



Legislation Passed April 5, 2016

The Tacoma City Council, at its regular City Council meeting of April 5, 2016, 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. 39412

A resolution accepting a donation of approximately 70 acres of property from the Washington State Department of Natural Resources, located adjacent to the Cushman Hydroelectric Project boundary at Lake Cushman, for conservation, recreation, and/or open space purposes.

[Pat McCarty, Generation Manager; Chris Robinson, Power Superintendent]

Resolution No. 39413

A resolution authorizing the acceptance of a grant award from the Federal Transit Administration, in the amount of \$2,000,000, which will be passed through to the City by Sound Transit; accepting and depositing said sum into the Economic Development Grant Fund; authorizing \$480,000 in City matching funds, for streetscape improvements associated with Sound Transit's Link Extension Project; and designating the project as a special project of limited duration, and designating the general salary classifications and benefits for persons employed on the project.

[Ian Munce, Special Assistant to the Director; Peter Huffman, Director, Planning and Development Services]

Resolution No. 39414

A resolution setting Thursday, May 12, 2016, at 1:30 p.m., as the date for a hearing by the Hearing Examiner on the request to vacate a portion of Fawcett Avenue lying between South 21st and South 23rd Streets, to facilitate mixed-use development.

(North American Asset Management; File No. 124.1358)

[Richard Price, Senior Real Estate Officer; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39415

A resolution awarding a contract to Construct, Incorporated, in the amount of \$567,000, plus sales tax, plus a 16 percent contingency, for a cumulative total of \$657,720, budgeted from the Municipal Building Acquisition and Operations Fund, for the construction of showers, lockers, and fitness area in the basement of the Tacoma Municipal Building North - Specification No. PW16-0003F.

[Justin E. Davis, Facilities Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39416

A resolution authorizing an increase to the contract with Gary Merlino Construction Co., Inc., in the amount of \$1,111,036, including sales tax, plus a 5 percent contingency, for a cumulative total of \$10,726,340, budgeted from the Transportation Capital Fund, to extend reconstruction work on Port of Tacoma Road to include the section from Marshall Avenue to State Route 509 - Specification No. PW14-0696F.

[Chris E. Larson, P.E., Engineering Division Manager;
Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39417

A resolution authorizing the execution of a Collective Bargaining Agreement with the International Brotherhood of Electrical Workers, Local 483, Custodial and Building Maintenance Unit, which consists of approximately 26 budgeted full-time equivalent positions, retroactive to January 1, 2016, through December 31, 2019.

[Joy St. Germain, Director, Human Resources]



RESOLUTION NO. 39412

1 A RESOLUTION relating to the Department of Public Utilities, Light Division
2 d.b.a. Tacoma Power; authorizing the acceptance of approximately
3 70 acres of donated property from the Washington State Department of
4 Natural Resources located adjacent to the Cushman Hydroelectric Project
boundary at Lake Cushman, for conservation, recreation, and/or open
space purposes.

5 WHEREAS Tacoma Public Utilities, Light Division, d.b.a. Tacoma Power,
6 is requesting authorization to execute a Notice and Agreement to Transfer with
7 the Washington State Department of Natural Resources (“DNR”), to acquire
8 approximately 70 acres of property (“Property”) located adjacent to the
9 Cushman Hydroelectric Project boundary at Lake Cushman, and
10

11 WHEREAS the Property will be donated by DNR to Tacoma Power
12 through DNR’s Trust Land Transfer program, which, through deed restrictions,
13 will require that the land be used for conservation, recreation, and/or open
14 space purposes, and
15

16 WHEREAS the Property currently supports conifer-dominated forest
17 strands on gradually sloping to steep terrain, and is situated between property
18 currently owned by Tacoma Power and National Forest land, with a portion
19 located within the FERC license boundary, and
20

21 WHEREAS the Property will be transferred to Tacoma Power’s
22 ownership through a quit claim deed and will not require any closing costs, and
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24 WHEREAS the assessed value of the Property is \$698,000, consisting
25 of \$642,000 for timber and \$56,000 for land valuation, and
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WHEREAS Tacoma Power's cost for the proposed Property acquisition is approximately \$3,000, which includes staff time related to Property inspection, communication with the DNR, and internal proceedings related to the acquisition, and

WHEREAS, by adoption of Public Utility Board Resolution No. U-10853 on March 23, 2016, the proposed Property acquisition was approved, pending confirmation from the City Council, and

WHEREAS it is in the best interests of the City and Tacoma Power to approve the Notice and Agreement to Transfer with DNR; Now, Therefore,

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

Section 1. That the request of the City of Tacoma, Department of Public Utilities, Light Division (d.b.a. "Tacoma Power"), to acquire through donation approximately 70 acres of land, located adjacent to the Cushman Hydroelectric Project boundary at Lake Cushman, for conservation, recreation, and/or open space purposes, is hereby approved.

