,837)
	\$	(1,769,837)
<b>Expenditures</b>		
Boom Truck for CTP Maintenance		300,000
Buy New Service Truck & Replace 3 Pool Vehicles		414,000
Climate Action Plan		68,604
Complete Future of Work Study at Center for Urban Waters		37,125
Convert PROJ to PERM		199,770
Electric Vehicle Siting Study - Decarb Res Priority 1		6,668
Make-up Missing 1% for Arts Funding 2017-2020		197,670
Refresh ES Rate Models for Succession Planning		50,000
Swaploader Truck for TAGRO Operations		250,000
Telescopic Reach Forklift for CTP Maintenance		150,000
UWT PSI Modelling Center Agreement (C1626)		96,000
	\$	1,769,837

EXHIBIT B

City of Tacoma, Washington  
2021-2022 Biennial Operating Budget  
Reappropriation of 2019-2020 Contracts, Transfers and Other Obligations

Narrative Explanation for the Budget Amendment Ordinance

Authorize an Increase in Revenues and Expenditures for 2021-2022 Appropriations:

<b>4301 - Surface Water</b>	<b>Amount</b>
<b>Revenues</b>	
Beginning Cash Balance Budget	(881,638)
State Department of Ecology Grant	(870,370)
State Department of Natural Resources Grant	(124,760)
Other Fund Transfer	(25,000)
	<u>\$ (1,901,768)</u>
<b>Expenditures</b>	
Budget New Grants for Environmental Programs Division	983,827
Buy New Service Truck & Replace 3 Pool Vehicles	10,000
Climate Action Plan	68,604
Complete Future of Work Study at Center for Urban Waters	12,375
Correct Budget Between Years for Debt and Grants	-
Correct Budget for Extended Project Positions	545,009
Electric Vehicle Siting Study	6,666
Make-up Missing 1% for Arts Funding 2017-2020	60,527
Refresh ES Rate Models for Succession Planning	50,000
Tacoma Mall Grant for Urban Forestry	124,760
Tree Planting: Tacoma Mall and/or Grit City Tree	25,000
Urban Forestry Management Plan	15,000
	<u>\$ 1,901,768</u>
<b><u>Total Enterprise Funds</u></b>	<b><u>\$ 15,267,849</u></b>

EXHIBIT B

City of Tacoma, Washington  
2021-2022 Biennial Operating Budget  
Reappropriation of 2019-2020 Contracts, Transfers and Other Obligations

Narrative Explanation for the Budget Amendment Ordinance

Authorize an Increase in Revenues and Expenditures for 2021-2022 Appropriations:

Internal Service Funds

<b>5400 - PW Fleet Equipment Rental</b>		<b>Amount</b>
<b>Revenues</b>		
Beginning Cash Balance Budget		(479,000)
	\$	(479,000)
<b>Expenditures</b>		
Replace vehicle for Public Works		47,000
Replace Vehicle Service Bodies for Wastewater		300,000
Replace vehicles for Wastewater		132,000
	\$	479,000
<b>5700 - Municipal Building Acquisition &amp; Operations</b>		<b>Amount</b>
<b>Revenues</b>		
Beginning Cash Balance Budget		(497,159)
	\$	(497,159)
<b>Expenditures</b>		
Elevator Repair & Replacements		300,000
TMB Fire Alarm System Upgrades		197,159
	\$	497,159



**EXHIBIT B**

**City of Tacoma, Washington**  
**2021-2022 Biennial Operating Budget**  
**Reappropriation of 2019-2020 Contracts, Transfers and Other Obligations**

**Narrative Explanation for the Budget Amendment Ordinance**

Authorize an Increase in Revenues and Expenditures for 2021-2022 Appropriations:

<b>5800 - General Government Internal Services</b>		<b>Amount</b>
<b>Revenues</b>		
Beginning Cash Balance Budget		(932,405)
Contributions and Donations		8,000
Transfer from Other Active Fund		(235,000)
	\$	(1,159,405)
<b>Expenditures</b>		
Accelerate replacement of HR Director		129,000
Add Project Labor Negotiator		231,500
City-Responsible Tree Maintenance		15,537
Climate Action Plan		48,604
Climate Directors Training		6,000
Complete Workforce Equity Study		62,444
OEHR Delayed training		12,000
Earth Day South Sound		30,000
Electric Vehicle Siting Study		30,000
Equity Index upgrade		8,500
ESRI Geographic Information System (GIS) Licenses		108,189
Budget Correction		15,000
Fund OrgChart Now software procurement		9,060
Late Add - Heal the Heart		48,000
Office 365 Migration		107,959
OMB Community Engagement Carry Over		8,421
Payment Card Industry (PCI) Compliance		26,500
Paid Family Medical Leave SAP Development		18,010
Plan Reduction for Sustainability Expo from COVID Impacts		-
Purchase a Vehicle for Safety Manager Investigations		66,000
Purchase Technology for New Office of Health & Safety FTE		20,544
Tableau Developer		13,200
Training Recertifications for Office of Health & Safety		40,078
Transfer Cash to New OEPS Fund		89,859
Urban Forestry Management Plan		15,000
	\$	1,159,405
<b>Total Internal Service Funds</b>		\$ 2,135,563
<b>Grand Total Expenditures - All Funds</b>		\$ 96,052,074



