



Legislation Passed October 8, 2013

The Tacoma City Council, at its regular City Council meeting of October 8, 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. 38749

A resolution authorizing the execution of an interagency agreement with the Washington State Department of Natural Resources, in the amount of \$10,000; accepting and depositing said sum into the Surface Water Utility Fund to support the City's Urban Forestry program.

Resolution No. 38750

A resolution authorizing the execution of a ten-year interest-free loan agreement between Tacoma Rail and the Washington State Department of Transportation, in the amount of \$1,105,074, to upgrade a segment of railroad track located on the north side of Taylor Way east from East 11th Street toward Lincoln Avenue.

Resolution No. 38751

A resolution authorizing the execution of a ten-year interest-free loan agreement between Tacoma Rail and the Washington State Department of Transportation, in the amount of \$366,387, to upgrade a segment of railroad track in the Port of Tacoma's North Intermodal Yard located south of Sitcum Way and north of East 11th Street.

Resolution No. 38752

A resolution authorizing the execution of a ten-year interest-free loan agreement between Tacoma Rail and the Washington State Department of Transportation, in the amount of \$773,070, to upgrade a segment of railroad track known as the East Loop located east of the Tacoma Rail Annie Tracks and west of Port of Tacoma Road.

Resolution No. 38753

A resolution authorizing the execution of a ten-year interest-free loan agreement between Tacoma Rail and the Washington State Department of Transportation, in the amount of \$515,789, to upgrade a segment of railroad track known as the West Loop located west of Port of Tacoma Road and continuing west toward Thorne Road.

Ordinance No. 28178

An ordinance amending Title 8 of the of the Municipal Code, entitled Public Safety and Morals, by repealing Section 8.12.026, Vehicle Prowling in its entirety, and adding a new Chapter 8.37A, Vehicle Prowling in the Second Degree, to be consistent with state law.



RESOLUTION NO. 38749

1 A RESOLUTION relating to urban forestry and open space; authorizing the
2 execution of an interagency agreement with the Washington State
3 Department of Natural Resources, in the amount of \$10,000; and accepting
4 said sum for deposit into the Surface Water Utility Fund to support the City's
5 Urban Forestry program.

6 WHEREAS the City has been awarded a grant in the amount of \$10,000
7 from the Washington State Department of Natural Resources to support the City's
8 urban forestry goals, and

9 WHEREAS the grant funds will be used to offset some of the material costs
10 of tree planting projects around the City, including projects such as Hilltop
11 Diversitree, where private funds are being leveraged to enhance a tree planting
12 project in the Hilltop Business District, and will further the City's goal of a 30 percent
13 canopy cover by 2030, as outlined in the Urban Forestry Policy Element of the
14 Comprehensive Plan, and

15 WHEREAS, the grant funds are distributed by the Department of Natural
16 Resources through an interagency agreement formed pursuant to chapter 39.34
17 RCW, and

18 WHEREAS, pursuant to chapter 39.34 RCW, agreements formed under
19 RCW 39.34 must be approved by the City Council, Now, Therefore,

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

21 Section 1. That the proper officers of the City are hereby authorized to
22 execute an interagency agreement with the Washington State Department of
23 Natural Resources, in the amount of \$10,000, said document to be substantially in
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the form of the proposed interagency agreement on file in the office of the City Clerk.

Section 2. That the grant proceeds, in the amount of \$10,000, are hereby accepted for deposit into the Surface Water Utility Fund for the purpose of supporting the City's Urban Forestry program.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 38750

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 a
4 term of ten years, in the amount of \$1,105,074, less a one percent
administrative fee, for the purpose of upgrading a segment of railroad track
near Taylor Way.

5 WHEREAS the City of Tacoma, Department of Public Utilities, Beltline
6 Division, d.b.a. Tacoma Rail, freight rail infrastructures in the Tideland area are
7 heavily used and in need of periodic upgrade in order to support current, and
8 attract new, freight rail customers, and
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10 WHEREAS Tacoma Rail requests approval to enter into an interest-free
11 loan agreement (“Agreement”) with the Washington State Department of
12 Transportation (“WSDOT”) for a term of ten years, in the amount of \$1,105,074,
13 less a one percent administrative fee, for the purpose of upgrading a segment of
14 railroad track near Taylor Way, and
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16 WHEREAS, pursuant to the Agreement, Tacoma Rail is required to
17 contribute matching funds, in a minimum amount of \$276,269, for use towards
18 completion of the rail project detailed herein, and to complete specified project
19 tasks by June 30, 2015, and
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21 WHEREAS § 4.11 of the Tacoma City Charter requires that all matters
22 relating to the “incurring of indebtedness . . . shall be initiated by the Board, subject
23 to approval by the Council, and executed by the Board,” prior to acceptance of the
24 Agreement, and
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WHEREAS, by adoption of Public Utility Board Resolution No. U-10653 on September 25, 2013, the proposed agreement was approved pending confirmation from the City Council, 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 \$1,105,074, less a one percent administrative fee, for the purpose of upgrading a segment of railroad track near Taylor Way.

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-10653



RESOLUTION NO. 38751

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 a
4 term of ten years, in the amount of \$366,387, less a one percent
administrative fee, for the purpose of upgrading a segment of railroad track
in the Port of Tacoma's North Intermodal Yard.

5 WHEREAS the City of Tacoma, Department of Public Utilities, Beltline
6 Division, d.b.a. Tacoma Rail, freight rail infrastructures in the Tideland area are
7 heavily used and in need of periodic upgrade in order to support current, and
8 attract new, freight rail customers, and
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10 WHEREAS Tacoma Rail requests approval to enter into an interest-free
11 loan agreement ("Agreement") with the Washington State Department of
12 Transportation ("WSDOT") for a term of ten years, in the amount of \$366,387, less
13 a one percent administrative fee, for the purpose of upgrading a segment of
14 railroad track in the Port of Tacoma's North Intermodal Yard, and
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16 WHEREAS, pursuant to the Agreement, Tacoma Rail is required to
17 contribute matching funds, in a minimum amount of \$157,023, for use towards
18 completion of the rail project detailed herein, and to complete specified project
19 tasks by June 30, 2015, and
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21 WHEREAS § 4.11 of the Tacoma City Charter requires that all matters
22 relating to the "incurring of indebtedness . . . shall be initiated by the Board, subject
23 to approval by the Council, and executed by the Board," prior to acceptance of the
24 Agreement, and
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WHEREAS, by adoption of Public Utility Board Resolution No. U-10654 on September 25, 2013, the proposed agreement was approved pending confirmation from the City Council, 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 \$366,387, less a one percent administrative fee, for the purpose of upgrading a segment of railroad track in the Port of Tacoma’s North Intermodal Yard.

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-10654



RESOLUTION NO. 38752

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 a
4 term of ten years, in the amount of \$773,070, less a one percent
administrative fee, for the purpose of upgrading a segment of railroad track
known as the East Loop.

5 WHEREAS the City of Tacoma, Department of Public Utilities, Beltline
6 Division, d.b.a. Tacoma Rail, freight rail infrastructures in the Tideland area are
7 heavily used and in need of periodic upgrade in order to support current, and
8 attract new, freight rail customers, and
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10 WHEREAS Tacoma Rail requests approval to enter into an interest-free
11 loan agreement (“Agreement”) with the Washington State Department of
12 Transportation (“WSDOT”) for a term of ten years, in the amount of \$773,070, less
13 a one percent administrative fee, for the purpose of upgrading a segment of
14 railroad track known as the East Loop, and
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16 WHEREAS, pursuant to the Agreement, Tacoma Rail is required to
17 contribute matching funds, in a minimum amount of \$193,268, for use towards
18 completion of the rail project detailed herein, and to complete specified project
19 tasks by June 30, 2015, and
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21 WHEREAS § 4.11 of the Tacoma City Charter requires that all matters
22 relating to the “incurring of indebtedness . . . shall be initiated by the Board, subject
23 to approval by the Council, and executed by the Board,” prior to acceptance of the
24 Agreement, and
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WHEREAS, by adoption of Public Utility Board Resolution No. U-10655 on September 25, 2013, the proposed agreement was approved pending confirmation from the City Council, 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 \$773,070, less a one percent administrative fee, for the purpose of upgrading a segment of railroad track known as the East Loop.

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-10655



RESOLUTION NO. 38753

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 a
4 term of ten years, in the amount of \$515,789, less a one percent
administrative fee, for the purpose of upgrading a segment of railroad track
known as the West Loop.

5 WHEREAS the City of Tacoma, Department of Public Utilities, Beltline
6 Division, d.b.a. Tacoma Rail, freight rail infrastructures in the Tideland area are
7 heavily used and in need of periodic upgrade in order to support current, and
8 attract new, freight rail customers, and
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10 WHEREAS Tacoma Rail requests approval to enter into an interest-free
11 loan agreement (“Agreement”) with the Washington State Department of
12 Transportation (“WSDOT”) for a term of ten years, in the amount of \$515,789, less
13 a one percent administrative fee, for the purpose of upgrading a segment of
14 railroad track known as the West Loop, and
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16 WHEREAS, pursuant to the Agreement, Tacoma Rail is required to
17 contribute matching funds, in a minimum amount of \$128,947, for use towards
18 completion of the rail project detailed herein, and to complete specified project
19 tasks by June 30, 2015, and
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21 WHEREAS § 4.11 of the Tacoma City Charter requires that all matters
22 relating to the “incurring of indebtedness . . . shall be initiated by the Board, subject
23 to approval by the Council, and executed by the Board,” prior to acceptance of the
24 Agreement, and
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WHEREAS, by adoption of Public Utility Board Resolution No. U-10656 on September 25, 2013, the proposed agreement was approved pending confirmation from the City Council, 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 \$515,789, less a one percent administrative fee, for the purpose of upgrading a segment of railroad track known as the West Loop.

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-10656



ORDINANCE NO. 28178

1 AN ORDINANCE relating to public safety and morals; amending Chapter 8.12 of
2 the Tacoma Municipal Code ("TMC") by repealing Section 8.12.026, Vehicle
3 Prowling, in its entirety; and amending Title 8 of the TMC by the addition
4 thereto of a new chapter, to be known and designated as Chapter 8.37A,
5 entitled "Vehicle Prowling in the Second Degree."

6 WHEREAS Engrossed State Bill ("ESB") 5053, effective July 28, 2013,
7 makes the third or subsequent conviction of vehicle prowling in the second degree
8 a Class C felony, and

9 WHEREAS Ordinance No. 20702, enacting Tacoma Municipal Code
10 ("TMC") 8.12.026, Vehicle Prowling, passed on April 13, 1976, without specific
11 reference to state law, although consistent with it at that time, and

12 WHEREAS, because TMC 8.12.026 is not designated as second degree,
13 convictions pursuant to it may not qualify as prior offenses for the new penalty
14 enhancement, and

15 WHEREAS penalties in the Code are inconsistent with current state law,
16 and

17 WHEREAS, to be consistent with state law, City staff recommends
18 repealing TMC 8.12.026 in its entirety and enacting a new chapter, designated as
19 TMC 8.37A, "Vehicle Prowling in the Second Degree," to adopt RCW 9A.52.100;