Section 2. That the Superintendent of Tacoma Power is hereby authorized to enter into and execute on behalf of the City a Notice and Agreement to



1 Transfer, said document to be substantially in the form of the proposed document
2 on file in the office of the City Clerk.

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4 Adopted _____

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6 _____
7 Mayor

8 Attest:
9 _____
10 City Clerk

11 Approved as to form:
12 _____
13 Chief Deputy City Attorney

14 Requested by Public Utility Board
15 Resolution No. U-10853
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RESOLUTION NO. 39413

1 BY REQUEST OF COUNCIL MEMBERS BLOCKER AND WOODARDS

2 A RESOLUTION relating to a Special Project; authorizing the acceptance of a grant
3 award in the amount of \$2 million from the Federal Transit Administration,
4 which will be passed through to the City of Tacoma by Sound Transit for
5 streetscape improvements associated with Sound Transit's Tacoma Link
6 Expansion Project, and providing for a City grant match of \$480,000 for said
7 project; designating the streetscape improvements Project as a special
8 project of limited duration; and designating general salary classifications and
9 benefits for persons employed on the project pursuant to Tacoma Municipal
10 Code Sections 1.12.155, 1.24.187, 1.24.980 through 1.24.986, and 1.30.300,
11 and Tacoma City Charter Section 6.1(h).

12 WHEREAS the Hilltop Sub-Area Plan focuses on maximizing the benefits
13 of Sound Transit's Tacoma Link Expansion Project, and

14 WHEREAS Plan benefits include facilitating Downtown revitalization,
15 increased transit ridership, and new transit-orientated developments, as well as
16 linking Hilltop residents to new opportunities and avoiding displacement, and

17 WHEREAS the Federal Transit Administration has awarded grant funding
18 in the amount of \$2 million to Sound Transit for the purpose of funding the City's
19 Project to advance these Plan objectives, and

20 WHEREAS the City seeks to engage the Hilltop community, both in the
21 design and engineering of new streetscapes for streets that need rebuilding and
22 to create new opportunities for success for local residents and businesses, and

23 WHEREAS a City match of \$480,000 is required, which will be used for
24 outreach, design, and engineering work, and will allow the City to be positioned to
25 secure federal transportation funding in 2018 for streetscape construction, which
26 will align with the opening of Sound Transit's Tacoma Link Expansion Project, and



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WHEREAS Tacoma Power will provide an in-kind match in the amount of \$20,000 for project management services, and

WHEREAS project work will be completed in a manner which creates new opportunities for success for local residents and businesses, and

WHEREAS this effort will be designated a special project of limited duration, and approximately 1.5 FTE employees will be required to support the special project, and

WHEREAS the salaries and classes set forth in the Compensation Plan for regular City employees shall be applied to these special project positions, which will include streetscape design management and outreach coordination services, and

WHEREAS project employees will be reimbursed by grant funds and will receive benefits in accordance with the provisions of the Compensation Plan of the City of Tacoma, including the opportunity to participate in the City's Retirement System, and

WHEREAS these positions are temporary in nature, are for project management activities and pertain only to this special project; persons employed in such positions will have no claim to further or continued employment with the City of Tacoma, and

WHEREAS, pursuant to the provisions of TMC 1.12.155, 1.24.187, and 1.24.980 through 1.24.986, and Tacoma City Charter Section 6.1(h), employees who are not regular employees and are hired as special project employees are



unclassified and paid as provided for by ordinance or resolution of the City

1 Council; Now, Therefore,

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

3 Section 1. That the proper officers of the City are hereby authorized to
4 accept a grant agreement in the amount of \$2 million from the Federal Transit
5 Administration, which will be passed through to the City of Tacoma by Sound
6 Transit for streetscape improvements associated with Sound Transit's Tacoma
7 Link Expansion Project, and to authorize a City grant match in the amount of
8 \$480,000, for outreach, design, and engineering work, said grant to be
9 substantially in the form of the document on file in the office of the City Clerk.
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11 Section 2. That the Links to Opportunity Project is hereby designated as a
12 special project of limited duration for a period of two years, effective June 1, 2016,
13 through June 1, 2018.
14

15 Section 3. That, in accordance with the provisions of TMC 1.12.155,
16 1.24.187 and 1.24.980 through 1.24.986, and Tacoma City Charter Section 6.1(h),
17 employees who have been hired or may be hired for positions expected to be of
18 limited duration shall be designated as unclassified special project employees as of
19 the date of hire.
20

21 Section 4. That the salaries and classifications set forth in the Compensation
22 Plan of the City of Tacoma for permanent employees, or the closest classifications,
23 shall be applied, contingent upon funding, to similar positions of the special project,
24 which positions may include, but are not limited to, Senior Planner and Program
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1 Development Specialist. The Compensation Plan is incorporated herein by
2 reference as if fully set forth.

