



Legislation Passed November 7, 2017

The Tacoma City Council, at its regular City Council meeting of November 7, 2017, 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. 39861

A resolution awarding a contract to CenturyLink, in the amount of \$397,920, plus applicable sales tax, fees, and surcharges, budgeted from the Communications Systems Fund, for telecommunications carrier services, for an initial contract period of two years, with the option to renew for three additional one-year periods, for a projected contract total of \$994,800 - Specification No. IT17-0315F.

[Linda Trehuba, Information Technology Supervisor; Paul Federighi, Interim Director, Information Technology]

Resolution No. 39862

A resolution authorizing the execution of a Letter of Agreement with the Professional Public Safety Managers Association, to provide for a temporary increase to the number of participants in the Voluntary Employee Beneficiary Association retirement incentive program from six to eight, for the year 2018.

[Corey Moriyama, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

Resolution No. 39863

A resolution approving consent to change in control of the franchise agreement holder Astound Broadband, LLC.

[Jeff Lueders, Cable Communications and Franchise Services Manager; Gwen Schuler, Director, Media and Communications]

Ordinance No. 28462

An ordinance amending Chapter 13.06 of the Municipal Code, relating to the zoning of marijuana uses, by adding local definitions of "playground" and "recreation center or facility" in order to protect Metro Parks-owned playgrounds and recreation centers and facilities to the level of buffering intended by the state.

[Brian Boudet, Planning Manager; Peter Huffman, Director, Planning and Development Services]



RESOLUTION NO. 39861

1 A RESOLUTION awarding a contract to CenturyLink, in the amount of
2 \$397,920, plus applicable sales tax, fees, and surcharges, budgeted
3 from the Communications Systems Fund, for telecommunications carrier
4 services, for an initial contract period of two years, with the option to
renew for three additional one-year periods, for a projected contract total
of \$994,800 pursuant to Specification No. IT17-0315F.

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 the attached Exhibit "A"; Now,
12

13 Therefore,

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

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

18 Section 2. That the proper officers of the City are hereby authorized to
19 enter into a contract with CenturyLink, in the amount of \$397,920, plus
20 applicable sales tax, fees, and surcharges, budgeted from the Communications
21 Systems Fund, for telecommunications carrier services, for an initial contract
22 period of two years, with the option to renew for three additional one-year
23
24
25
26



1 periods, for a projected contract total of \$994,800 pursuant to Specification
2 No. IT17-0315F, consistent with Exhibit "A."

3
4 Adopted _____

5

6

Mayor

7 Attest:

8

9

City Clerk

10

11 Approved as to form:

12

13

City Attorney

14

15

16

17

18

19

20

21

22

23

24

25

26



RESOLUTION NO. 39862

1 A RESOLUTION relating to collective bargaining; authorizing the execution of a
2 Letter of Agreement negotiated between the City of Tacoma and the
3 Professional Public Safety Managers Association to provide for a temporary
4 increase to the number of participants in the VEBA program from six to
5 eight, for year 2018 only.

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 Resolution No. 39557, adopted October 4, 2016, authorized the
10 execution of the three-year Collective Bargaining Agreement ("CBA") between the
11 City of Tacoma and the Professional Public Safety Managers Association ("Union"),
12 on behalf of the 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 a temporary increase to the number of
15 participants in the Voluntary Employee Beneficiary Association ("VEBA") retirement
16 incentive program from six to eight, for year 2018 only, and

17 WHEREAS it appears in the best interest of the City that the LOA negotiated
18 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 Professional
22
23
24
25
26



1 Public Safety Managers Association, said document to be substantially in the form
2 of the document on file in the office of the City Clerk.

3
4 Adopted _____

5

6 _____
Mayor

7 Attest:

8

9 _____
City Clerk

10

11 Approved as to form:

12

13 _____
Deputy City Attorney

14

15

16

17

18

19

20

21

22

23

24

25

26



RESOLUTION NO. 39863

1 A RESOLUTION relating to telecommunications; approving consent to change
2 in control of the franchise agreement holder Astound Broadband, LLC.

3 WHEREAS Astound Broadband, LLC, a Washington limited liability
4 company (“Franchisee”), was previously granted a telecommunications
5 franchise by the City, and

6 WHEREAS Franchisee is a wholly-owned indirect subsidiary of Wave
7 Holdco, LLC, a Delaware limited liability company (“Wave Parent”), and

9 WHEREAS, on May 18, 2017, Radiate Holdco, LLC, a Delaware limited
10 liability company controlled by Radiate Holdings, LP (“Radiate Parent”), Wave
11 Parent and WaveDivision Holdings, LLC, a Delaware limited liability company
12 controlled by Wave Parent, entered into a definitive agreement to acquire Wave
13 Parent from its current majority owners (“Transaction”), and

15 WHEREAS, as a result of the Transaction, Radiate Parent will acquire
16 ownership of Wave Parent and control of the Franchisee, and

17 WHEREAS the Tacoma Municipal Code and Franchise granted to
18 Franchisee by the City require that the Franchisee receive the consent of the
19 City for any indirect change of control, including such indirect change of control
20 that will occur as a result of the Transaction, and

22 WHEREAS Franchisee warrants that it has read, accepts, and agrees to
23 continue to be bound by each and every term of the Franchise and related
24 amendments, regulations, ordinances, and resolutions now in effect, and

25
26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WHEREAS Franchisee agrees to retain all responsibility for all liabilities, acts, and omissions known and unknown, for all purposes, including renewal, and

WHEREAS Franchisee agrees that closing of the Transaction shall not permit it to take any position or exercise any right which could not have been exercised by it prior to closing, and

WHEREAS Franchisee warrants that the Transaction will not substantially increase the financial burdens upon or substantially diminish the financial resources available to Franchisee or otherwise adversely affect the ability of Franchisee to perform, and

WHEREAS, to the best of the City's knowledge and belief, at this time there are no existing facts or circumstances that with or without the giving of notice or the passage of time, or both, would constitute a default of any term or condition of the Franchise, and

WHEREAS Franchisee warrants that the Transaction will not in any way adversely affect the City; Now, Therefore,

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

Section 1. That the recitals are hereby incorporated herein as if set forth in full as legislative findings.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Section 2. That the City Council hereby consents to the indirect change of control that will occur as a consequence of the closing of the Transaction in accordance with the terms of applicable law.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



ORDINANCE NO. 28462

1 AN ORDINANCE relating to zoning; amending Section 13.06.565 of the Tacoma
2 Municipal Code, relating to the zoning of marijuana uses, by adding local
3 definitions of “playground” and “recreation center or facility” in order to
4 protect Metro Parks Tacoma-owned playgrounds and recreation centers
and facilities to the level of buffering intended by the state, but currently not
covered by state definitions.

5 WHEREAS, on June 6, 2017, the City Council adopted Resolution
6 No. 39742, requesting the Planning Commission (“Commission”) to consider
7 amending the City’s zoning code related to marijuana uses, as set forth in Tacoma
8 Municipal Code (“TMC”) 13.06.565.B.3, by adding local definitions of “playground”
9 and “recreation center or facility,” and including “metropolitan parks districts” in the
10 ownership paradigm, in order to protect these types of facilities owned by Metro
11 Parks Tacoma to the level of buffering intended by the state, but not currently
12 covered by state definitions for these sites found in Section 314-55-010(10)-(11) of
13 the Washington Administrative Code (“WAC”), and
14
15

16 WHEREAS the proposed amendment was intended to be enacted on an
17 interim basis to alleviate the problems that have arisen in permitting marijuana
18 uses that appear to conform with the state definitions, but not with the state’s
19 intent, until such time as the state corrects its own definitions, and
20

21 WHEREAS the Commission completed its review of the matter, including a
22 public hearing on September 6, 2017, and issued its Findings of Fact and
23 Recommendations Report on September 20, 2017, recommending that the
24 proposed TMC amendment considered in Resolution No. 39742 be adopted as
25 written, and
26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WHEREAS the Commission further recommended that the proposed TMC amendments be adopted through the standard process set forth in TMC 13.02.045, rather than enacted as interim regulations pursuant to TMC 13.02.055, and

WHEREAS, pursuant to TMC 13.02.045, the City Council conducted a public hearing October 24, 2017, to receive comments on the proposed amendments; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Section 13.06.565 of the Tacoma Municipal Code, relating to the zoning of marijuana uses, is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

13.06.565 Marijuana Uses.

A. Intent. In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. In April 2015, the state Legislature enacted two laws, 2SSB 5052 and 2E2SHB 2136. The new laws establish regulations for the formerly unregulated aspects of the marijuana system, establish a "medical marijuana endorsement" that allows licensed marijuana retailers to sell medicinal marijuana to qualifying patients and designated providers, and attempt to align these changes with the existing recreational system.

Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma.

Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

B. Applicability. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district. All licensed marijuana uses are required to fully comply with the provisions of this Section.

1. No Marijuana use as regulated herein and in WAC 314-55, that existed prior to the enactment of Ordinance No. 28182 on November 5, 2013, shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. As of July 1, 2016, in accordance with state law, collective gardens are prohibited.

3. For purposes of this Section and the standards applicable to state-licensed marijuana uses, the terms and definitions provided in WAC 314-55 shall ~~generally apply unless the context clearly indicates otherwise~~ except for the following definitions:-

(a) "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government, or a metropolitan parks district.

(b) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government, or a metropolitan parks district.

* * *