## ORDINANCE NO. 28765

1 AN ORDINANCE relating to the Capital Budget; amending the Capital Budget of  
2 the City for fiscal years 2021-2022 for recommended budget adjustments  
and Council-approved capital projects with outstanding balances.

3 WHEREAS this ordinance will adjust the Capital Budget for the following  
4 reasons: (1) transfers to the Capital Budget for City Council-approved capital  
5 projects and new funding; (2) and other recommended adjustments that include  
6 costs that were not anticipated at the time the 2021-2022 Budget Ordinance was  
7 adopted, and

8  
9 WHEREAS this ordinance will increase the 2021-2022 Capital Budget by  
10 \$6,186,795, which is funded by grants, existing fund balances, and transfers mainly  
11 from the General Fund, Fund 1050 Transportation Revenues, and Fund 3210 Real  
12 Estate Excise Tax Fund, and

13  
14 WHEREAS this ordinance is necessary to ensure the execution of capital  
15 project commitments and will not negatively impact financial reserves; Now,  
16 Therefore,

17  
18 BE IT ORDAINED BY THE CITY OF TACOMA:

19 That the Capital Budget for the City for the fiscal years 2021-2022 is hereby  
20 amended by adopting the proposed modifications as set forth in Exhibit "A" and  
21 Exhibit "B," which provides project-by-project detail within each fund, including total  
22 project budgets and remaining balance, which exhibits are attached hereto and  
23 incorporated herein as part of this ordinance; and that the Capital Budget shall be  
24  
25  
26



1 deemed to be and is hereby amended for the recommended budget adjustments,  
2 and transfers to the Capital Budget for City Council-approved projects.  
3

4 Passed \_\_\_\_\_  
5

6 \_\_\_\_\_  
7 Mayor

8 Attest:  
9

10 \_\_\_\_\_  
11 City Clerk

12 Approved as to form:  
13

14 \_\_\_\_\_  
15 Deputy City Attorney  
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**Exhibit A**

**City of Tacoma, Washington  
2021-2022 Capital Budget Ordinance  
Reappropriation of Project Balances, Transfers, other Obligations**

<b>Fund No.</b>	<b>Fund Name</b>	<b>Adopted Budget</b>	<b>Reappropriation Ordinance</b>	<b>Revised Budget</b>
<b>Special Capital Funds</b>				
1060	Transportation Capital and Engineering	6,575,000	\$ 4,788,458	11,363,458
1140	PWE Paths & Trails Reserve	-	\$ 600,000	600,000
3211	Capital Projects Fund	3,472,342	\$ 798,337	4,270,679
<b>Total City of Tacoma Capital Budget</b>		<b>\$ 10,047,342</b>	<b>\$ 6,186,795</b>	<b>\$ 16,234,137</b>

**Exhibit B**

**City of Tacoma, Washington  
2021-2022 Capital Budget Ordinance  
Reappropriation of Project Balances, Transfers, other Obligations**

<b>WBS</b>	<b>Project Title</b>	<b>Requested Capital Project Budget Adjustments</b>
<b>Fund No.</b>	<b>Fund Name</b>	
<b>1060</b>	<b>Transportation Capital and Engineering</b>	
PWK-00433	West Road	50,000
PWK-00709	2019-2020 Active Transportation Program	(165,699)
PWK-00710	Neighborhood Enhancements Program	(10,000)
PWK-00715	School Speed Zone Beacon Program	42,000
PWK-00717	Vision Zero Program	50,000
PWK-01017	Railroad Crossing Improvements	1,064,348
PWK-01019	Missing Link Sidewalks - Sheridan Ave SW	100,000
PWK-G0018	E 64th St Phase 1: Pacific to McKinley	500,000
PWK-G0022	East Portland Ave Safety Improvements	881,851
PWK-G0026	South 21st and Fawcett Avenue	150,000
PWK-G0034	S 19th & Clay Huntington	10,000
PWK-G0038	Mary Lyon Elementary SRTS	60,000
PWK-G0044	Tacoma Trails to Transit Connector	326,699
PWK-G0045	S. 21st & C Street Signal	1,131,700
PWK-G0046	Tacoma Downtown Parking charging stations	597,559
		<b>4,788,458</b>
<b>1140</b>	<b>PWE Paths &amp; Trails Reserve</b>	
PWK-00561	Historic Water Ditch Trail Phase III	300,000
PWK-G0014	Prairie Line Trail Phase II	300,000
		<b>600,000</b>
<b>3211</b>	<b>Capital Projects Fund</b>	
CIP-00039	15th Street Transient Moorage Replacement	798,337
		<b>798,337</b>
	<b>Total City of Tacoma Capital Budget</b>	<b>6,186,795</b>