20 Now, Therefore,

21 BE IT ORDAINED BY THE CITY OF TACOMA:

22 Section 1. That Chapter 8.12 of the Tacoma Municipal Code ("TMC") is
23 hereby amended by repealing Section 8.12.026, Vehicle Prowling, in its entirety, as
24 set forth in the attached Exhibit "A."
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Section 2. That Title 8 of the TMC by the addition thereto of a new chapter,
to be known and designated as Chapter 8.37A, entitled "Vehicle Prowling in the
Second Degree," as set forth in the attached Exhibit "B."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

Chapter 8.12 DISORDERLY CONDUCT

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Sections:

- 8.12.010 Disorderly persons defined and enumerated.
- 8.12.011 Criminal attempt.
- 8.12.012 Liability for conduct of another – Complicity.
- 8.12.013 Criminal assault.
- 8.12.014 Reckless endangerment.
- 8.12.015 Disturbing meeting of Council, Board, Commission or Committee of City.
- 8.12.016 Disturbance of school functions.
- 8.12.020 Proof of guilt of conducting opium den.
- 8.12.025 Criminal trespass.
- 8.12.030 Confiscation of weapons and opium paraphernalia.
- 8.12.040 Violation – Penalties.
- 8.12.050 Severability of provisions.
- 8.12.060 Public disturbance noises.
- 8.12.065 Violation – Penalties.
- 8.12.070 Compression brakes.
- 8.12.090 Sexual assault.
- 8.12.100 *Repealed.*
- 8.12.110 Sexual Assault Protection Order.
- 8.12.111 Indecent Exposure
- 8.12.112 Allowing minor on premises of live erotic performance.
- 8.12.113 Communication with minor for immoral purposes.
- 8.12.114 Reporting of depictions of minor engaged in sexually explicit conduct – Civil immunity.
- 8.12.115 Sexual misconduct with a minor in the second degree.
- 8.12.120 Destruction of property.
- 8.12.150 Littering prohibited – Penalties.
- 8.12.160 Making or Possessing Burglary or Auto Theft Tools.
- 8.12.170 Stalking.



EXHIBIT "B"

Chapter 8.37 THEFT

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3 Sections:

- 4 8.37.010 Definitions.
5 8.37.020 Theft – Definition, defense.
6 8.37.030 Theft in the Third Degree.
7 8.37.030A Vehicle Prowling in the Second Degree.
8 8.37.040 Unlawful issuance of checks or drafts.
9 8.37.050 Theft of rental, leased, lease-purchased, or loaned property.
10 8.37.060 Possessing stolen property in the Third Degree.
11 8.37.070 Obscuring the identity of a machine.
12 8.37.080 Theft of subscription television services.
13 8.37.090 Shopping cart theft.
14 8.37.100 Credit, debit cards, checks, etc. – Definitions.
15 8.37.110 Possession of another's identification.

16 **8.37.010 Definitions.**

17 RCW 9A.56.010, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set
18 forth herein.

19 **8.37.020 Theft – Definition, defense.**

20 RCW 9A.56.020, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set
21 forth herein.

22 **8.37.030 Theft in the Third Degree.**

23 RCW 9A.56.050, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set
24 forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is
25 excluded.

26 **8.37.030A Vehicle Prowling in the Second Degree.**

RCW 9A.52.100, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set
forth herein, including penalties.

8.37.040 Unlawful issuance of checks or drafts.

RCW 9A.56.060, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set
forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is
excluded.

8.37.050 Theft of rental, leased, lease-purchased, or loaned property.

RCW 9A.56.096, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set
forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is
excluded.

8.37.060 Possessing stolen property in the Third Degree.

RCW 9A.56.170, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set
forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is
excluded.

8.37.070 Obscuring the identity of a machine.

RCW 9A.56.180, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set
forth herein, including penalties.



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8.37.080 Theft of subscription television services.

RCW 9A.56.220, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.

8.37.090 Shopping cart theft.

RCW 9A.56.270, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.

8.37.100 Credit, debit cards, checks, etc. – and Definitions.

RCW 9A.56.280, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

8.37.110 Possession of another’s identification.

RCW 9A.56.330, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.