



## Legislation Passed November 1, 2016

The Tacoma City Council, at its regular City Council meeting of November 1, 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.

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### **Resolution No. 39573**

A resolution setting Tuesday, November 15, 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 0.70 acres of property, located in the southeast corner of Tacoma Mall Boulevard and South 58th Street, to Heritage Bank for the amount of \$560,000.

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

### **Resolution No. 39574**

A resolution awarding a contract to Eberle Vivian Incorporated, in the amount of \$870,683.40, sales tax not applicable, budgeted from the Workers' Compensation Fund, for third-party administration services of workers' compensation claims for an initial three-year term, with the option to renew for two additional one-year terms, for a projected contract total of \$1,475,109.60 - Specification No. HR16-0134F.

[Saada Gegoux, Risk Manager; Joy St. Germain, Director, Human Resources]

### **Resolution No. 39575**

A resolution authorizing an increase to the contract with OSW Equipment & Repair Inc., in the amount of \$331,115, plus sales tax, for a total of \$799,875, budgeted from the Fleet Equipment Rental Capital General Fund, for steel dump bodies - Specification No. GF16-0153F.

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

### **Resolution No. 39576**

A resolution authorizing the execution of a Letter of Agreement with the Tacoma, Washington County and City Employees, Local 120, creating a new classification entitled Integration Developer.

[Joy St. Germain, Director, Human Resources]

### **Amended Resolution No. 39577**

A resolution directing the City Manager to hire an independent third-party consultant or consultants to audit, analyze and establish a reasonable methodology for cost allocation between Tacoma Power and Click! Network and evaluate the expansion of Click! Network; authorizing the execution of professional services agreements outlining the scope of work and deliverables; and authorizing the use of up to \$100,000, budgeted from the City Council Contingency Fund, to pay for the costs pending reimbursement from Click! Network.

[Council Member McCarthy]

**Ordinance No. 28384**

An ordinance transferring the Center for Urban Waters land from the Solid Waste Utility to the Wastewater Utility, and providing for cash reimbursement to the Solid Waste Utility for the net book value of said land.

[Michael P. Slevin III, P.E., Director, Environmental Services]



## RESOLUTION NO. 39573

1 A RESOLUTION relating to utility-owned surplus property; setting Tuesday,  
2 November 15, 2016, as the date for a public hearing on the sale of  
3 approximately 0.70 acres of property located at the southeast corner of  
4 Tacoma Mall Boulevard and South 58th Street in Tacoma, Washington,  
5 owned by the City of Tacoma through its Department of Public Utilities,  
6 Water Division, and now surplus to its needs, to Heritage Bank for the sum  
7 of \$560,000.

8 WHEREAS the City of Tacoma, through its Department of Public Utilities,  
9 Water Division (d.b.a. "Tacoma Water"), acquired an 80-acre parcel of property  
10 through condemnation, for the purpose of constructing, operating, and maintaining  
11 a reservoir, and

12 WHEREAS, in the early 1970s, the site was declared surplus when  
13 Tacoma Water determined that it would not develop a reservoir, and the majority  
14 of the property was sold and preserved as the Wapato Hills Urban Wildlife  
15 Habitat, and

16 WHEREAS Tacoma Water owns 0.70 acres of the original 80-acre  
17 acquisition, located at the southeast corner of Tacoma Mall Boulevard and  
18 South 58th Street in Tacoma, Washington ("Property"), as more particularly  
19 described in the documents on file in the office of the City Clerk, and

20 WHEREAS the Property is vacant and zoned C-2, General Community  
21 Commercial District, and has been appraised at \$530,000, and

22 WHEREAS Tacoma Water has determined that the Property is not  
23 essential for continued effective utility service, and  
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WHEREAS Heritage Bank has offered to purchase the Property for \$560,000, and

WHEREAS the purchase price is based on fair market value, and the terms and conditions of the proposed agreement have been approved by Tacoma Water and Public Works, Real Property Services, and

WHEREAS, on October 12, 2016, by adoption of Public Utility Board Resolution No. U-10883, 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 0.70 acres of surplus property located at the southeast corner of Tacoma Mall Boulevard and South 58th Street in Tacoma, Washington, owned by the City of Tacoma through its Department of Public Utilities, Water Division (d.b.a. "Tacoma Water"), and now surplus to its needs, to Heritage Bank for the amount of \$560,000, shall be held before the City Council in the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, on Tuesday, November 15, 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 \_\_\_\_\_

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Mayor

Attest:

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City Clerk

Approved as to form:

\_\_\_\_\_  
Chief Deputy City Attorney

Requested by Public Utility Board  
Resolution No. U-10883



## RESOLUTION NO. 39574

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 Eberle Vivian Incorporated in the amount of \$870,683.40, sales tax  
4 not applicable, budgeted from the Workers' Compensation Fund, for  
5 third-party administration services of workers' compensation claims for  
6 an initial three-year term, with the option to renew for two additional  
7 one-year terms, for a projected contract total of \$1,475,109.60, pursuant  
8 to Specification No. HR16-0134F.

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 the attached Exhibit "A"; Now,  
15 Therefore,

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

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

20 Section 2. That the proper officers of the City are hereby authorized to  
21 enter into a contract with Eberle Vivian Incorporated in the amount of  
22 \$870,683.40, sales tax not applicable, budgeted from the Workers' Compensation  
23 Fund, for third-party administration services of workers' compensation claims for  
24 an initial three-year term, with the option to renew for two additional one-year  
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terms, for a projected contract total of \$1,475,109.60, pursuant to Specification  
1 No. HR16-0134F, consistent with Exhibit "A."

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3 Adopted \_\_\_\_\_

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6 Mayor

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8 Attest:

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10 City Clerk

11 Approved as to form:

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13 City Attorney  
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## RESOLUTION NO. 39575

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. 4600011687 with OSW Equipment & Repair Inc., in the amount of  
4 \$331,115, plus sales tax, for a total contract amount of \$799,875, plus  
5 sales tax, budgeted from the Fleet Equipment Rental Capital General  
6 Fund, for the purchase of additional steel dump bodies pursuant to  
7 Specification No. GF16-0153F.

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

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

14 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. 4600011687 with OSW Equipment & Repair Inc., in the  
21 amount of \$331,115, plus sales tax, for a total contract amount of \$799,875,  
22 plus sales tax, budgeted from the Fleet Equipment Rental Capital General Fund,  
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1 for the purchase of additional steel dump bodies pursuant to Specification  
2 No. GF16-0153F, consistent with Exhibit "A."

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4 Adopted \_\_\_\_\_

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Mayor

7 Attest:

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City Clerk

10 Approved as to form:

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City Attorney

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## RESOLUTION NO. 39576

1 A RESOLUTION relating to collective bargaining; authorizing the execution of a  
2 Letter of Agreement negotiated between the City of Tacoma and the City  
3 of Tacoma, Washington, County and City Employees, Local 120,  
4 AFSCME, AFL-CIO.

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

8 WHEREAS Resolution No. 38968, adopted July 22, 2014, authorized the  
9 execution of the four-year Collective Bargaining Agreement (“CBA”) between  
10 the City of Tacoma and the City of Tacoma, Washington, County and City  
11 Employees, Local 120, AFSCME, AFL-CIO (“Union”), on behalf of the  
12 employees represented by said Union, and

13 WHEREAS the City and Union have negotiated a Letter of Agreement  
14 (“LOA”) to the CBA which provides for the creation of a new classification to the  
15 Compensation Plan, entitled “Integration Developer” (CSC 0160), which will be  
16 classified, eligible for overtime, and represented by the Union, and

17 WHEREAS it appears in the best interest of the City that the LOA  
18 negotiated by said Union and the City be approved; Now, Therefore,

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

20 That the proper officers of the City are hereby authorized to execute the  
21 Letter of Agreement negotiated between the City of Tacoma and the City of  
22 Tacoma, Washington, County and City Employees, Local 120, AFSCME, AFL-CIO,  
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1 said document to be substantially in the form of the document on file in the office of  
2 the City Clerk.

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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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Deputy City Attorney

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## RESOLUTION NO. 39577

1 BY REQUEST OF COUNCIL MEMBERS BLOCKER, IBSEN, MCCARTHY, AND  
2 WOODARDS

3 A RESOLUTION directing the City Manager to hire an independent third-party  
4 consultant or consultants to audit, analyze, and establish a reasonable  
5 methodology for cost allocation between Tacoma Power and Click!  
6 Network and evaluate the expansion of Click! Network; authorizing the  
7 execution of professional services agreements, as necessary, which outline  
8 the scope and deliverables; and authorizing the use of up to \$100,000,  
9 budgeted from the City Council Contingency Fund, to pay the costs  
10 associated therewith, pending reimbursement from Click! Network.

11 WHEREAS, on December 15, 2015, the City Council approved Resolution  
12 No. 39347, which required Tacoma Power to develop a business, financial, and  
13 marketing plan to provide Click! Network (“Click!”) customers with retail cable  
14 television, voice, and internet services, and

15 WHEREAS, following a nine-month review, the Click! Engagement  
16 Committee (“Committee”) described the community benefits of an enhanced Click!  
17 telecommunications system and an outline of the features of such a system, and

18 WHEREAS, on September 28, 2016, pursuant to Resolution No. U-10879  
19 (“Resolution”), the Tacoma Public Utility Board (“Board”) approved the Click!  
20 “All-In” Business Plan (“Plan”), and

21 WHEREAS, since its inception in 1996, Click! has been part of Tacoma  
22 Power’s telecommunications system and was initially financed with Tacoma  
23 Power electric revenues, and

24 WHEREAS, since that time, the internal cost allocation between Click! and  
25 Tacoma Power has changed significantly and, over time, Tacoma Power has  
26 substantially increased the cost allocation borne by Click!, and



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WHEREAS the most recent shift in cost allocation is supported by an accountant assessment which relies predominantly upon the cost-accounting recommendations of Tacoma Power, and

WHEREAS this dramatic change in cost allocation has been the key driver underlying the debate over the future of Click!, and has encouraged considerable public scrutiny as to the veracity and appropriateness of the current accounting assumptions and methodology implemented by Tacoma Power, and

WHEREAS the concerns raised about the current cost allocation methodology and the implications of said methodology on the Plan are significant and must be resolved, and

WHEREAS, at the October 25, 2016, City Council Study Session, Council Member McCarthy shared a Council Consideration Request directing the City Manager to hire an independent third-party consultant or consultants to audit, analyze, and establish an independent cost allocation methodology between Tacoma Power and Click! and evaluate the expansion of the telecommunications system contemplated by the proposed Plan in the context of an evolving broadband telecommunications industry, and, further, to authorize the use of up to \$100,000 of City Council Contingency Funds for said purposes, and

WHEREAS the purpose of the proposed audit is to provide the City Council with the best analysis and information available for its deliberations on the proposed Plan, and to encourage the public's confidence in both the process and underlying assumptions of the Plan, and



1           WHEREAS Ordinance No. 22569 requires an affirmative vote of not less  
2 than six members of the Council in order to withdraw moneys from the City  
3 Council Contingency Fund; Now, Therefore,

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

5           Section 1. That the City Manager is hereby directed to hire an  
6 independent third-party consultant or consultants to audit, analyze, and establish  
7 a reasonable methodology for cost allocation between Tacoma Power and Click!  
8 Network, and evaluate the expansion of Click! Network.

9           Section 2. That the City Manager is hereby authorized to execute  
10 professional services agreements, as necessary, which outline the scope and  
11 deliverables necessary to perform the work described in Section 1.

12           Section 3. That the use of up to \$100,000, budgeted from the City Council  
13 Contingency Fund, is hereby authorized to pay the costs associated with the work  
14 authorized herein, pending reimbursement from Tacoma Power.

15           Section 4. Concurrent with the third-party consultant review requested by  
16 the City Council, Tacoma Public Utilities staff will complete the more detailed  
17 aspects of the Business and Marketing Plan for the "All-In" Business Plan ("Plan")  
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1 consistent with the direction provided in City Council Resolution No. 39347. This  
2 Plan will be reviewed and revised based upon the findings of our third-party audit.

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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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City Attorney

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## ORDINANCE NO. 28384

1 AN ORDINANCE relating to real property owned by the Environmental Services  
2 Utilities; authorizing the transfer of the Center for Urban Waters land from  
3 the Solid Waste Utility to the Wastewater Utility; and providing for cash  
4 reimbursement to the Solid Waste Utility for the net book value of said  
5 land.

6 WHEREAS a portion of the Center for Urban Waters (“CUW”) land was  
7 purchased with operating cash by each of the Environmental Services Utilities  
8 prior to the construction of the CUW building, and

9 WHEREAS the CUW building was funded by bonds sold in 2009 by  
10 Tacoma Environmental Services (“TES”) Properties, a component of the National  
11 Development Council, and

12 WHEREAS the TES bonds were refunded and refinanced by the City with  
13 the Sewer 2016A Sewer Bonds in June 2016, and

14 WHEREAS the CUW building and Sewer 2016A Bonds are recorded in  
15 the Wastewater Utility, and

16 WHEREAS, in order to consolidate the CUW land with the CUW building  
17 and associated bonds, the CUW land should be recorded in the Wastewater  
18 Utility, and

19 WHEREAS, the City desires to transfer the CUW land to the Wastewater  
20 Utility, and, in return, the Wastewater Utility will provide cash reimbursement to  
21 the Surface Water and Solid Waste Utilities for the net book value of said land;

22 Now, Therefore,  
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BE IT ORDAINED BY THE CITY OF TACOMA:

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Section 1. That the transfer of Center for Urban Waters (“CUW”) land from the Solid Waste Utility to the Wastewater Utility, is hereby approved.

Section 2. That the Wastewater Utility will provide cash reimbursement to the Solid Waste Utility for the net book value of the land.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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City Clerk

Approved as to form:

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Deputy City Attorney