## ORDINANCE NO. 28766

1 AN ORDINANCE relating to equity in contracting; amending Chapter 1.07 of the  
2 Tacoma Municipal Code, entitled "Equity in Contracting," to clarify language  
and the waiver process and replace outdated language.

3 WHEREAS, in 1998, the City created the Small Business Enterprise ("SBE")  
4 Program as a response to Washington State's Initiative-200 policy, and  
5

6 WHEREAS the SBE Program was a race- and gender-neutral attempt to  
7 increase the volume of subcontracts for all small businesses, and

8 WHEREAS, in 2018, the City's consultant, Griffin & Strong, completed a  
9 Disparity Study of contracts let by the City from 2012–2016 and found statistically  
10 significant disparities between the available and utilized quantity of Minority and  
11 Women Owned Businesses, and  
12

13 WHEREAS, in response to these findings, the City created a task force  
14 comprised of community members, contractors, and organized labor, which  
15 recommended implementing suggestions from the Disparity Study, including a  
16 new program that specifically addressed Minority and Women Owned Businesses,  
17 and  
18

19 WHEREAS, on November 5, 2019, pursuant to Ordinance No. 28625, the  
20 City enacted the Equity in Contracting ("EIC") Program as Chapter 1.07 of the  
21 Tacoma Municipal Code ("TMC"), replacing the SBE Program, and  
22

23 WHEREAS the EIC Program began implementing new requirements on  
24 construction contracts in early 2020, and

25 WHEREAS, at the time of passage of the EIC Program, staff advised of the  
26 likelihood of the need for future changes based on experience with program



implementation, and is now recommending amendments to TMC Chapter 1.07, to include the following:

- Language Simplification – Replacing the terms Minority Business Enterprises (“MBEs”), Women Business Enterprises (“WBEs”), Minority and Women’s Business Enterprises (“MWBEs”), Small Business Enterprises (“SBEs”), and Disadvantaged Business Enterprises (“DBEs”) with the term “Certified Business,” to refer to an entity that has been certified as a DBE, SBE, MBE, WBE, or MWBE by the Washington State Office of Minority and Women’s Business Enterprise and approved by the EIC Program;
- Waiver Process Clarification – Differentiates between an “Exception” to the imposition of EIC Program requirements to a contract in certain circumstances, such as sole source or emergency contracts or if the EIC Program manager documents an insufficient number of qualified contractors, and a “Waiver” of the program requirements after the bids have been received, but prior to a contract award; and transferring the approval of waivers from the existing process of review by the Board of Contracts and Awards, with an opportunity for appeal to the City Manager or Director of Utilities, to the exclusive determination of the City Manager or Director of Utilities; and
- General amendments to replace outdated language from the former SBE Program, and

WHEREAS the proposed TMC amendments will increase access to contracting opportunities for MBEs, WBEs, SBEs, and DBEs; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 1.07 of the Tacoma Municipal Code, entitled “Equity in Contracting,” be amended as set forth in the attached Exhibit “A.”

Section 2. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not



1 limited to, the correction of scrivener's/clerical errors, references, ordinance  
2 numbering, section/subsection numbers, and any references thereto.

3  
4 Passed \_\_\_\_\_

5  
6 \_\_\_\_\_  
7 Mayor

8 Attest:  
9  
10 \_\_\_\_\_  
11 City Clerk

12 Approved as to form:  
13 \_\_\_\_\_  
14 Deputy City Attorney

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## EXHIBIT "A"

### CHAPTER 1.07 EQUITY IN CONTRACTING

#### Sections:

- 1.07.010 Policy and purpose.
- 1.07.020 Definitions.
- 1.07.030 Discrimination prohibited.
- 1.07.040 Program administration.
- 1.07.050 ~~Certification~~ Approval as a Certified Business.
- 1.07.060 Program requirements.
- 1.07.070 Evaluation of submittals.
- 1.07.080 Contract compliance.
- 1.07.090 Program monitoring.
- 1.07.100 Enforcement.
- 1.07.110 Remedies.
- 1.07.120 Unlawful acts.
- 1.07.130 Severability.
- 1.07.140 Review of program.

