



Legislation Passed July 23, 2013

The Tacoma City Council, at its regular City Council meeting of July 23, 2013, 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.

Resolution No. 38695

Appointing individuals to serve on the Transportation Commission.

Resolution No. 38696

Appointing individuals to serve on the City's Events and Recognitions Committee.

Purchase Resolution No. 38697

Awarding a contract to:

MetalCraft Marine, Inc., in the amount of \$1,900,000, plus sales tax, budgeted from the Fire Miscellaneous Revenue Fund, for a 50-foot aluminum hull, water jet driven CBRNE (chemical, biological, radiological, nuclear, and explosive) equipped fast attack fireboat – Specification No. FD13-0342F.

Resolution No. 38698

Authorizing the execution of an amendment to the purchase and sale agreement and restrictive covenant with 4 Rent Check.com, LLC, to allow a 90 day extension to close on the sale of the former Swan Creek Library property located at 3828 Portland Avenue.

Resolution No. 38699

Authorizing the execution of a Collective Bargaining Agreement with United Transportation Union, Yardmasters Unit, which consists of five budgeted, full time positions, retroactive to January 1, 2012 through December 31, 2018.

Substitute Resolution No. 38700

Transmitting a ballot measure to the Pierce County Auditor to be placed on the ballot for the General Election on Tuesday, November 5, 2013, which reads:

CITY OF TACOMA PROPOSITION NO. 1
2% Earnings Tax on Utility Companies for
Tacoma Street Improvements

If approved, this proposition would fund basic maintenance and safety upgrades for city roads, arterials, and bridges; permanent pothole repairs; pedestrian safety improvements to crosswalks near schools, sidewalks, and intersections; repaving neighborhood streets; improved signal timing; and repairs to bridges. Shall the City of Tacoma, pursuant to RCW 35.21.870, levy an additional 2% earnings tax on natural gas, electric, and phone companies for the sole purpose of funding Tacoma-wide street maintenance improvements and safety upgrades?

Approved?

Rejected?

Ordinance No. 28161

Authorizing the execution of a water supply agreement between Niagara Bottling, LLC, and Tacoma Water, which includes a temporary contract water service rate in return for minimum purchase quantities, for a five year period commencing July 1, 2014 through June 30, 2019.



RESOLUTION NO. 38695

1 BY REQUEST OF COUNCIL MEMBERS BOE, IBSEN, MELLO, AND WALKER

2 A RESOLUTION relating to committees, boards, and commissions; appointing
3 individuals to the Transportation Commission.

4 WHEREAS, on May 7, 2013, the City Council adopted Resolution
5 No. 38669, which established the Transportation Commission for the purpose of
6 advising the City Council on transportation-related matters such as short-term and
7 long-range transportation planning; compliance with local, regional, and federal
8 transportation regulations; bike, pedestrian, and mass transit-related planning
9 initiatives; and parking and capital improvement plans, and

11 WHEREAS the commission consists of 11 members: two non-voting
12 members appointed by the City Manager and nine voting members appointed by
13 the City Council who are Tacoma residents, with representatives from each of the
14 City's five Council Districts, and bring a range of perspectives and expertise that
15 reflect the following categories of special interest/discipline: professional
16 engineering, construction/private business; bike and pedestrian/mass transit;
17 planning/urban growth; environmental/sustainability; general community; and ADA
18 community, and

21 WHEREAS, at its meeting of July 10, 2013, the Infrastructure, Planning
22 and Sustainability Committee conducted interviews and thereafter forwarded
23 recommendations to the City Council for consideration, and

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WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,

Regulations, and Procedures of the City Council, the persons named on Exhibit "A" have been nominated to serve on the Transportation Commission; Now, Therefore,

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

That those nominees to the Transportation Commission, listed on Exhibit "A," are hereby confirmed and appointed as members of such commission for such terms as are set forth on Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



EXHIBIT "A"

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TRANSPORTATION COMMISSION

Appointing **Jackie Skaught** to the Council District No. 1 position to serve a two-year term to expire July 31, 2015.

Appointing **Judith Hyman** to the Council District No. 2 position to serve a two-year term to expire July 31, 2015.

