



RESOLUTION NO. 40113

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS McCARTHY
2 AND MELLO

3 A RESOLUTION relating to zoning; authorizing the approval of an
4 Intergovernmental Agreement concerning cost sharing for the Tideflats
5 Subarea planning, and directing the City Manager to work with the indicated
6 partners to develop a mutually satisfactory subarea planning and approval
7 process no later than 60 days after the agreement is signed by all parties.

8 WHEREAS the Tacoma Tideflats area is of great significance to the City,
9 Puyallup Tribe ("Tribe"), Port of Tacoma ("Port"), and Pierce County ("County"), as
10 well as the entire region and state, for reasons of economics, employment, and the
11 preservation and protection of natural and cultural resources, and

12 WHEREAS the Tideflats area is one of nine designated Manufacturing
13 Industrial Centers in the Puget Sound Regional Council's regional development
14 plan, VISION 2040, and

15 WHEREAS the State Growth Management Act requires that local
16 comprehensive plans comply with VISION 2040, and directs local jurisdictions
17 having one or more regionally designated centers to prepare a subarea plan for
18 each such center, and

19 WHEREAS the 1990 Land Claims Settlement requires the City to consult
20 with the Tribe on land use matters such as the Tideflats Subarea Planning
21 process; additionally, the Port Container Element statute (RCW 36.70A.085)
22 requires a level of collaboration between the City and Port on land use planning
23 within the Port area, and
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1 WHEREAS, on May 9, 2017, the City Council adopted Amended Resolution
2 No. 39723, initiating a subarea planning process for the Port of Tacoma/Tideflats
3 area; since that time, the City has been in discussions with the Port and Tribe
4 regarding an agreement that would outline the project partnership, including roles,
5 responsibilities, and funding for the project, and

6 WHEREAS, as part of these discussions, Mayor Woodards convened the
7 Port, Tribe, and County in a public meeting on September 10, 2018, where an
8 Intergovernmental Agreement ("Agreement") among the Port, City and Tribe
9 concerning cost sharing for the subarea plan in the Tacoma Tideflats area was
10 refined, and
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12 WHEREAS a subarea plan will allow for the establishment of a shared,
13 long-term vision and a more coordinated approach to development, environmental
14 review, and strategic capital investments in a focused area, and
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16 WHEREAS the completion of a subarea plan will support the ongoing
17 eligibility for and prioritization of transportation funding in the Port of Tacoma
18 Manufacturing/Industrial Center, and
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20 WHEREAS the parties acknowledge that a well-developed plan for the
21 Tideflats will provide mutual benefit, and desire to share in the plan costs, and
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23 WHEREAS the proposed Agreement is contingent on development of a
24 mutually satisfactory subarea planning and approval process ("Work Plan") no later
25 than 60 days after the agreement is signed by all parties, and the Work Plan will
26 include, at a minimum, a timeline, budget, deliverables, and an input/outreach
process, and



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WHEREAS the proposed Agreement replaces the ILA previously discussed by the Port and Tribe, and will spur the creation of a mutually agreeable Work Plan for moving forward on the planning process for the Tideflats Subarea Plan, and

WHEREAS the proposed Agreement proposes that the City and the Port each provide funding in an amount up to \$500,000, and the Tribe provide funding in an amount up to \$200,000, for a total of up to \$1,200,000, for a subarea process and plan that meets the requirements of the Puget Sound Regional Council and the Growth Management Act, and

WHEREAS the City Council has already approved the City's portion of this partnership funding pursuant to Substitute Ordinance No. 28427, passed May 9, 2017; expenditures and revenues are anticipated to occur in the 2019-2020 biennium, and

WHEREAS the proposed Agreement was presented as a discussion item at the Study Session of September 18, 2018; Now, Therefore,

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

Section. 1. That the proper officers of the City are hereby authorized to enter into an Intergovernmental Agreement with the Puyallup Tribe and Port of Tacoma concerning cost sharing for the Tideflats Subarea planning process, said document to be substantially in the form of the agreement on file in the office of the City Clerk.

Section 2. That the City Manager is hereby directed to work with the Puyallup Tribe, Port of Tacoma, City of Fife, and Pierce County to develop a



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mutually satisfactory subarea planning and approval process no later than 60 days after the Intergovernmental Agreement is signed by all parties.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



TO: Elizabeth Pauli, City Manager
FROM: Melanie Harding, Chief Policy Analyst to the Mayor, City Manager’s Office
COPY: City Council and City Clerk
SUBJECT: Resolution on the Intergovernmental Agreement concerning Cost Sharing for the Subarea Planning in the Tacoma Tideflats – September 25, 2018
DATE: September 18, 2018

SUMMARY:

Mayor Woodards requested that a resolution be prepared approving the City of Tacoma entering into an Intergovernmental Agreement concerning cost sharing for the Tideflats Subarea planning. The resolution shall also direct the City Manager to work with the indicated partners to develop a mutually satisfactory subarea planning and approval process no later than 60 days after the agreement is signed by all indicated parties.

COUNCIL SPONSORS:

Mayor Victoria Woodards
Councilmember Conor McCarthy
Councilmember Ryan Mello

STRATEGIC POLICY PRIORITY:

- Strengthen and support a safe city with healthy residents.
- Foster a vibrant and diverse economy with good jobs for all Tacoma residents.
- Assure outstanding stewardship of the natural and built environment.
- Encourage and promote an efficient and effective government, which is fiscally sustainable and guided by engaged residents.

BACKGROUND:

The Tacoma Tideflats area is of great significance to the Tribe, the Port, the City, the County, and the entire region and state for reasons of economics, employment and the preservation and protection of natural and cultural resources. The Tacoma Tideflats area is one of nine designated Manufacturing Industrial Centers in the Puget Sound Regional Council’s regional development plan, VISION 2040. The State Growth Management Act requires that local comprehensive plans comply with VISION 2040, and directs local jurisdictions having one or more regionally designated centers to prepare a subarea plan for each such center.

The 1990 Land Claims Settlement requires the City to consult with the Puyallup Tribe on land use matters such as the Tideflats Subarea Planning process. Additionally, the Port Container Element statute (RCW 36.70A.085) requires a level of collaboration between the City and the Port of Tacoma on land use planning within the port area.

On May 9, 2017, the Tacoma City Council adopted Resolution No. 39723 initiating a subarea planning process for the Port of Tacoma/Tideflats area. Since then, the City has been in discussions with the Port of Tacoma and the Puyallup Tribe of Indians regarding an Interlocal Agreement (ILA) that would outline the project partnership, including roles, responsibilities, and funding for the project.

As part of these discussions, Mayor Woodards convened the Port of Tacoma, the Puyallup Tribe of Indians, and Pierce County in a public meeting on September 10, 2018 where an alternative Intergovernmental Agreement concerning Cost Sharing for the Subarea Planning in the Tacoma Tideflats



was refined and received consensus of the participating government representatives. Additionally, the proposed Intergovernmental Agreement was presented as a discussion item in Study Session on September 18, 2018.

ISSUE:

Subarea planning allows for the establishment of a shared, long-term vision, and a more coordinated approach to development, environmental review, and strategic capital investments in a focused area. Completion of a subarea plan will support the ongoing eligibility for and prioritization of transportation funding in the Port of Tacoma Manufacturing/Industrial Center, and the parties to the agreement acknowledge that a well-developed Plan for the Tideflats will provide mutual benefit and wish to share in the costs of the Plan.

The proposed Intergovernment Agreement is contingent on the development of a mutually satisfactory subarea planning and approval process (“Work Plan”) no later than 60 days after the agreement is signed by all indicated parties. The Work Plan will include, at a minimum: A timeline, budget, deliverables, and an input/outreach process. The proposed Intergovernmental Agreement on cost sharing replaces the ILA previously discussed by the Port of Tacoma and the Puyallup Tribe of Indians, and it would spur the creation of a mutually agreeable Work Plan for moving forward on the planning process for the Tideflats Subarea Plan.

ALTERNATIVES:

The City Council could choose not to approve the agreement and decline funding from community partners. This course of action would result in a greater financial commitment from the City in order to complete the subarea planning process and/or potentially reduce the scope/depth of the Tideflats Subarea Planning process.

RECOMMENDATION:

It is recommended that the City enter into an Intergovernmental Agreement and that the City Manager be directed to work with the indicated partners to develop a mutually satisfactory Work Plan which meets the terms of the agreement.

FISCAL IMPACT:

The agreement proposes that the City and the Port each provide up to \$500,000 and the Tribe provides up to \$200,000, for a total of up to \$1,200,000 for a subarea process and plan that meets the requirements of the Puget Sound Regional Council and the Growth Management Act. The City Council already approved the City’s portion of this partnership funding in Substitute Ordinance No. 28427 (adopted May 9, 2017). Expenditures and revenues are anticipated to occur in the 2019-2020 biennium.



EXPENDITURES:

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
General Fund, PDS, Planning Services	170000	5330100	Up to \$1,200,000
TOTAL			

* General Fund: Include Department

REVENUES:

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
Port of Tacoma	170000	4337102	Up to \$500,000
Puyallup Tribe of Indians	170000	4337100	Up to \$200,000
City of Tacoma, General Fund, PDS, Planning Services	170000	6311010	Up to \$500,000
TOTAL			

FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: None.

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? See below.

IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED.

The Council approved the City’s portion of this partnership funding in Substitute Ordinance No. 28427 (adopted May 9, 2017). This agreement formally recognizes the funding partnership commitments of the Port of Tacoma and the Puyallup Tribe of Indians, allowing the City to accept and expend their partnership funding for this project.

DRAFT

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE PORT OF TACOMA, THE PUYALLUP TRIBE AND THE CITY OF TACOMA
CONCERNING COST SHARING FOR
SUBAREA PLANNING IN THE TACOMA TIDEFLATS**

This Intergovernmental Agreement ("Agreement") is made by and between the Port of Tacoma ("Port"), the Puyallup Tribe of Indians ("Tribe") and the City of Tacoma ("City"), (collectively "Funding Parties" or "Parties").

WHEREAS, the Tacoma Tideflats are designated as one of nine Manufacturing Industrial Centers in the Puget Sound Regional Council's ("PSRC") regional development plan, VISION 2040; and

WHEREAS, the State Growth Management Act (GMA) requires that local comprehensive plans comply with VISION 2040, and directs local jurisdictions having one or more regionally designated centers to prepare a subarea plan for each such center, and

WHEREAS, the Tacoma Tideflats are of great significance to the Tribe, the Port, the City, the County and the entire region and state for reasons of economics, employment and the preservation and protection of natural and cultural resources, and

WHEREAS, the Parties acknowledge that a well-developed Plan for the Tideflats will provide mutual benefit, and wish to share in the costs of the Plan, and

NOW, THEREFORE, subject to the terms and conditions contained herein, the Port, Tribe, and City agree as follows:

Section 1. Objective

The Parties agree that the objective of this Agreement is to participate in funding a subarea planning process and plan that fully complies with all substantive and procedural requirements of the GMA, including the container port element RCW 36.70A.085.

Section 2. Work Plan.

The effectiveness of this Agreement and transfer of the funds is expressly contingent upon the Steering Committee's approval on a mutually satisfactory subarea planning and approval process ("Work Plan") no later than 60 days after signature of this Cost Sharing Agreement by all parties. The Work Plan should include at a minimum but not be limited to a timeline, budget, deliverables and input/outreach process. Some key elements will include: Economic prosperity for all; environmental remediation and protection; transportation and capital facilities plan; and public participation and outreach.

Section 3. Regional Participation.

The Parties agree that the subarea planning process funded through this Agreement will include regular consultation and information sharing among Tacoma, the Tribe, the Port, the County, and Fife ("Regional Agencies"). The Steering Committee shall consist of two elected leaders, and alternates from each Regional Agency. The County's representatives shall consist of the

County Executive and Chair of the County Council. The City's representatives shall consist of the Mayor, and the Chair of the Council's IPS Committee.

Section 4. Cost Sharing for Planning Work

The City and the Port each agree to provide up to \$500,000, and the Tribe up to \$200,000 for a total of up \$1,200,000 for a subarea process and plan that meets the requirements of the PSRC and the GMA, including the extensive transportation element and the required Container Port element.

Section 5. Invoicing and Reimbursements

The City agrees to invoice the Port and Tribe for their respective portions of the costs every month. The Port and Tribe agree to reimburse the City for its respective portion of the costs within 30 days of receiving an invoice. As an alternative, the Port or Tribe may advance their portion of the costs via a lump sum payment. Following completion of the consulting work, the City will refund any unspent sums.

Section 6. No Limit on Existing Authority

This Agreement does not affect, enhance or diminish the underlying responsibilities or rights of any Party or transfer the responsibilities or rights of any Party to any other Party or any other entity.

Section 7. Effective Date, Duration and Termination

Expressly subject to Section 2 above, this Agreement shall be effective upon adoption by the Port of Tacoma Commission, and signature of the Mayor and/or City Manager of the City and the Chair of the Tribal Council. This Agreement shall remain in effect until completion of consulting work for a Tideflats Subarea Plan.

IN WITNESS WHEREOF, the Parties hereto have executed this Intergovernmental Agreement.

PORT OF TACOMA

CITY OF TACOMA

Chief Executive Officer
Date: _____

City Manager
Date: _____

APPROVED AS TO FORM: _____

APPROVED AS TO FORM: _____

Port Legal Counsel
Date: _____

Deputy City Attorney
Date: _____

PUYALLUP TRIBE

Tribal Chair
Date: _____

APPROVED AS TO FORM: _____

Tribal Counsel
Date: _____