\* \* \*

#### **1.07.020 Definitions.**

Terms used in this chapter shall have the following meanings unless defined elsewhere in the Tacoma Municipal Code ("TMC"), or unless the context in which they are used clearly indicates a different meaning.

#### 1.07.020.B

~~A.~~ "Bid" means an offer submitted by a Respondent to furnish Supplies, Services, and/or Public Works in conformity with the Specifications and any other written terms and conditions included in a City request for such offer.

~~B.~~ "Bidder" means an entity or individual who submits a Bid, Proposal or Quote. See also "Respondent."

#### 1.07.020.C

"Certified Business" means an entity that has been certified as a Disadvantaged Business Enterprise ("DBE"), Small Business Enterprise ("SBE"), Minority Business Enterprise ("MBE"), Women Business Enterprise ("WBE"), or Minority and Women's Business Enterprise ("MWBE") by the Washington State Office of Minority and Women's Business Enterprise and meets the criteria set forth in Section 1.07.050 (2) of this chapter and has been approved as meeting that criteria by the Community and Economic Development Department Program Manager.

"City" means all Departments, Divisions and agencies of the City of Tacoma.

~~D.~~ "Contract" means any type of legally binding agreement regardless of form or title that governs the terms and conditions for procurement of Public Works and Improvements and/or Non-Public Works and Improvements Supplies and Services. Contracts include the terms and conditions found in Specifications, Bidder or Respondent Submittals, and purchase orders issued by the City. A "Contract" as used in this chapter shall include an agreement between the City and a non-profit entity to perform construction-related services for Public Works. A "Contract" does not include: (1) awards made by the City with federal/state grant or City general funds monies to a non-profit entity where the City offers assistance, guidance, or supervision on a project or program, and the recipient of the grant awards uses the grant moneys to provide services to the community; (2) sales transactions where the City sells its personal or real property; (3) a loan transaction



where the City is acting as a debtor or a creditor; (4) lease, franchise; (5) agreements to use City real property (such as Licenses, Permits and Easements) and, (6) banking and other financial or investment services.

~~F.~~ “Contractor” means any Person that presents a Submittal to the City, enters into a Contract with the City, and/or performs all or any part of a Contract awarded by the City, for the provision of Public Works, or Non-Public Works and Improvements, Supplies or Services.

#### 1.07.020.G

~~F.~~ “Goals” means the annual level of participation by ~~MWBEs and SBEs~~ Certified Businesses in City Contracts as established in this chapter, the Program Regulations, or as necessary to comply with applicable federal and state nondiscrimination laws and regulations. Goals for individual Contracts may be adjusted as provided for in this chapter and shall not be construed as a minimum for any particular Contract or for any particular geographical area.

~~G.~~ “Certified business” (or “MWBEs”) means ~~a business that meets the criteria set forth in Section 1.07.050 of this chapter and has been certified as meeting that criteria by the Community and Economic Development Department Program Manager.~~

~~H.~~ “SBE Certified Business” (or “SBEs”) means ~~a business that meets the criteria set forth in Section 1.07.050 of this chapter and has been certified as meeting that criteria by the Community and Economic Development Department SBE Program Manager.~~

#### 1.07.020.N

~~“Non-Public Works and Improvements” means all competitively solicited procurement of Supplies and/or Services by the City not solicited as Public Works.~~

#### 1.07.020.P

~~I.~~ “SBE Program Manager” means ~~the individual appointed, from time to time, by the City’s Community and Economic Development Director to administer the Program Regulations.~~

~~J.~~ “Program Regulations” shall mean ~~the written regulations and procedures adopted pursuant to this chapter for procurement of Supplies, Services and Public Works.~~

~~K.~~ “Non Public Works and Improvements” means ~~all competitively solicited procurement of Supplies and/or Services by the City not solicited as Public Works.~~

~~L.~~ “Person” means individuals, companies, corporations, partnerships, associations, cooperatives, any other legally recognized business entity, legal representative, trustee, or receivers.

~~“Program Manager” means the individual appointed, from time to time, by the City’s Community and Economic Development Director to administer the Program Regulations.~~

~~“Program Regulations” means the written regulations and procedures adopted pursuant to this chapter for procurement of Supplies, Services and Public Works.~~

~~M.~~ “Proposal” means a written offer to furnish Supplies or Services in response to a Request for Proposals. This term may be further defined in the Purchasing Policy Manual and/or in competitive solicitations issued by the City.

~~N.~~ “Public Works (or “Public Works and Improvements”)” means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the City, or that is by law a lien or charge on any property therein. This term includes all Supplies, materials, tools, and equipment to be furnished in accordance with the Contract for such work, construction, alteration, repair, or improvement.