Appointing **Kristina Walker** to the Council District No. 3 position to serve a two-year term to expire July 31, 2015.

Appointing **Yoshi Kumara** to the Council District No. 5 position to serve a one-year term to expire July 31, 2014.

Appointing **Justin Leighton** to an At-large position to serve a one-year term to expire July 31, 2014.

Appointing **Andrew Strobel** to an At-large position to serve a one-year term to expire July 31, 2014.

Appointing **Dr. Jane Anne Moore** to an At-large position to serve a two-year term to expire July 31, 2015.

Appointing **Michael Hutchinson** to an At-large position to serve a three-year term to expire July 31, 2016.



RESOLUTION NO. 38696

1 BY REQUEST OF DEPUTY MAYOR CAMPBELL AND COUNCIL MEMBERS
2 BOE, MELLO, AND WALKER

3 A RESOLUTION relating to committees, boards, and commissions; appointing
4 individuals to the City's Events and Recognitions Committee.

5 WHEREAS, on May 7, 2013, the City Council adopted Resolution
6 No. 38670, which established the City's Events and Recognitions Committee
7 ("CERC") for the purpose of planning and fundraising for City-hosted observation
8 and recognition events, and

9 WHEREAS the CERC serves as an advisory and action committee on
10 matters pertaining to City-hosted events and special recognition programs and is
11 responsible for planning, reviewing, and evaluating events, engaging the
12 community in its fundraising efforts, and soliciting corporate and private
13 sponsorships to leverage funds for City-hosted events such as the Martin Luther
14 King Jr. Celebration and the City of Destiny awards, and

15 WHEREAS the committee consists of nine members appointed by the City
16 Council who are Tacoma residents, with representatives from each of Tacoma's
17 five Council Districts, and bring a range of perspectives and expertise that focus on
18 the City's commitment to celebrate civic engagement and special observations, and

19 WHEREAS, at its meeting of July 9, 2013, the Economic Development
20 Committee conducted interviews and thereafter forwarded recommendations to the
21 City Council for consideration, and
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WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,

Regulations, and Procedures of the City Council, the persons named on Exhibit "A" have been nominated to serve on the CERC; Now, Therefore,

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

That those nominees to the City's Events and Recognitions Committee, listed on Exhibit "A," are hereby confirmed and appointed as members of such committee for such terms as are set forth on Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



EXHIBIT "A"

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EVENTS AND RECOGNITIONS COMMITTEE

Appointing **Tony Anderson** to the Council District No. 1 position to serve a three-year term to expire July 31, 2016.

Appointing **Valentine Smith** to the Council District No. 3 position to serve a three-year term to expire July 31, 2016.



RESOLUTION NO. 38697

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the appropriate City officials to
3 enter into contracts and, where specified, waiving competitive bidding
4 requirements, authorizing sales of surplus property, or increasing or
5 extending existing agreements.

6 WHEREAS the City has complied with all applicable laws governing the
7 acquisition of those supplies, and/or the procurement of those services,
8 inclusive of public works, set forth in the attached Exhibit "A," which Exhibit is
9 incorporated herein as though fully set forth, and

10 WHEREAS the Board of Contracts and Awards has reviewed the
11 proposals and bids received by the City, and the Board has made its
12 recommendation as set forth in Exhibit "A," and

13 WHEREAS the Board of Contracts and Awards has also made its
14 recommendations as to entering into purchasing agreements with those
15 governmental entities identified in Exhibit "A"; Now, Therefore,

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

17 That the Council of the City of Tacoma does hereby concur in the
18 findings and recommendations of the Board of Contracts and Awards set forth
19 in the attached Exhibit "A," and does hereby approve and authorize the:
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21 (X) A. Procurement of those supplies, services, and public works
22 recommended for acceptance in the attached Exhibit "A";
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24 () B. Rejection of those bids and/or proposals that are recommended
25 for rejection in the attached Exhibit "A";
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() C. Entry into the proposed purchasing agreement with those governmental entities identified in the attached Exhibit "A," which proposed agreement is on file in the office of the City Clerk;

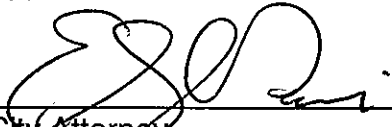
() D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:


City Attorney



City of Tacoma
Fire Department

EXHIBIT "A"

RESOLUTION NO.: 38697

ITEM NO.: 1

MEETING DATE: JULY 23, 2013

DATE: July 3, 2013

TO: Board of Contracts and Awards

SUBJECT: Fast Attack Fireboat for Tacoma Fire Department
Budgeted from Fire Misc Revenue 1090 Fund
Request for Proposals Specification No. FD13-0342F

RECOMMENDATION: The Tacoma Fire Department (TFD) recommends a contract be awarded to **MetalCraft Marine, Inc., Cape Vincent, New York**, for purchase of a 50-foot aluminum hull, water jet driven, CBRNE (chemical, biological, radiological, nuclear, explosives) equipped fast attack fireboat. The recommendation is for a one-time purchase in the amount of \$1,900,000, plus sales tax.

EXPLANATION: TFD currently maintains the Fireboat *Commencement* as its front line marine firefighting vessel. The *Commencement* is now in its 30th year of service to the community and was retrofit in 2005 to extend the useful service life. Most marine firefighting vessels have a replacement cycle of 25 to 30 years of service, and the age of the *Commencement* is approaching this milestone. To meet future marine firefighting needs, the Fire Department began seeking funds to purchase a replacement vessel. The Fire Department applied for FY 2011 Port Security Grant funding to replace the *Commencement* and was awarded \$1,800,000 to purchase a 50-foot modern aluminum hulled vessel with marine firefighting capabilities equal to or greater than the current fireboat. This is one-time federal funding with an end date of May 31, 2014.

COMPETITIVE SOLICITATION: Request for Proposals Specification No. FD13-0342F was opened June 25, 2013. Ten companies were invited to bid in addition to normal advertising of the project. Two submittals were received. The selection advisory committee reviewed the submittals using the criteria published in the specification. The results are summarized below.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>Score</u>
MetalCraft Marine Inc.	Cape Vincent, NY	97.25
Metal Shark Aluminum Boats	Jeanerette, LA	42.5

CONTRACT HISTORY: New contract.

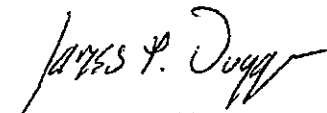
SUSTAINABILITY EFFORTS: Sustainability programs or activities and environmental plans were required to be submitted by each respondent. Proposals were scored and awarded up to 10 percent of the total available points for efforts in this area. MetalCraft Marine was honored with the Business of the Year Award in 2011 by the Greater Kingston Chamber of Commerce and the Sustainable Energy Innovation Award in 2012 by SWITCH-Kingston's alternative

energy cluster. They operate an integrated environmental management system that operates in compliance with all relevant environmental legislation, and they strive to be an industry leader and take proactive measures to reduce impact on the environment.

FUNDING: Funds for this contract are available in the Fire Misc Special Revenue 1090 Fund, and \$1,800,000 is made available through FEMA Port Security Grant Program FY 2011 Funding.

HUB/LEAP COMPLIANCE: Not applicable.

PROJECT ENGINEER/COORDINATOR: Roger Edington, 253-591-5749.


JAMES P. DUGGAN
Fire Chief

cc: Richelle Krienke, Senior Buyer, Finance/Purchasing
Roger Edington, Assistant Chief, Fire Department
File



RESOLUTION NO. 38698

1 A RESOLUTION relating to the disposition of surplus property and community and
2 economic development; authorizing the execution of an Amendment to a
3 Purchase and Sale Agreement and Restrictive Covenant with
4 4 Rent Check.com, LLC, allowing the buyer a 90 day extension to close
5 on the sale.

