



Legislation Passed July 30, 2013

The Tacoma City Council, at its regular City Council meeting of July 30, 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.

Amended Resolution No. 38701

Appointing individuals to committees that will prepare statements "For" and "Against" City of Tacoma Proposition No. 1 regarding 2% Earnings Tax on Utility Companies for Tacoma Street Improvements, which will appear in the voters' pamphlet for the November 5, 2013 General Election.

Resolution No. 38702

Authorizing the execution of an interest-free loan agreement with the Washington State Department of Transportation for a term of ten years, in the amount of \$823,227, with a required match of \$280,807, budgeted from the Tacoma Rail Fund, to partially finance a track improvement project located in the vicinity of Marshall Avenue and State Route 509, and Milwaukee Way and Port of Tacoma Road, to be completed by June 30, 2015.

Resolution No. 38703

Authorizing the execution of an interest-free loan agreement with the Washington State Department of Transportation for a term of ten years, in the amount of \$250,000, with a required match of \$120,110, budgeted from the Tacoma Rail Fund, to partially finance the replacement of a segment of track used as the primary access point to the Tacoma Rail Yard, to be completed by June 30, 2015.

Resolution No. 38704

Declaring surplus approximately 2,190-square-feet of city-owned property in the area of North 21st and Proctor Streets; and authorizing the execution of purchase and sale agreements with adjacent property owners in order to cure outstanding encroachments.

Resolution No. 38705

Amending the General Fund Reserve Policy to state that reserves should be maintained between 10 and 20 percent of projected annual expenditures.

Ordinance No. 28162

Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented by the United Transportation Union, Yardmasters Unit, which consists of five budgeted, full-time positions.



RESOLUTION NO. 38701

1 A RESOLUTION appointing individuals to committees that will prepare statements
2 "For" and "Against" City of Tacoma Proposition No. 1, 2% Earnings Tax on
3 Utility Companies for Tacoma Street Improvements, which will appear in the
voters' pamphlet for the November 5, 2013, General Election.

4 WHEREAS infrastructure improvement and road maintenance were
5 identified as major concerns by citizens during 2012 budget input discussions, and

6 WHEREAS the City Council and Council-appointed task forces have
7 consistently identified the issue of sustainable, dedicated funding for basic
8 maintenance of City and neighborhood streets; safety upgrades; pothole repairs;
9 repaving of streets and arterials; bridge maintenance and repairs; and safety
10 improvements at intersections, sidewalks, and crosswalks near schools as a top
11 priority, and
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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 RCW 35.21.870 permits cities to levy a tax on the privilege of
16 conducting electrical energy, natural gas, or telephone businesses, which tax is
17 currently levied at 6 percent, and
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19 WHEREAS state law authorizes a tax in excess of 6 percent for these utility
20 businesses when approved by a majority of voters, and
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22 WHEREAS, on July 23, 2013, the City Council adopted Resolution
23 No. 38700, to place City of Tacoma Proposition No. 1 on the November 5, 2103,
24 General Election ballot, which proposition, if approved, would authorize a tax
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increase of 2 percent on utility company earnings for the sole purpose of funding street maintenance improvements and safety upgrades, and

WHEREAS RCW 29A.32.280 requires the City Council to formally appoint a committee to prepare arguments advocating voters' approval of the measure and to formally appoint a committee to prepare arguments advocating voters' rejection of the measure, and

WHEREAS the Government Performance and Finance Committee will review applications at a Special Meeting to be held on July 30, 2013, and will forward its committee recommendations for consideration by the City Council at the July 30, 2013, City Council meeting; Now, Therefore,

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

That the nominees for the "For" and "Against" committees, as listed on the attached Exhibit "A," are hereby confirmed and the persons designated thereon are hereby appointed as committee members of the "For" and "Against" committees for



1 City of Tacoma Proposition No. 1, 2% Earnings Tax on Utility Companies for
2 Tacoma Street Improvements, which will appear in the voters' pamphlet for the
3 November 5, 2013, General Election.
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5 Adopted _____

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Mayor

7 Attest:

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9 _____
City Clerk

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11 Approved as to form:

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City Attorney

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EXHIBIT "A"

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"FOR" COMMITTEE

Mark Martinez
Harold Moss
Clare Petrich

"AGAINST" COMMITTEE

Rachel Hanson
Robert Casey
Thomas Oldfield



RESOLUTION NO. 38702

1 A RESOLUTION relating to the Department of Public Utilities; authorizing the
2 Beltline Division, d.b.a. Tacoma Rail, to enter into an interest-free loan
3 agreement with the Washington State Department of Transportation for
4 a term of ten years, in the amount of \$823,227 to partially finance a track
5 improvement project.

6 WHEREAS the City of Tacoma, Department of Public Utilities, Beltline
7 Division (d.b.a. "Tacoma Rail"), requests approval to enter into an interest-free
8 loan agreement ("Agreement") with the Washington State Department of
9 Transportation ("WSDOT") for a term of ten years, in the amount of \$823,227,
10 less a one percent (1%) administrative fee, at zero percent interest, for the
11 purpose of partially financing the replacement of old and worn rail manufactured
12 between 1906 and 1908, four track switches, and approximately thirty percent
13 of the cross ties with new components, of Tacoma Rail yard tracks numbered
14 8 and 9, and

15 WHEREAS the improvements will benefit the state and local economy by
16 ensuring the efficient movement by rail of agricultural, chemical, and natural
17 resource products to local, national, and international markets, and by
18 accordingly reducing the burdens on state highways and local roads, and

19 WHEREAS, pursuant to the Agreement, Tacoma Rail is required to
20 contribute matching funds, in a minimum amount of \$280,807, for use towards
21 completion of the rail project detailed herein, and to complete specified project
22 tasks by June 30, 2015, and
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WHEREAS § 4.11 of the Tacoma City Charter requires that all matters relating to the “incurring of indebtedness . . . shall be initiated by the Board, subject to approval by the Council, and executed by the Board,” prior to acceptance of the Agreement, and

WHEREAS, by adoption of Public Utility Board Resolution No. U-10639 on July 10, 2013, the Public Utility Board approved the proposed Agreement;

Now, Therefore,

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

Section 1. That the City of Tacoma, Department of Public Utilities, Beltline Division (d.b.a. “Tacoma Rail”) is approved to enter into an interest-free loan agreement with the Washington State Department of Transportation (“WSDOT”) for a term of ten years, in the amount of \$823,227, less a one percent (1%) administrative fee, at zero percent interest, for the purpose of partially financing the replacement of old and worn rail manufactured between 1906 and 1908, four track switches, and approximately thirty percent of the cross ties with new components, of Tacoma Rail yard tracks numbered 8 and 9.



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Section 2. That the Superintendent of Rail is authorized to execute the loan agreement with WSDOT, said document to be substantially in the form on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U- 10639



RESOLUTION NO. 38703

1 A RESOLUTION relating to the Department of Public Utilities; authorizing the
2 Beltline Division, d.b.a. Tacoma Rail, to enter into an interest-free loan
3 agreement with the Washington State Department of Transportation for
4 a term of ten years, in the amount of \$250,000, to partially finance the
replacement of a segment of track used as the primary access point to
the Tacoma Rail Yard.

5 WHEREAS the City of Tacoma, Department of Public Utilities, Beltline
6 Division (d.b.a. "Tacoma Rail"), requests approval to enter into an interest-free
7 loan agreement ("Agreement") with the Washington State Department of
8 Transportation ("WSDOT") for a term of ten years, in the amount of \$250,000,
9 less a one percent (1%) administrative fee, at zero percent interest, for the
10 purpose of partially financing the replacement of a segment of track used as the
11 primary access point to the Tacoma Rail Yard, and
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14 WHEREAS, once complete, the track upgrade project will allow the
15 continued safe exchange of freight railcars at the primary interchanges point for
16 Tacoma Rail, Burlington Northern Santa Fee, and the Union Pacific Railroads,
17 and

18 WHEREAS the improvements will benefit the state and local economy by
19 ensuring the efficient movement by rail of agricultural, chemical, and natural
20 resource products to local, national, and international markets, and by
21 accordingly reducing the burdens on state highways and local roads, and
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WHEREAS, pursuant to the Agreement, Tacoma Rail is required to contribute matching funds, in a minimum amount of \$120,110, for use towards completion of the rail project detailed herein, and to complete specified project tasks by June 30, 2015, and

WHEREAS § 4.11 of the Tacoma City Charter requires that all matters relating to the “incurring of indebtedness . . . shall be initiated by the Board, subject to approval by the Council, and executed by the Board,” prior to acceptance of the Agreement, and

WHEREAS, by adoption of Public Utility Board Resolution No. U-10640 on July 10, 2013, the proposed agreement was approved, pending confirmation from the City Council, and

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

Section 1. That the City of Tacoma, Department of Public Utilities, Beltline Division (d.b.a. “Tacoma Rail”) is approved to enter into an interest-free loan agreement with the Washington State Department of Transportation (“WSDOT”) for a term of ten years, in the amount of \$250,000, less a one percent (1%) administrative fee, at zero percent interest, for the purpose of partially financing the replacement of a segment of track used as the primary access point to the Tacoma Rail Yard.



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Section 2. That the Superintendent of Rail is authorized to execute the loan agreement with WSDOT, said document to be substantially in the form on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10640



RESOLUTION NO. 38704

1 A RESOLUTION relating to surplus property; declaring certain real property owned
2 by the City, located at North 21st and Proctor Streets and approximately
3 2,190 square feet in area, to be surplus; authorizing the execution of four
4 Purchase and Sale Agreements with adjacent property owners each for a
portion of City property abutting the Proctor Community Garden in order to
cure existing encroachments.

5 WHEREAS the Proctor Community Garden (“Garden”), located at North 21st
6 and Proctor Streets, is owned by the City and managed by the Metropolitan Park
7 District of Tacoma (“Metro Parks”), and
8

9 WHEREAS, in August 2012, Metro Parks procured a survey of the Garden
10 as part of its effort to replace the existing fencing around the Garden, and

11 WHEREAS the survey identified that the current northerly fence line of the
12 Garden could be expanded closer to the boundaries of the City’s property, which
13 would result in the addition of approximately 14 garden plots on the northern side of
14 the Garden, bringing the total to 62 garden plots, and

15 WHEREAS the survey further identified that the abutting neighbors’ existing
16 fences were encroaching on City property by approximately eight feet, and

17 WHEREAS, in order to resolve this issue, the City and abutting property
18 owners have come to an agreement whereby the property owners will each
19 individually purchase from the City a strip of land eight feet wide by the respective
20 length of each of their properties, as follows: Christopher and Bobbie Bailey,
21 510 square feet for the amount of \$1,233; Ivan Lackey, 800 square feet for the
22 amount of \$1,935; Stephen and Kimberly Baker, 240 square feet for the amount of
23 \$580; and Tereasa Gandhi, 640 square feet for the amount of \$1,548, and
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WHEREAS this transaction will allow the City to establish a new contiguous property boundary across the northern boundary of the Garden and allow the existing fence improvements to remain, with Metro Parks to construct a new northerly fence by December 2013, and

WHEREAS the project is funded by the 2005 UTGO Metro Parks Tacoma Bond, and

WHEREAS, there being no foreseeable need for continued ownership of the Property, a declaration of surplus and negotiated sales now appear in the best interests of the City, pending final approval from the City Council; Now, Therefore,

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

Section 1. That the portion of City-owned real property located at North 21st and Proctor Streets and approximately 2,190 square feet in area, is not essential to the needs of the City and is hereby declared surplus property pursuant to RCW 35.22.020 and Article I, Section 1.2, and Article IX of the Tacoma City Charter.

Section 2. That the proper officers of the City are hereby authorized to enter into a Purchase and Sale Agreement with Christopher and Bobbie Bailey, in the amount of \$1,233, for 510 square feet of City-owned real property, all as more specifically set forth in the proposed Purchase and Sale Agreement on file in the office of the City Clerk.

Section 3. That the proper officers of the City are hereby authorized to enter into a Purchase and Sale Agreement with Ivan Lackey, in the amount of \$1,935, for



800 square feet of City-owned real property, all as more specifically set forth in the proposed Purchase and Sale Agreement on file in the office of the City Clerk.

Section 4. That the proper officers of the City are hereby authorized to enter into a Purchase and Sale Agreement with Stephen and Kimberly Baker, in the amount of \$580, for 240 square feet of City-owned real property, all as more specifically set forth in the proposed Purchase and Sale Agreement on file in the office of the City Clerk.

Section 5. That the proper officers of the City are hereby authorized to enter into a Purchase and Sale Agreement with Tereasa Gandhi, in the amount of \$1,548, for 640 square feet of City-owned real property, all as more specifically set forth in the proposed Purchase and Sale Agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 38705

1 A RESOLUTION relating to finance and budget; amending the General Fund
 2 Reserve Policy section of the Financial and Budget Policy Statement of the
 3 City of Tacoma.