3 Section 5. That employees who have been hired or may be hired as
4 special project employees shall receive benefits in accordance with and pursuant
5 to the provisions of the Compensation Plan of the City of Tacoma, and shall
6 participate in the City's Retirement System; provided, however, that special
7 project employees hired to work on the identified special project shall not be
8 eligible for longevity pay; and further, that should any current regular employee
9 eligible for longevity pay be assigned to the special project, the employee so
10 assigned shall continue to be eligible for longevity pay and shall become or
11 remain a member of the City's Retirement System pursuant to any applicable
12 provisions of TMC 1.30, and contributions shall be paid therein by the City
13 pursuant to TMC 1.30.360.

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15 Section 6. That, inasmuch as the positions to be filled pursuant to this
16 resolution are of a temporary nature and are unique in that they pertain only to the
17 aforementioned special project, they are deemed unclassified, temporary
18 positions of limited duration and persons so employed in such positions shall have
19 no claim to further or continued employment with the City of Tacoma after
20 cessation of such special project or after cessation of activities funded by said
21 program, except pursuant to obtaining status as regular City of Tacoma
22 employees under the provisions of the TMC or pursuant to further action of the
23 City Council relating to this special project.
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Section 7. That all acts by agents or employees of the City consistent

herewith are hereby ratified.

Section 8. That the City Manager is hereby authorized to direct the

appropriate City officers to proceed with the necessary actions for the completion

of this special project.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 39414

1 A RESOLUTION relating to the vacation of City right-of-way; setting Thursday,
2 May 12, 2016, at 1:30 p.m., as the date for a hearing before the City of
3 Tacoma Hearing Examiner on the petition of North American Asset
4 Management to vacate that portion of Fawcett Avenue lying between
5 South 21st and South 23rd Streets to facilitate a mixed use development.

6 WHEREAS, having received the consent of the owners of more than
7 two-thirds of the properties abutting that portion of Fawcett Avenue lying
8 between South 21st and South 23rd Streets, North American Asset
9 Management has petitioned for the vacation of the following legally described
10 right-of-way area:

11 That portion of the Southwest quarter of the Southwest quarter of
12 Section 04 and the Northwest quarter of the Northwest quarter of
13 Section 09, both in Township 20 North, Range 03 East, W.M. and
14 more particularly described as follows:

15 That portion of Fawcett Avenue lying southerly of the South right
16 of way margin of South 21st Street and northerly of the westerly
17 extended South line of the Replat of Spinning's Addition and
18 Block 2109 of the Amendatory Map of Smith and Denton's
19 Addition Tacoma, Washington as recorded in Volume 10 of Plats
20 at Page 111, records of Pierce County Auditor.

21 Situate in the City of Tacoma, County of Pierce, state of
22 Washington;

23 Now, Therefore,

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

25 Section 1. That Thursday, May 12, 2016, at 1:30 p.m., is hereby fixed as
26 the date and time, and the Council Chambers on the first floor of the Tacoma
Municipal Building, 747 Market Street, in the City of Tacoma, as the place when



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and where said request will be heard by the Hearing Examiner and her
recommendations thereafter transmitted to the Council of the City of Tacoma.

Section 2. That the Clerk of the City of Tacoma shall give proper notice
of the time and place of said hearing.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: A portion of Fawcett Avenue lying between South 21st and
South 23rd Streets

Petitioner: North American Asset Management

File No.: 124.1358



RESOLUTION NO. 39415

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with Construct, Incorporated, in the amount of \$567,000, plus sales tax,
4 plus a 16 percent contingency, for a cumulative contract total of
5 \$657,720, budgeted from the Municipal Building Acquisition and
6 Operations Fund, for construction of showers, locker room and fitness
7 area in the basement of the Tacoma Municipal Building North pursuant
8 to Specification No. PW16-0003F.

9 WHEREAS the City has complied with all applicable laws and processes
10 governing the acquisition of those supplies, and/or the procurement of those
11 services, inclusive of public works, as is shown by the attached Exhibit "A,"
12 incorporated herein as though fully set forth, and

13 WHEREAS the Board of Contracts and Awards has concurred with the
14 recommendation for award as set forth in Exhibit "A"; Now, Therefore,

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

16 Section 1. That the Council of the City of Tacoma concurs with the
17 Board of Contracts and Awards to adopt the recommendation for award as set
18 forth in the attached Exhibit "A."

19 Section 2. That the proper officers of the City are hereby authorized to
20 enter into a contract with Construct, Incorporated, in the amount of \$567,000,
21 plus sales tax, plus a 16 percent contingency, for a cumulative contract total of
22 \$657,720, budgeted from the Municipal Building Acquisition and Operations
23 Fund, for construction of showers, locker room and fitness area in the
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basement of the Tacoma Municipal Building North pursuant to Specification
1 No. PW16-0003F, consistent with Exhibit "A."

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3 Adopted _____

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6 Mayor

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8 Attest:

9 _____
10 City Clerk

11 Approved as to form:

12 _____
13 City Attorney
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RESOLUTION NO. 39416

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the increase of Contract
3 No. 4600010550 with Gary Merlino Construction Co., Inc., in the amount
4 of \$1,111,036, including sales tax, plus a 5 percent contingency, for a
5 cumulative contract total of \$10,726,340, budgeted from the
6 Transportation Capital Fund, to extend reconstruction work on Port of
7 Tacoma Road, to include the section from Marshall Avenue to State
8 Route 509, pursuant to Specification No. PW14-0696F.

9 WHEREAS the City has complied with all applicable laws and processes
10 governing the acquisition of those supplies, and/or the procurement of those
11 services, inclusive of public works, as is shown by the attached Exhibit "A,"
12 incorporated herein as though fully set forth, and

13 WHEREAS the Board of Contracts and Awards has concurred with the
14 recommendation for award as set forth in Exhibit "A"; Now, Therefore,

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

16 Section 1. That the Council of the City of Tacoma concurs with the
17 Board of Contracts and Awards to adopt the recommendation for award as set
18 forth in the attached Exhibit "A."

19 Section 2. That the proper officers of the City are hereby authorized to
20 increase Contract No. 4600010550 with Gary Merlino Construction Co., Inc., in
21 the amount of \$1,111,036, including sales tax, plus a 5 percent contingency, for
22 a cumulative contract total of \$10,726,340, budgeted from the Transportation
23 Capital Fund, to extend reconstruction work on Port of Tacoma Road, to include
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1 the section from Marshall Avenue to State Route 509, pursuant to Specification
2 No. PW14-0696F, consistent with Exhibit "A."

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4 Adopted _____

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6 _____
Mayor

7 Attest:

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9 _____
City Clerk

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11 Approved as to form:

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13 _____
City Attorney

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RESOLUTION NO. 39417

1 A RESOLUTION related to collective bargaining; authorizing the execution of a
2 four-year Collective Bargaining Agreement between the City and the
3 International Brotherhood of Electrical Workers, Local 483, Custodial and
4 Building Maintenance Unit, effective retroactive to January 1, 2016, until
5 December 31, 2019.

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 proposed four-year
10 Collective Bargaining Agreement ("CBA") between the City and the International
11 Brotherhood of Electrical Workers, Local 483, Custodial and Building Maintenance
12 Unit ("Union"), on behalf of employees represented by said Union, and

13 WHEREAS the bargaining unit consists of approximately 26 budgeted,
14 full-time equivalent ("FTE") positions, with 21 FTEs located within Tacoma Public
15 Utilities ("TPU") and five FTEs located within General Government, and

16 WHEREAS the proposed CBA will provide for a wage increase of 2 percent
17 retroactive to January 1, 2016; a wage increase of 2 percent effective January 1,
18 2017; a wage increase of 2 percent effective January 1, 2018; and a wage increase
19 of 2 percent effective January 1, 2019, and

20 WHEREAS other changes to the CBA include: (1) changing language in
21 articles relating to Discipline, Non-Discrimination, Grievance Procedure, Temporary
22 Vacancies, Selection of Personnel and Hours of Work; (2) incorporating a previous
23 Letter of Understanding regarding the process for determining set ups at TPU;
24 (3) providing language regarding a bid process for TPU Custodians for scheduled
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overtime, and how overtime opportunities are to be assigned; and (4) moving
1 language relating to time off and benefits to Appendix B, and

2 WHEREAS the CBA was considered and approved by the Public Utility
3 Board at its meeting of March 23, 2016, and

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5 WHEREAS it appears in the best interests of the City that the proposed CBA
6 negotiated by said Union and the City be approved; Now, Therefore,

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

8 That the proper officers of the City are hereby authorized to execute the
9 four-year Collective Bargaining Agreement between the City and International
10 Brotherhood of Electrical Workers, Local 483, Custodial and Building Maintenance
11 Unit, effective retroactive to January 1, 2016, through December 31, 2019, said
12 document to be substantially in the form of the proposed agreement on file in the
13 office of the City Clerk.
14

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16 Adopted _____

17
18 _____
19 Mayor

20 Attest:

21 _____
22 City Clerk

23 Approved as to form:

24 _____
25 Deputy City Attorney

26 Requested by Public Utility Board
Resolution No. U-10850