



Legislation Passed August 2, 2016

The Tacoma City Council, at its regular City Council meeting of August 2, 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. 39505

A resolution setting Tuesday, August 16, 2016, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the surplus and proposed sale of approximately 0.89 of an acre of Tacoma Water right-of-way, located near South Cedar Street, to the Tacoma School District, for the amount of \$5,000 and improvements for a rain garden and educational programs.

[Gloria Fletcher, Senior Real Estate Officer;
Linda McCrea, Water Superintendent]

Resolution No. 39506

A resolution awarding a contract to Cues, Inc., in the amount of \$205,198, plus sales tax, budgeted from the Wastewater Fund, for one closed-circuit television van to allow for video inspection of sanitary and stormwater lines - HGACBuy Contract No. SC01-15.

[Judith Scott, Operations and Maintenance Division Manager;
Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 39507

A resolution awarding a contract to Northwest Cascade, Inc., in the amount of \$1,013,742.50, excluding sales tax, plus a 15 percent contingency, for a total of \$1,165,803.88, budgeted from various departmental funds, for the removal and construction of underground wastewater and stormwater mains, and roadway surface restoration and curb ramps in the vicinity of Fawcett Avenue between South 72nd and South 88th Streets - Specification No. ES16-0061F.

[Geoffrey M. Smyth, P.E., Science and Engineering Division Manager;
Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 39508

A resolution awarding a contract to Swanson Bark and Wood Products, Inc., in the amount of \$460,800, sales tax not applicable, budgeted from the Wastewater Fund, for black bark used in the creation of TAGRO potting soil on an as-needed basis, for a period of two-years, with the option to renew for three additional one-year periods, for a projected contract total of \$1,152,000 - Specification No. ES16-0061F.

[Daniel C. Thompson, Ph.D., Business Operations Division Manager;
Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 39509

A resolution authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with 25th & Proctor Investors, LLC, for the development of 137 multi-family market-rate rental housing units located at 3910 North 25th Street in the

Proctor Mixed-Use Center.

[Debbie Bingham, Economic Development Specialist;
Ricardo Noguera, Director, Community and Economic Development]

Resolution No. 39510

A resolution authorizing the execution of a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with Calkins Enterprises LLC, for the development of 12 multi-family market-rate and affordable rental housing units located at 4301 South Junett Street in the Tacoma Mall Mixed-Use Center.

[Debbie Bingham, Economic Development Specialist;
Ricardo Noguera, Director, Community and Economic Development]

Resolution No. 39511

A resolution approving the use of up to \$7,000, budgeted from the City Council Contingency Fund, for a Sister Cities Program assessment and strategic plan development.

[Mayor Strickland]

Ordinance No. 28373

An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement changes in rates of pay and compensation for employees represented by the Tacoma Police Union, Local 6, I.U.P.A.

[Joy St. Germain, Director, Human Resources]

Amended Ordinance No. 28374

An ordinance amending Subtitle 6B of the Municipal Code by adding a new Chapter 6B.175, entitled "Sales Food Truck Vendors," to create a standard process for food trucks to operate on public rights of way through a regulatory license application and location review.

[Danielle Larson, Tax and License Manager; Andy Cherullo, Director, Finance]



RESOLUTION NO. 39505

1 A RESOLUTION relating to utility-owned surplus property; setting Tuesday,
2 August 16, 2016, as the date for a public hearing on the proposed sale
3 of approximately 0.89 of an acre of unimproved real property owned by
4 the City of Tacoma, through its Department of Public Utilities, Water
5 Division, and now surplus to its needs, to the Tacoma School District for
6 the sum of \$5,000 and certain public benefits.