#### 1.07.020.Q

~~O.~~ “Quote” means a competitively solicited written offer to furnish Supplies or Services by a method of procurement that is less formalized than a Bid or a Proposal. This term may be further defined in the Purchasing Policy Manual.



1.07.020.R

P. "Respondent" means any entity or Person, other than a City employee, that provides a Submittal in response to a request for Bids, Request for Proposals, Request for Qualifications, request for quotes or other request for information, as such terms are defined in Section 1.06.251 TMC. This term includes any such entity or Person whether designated as a supplier, seller, vendor, proposer, Bidder, Contractor, consultant, merchant, or service provider that; (1) assumes a contractual responsibility to the City for provision of Supplies, Services, and/or Public Works; (2) is recognized by its industry as a provider of such Supplies, Services, and/or Public works; (3) has facilities similar to those commonly used by Persons engaged in the same or similar business; and/or (4) distributes, delivers, sells, or services a product or performs a Commercially Useful Function.

1.07.020.S

~~Q.~~ "Services" means non-Public Works and Improvements services and includes professional services, personal services, and purchased services, as such terms are defined in Section 1.06.251 TMC and/or the City's Purchasing Policy Manual.

~~R.~~ "Submittal" means Bids, Proposals, Quotes, qualifications or other information submitted in response to requests for Bids, Requests for Proposals, Requests for Qualifications, requests for Quotations, or other City requests for information, as such terms are defined in Section 1.06.251 TMC.

~~S.~~ "Supplies" means materials, Supplies, and other products that are procured by the City through a competitive process for either Public Works procurement or Non-Public Works and Improvements procurement unless an approved waiver has been granted by the appropriate authority.

1.07.020.T

~~T.~~ "Tacoma Public Utilities Service Area" means any ZIP code in which Tacoma Public Utilities maintains infrastructure or provides retail services.

1.07.020.W

"Waiver" means a discretionary decision by the City that the one or more requirements of this chapter will not be applied to a Contract or Contracts.

\* \* \*

**1.07.040 Program administration.**

A. The Community and Economic Development Director, or their designated Program Manager, shall be responsible for administering this chapter and obtaining compliance with respect to contracts entered into by the City and/or its contractors. It shall be the duty of the Director to pursue the objectives of this chapter by conference, conciliation, persuasion, investigation, or enforcement action, as may be necessary under the circumstances. The Director is authorized to implement an administrative and compliance program to meet these responsibilities and objectives.

B. The Director is hereby authorized to adopt and to amend administrative ~~rules and~~ regulations known as the Program Regulations, to properly implement and administer the provisions of this chapter. The Program Regulations shall be in conformance with City of Tacoma policies and state and federal laws and be designed to encourage achievement of the ~~MWBE and SBE~~ goals set forth herein. ~~The Program Regulations shall become effective following public notice and an opportunity to comment by the public.~~

~~C. The Program Regulations adopted pursuant to this section are for the administrative and procedural guidance of the officers and employees of the City and are further expressions of the public policy of the City. The Program Regulations, when adopted, shall not confer an independent cause of action or claim for relief cognizable in the courts of the state of Washington or the United States of America to any third parties, and such provisions shall not be used as the basis for a lawsuit in any court of competent jurisdiction challenging the award of any contract by the City.~~



**1.07.050 ~~Certification~~Approval as a Certified Business.**

A. The Program Manager shall approve an entity ~~business~~ as a Certified Business if all of the following criteria are satisfied:

1. The business~~entity~~ is certified as a DBE, SBE, MBE, WBE, or MWBE through the state of Washington's Office of Minority & Women Business Enterprises; and

2. The entity~~company~~ can demonstrate that it also meets at least one of the following additional requirements:

a. The personal residence of the owner is located within the City of Tacoma or Tacoma Public Utilities Service Area, or

b. The entity~~company~~'s business offices are located in any county of the Tacoma Public Utilities Service Area or any county adjacent to Pierce County, or

c. When the work is performed outside of Pierce County, the company's~~entity's~~ business offices may be located in an adjacent county in which the work is performed, or

d. Such additional information as the Program Manager or designee may require.

3. When another governmental entity has an equivalent business classification process, the City may enter into an interlocal cooperative agreement for mutual recognition of certifications.

B. Appeals. The applicant may appeal any certification~~approval~~ determination by the Program Manager under this chapter to the Director. The appeal must be made in writing and must set forth the specific reasons for the appeal. The Director shall make a decision on the appeal request within a reasonable time, which decision shall be final unless further appeal is made to the Hearing Examiner. In that event, the Hearing Examiner Rules of Procedure for Hearings, Chapter 1.23 TMC, shall be applicable to that appeal proceeding.