6 WHEREAS, on March 19, 2013, the City Council adopted Resolution
7 No. 38644, approving the sale of the former Swan Creek Library to
8 4 Rent Check.com, LLC, represented by Darren Gill ("Gill"), and the parties
9 subsequently entered in a purchase and sale agreement which allowed Gill 90 days
10 from the date of Council approval to close on the purchase of the property, and

11 WHEREAS, since that time, Gill has been diligently seeking financing to
12 acquire the property and rehabilitate the building for use and operation as a day
13 care center and estimates that it will cost approximately \$200,000 to repair the
14 facility and make the necessary improvements for use as a day care center, and

15 WHEREAS, unfortunately, as a small new business, Gill has had challenges
16 securing conventional financing for the project and as yet, he has been unable to
17 secure the funding necessary to complete the project, and

18 WHEREAS, at this time, Gill is working to obtain nonprofit and public sector
19 loans to finance the project through 'Craft3', a non-profit community development
20 financial institution, which provides loans to entrepreneurs who do not normally
21 have access to financing, and

22 WHEREAS, in addition, Gill is working through the underwriting process to
23 take advantage of the City's Community Capital Development, Business Revolving
24 Loan Fund, and Fire Safety Loan Programs, and

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WHEREAS, despite the proposed extension to closing, Gill plans to meet the 10-14 month project schedule included in his original proposal; 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 execute an Amendment to the Purchase and Sale Agreement and Restrictive Covenant with 4 Rent Check.com, LLC, allowing the buyer a 90 day extension to close on the sale of the Property.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 38699

1 A RESOLUTION relating to collective bargaining; authorizing the execution of
2 the proposed collective bargaining agreement between the City and the
3 United Transportation Union, Yardmasters Unit, effective retroactive
4 January 1, 2012 through December 31, 2018.

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

8 WHEREAS this resolution allows for the execution of the proposed
9 six-year (2012–2018) Collective Bargaining Agreement (“CBA”) between the
10 City and the United Transportation Union, Yardmasters Unit, on behalf of the
11 employees represented by said Union, and

12 WHEREAS the bargaining unit consists of approximately five full-time
13 equivalent (“FTE”) positions, assigned to Tacoma Rail (“Rail”), and

14 WHEREAS the proposed CBA includes: (1) a wage increase in the
15 amount of \$1.25 per hour, effective January 1st for each year of the agreement
16 from 2014 through 2018, which amount represents an increase of between 2.7
17 to 3 percent of Yardmaster base wages each year; and (2) the creation and
18 implementation of an employer-paid matching contribution to an employee
19 deferred compensation account, beginning in 2014, of an amount up to
20 2 percent or up to 3 percent of a Yardmaster and Extra Board Yardmaster base
21 salary, said employer-paid matching contribution to be determined by the prior
22 year’s financial performance of Rail, and
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WHEREAS, should it be determined that Rail posts a negative net income for the prior year, a maximum employer-paid matching deferred compensation contribution of up to 2 percent of base salary will be made, and

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

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

WHEREAS it now appears in the best interest of the City that the proposed 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 Collective Bargaining Agreement between the City and the United Transportation Union, Yardmasters Unit, effective retroactive January 1, 2012



1 through December 31, 2018, said document to be substantially in the form of
2 the proposed agreement on file in the office of the City Clerk.
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5 Adopted _____
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8 Mayor

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10 Attest: _____
11 City Clerk

12 Approved as to form:
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14 _____
15 Deputy City Attorney

16 Requested by Public Utility Board
17 Resolution No. U-10638
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SUBSTITUTE RESOLUTION NO. 38700

1 A RESOLUTION providing for the submission of a proposition to the electors of
2 the City of Tacoma, at the General Election to be held on November 5,
3 2013, authorizing the City to levy an additional 2 percent earnings tax on
4 utility companies, from the current rate of 6 percent to a new rate of
5 8 percent, for the sole purpose of funding citywide street maintenance
6 improvements and safety upgrades in the City of Tacoma; setting forth the
7 ballot proposition; and directing the City Clerk to transmit to the Pierce
8 County Auditor a certified copy of this resolution.