7 WHEREAS the City of Tacoma, through its Department of Public Utilities,
8 Water Division (d.b.a. "Tacoma Water"), owns approximately 0.89 of an acre of
9 unimproved property located near South Cedar Street in Tacoma,
10 Washington ("Property"), and

11 WHEREAS the Property runs through the middle of the Tacoma School
12 District's ("District") Arlington Elementary School site, and

13 WHEREAS, since 1953, the District has used a portion of the Property
14 for various activities related to its operation of the school under the terms and
15 conditions set forth in a use permit between the parties, and

16 WHEREAS the District is in the process of remodeling the school, and
17 desires to purchase that portion of the Property located within the school site,
18 and

19 WHEREAS Tacoma Water has determined that the Property sought by
20 the District is not essential for continued effective utility service, and has
21 declared the Property surplus to its needs, and

22 WHEREAS the Department of Public Works, Real Property Services
23 Division, has valued the Property at \$30,000, and

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WHEREAS Tacoma Water has agreed to sell the Property to the District for \$5,000 in cash and \$25,000 in improvements, said improvements to consist of establishment of a rain garden and the production of related educational programs of benefit to Tacoma Water, and

WHEREAS, on July 27, 2016, by adoption of Public Utility Board Resolution No. U-10866, the Property was declared surplus to Tacoma Water's needs and approved for sale, pending confirmation from the City Council, and

WHEREAS, pursuant to RCW 35.94.040 and TMC 1.06.280, the City Council shall conduct a public hearing on the proposed sale of City-owned real property; Now, Therefore,

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

Section 1. That a public hearing on the sale of approximately 0.89 of an acre of unimproved real property owned by the City of Tacoma, through its Department of Public Utilities, Water Division, and now surplus to its needs, to the Tacoma School District for the sum of \$5,000 and certain public benefits, shall be held before the City Council in the Tacoma Public Utilities Auditorium, 3628 South 35th Street, Ground Floor, Tacoma, Washington, on Tuesday, August 16, 2016, at approximately 5:30 p.m. or as soon thereafter as the same may be heard.



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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

Requested by Public Utility Board
Resolution No. U-10866



RESOLUTION NO. 39506

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract with
3 Cues, Inc., in the amount of \$205,198, plus sales tax, budgeted from ES
4 Wastewater Fund 4300, for purchase of one Cues CCTV Van for collection
system asset inspections pursuant to Interlocal Agreement HGACBuy
Contract No. SC01-15.

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

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

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

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

17 Section 2. That the proper officers of the City are hereby authorized to
18 enter into a contract with Cues, Inc., in the amount of \$205,198, plus sales tax,
19 budgeted from ES Wastewater Fund 4300, for purchase of one Cues CCTV Van
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1 for collection system asset inspections pursuant to Interlocal Agreement

2 HGACBuy Contract No. SC01-15, consistent with Exhibit "A."

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4 Adopted _____

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Mayor

7 Attest:

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City Clerk

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11 Approved as to form:

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13 _____
City Attorney

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RESOLUTION NO. 39507

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract with
3 Northwest Cascade, Inc., in the amount of \$1,013,742.50, plus a
4 15 percent contingency, for a cumulative total of \$1,165.803.88, excluding
5 sales tax, budgeted from the ES Wastewater Fund 4300, ES Surface
6 Water Fund 4301, and PW Streets Initiative Fund 1085, for the removal
7 and construction of approximately 2,200 linear feet of 10-inch to 15-inch
8 diameter underground wastewater and stormwater mains and roadway
9 surface restoration and curb ramps in the vicinity of Fawcett Avenue,
10 between South 72nd and South 88th Streets, pursuant to Specification
11 No. ES16-0061F.

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

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

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

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

22 Section 2. That the proper officers of the City are hereby authorized to
23 enter into a contract with Northwest Cascade, Inc., in the amount of \$1,013,742.50,
24 plus a 15 percent contingency, for a cumulative total of \$1,165.803.88, excluding
25 sales tax, budgeted from budgeted from the ES Wastewater Fund 4300,
26 ES Surface Water Fund 4301, and PW Streets Initiative Fund 1085, for the
removal and construction of approximately 2,200 linear feet of 10-inch to 15-inch



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diameter underground wastewater and stormwater mains and roadway surface restoration and curb ramps in the vicinity of Fawcett Avenue, between South 72nd and South 88th Streets, pursuant to Specification No. ES16-0061F, consistent with Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 39508

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 Swanson Bark and Wood Products, Inc., in the amount of
4 \$460,800, sales tax not applicable, budgeted from the ES Wastewater
5 Fund 4300, for black bark on an as-needed basis to use in the creation
6 of TAGRO potting soil pursuant to Specification No. ES16-0061F.

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

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

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

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

17 Section 2. That the proper officers of the City are hereby authorized to
18 enter into a contract with Swanson Bark and Wood Products, Inc., in the amount
19 of \$460,800, sales tax not applicable, budgeted from the ES Wastewater
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1 Fund 4300, for black bark on an as-needed basis to use in the creation of TAGRO
2 potting soil pursuant to Specification No. ES16-0061F, consistent with Exhibit "A."
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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 City Attorney

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RESOLUTION NO. 39509

1 A RESOLUTION relating to the multi-family property tax exemption program;
2 authorizing the execution of a Multi-Family Housing Eight-Year Limited
3 Property Tax Exemption Agreement with 25th & Proctor Investors LLC, for
4 the development of 137 multi-family market-rate rental housing units to be
5 located at 3910 North 25th Street in the Proctor Mixed-Use Center.

6 WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of
7 Washington, designated several Residential Target Areas for the allowance of a
8 limited property tax exemption for new multi-family residential housing, and

9 WHEREAS the City has, through Ordinance No. 25789, enacted a program
10 whereby property owners in Residential Target Areas may qualify for a Final
11 Certificate of Tax Exemption which certifies to the Pierce County
12 Assessor-Treasurer that the owner is eligible to receive a limited property tax
13 exemption, and

14 WHEREAS 25th & Proctor Investors LLC is proposing to develop 137 new
15 market-rate rental units to consist of 20 studio units, 547 square feet in size and
16 renting for \$1,094 per month; 86 one-bedroom, one-bath units, 699 square feet in
17 size and renting for \$1,398 per month; 26 two-bedroom, two-bath units,
18 1,019 square feet in size and renting for \$2,038 per month; and five three-bedroom,
19 two-bath units, 1,190 square feet in size and renting for \$2,380 per month, as well as
20 140 on-site residential parking stalls and 8,000 square feet of retail space, and

21 WHEREAS the Director of Community and Economic Development has
22 reviewed the proposed property tax exemption and recommends that a conditional
23 property tax exemption be awarded for the property located at 3910 North 25th
24 Street, as more particularly described in the attached Exhibit "A"; Now, Therefore,
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

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Section 1. That the City Council does hereby approve and authorize a conditional property tax exemption, for a period of eight years, to 25th & Proctor Investors LLC for the property located at 3910 North 25th Street in the Proctor Mixed-Use Center, as more particularly described in the attached Exhibit "A."

Section 2. That the proper officers of the City are authorized to execute a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with 25th & Proctor Investors LLC, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Legal description approved:

Chief Surveyor
Public Works Department



EXHIBIT "A"

LEGAL DESCRIPTION

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Tax Parcel Nos: 7475013580, 7475013590, 7475013600, 7475013620,
7475013610, 7475013650, and 7475013630

Legal Description:

That portion of the Northwest and Northeast quarters of the Northeast quarter of Section 36, Township 21 North, Range 02 East, W.M., more particularly described as follows:

The South 125 feet of Block 41, AMENDED MAP OF SECOND SCHOOL LAND ADDITION TO THE CITY OF TACOMA, as recorded in Volume 7 of Plats at Pages 78 and 79, records of Pierce County Auditor.

Situate in the City of Tacoma, County of Pierce, State of Washington.



RESOLUTION NO. 39510

1 A RESOLUTION relating to the multi-family property tax exemption program;
2 authorizing the execution of a Multi-Family Housing 12-Year Limited
3 Property Tax Exemption Agreement with Calkins Enterprises LLC, for the
4 development of 12 multi-family market-rate and affordable housing units to
be located at 4301 South Junett Street in the Tacoma Mall Mixed-Use
Center.

5 WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of
6 Washington, designated several Residential Target Areas for the allowance of a
7 limited property tax exemption for new multi-family residential housing, and
8

9 WHEREAS the City has, through Ordinance No. 25789, enacted a program
10 whereby property owners in Residential Target Areas may qualify for a Final
11 Certificate of Tax Exemption which certifies to the Pierce County
12 Assessor-Treasurer that the owner is eligible to receive a limited property tax
13 exemption, and
14

15 WHEREAS Calkins Enterprises LLC is proposing to develop 12 new
16 market-rate and affordable housing units to consist of three one-bedroom, one-bath
17 units, 800 square feet in size and renting for \$800 per month; six two-bedroom,
18 two-bath units, 1,400 square feet in size and renting for \$1,200 per month; and
19 three three-bedroom, two-bath units, 1,800 square feet in size and renting for
20 \$1,450 per month, as well as 19 on-site residential parking stalls, and
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22 WHEREAS the Director of Community and Economic Development has
23 reviewed the proposed property tax exemption and recommends that a
24 conditional property tax exemption be awarded for the property located at
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4301 South Junett Street, as more particularly described in the attached

1 Exhibit "A"; Now, Therefore,

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

3 Section 1. That the City Council does hereby approve and authorize a
4 conditional property tax exemption, for a period of 12 years, to Calkins Enterprises
5 LLC for the property located at 4301 South Junett Street in the Tacoma Mall
6 Mixed-Use Center, as more particularly described in the attached Exhibit "A."
7

8 Section 2. That the proper officers of the City are authorized to execute a
9 Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with
10 Calkins Enterprises LLC, said document to be substantially in the form of the
11 proposed agreement on file in the office of the City Clerk.
12

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14 Adopted _____

15 _____
16 Mayor

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18 Attest: _____
19 City Clerk

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21 Approved as to form: _____
22 Deputy City Attorney

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24 Legal description approved: _____
25 Chief Surveyor
26 Public Works Department



EXHIBIT "A"

LEGAL DESCRIPTION

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Tax Parcel: 5405000080

Legal Description:

That portion of the Northeast quarter of the Southwest quarter of Section 18, Township 20 North, Range 03 East, W.M., more particularly described as follows:

Lot 6 through 9, and the North 7 feet of Lot 10, Block 2, MADISON PARK ADDITION TO TACOMA, W.T., according to the Plat thereof recorded in Volume 3 of Plats, page 99, records of Pierce County Auditor;

Situate in the City of Tacoma, County of Pierce, State of Washington.



RESOLUTION NO. 39511

1 SPONSORED BY MAYOR STRICKLAND AND COUNCIL MEMBERS LONERGAN
2 AND WOODARDS

3 A RESOLUTION authorizing the use of City Council Contingency Funds, in the
4 amount of up to \$7,000, budgeted from the City Council Contingency Fund,
5 for expenses related to a Sister Cities Program assessment and strategic
6 plan development.

7 WHEREAS the City's Sister City Program ("Program") was created in 1959
8 with the goal of promoting deeper cultural understanding, international visitation,
9 and hospitality, leading to long lasting relationships, and

10 WHEREAS the City currently has 14 international sister cities, and these
11 sister city links have become an increasingly important conduit for economic
12 development, and

13 WHEREAS, given the *Tacoma 2025* core values of Economic Vibrancy and
14 Employment and Arts and Cultural Vitality, it is important for the City to leverage
15 international partnerships to strengthen its future and support these core values,
16 and

17 WHEREAS it would be beneficial to assess the direction of the Program to
18 advance the international objectives of the City by aligning Program priorities and
19 developing a strategic direction for future efforts, and

20 WHEREAS, at the July 12, 2016, City Council Study Session, Mayor
21 Strickland shared a Council Consideration Request to use up to \$7,000 of City
22 Council Contingency funds to pay for expenses related to a Program assessment
23 and strategic plan development, and
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WHEREAS the City is interested in entering into an agreement to conduct the Program assessment and assist with development of the strategic plan, and

WHEREAS, after discussion, there was consensus to bring this request forward to the City Council for its consideration, and

WHEREAS Ordinance No. 22569 requires an affirmative vote of not less than six members of the City Council in order to withdraw moneys from this fund;

Now, Therefore,

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

That one-time funding in the amount of up to \$7,000, budgeted from the City Council Contingency Fund, is hereby approved for expenses related to a Sister Cities Program assessment and strategic plan development.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



ORDINANCE NO. 28373

AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of the Tacoma Municipal Code to implement rates of pay and compensation for employees represented by Tacoma Police Union, Local 6, I.U.P.A., and declaring the effective dates thereof.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective retroactive to January 1, 2015, to read as follows:

Code	A	Job Title	1	2	3	4	5	6
4202		Police Officer	<u>28.17</u>	<u>32.17</u>	<u>33.73</u>	<u>35.36</u>	<u>37.11</u>	<u>38.93</u>
4204		Police Sergeant	<u>44.83</u>	<u>47.08</u>				
4207		Police Detective	<u>40.76</u>	<u>42.79</u>				

Code	A	Job Title	1	2	3	4	5	6
4202		Police Officer	<u>28.79</u>	<u>32.88</u>	<u>34.47</u>	<u>36.14</u>	<u>37.93</u>	<u>39.79</u>
4204		Police Sergeant	<u>45.82</u>	<u>48.12</u>				
4207		Police Detective	<u>41.66</u>	<u>43.73</u>				

Section 2. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective retroactive to January 1, 2016, to read as follows:

Code	A	Job Title	1	2	3	4	5	6
4202		Police Officer	<u>28.79</u>	<u>32.88</u>	<u>34.47</u>	<u>36.14</u>	<u>37.93</u>	<u>39.79</u>
4204		Police Sergeant	<u>45.82</u>	<u>48.12</u>				
4207		Police Detective	<u>41.66</u>	<u>43.73</u>				

Code	A	Job Title	1	2	3	4	5	6
4202		Police Officer	<u>29.11</u>	<u>33.24</u>	<u>34.85</u>	<u>36.54</u>	<u>38.35</u>	<u>40.23</u>
4204		Police Sergeant	<u>46.32</u>	<u>48.65</u>				
4207		Police Detective	<u>42.12</u>	<u>44.21</u>				

Section 3. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective September 1, 2016, to read as follows:

Code	A	Job Title	1	2	3	4	5	6
4202		Police Officer	<u>29.11</u>	<u>33.24</u>	<u>34.85</u>	<u>36.54</u>	<u>38.35</u>	<u>40.23</u>
4204		Police Sergeant	<u>46.32</u>	<u>48.65</u>				
4207		Police Detective	<u>42.12</u>	<u>44.21</u>				



Code	A	Job Title	1	2	3	4	5	6
4202		Police Officer	28.89	32.99	34.59	36.27	38.06	39.93
4204		Police Sergeant	45.98	48.29				
4207		Police Detective	41.81	43.88				

Section 4. That Section 1.12.640 of the Tacoma Municipal Code is hereby amended, effective as provided by law, to read as follows:

1.12.640 Application of additional rates.

* * *

4202, 4204, 4207 A Police Officer shall receive 5 percent for those hours engaged in training as a Police Training Officer, ~~effective retroactively to March 2006.~~

* * *

4202, 4204, 4207 A Police Officer, Police Detective, and Police Sergeant covered by the LEOFF II retirement system shall receive an additional 1 percent applied rate in lieu of providing long-term disability insurance to bargaining unit employees.

* * *

4202, 4204, 4207 ~~Effective August 4, 2008, a~~n employee assigned as a Tactical Officer to the Criminal Justice Training Commission (CJTC) shall receive a premium of 3 percent of his or her base hourly wage for those hours so assigned.

Section 5. That Section 1 is effective retroactive to January 1, 2015. That Section 2 is effective retroactive to January 1, 2016. That Section 3 is effective September 1, 2016. That Section 4 is effective as provided by law.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



ORDINANCE NO. 28374

1 AN ORDINANCE relating to food truck vendor regulations; amending Tacoma
2 Municipal Code Subtitle 6B, License Code, by adding thereto a new
3 Chapter 6B.175, to be known and designated as “Sales – Food Truck
4 Vendors,” consisting of eight sections, to create a standard process for food
trucks to operate on public rights-of-way through a regulatory license
application and location review.

5 WHEREAS, in 2015, the City conducted a pilot program through the Special
6 Events permitting process, which indicated that small, flexible businesses play an
7 important role in the City’s economy, that food trucks are desired, and that standard
8 regulations needed to be established for the operation of food trucks in the City,
9
10 and

11 WHEREAS a stakeholder work group, comprised of food truck vendors; brick
12 and mortar restaurants; the Washington Restaurant Association; Tacoma Pierce
13 County Health Department staff; and City staff representing Community and
14 Economic Development, Tax & License, Code Enforcement, and Traffic and
15 Parking, have met over the past several months to develop food truck policy and
16 regulation for vending from the right-of-way, and

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18 WHEREAS the proposed regulations establish requirements and process
19 based on cooperative efforts by the workgroup, findings from the 2015 pilot
20 program, and peer cities best practices, and

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22 WHEREAS the proposed regulations establish a transparent, fair, and
23 navigable process for food trucks to operate on rights-of-way, and provide a
24 standard application process, location review process, and operating requirements,
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WHEREAS the following five food truck locations have been identified, three in downtown and two in the Dome district, and are pending Tacoma Pierce County Health Department sales site agreement acquisition (restroom agreements) and establishment of operating hours:

- Tacoma Avenue South, near the main library;
- South 11th and A Streets;
- Broadway, in front of Pierce Transit Park;
- East 25th Street, between East C and East D Streets; and
- Puyallup Avenue, near the Greyhound station;

and

WHEREAS the proposed regulations also provide for a review process if additional locations on rights-of-way are identified by food truck vendors as desirable locations for future operations; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Subtitle 6B of the Tacoma Municipal Code, License Code, is hereby amended by the addition of a new Chapter 6B.175, to be known and designated as "Sales – Food Truck Vendors," consisting of eight sections, to read as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

TITLE 6B
LICENSE CODE

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Chapters:

- 6B.10 General License Provisions
- 6B.20 Annual Business License
- 6B.30 Adult Entertainment
- 6B.40 Alarm Devices
- 6B.50 Ambulances
- 6B.60 Boilers – Engineer and Fireman Certificates
- 6B.70 Entertainment/Dancing – Alcohol served
- 6B.80 Entertainment/Dancing or Skating Rinks – All Ages
- 6B.90 Fire Alarms and Fire Suppression Systems
- 6B.100 *Repealed*
- 6B.110 Garages, Fuel Stations and Marine Repair Facilities
- 6B.120 Gas Fitters and Appliance Installers
- 6B.125 Hazardous Materials
- 6B.130 Home Occupations
- 6B.140 Hotels
- 6B.145 Live/Work and Work/Live
- 6B.150 Oil and Gas Delivery Vehicles
- 6B.160 Pawnbrokers, Secondhand Dealers and Garage Sales
- 6B.165 Provisional Rental Property License
- 6B.170 Sales – Door-to-Door Soliciting
- 6B.175 Sales – Food Truck Vendors
- 6B.180 Sales – Sidewalk Vendors
- 6B.190 *Repealed*
- 6B.200 Septic and Side Sewer Contractors
- 6B.210 Sign Erectors
- 6B.220 For-Hire Regulations
- 6B.230 Temporary Licenses – Sales or Shows

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Chapter 6B.175
Sales – Food Truck Vendors

Sections:

- 6B.175.010 Purpose.
- 6B.175.020 License required.
- 6B.175.030 Definitions.
- 6B.175.040 Application requirements.
- 6B.175.050 Fees.
- 6B.175.060 Locations.
- 6B.175.070 Operating Requirements.
- 6B.175.080 License or location revocation or denial.

6B.175.010 Purpose.

The purpose of this chapter is to provide for regulation of food truck vending activities in approved locations of the City on public ways in order to more fully promote the public interest by contributing to an active and



attractive pedestrian environment. In recognition thereof, reasonable regulation of food truck vending is necessary in public ways to protect the public health, safety, and welfare and the interests of the City.

6B.175.020 License required.

It shall be unlawful for any person to engage in or carry on the business of food truck vending upon the public ways of the City without first having obtained a license or licenses pursuant to this chapter.

6B.175.030 Definitions.

“Food truck” means an operable motor vehicle used to serve, vend, or provide ready-to-eat food or nonalcoholic beverages for immediate consumption, with or without charge, and is operated from a temporary location on a public way. However, the provisions of this chapter shall not apply to an ice cream vendor that offers only prepacked frozen confections produced in a licensed food establishment or food processing plant or mobile caterers or mobile trucks, generally defined as follows: a person engaged in the business of transporting, in motor vehicles, food and beverages to residential, business, and industrial establishments pursuant to prearranged schedules, and dispensing from the vehicles located on private property the items, for convenience of the personnel of such establishments.

“Food truck vending” means the sale of primarily food and/or non-alcoholic beverages from a food truck upon public ways of the City. Other items may be sold in conjunction with food truck vending items.

“Food truck vendor” means a person who engages in the activity of food truck vending.

“Public ways” means and includes all portions of streets and alleys within the corporate limits of the City and, in addition, such other property under the control of the City which the City Council may from time to time designate via resolution for the express purpose of allowing vending thereon.

6B.175.040 Application requirements.

Application for a license shall be filed with the Department on forms deemed appropriate by the Director and include the current application fee. In addition the applicant shall:

A. Obtain commercial general liability, including products/completed operations liability insurance, naming the City of Tacoma as additional insureds for both ongoing and completed operations. Minimum liability to be maintained is \$1,000,000. The applicant shall obtain commercial automobile liability with limits of not less than \$1,000,000 for each accident for bodily injury and property damage. If the applicant hires employees, the applicant shall maintain Statutory Workers Compensation and also Employers Liability with limits not less than \$1,000,000. The applicant shall submit a certificate of insurance and copies of the additional insured endorsement(s) to the Department.

B. Comply with the inspection provisions and standards for food trucks, as set forth in WAC 246-215 and any amendments thereto. To demonstrate compliance with these requirements, the food truck vendor shall obtain plan check approval from the Tacoma-Pierce County Health Department and submit a copy of the Mobile Unit Permit to the City.

C. Submit to inspection by the Tacoma Fire Department to assure compliance with Tacoma Municipal Code (TMC”) 3.02, including, but not limited to, compliance of cooking or heating apparatus, fire extinguisher requirements, and any other requirement of TMC 3.02 related to safe operations of food truck vending operation.

6B.175.050 Fees.

The fees for a food truck vendor license are hereby fixed as follows:

<u>Description</u>	<u>Fees</u>
<u>Annual license fee</u>	<u>\$225</u>

6B.175.060 Locations.

A. The City shall establish locations suitable for food truck vending. When reviewing locations the City shall consider the following non-exclusive criteria before approving the location for food truck vending.



The location, at a minimum, shall:

- 1 1. Have restroom access that meets the requirements of WAC 246-215, as approved by the Tacoma-Pierce
- 2 County Health Department.
- 3 2. Be within an approved commercial zone as identified in TMC Title 13, unless approved by the City.
- 4 3. Be compatible with the public and local business interest in use of the public ways as public rights-of-way.
- 5 4. Not reduce the width of any pedestrian walkway below six feet or impede vehicular traffic.
- 6 5. Not hinder the use of any phone booth, mailbox, fire alarm, fire hydrant (including automatic sprinklers or
- 7 standpipe connections), newspaper vending machine, bench, transit stop, or traffic signal controllers.
- 8 6. Not be within 10 feet of a driveway or bus stop sign, or within 20 feet from a crosswalk, pursuant to
- 9 RCW 46.61.570, unless approved by the City.
- 10 B. Any given location may not be accessible to the food truck when the City approves a special event permit
- 11 per TMC 11.15 that uses the same public ways unless the food truck vendor is a participant of the special
- 12 event and has received permission from the special event applicant.
- 13 C. The right to occupy said food truck locations shall be shared in common with other food truck vendors
- 14 which qualify for use of said areas as hereinafter set forth.
- 15 D. Locations shall be identified by the City with a sign that will include the approved hour food truck vendors
- 16 are allowed to operate. If an approved location is not identified with a permanent City sign, an A-Board sign
- 17 that is approved or designed by the City must be posted by the food truck vendor prior to the location being
- 18 used, and such posting shall reserve the location for that food truck vendor for the operating hours indicated
- 19 on the sign.

The A-Board sign shall:

- 20 1. Be posted by the vendor 24 hours in advance of the location being used on the sidewalk directly next to the
- 21 parking space designated by the City for food truck operations.
- 22 2. Indicate the hours the food truck vendor will be operating. Hours of operation at each location will be
- 23 approved by the City.
- 24 3. Not exceed four feet high and 12 square feet on each side of the A-board.
- 25 4. Only include wording approved by the City.
- 26 5. Not contain business names, business logos, or any type of business advertising.
- 6. Be removed at the beginning of the food truck vendor shift by the vendor, unless the food truck will be
- operating at the location within the next 24 hours.
- E. Food truck vendors or other interested parties may request a new food truck vendor location that would
- allow all licensed food truck vendors to operate to the City by submitting their request on a form provided by
- the Director to the Tax & License Division. The person submitting the request for the location shall have the
- burden to prove that any proposed food truck vending activity will enhance and further the public interest
- consistent with the use of the public way by the general public and the City for other authorized uses and
- activities as outlined in 6B.175.060.

6B.175.070 Operating requirements.

Any person with a food truck vending license issued pursuant to this chapter shall be subject to the following requirements:

- 22 A. All food truck vendors must display, in a prominent and visible manner, the license issued by the
- 23 Department under the provisions of this chapter.
- 24 B. Canopies shall have a minimum clearance of (7) seven feet and a maximum height of (9.5) nine feet
- 25 six inches above the sidewalk. Canopies shall not exceed (40) forty square feet in area.
- 26 C. The food truck vending site must be clean and orderly at all times, and the food truck vendor must provide
- a refuse container for use by patrons and must remove all refuse from the site when the food truck is done
- making sales for the day.
- D. Soliciting business from persons in motor vehicles is prohibited.



1 E. No merchandise shall be displayed using street furniture (planters, street lights, trees, trash containers, etc.) or placed upon the sidewalk.

2 F. A six foot, unobstructed accessible public pedestrian pathway through the food truck area must be maintained at all times. The pathway shall be clear of all debris, temporary furniture, and trip hazards (electrical cords or cables crossing the pathway shall be covered with ADA compliant ramp or cover).

3 G. Food truck vendors shall obey any lawful order from a Police or Fire Department official or any other City official during an emergency or to avoid congestion or obstruction of the public way.

4 H. No food truck vendor shall make any noise that exceeds the standards in TMC 8.122.020 or use mechanical audio or noise-making devices to advertise his or her product.

5 I. No food truck shall be left unattended at a food truck location designated by the City. Any unattended food trucks are subject to impound by the City.

6 J. No food truck may occupy a designated food truck location unless they are available to make sales to the public.

7 K. No maintenance or repairs may be made to a food truck while parked at a food truck location.

8 L. Any unauthorized or unlicensed food truck vendors operating from the public ways are subject to impound by the City.

9 M. Utility service connections are not permitted, except electrical, when provided by the owner of the adjacent property. Electrical lines are not allowed overhead or lying in the pedestrian portion of the sidewalk or in an area where a vehicle can drive over them, provided, however, electrical cords or cables may cross the sidewalk if they are covered with an ADA compliant ramp or cover.

10 N. No products may be sold while a food truck vendor is in transit.

11 O. The maximum width of a food truck shall not be more than eight feet.

12 P. Notwithstanding the requirements in TMC 11.05, food truck vendors licensed under this chapter shall be exempt from paying the required parking fees and adhering to the designated time limitations while operating at an approved City food truck location during the approved hours of operation.

13 **6B.175.080 License or location revocation or denial.**

14 A. In addition to the reasons for suspension or revocation set out in Section 6B.10.140, the Director may suspend or revoke any license issued under this chapter if the Mobile Unit Permit issued by Tacoma-Pierce County Health Department is cancelled or revoked or for any violations of this chapter.

15 B. The grant of a license for food truck vending on a public way is a grant of a temporary privilege to use a portion of the public way to serve and benefit the general public, and any rights of use permitted under the provisions of this chapter shall be of a temporary and revocable nature.

16 C. Any approved location granted under the provisions of this chapter may be revoked by the Director or other authorized representative of the City; if the Director or authorized representative finds that the location no longer serves or benefits the public and is inconsistent with Section 6B.175.060. The Director may rely, in part, on correspondence regarding food truck vendor's operations and compliance with the requirements of the TMC filed with the Director by property owners and businesses located within reasonable proximity to the food truck location.

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