4 WHEREAS the City's Financial and Budget Policy Statement was last
 5 updated in 2006, and

6 WHEREAS the document incorporates "best practices" of budgeting,
 7 financial, and debt management; comprehensively combines and updates key
 8 policies; and provides a framework for the 2013-2014 biennial budget, and

9 WHEREAS the General Fund Reserve Policy section of the document
 10 should be updated to reflect current policy standards, and

11 WHEREAS, at its meeting of July 17, 2013, the Government Performance
 12 and Finance Committee reviewed and recommended the proposed changes for
 13 adoption; Now, Therefore,

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

15 That the General Fund Reserve Policy of the Financial and Budget Policy
 16 Statement of the City of Tacoma is hereby amended as set forth in the attached
 17 Exhibit "A."
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19 Adopted _____
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21 _____
 22 Mayor

23 Attest:
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 25 City Clerk

26 Approved as to form:

 Deputy City Attorney



EXHIBIT "A"

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General Fund Reserve Policy

- ~~Unreserved fund balance Reserves~~ should be maintained between ~~510%~~ and ~~1520%~~ of projected annual expenditures. Ideally, the City should have a total ~~unencumbered~~ reserves ~~equal to~~ at least 150% of projected annual expenditures. Any proposed use of the reserves ~~below 5% of projected annual expenditures~~ will require super-majority (majority plus one of voting members) approval by the City Council.
- The first 5% to 10% of reserves shall only be available to fund one-time emergencies, unanticipated expenditure requirements, or offset unanticipated revenue fluctuations occurring within a fiscal year.
- The next 10% to 15% of reserves is a counter-cyclical reserve. This portion of the reserve is to either maintain General Fund current service level programs or transition expenditure growth to match slower revenue growth during the first 12-18-24 months of a recession.



ORDINANCE NO. 28162

1 AN ORDINANCE relating to the Compensation Plan; amending Chapter 1.12 of
2 the Tacoma Municipal Code to increase rates of pay and compensation
3 for employees represented by the United Transportation Union,
4 Yardmasters Unit in accordance with the collective bargaining
5 agreement approved by City Council on July 23, 2013.

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, on July 23, 2013, the City Council authorized the execution of
10 the 2012-2018 Collective Bargaining Agreement ("CBA") between the City of
11 Tacoma, Department of Public Utilities, Belt Line Division ("Rail Division") and the
12 United Transportation Union, Yardmasters Unit ("Union"), on behalf of the
13 employees represented by said Union, and

14 WHEREAS the CBA covers approximately five, full-time equivalent ("FTE")
15 positions, with all positions assigned to the Rail Division, and

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

3 WHEREAS, should it be determined that Rail posts a negative net
4 income for the prior year, a maximum employer-paid matching deferred
5 compensation contribution of up to 2 percent of base salary will be made, and

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

9 WHEREAS, by adoption of Public Utility Board Resolution No. U-10638,
10 the proposed CBA was approved, pending confirmation from the City Council,
11 and
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13 WHEREAS it now appears in the best interest of the City that the proposed
14 Tacoma Municipal Code amendments negotiated by said Union and the City be
15 enacted; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended effective January 1, 2014 as follows:

* * *

Code	Title	1	2	3	4
7115	Railway Yardmaster	31.18	33.26	37.41	41.57

Code	Title	1	2	3	4
7115	Railway Yardmaster	<u>34.26</u>	<u>42.82</u>		

* * *

Section 2. That Section 1.12.115 of the Tacoma Municipal Code is hereby amended effective January 1, 2014 as follows:

1.12.115 Deferred compensation.

* * *

F. The City will match the deferred compensation contribution of Rail personnel covered by the Federal Railroad Retirement Act in the classifications of Administrative Secretary (CSC 0023) to a maximum City contribution of 7.38 percent of base salary; of Utilities Director, Deputy, Rail Superintendent (CSC 0830) to a maximum City contribution of 9.0 percent of base salary; and Railway Roadmaster (CSC 7126) to a maximum City contribution of 7.26 percent of the base salary; provided, however, that as to any personnel hired after the effective date of the ordinance codified in this section, the City will match the deferred compensation contribution of Rail personnel in classifications that are unrepresented, appointive, and covered by the Federal Railroad Retirement Act to a maximum contribution of 3 percent of the base salary for such positions; and, provided further, that all contributions are subject to the limitations of the IRC maximum contribution requirements for Section 457 plans.



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G. The City will match the deferred compensation contribution of Rail personnel in the classification of Railway Yardmaster (CSC 7115) based on criteria as set forth in the collective bargaining agreement between the City of Tacoma and the United Transportation Union, Yardmasters Unit. The amount of the deferred compensation match will be determined by the financial performance of Tacoma Rail in the prior year. If a negative net income is posted, the employer match will be an amount up to 2 percent of base salary. If a positive net income is posted, the employer match will be an amount of up to 3 percent of base salary.

* * *

Section 3. That Sections 1 and 2 of this ordinance shall become effective January 1, 2014.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10638