**1.07.060 Program requirements.**

A. The program shall meet the following requirements:

1. Establishment of Annual Goals. The Program Regulations adopted pursuant to this chapter shall state reasonably achievable cumulative annual goals for utilization of MWBEs and SBEs~~Certified Businesses~~ in the provision of supplies, services, and public works procured by the City. Cumulative annual goals for the participation of MWBEs and SBEs~~Certified Businesses~~ in City contracts shall be based on the number of qualified MWBEs and SBEs~~Certified Businesses~~ operating within the Tacoma Public Utilities Service Area. The dollar value of all contracts awarded by the City to MWBEs and SBEs~~Certified Businesses~~ in the procurement of supplies, services, and public works shall be counted toward the accomplishment of the applicable goal.

2. Application of Annual Goals to Contracts. The Program Manager shall consult with City departments/divisions to establish department/division specific goals for competitively solicited contracts in accordance with this chapter and the Program Regulations.

B. Waivers~~Exceptions~~:- City departments/divisions or the Program Manager may request to waive an exception to one or more of the requirements of this chapter as they apply to a particular C~~e~~ontract or C~~e~~ontracts. Waivers~~Exceptions~~ may be granted in any one or more of the following circumstances:

1. Emergency: The supplies, services and/or public works must be provided with such immediacy that neither the City nor the contractor can comply with the requirements herein. Such emergency and waiver must exception will be deemed documented whenever a waiver of competitive solicitation for emergency situations is authorized under Tacoma Municipal Code Chapter 1.06.257 or as may be hereinafter amended by the department/division awarding the contract.

2. Not Practicable: The Contract involves special facilities or market conditions or specially tailored or performance criteria-based products, such that compliance with the requirements of this chapter would cause financial loss to the City or an interruption of vital services to the public~~would impose an unwarranted economic burden or risk to the City after consideration of existing budgetary approvals. Such circumstances~~



1 must be documented by the department/division awarding the Contract and approved by the senior financial  
2 manager or, for Contracts where the estimated cost is over \$500,000 (excluding sales tax), approved by the  
3 Board of Contracts and Awards ("C&A Board").

4 3. Sole source: The supplies, services, and/or public works are available from only one feasible source, and  
5 subcontracting possibilities do not reasonably exist as documented by the department/division awarding the  
6 Contract and approved by the senior financial manager or, for Contracts where the estimated cost is over  
7 \$500,000 (excluding sales tax), approved by the C&A Board~~determined by the finance purchasing manager.~~

8 4. Government purchasing. The Contract or Contracts are the result ~~City is a party to or included in~~ a federal,  
9 state or inter-local government purchasing agreement and the use of such agreement in lieu of a bid solicitation  
10 conducted by the City is as approved by the ~~finance purchasing~~ senior financial manager.

11 5. Lack of certified contractors: An insufficient number of qualified contractors exist to create any utilization  
12 opportunities as documented by the Program Manager.

13 6C. Waiver: Best interests of the City: If, after receipt of Submittals but prior to Contract award, it is  
14 determined that due to unforeseen circumstances, w ~~Waiver of goals is in the best interests of the City, due to~~  
15 unforeseen circumstances, provided that said circumstances are set forth in writing by the requestor, the  
16 Director or Superintendent of the department/division awarding the Contract may request in writing that the  
17 City Manager or designee, on behalf of General Government, or the Director of Utilities or designee, on behalf  
18 of the Department of Public Utilities, approve such waiver.

19 ~~C. Review of Waivers. A waiver determination by the finance purchasing manager may be reviewed by the~~  
20 ~~Board of Contracts and Awards (C&A Board). The C&A Board may also review a request to reduce or waive~~  
21 ~~the utilization requirements based on Not Practicable or Best Interests of the City circumstances. Waivers may~~  
22 ~~be granted only after The C&A Board shall determination by the City Manager or Director of Utilities e~~  
23 ~~whether that compliance with such the requirements of this chapter would impose unwarranted economic~~  
24 ~~burden on, or risk to, the City of Tacoma as compared with the degree to which the purposes and policies of~~  
25 ~~this chapter would be furthered by requiring compliance. If the determination of the C&A Board does not~~  
26 ~~resolve the matter, a final determination shall be made by the City Council or Public Utility Board, as the case~~  
~~may be.~~

#### 1.07.070 Evaluation of submittals.

1 A. All submittals for a supplies, services, or public works and improvements contracts shall be evaluated for  
2 attainment of the MWBE and SBE Certified Business requirements established for that contract in accordance  
3 with this chapter and the Program Regulations.

4 B. The determination of MWBE and SBE Certified Business usage and the calculation of MWBE or  
5 SBE Certified Business requirements per this section shall include the following considerations:

6 1. General. The dollar value of the contract awarded by the City to a MWBE or SBE Certified Business in the  
7 procurement of supplies, services, or public works shall be counted toward achievement of the respective goal.

8 2. Supplies. A public works and improvements contractor may receive credit toward attainment of the MWBE  
9 and/or SBE Certified Business requirement(s) for expenditures for supplies obtained from an MWBE or SBE a  
10 Certified Business; provided such MWBE or SBE Certified Business assumes the actual and contractual  
11 responsibility for delivering the supplies with its resources. The contractor may also receive credit toward  
12 attainment of the MWBE or SBE Certified Business goal for the amount of the commission paid to a MWBE or  
13 SBE Certified Business resulting from a supplies contract with the City; provided the MWBE or SBE Certified  
14 Business performs a commercially useful function in the process.

15 3. Services and Public Works subcontracts. Any bid by a Ceertified MWBE and/or SBE Business or a bidder  
16 that utilizes a Ceertified MWBE and/or SBE Business shall receive credit toward requirement attainment based  
17 on the percentage of MWBE and/or SBE Certified Business usage demonstrated in the bid. A contractor that  
18 utilizes an MWBE and/or SBE a Certified Business as a subcontractor to provide services or public works shall  
19 receive a credit toward the contractor's attainment of the respective requirement based on the value of the  
20 subcontract with that firm.





4. Brokers, Fronts, or Similar Pass-Through Arrangements. ~~MWBEs and/or SBEs~~Certified Businesses acting as brokers, fronts, or similar pass-through arrangements (as such terms are defined in the Program Regulations) shall not count toward the requirement attainment unless the activity reflects normal industry practices and the broker performs a commercially useful function.

C. Evaluation of competitively solicited submittals for public works and improvements and for services when a requirement has been established for the contract to be awarded shall be as follows:

1. When contract award is based on price. The lowest priced bid submitted by a responsive and responsible bidder will be reviewed to determine if it meets the requirement. ~~An MWBE and/or SBE firm~~Certified Businesses may self-count utilization on such bids if they will perform the work for the scope the requirement is based upon.

a. If the low bidder meets the requirements, the bid shall be presumed the lowest and best responsible bid for contract award.

b. ~~Any~~ bidder that does not meet the ~~stated MWBE and/or SBE~~Certified Business requirements shall be considered a non-responsible bidder unless ~~the bidder receives a waiver of one or more of the requirements of this chapter is granted, in the City's sole discretion, pursuant to the criteria and processes in Tacoma Municipal Code 1.07.060.C from the Program Manager or C&A Board.~~

2. When contract award is based on qualifications or other performance criteria in addition to price, ~~s~~solicitations shall utilize a scoring system that promotes participation by certified contractors. The Program Regulations may establish further requirements and procedures for final selection and contract award, including:

a. Evaluation of solicitations for Architectural and Engineering (A&E) services;

b. Evaluation and selection of submittals in response to requests for proposals; and

c. Selection of contractors from pre-qualified roster(s).

#### **1.07.080 Contract compliance.**

A. The contractor awarded a contract based on ~~MWBE or SBE~~Certified Business participation shall, during the term of the contract, comply with the requirements established in said contract. To ensure compliance with this requirement following contract award, the following provisions apply:

1. Any substitutions for or failure to utilize ~~MWBE or SBEs~~Certified Businesses projected to be used must be approved in advance by the Program Manager. Substitution of one ~~MWBE or SBE~~Certified Business with another shall be allowed where there has been a refusal to execute necessary agreements by the original ~~MWBE or SBE~~Certified Business, a default on agreements previously made or other reasonable excuse; provided that the substitution does not increase the dollar amount of the bid.

2. Where it is shown that no other ~~MWBE or SBE~~Certified Business is available as a substitute and that failure to secure participation by the ~~MWBE or SBE~~Certified Business identified in the solicitation is not the fault of the respondent, substitution with a non-~~MWBE or non SBE~~Certified Business shall be allowed; provided, that, the substitution does not increase the dollar amount of the bid.

3. If the Program Manager determines that the contractor has not reasonably and actively pursued the use of replacement ~~MWBEs or SBEs~~Certified Businesses, such contractor shall be deemed to be in non-compliance.

B. Record Keeping. All contracts shall require contractors to maintain relevant records and information necessary to document compliance with this chapter and the contractor's utilization of ~~MWBEs or SBEs~~Certified Businesses, and shall include the right of the City to inspect such records.

#### **1.07.090 Program monitoring.**

A. An Advisory Committee shall monitor compliance with all provisions of this chapter and the related Regulations. The Program Manager shall establish procedures to collect data and monitor the effect of the provisions of this chapter to assure, insofar as is practical, that the remedies set forth herein do not



disproportionately favor one or more racial, gender, ethnic, or other protected groups, and that the remedies do not remain in effect beyond the point that they are required to eliminate the effects of underutilization in City contracting, unless such provisions are supported by a Disparity Study. The Program Manager shall have the authority to obtain from City departments/divisions, respondents, and contractors such relevant records, documents, and other information as is reasonably necessary to determine compliance.

B. The Program Manager shall submit an annual report to the Community and Economic Development Director, Director of Utilities, and the City Manager detailing performance of the program. The report shall document [MWBE and SBE Certified Business](#) utilization levels, waivers, proposed modifications to the program, and such other matters as may be specified in the Program Regulations.

\* \* \*



## ORDINANCE NO. 28767

1 BY REQUEST OF COUNCIL MEMBERS BEALE AND HUNTER

2 AN ORDINANCE relating to fireworks; amending Chapter 3.12 of the Tacoma  
3 Municipal Code, relating to fireworks, to reclassify the use of illegal  
4 fireworks from a Class 2 civil infraction to a Class 1 civil infraction to  
5 promote public safety.

6 WHEREAS the illegal use of fireworks in Tacoma, particularly around the  
7 July 4th holiday, creates a dangerous fire hazard threatening life and property,  
8 and

9 WHEREAS last summer there was a proliferation of fires; from June 26,  
10 2020, through July 6, 2020, the Tacoma Fire Department ("TFD") responded to  
11 122 fires, and 32 of those, or 26 percent, were fireworks-related and resulted in  
12 damage of over \$480,000, and

13 WHEREAS, during that same reporting period, TFD treated six fireworks-  
14 related patients, and

15 WHEREAS, in 2019, in South King County, fireworks led to the death of a  
16 man in his 70s and a dog, along with the destruction of two homes by fire and  
17 displacement of 12 residents, and

18 WHEREAS the 2017 Eagle Creek Fire in Oregon burned 48,000 acres,  
19 crossing state lines, cost approximately \$25 million to contain, and was the result  
20 of a teenager setting off fireworks, and

21 WHEREAS the unlawful use of fireworks is a serious fire hazard and a  
22 danger to the community, and





WHEREAS personal use of fireworks has been illegal in the City of Tacoma since 1992; the sale, transportation, discharge, storage, or use of fireworks within the City is prohibited, except for display fireworks discharged by a professional at a permitted event, and

WHEREAS fireworks can be heard citywide year-round, becoming more prevalent closer to the 4th of July holiday, and

WHEREAS the illegal use of fireworks is currently classified as a Class 2 civil infraction with a maximum penalty amount of \$125, and with assessments, totals \$257 to the person being cited, and

WHEREAS increasing the penalty on the illegal use of fireworks from a Class 2 civil infraction to a Class 1 civil infraction would increase the maximum fine to \$250, and with assessments, the total fine would be \$513, and

WHEREAS, as the use of fireworks is one of the most difficult offenses to enforce, the expectation is not that enforcement efforts would be increased, but that strengthening the deterrent may resonate with residents who consider using fireworks in the City; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 3.12 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Section 2. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not



1 limited to, the correction of scrivener's/clerical errors, references, ordinance  
2 numbering, section/subsection numbers, and any references thereto.

3  
4 Passed \_\_\_\_\_

5  
6 \_\_\_\_\_  
7 Mayor

8 Attest:  
9  
10 \_\_\_\_\_  
11 City Clerk

12 Approved as to form:  
13 \_\_\_\_\_  
14 City Attorney

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## EXHIBIT "A"

### CHAPTER 3.12 FIREWORKS

\* \* \*

#### 3.12.060 Prohibited acts.

A. The manufacture of fireworks within the City is prohibited. Violation of this subsection is a misdemeanor, punishable by 90 days in jail, a \$1,000 fine, or both such fine and imprisonment.

B. Except as permitted under Section 3.12.010, and except for public display of fireworks under Section 3.12.050, the sale, transportation, discharge, storage, or use of fireworks within the City is prohibited. This total ban applies each day of the year.

C. 1. Unless specifically designated in this chapter as a gross misdemeanor or misdemeanor, any violation of this chapter is a Class 12 civil infraction and, upon a finding that a violation has been committed, the person committing the act shall be assessed an amount not to exceed ~~\$250~~425 plus applicable statutory assessments. Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

2. "Civil infraction" has the meaning given that term by chapter 7.80 RCW, the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") and any local rule adopted thereto by the Tacoma Municipal Court.