9 WHEREAS the City Council has identified infrastructure improvement as
10 one of its Strategic Goals, and

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

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

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

21 WHEREAS RCW 35.21.870 permits cities to levy a tax on the privilege of
22 conducting utility businesses such as electrical energy, natural gas, or telephone
23 business, and

24 WHEREAS the City currently levies a 6 percent tax on utility company
25 earnings, and
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WHEREAS state law authorizes a utility tax exceeding 6 percent when approved by a majority of voters, and

WHEREAS, if approved by the voters, the funds raised by the increase in the utility earnings tax will be used exclusively to finance citywide street maintenance improvements and safety upgrades, and

WHEREAS the City Council deems it necessary to submit to the qualified electors a proposed tax increase of 2 percent on utility company earnings, from the current rate of 6 percent to a new rate of 8 percent, to generate between \$10-\$11 million annually for the sole purpose of funding street maintenance improvements and safety upgrades as described herein; Now, Therefore,

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

Section 1. That the Pierce County Auditor, as *ex officio* supervisor of elections in Pierce County, Washington, is hereby requested to submit to the qualified electors of the City of Tacoma, for their approval or rejection at the General Election to be held on November 5, 2013, a proposition authorizing an additional 2 percent earnings tax on utility businesses for the sole purpose of financing street maintenance improvements and safety upgrades in the City of Tacoma.

Section 2. The City shall submit a proposition to the electorate of the City of Tacoma in the form substantially as follows:



CITY OF TACOMA PROPOSITION NO. 1

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2% Earnings Tax on Utility Companies for Tacoma Street Improvements

If approved, this proposition would fund basic maintenance and safety upgrades for city roads, arterials, and bridges; permanent pothole repairs; pedestrian safety improvements to crosswalks near schools, sidewalks, and intersections; repaving neighborhood streets; improved signal timing; and repairs to bridges. Shall the City of Tacoma, pursuant to RCW 35.21.870, levy an additional 2% earnings tax on natural gas, electric, and phone companies for the sole purpose of funding Tacoma-wide street maintenance improvements and safety upgrades?

Approved?

Rejected?

Section 3. That, prior to August 6, 2013, the City Clerk shall certify to the Pierce County Auditor, as *ex officio* supervisor of elections, a certified copy of this resolution, together with a proposition substantially in the form set forth above, for the November 5, 2013, General Election.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



ORDINANCE NO. 28161

1 AN ORDINANCE authorizing the City of Tacoma, Department of Public Utilities,
2 Water Division, to enter into a water supply agreement with Niagara
3 Bottling, LLC, which includes a temporary contract water service rate in
4 return for minimum purchase quantities, for a period of five years.

4 WHEREAS the City of Tacoma, Department of Public Utilities, Water
5 Division (d.b.a. "Tacoma Water") has been engaged in discussions with Niagara
6 Bottling, LLC in an effort to establish terms relating to large volumes of water
7 supply for a bottling plant that Niagara Bottling, LLC seeks to build in the
8 Frederickson area south of the City of Tacoma, and
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10 WHEREAS, in view of Tacoma Water's surplus water supply, new water
11 demands like those of Niagara Bottling, LLC will provide significant additional
12 revenue at very little additional supply risk, and
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14 WHEREAS Tacoma Water has been working to provide an incentive to
15 Niagara Bottling, LLC for choosing to locate in Tacoma's service territory, given
16 that Niagara Bottling, LLC has identified a number of viable alternative sites, and
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18 WHEREAS, in order to provide incentive and retain a cost of service basis
19 for the rates and charges paid by Niagara Bottling, LLC for water service,
20 Tacoma Water has developed a rate that is reduced from the applicable
21 "Commercial and Industrial – Large Volume" rate set forth in Tacoma Municipal
22 Code 12.10.400, which reduction is designed to reflect the value of minimum
23 purchases that Niagara Bottling, LLC will be obligated to make during the five-
24 year term of the agreement even if no water is taken by the company, and
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WHEREAS Niagara Bottling, LLC has estimated demands up to one million gallons per day, which would translate into over \$800,000 per year of additional non-budgeted water sales revenue in addition to system development charge revenues, and

WHEREAS the Public Utility Board approved the proposed agreement with Niagara Bottling, LLC at its meeting of June 26, 2013; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the proper officers of the City are hereby authorized to enter into a water supply agreement with Niagara Bottling, LLC, which includes a temporary contract water service rate in return for minimum purchase quantities, for a period of five years, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Section 2. That the temporary contract water service rates set forth in the proposed agreement are hereby approved for a five-year period to commence July 1, 2014, through June 30, 2019.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney