The Tacoma City Council, at its regular City Council meeting of December 11, 2018, 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. 40180**
A resolution appointing Kristina Walker to the Foss Waterway Development Authority.
[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

**Resolution No. 40181**
A resolution authorizing the execution of an interagency agreement with the Washington State Health Care Authority, for the Ground Emergency Medical Transportation Intergovernmental Transfer Framework, to recover costs related to Managed Care Medicaid client transports.
[Teresa Green, Fire Department Manager; James P. Duggan, Fire Chief]

**Resolution No. 40182**
A resolution authorizing the execution of a Collective Bargaining Agreement with Teamsters Local Union No. 117, Tacoma Venues and Events Unit, consisting of approximately 26 budgeted full-time equivalent positions, effective January 1, 2019, through December 31, 2020.
[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

**Resolution No. 40183**
A resolution authorizing the execution of a Collective Bargaining Agreement with District Lodge No. 160, on behalf of Local Lodge No. 297 of the International Association of Machinists and Aerospace Workers, Rail Mechanics Unit, consisting of approximately 16 budgeted full-time positions, retroactive to January 1, 2018, through December 31, 2020.
[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

**Amended Resolution No. 40184**
A resolution authorizing the execution of a Collective Bargaining Agreement with District Lodge No. 160, on behalf of Local Lodge No. 297 of the International Association of Machinists and Aerospace Workers, Rail Track Workers Unit, consisting of approximately eight budgeted full-time positions, retroactive to January 1, 2018, through December 31, 2020.
[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

**Resolution No. 40185**
A resolution authorizing the execution of a Collective Bargaining Agreement with the Professional Public Safety Managers Association, consisting of approximately eight budgeted full-time positions, effective January 1, 2019, through December 31, 2020.
[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]
Ordinance No. 28566


[Don Ramsdell, Police Chief]
RESOLUTION NO. 40180

BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS McCARTHY, THOMS, AND USHKA

A RESOLUTION relating to committees, boards, and commissions; appointing an individual to the Foss Waterway Development Authority.

WHEREAS a vacancy exists on the Foss Waterway Development Authority, and

WHEREAS, at its meeting of November 27, 2018, the Economic Development Committee conducted interviews and recommended the appointment of Kristina Walker to said authority, and

WHEREAS, pursuant to City Charter 2.4 and the Rules, Regulations, and Procedures of the City Council, Kristina Walker has been nominated to serve on the Foss Waterway Development Authority; Now, Therefore,

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

That Kristina Walker is hereby confirmed and appointed as a member of the Foss Waterway Development Authority, to fill an unexpired term to expire August 31, 2020.

Adopted

__________________________________________
Mayor

Attest:

__________________________________________
City Clerk

Approved as to form:

__________________________________________
City Attorney
A RESOLUTION relating to emergency medical services; authorizing the execution of an interagency agreement with the Washington State Health Care Authority for the Ground Emergency Medical Transportation Intergovernmental Transfer Framework, relating to emergency medical transports to Washington State's Managed Care Medicaid clients.

WHEREAS there are two types of Medicaid coverage in Washington State: Fee-for-Service, which allows medical providers to bill only for each service provided; and Managed Care, which is a comprehensive system of medical care delivery, including preventive and primary care, and

WHEREAS, until December 31, 2017, ambulance transport benefits are provided by the Managed Care program; these benefits are now covered through the Fee-For-Service program, and

WHEREAS the City is seeking reimbursement for ambulance transports for the 2017 calendar year, and

WHEREAS Ground Emergency Medical Transportation ("GEMT") is a program which allows public ambulance agencies to collect a supplemental payment for qualified Medicaid medical transports, and

WHEREAS these supplemental payments help cover the funding gap between the actual cost of providing medical transport services and the amount paid by Washington Apple Health (Medicaid), and

WHEREAS Certified Public Expenditure funding requires the HCA only to certify that providers have expended their share of the cost to provide Medicaid services; for GEMT, this certification is done by submitting an annual cost report

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attesting to the department’s expenses and revenues related to providing emergency medical services, and

WHEREAS obtaining reimbursement for the 2017 calendar year requires that a provider transfer local funds to the state prior to remittance of the federal payment for Medicaid services, and, once the HCA has received the local funds, the provider will be paid the full cost of providing the transport (the local portion and federal portion), less any payments already received from Medicaid, and

WHEREAS, between January 1, 2017, and December 31, 2017, the Tacoma Fire Department (“TFD”) completed approximately 1,200 medical transports for Medicaid Managed Care enrollees, with the average rate per transport being $5,450, and

WHEREAS the proposed interagency agreement will allow the City to receive reimbursement of approximately $3.2 million to the medical transport program, which will offset the significant cost of having provided emergency medical transport services to our service area, as well as replenish cash reserves of the TFD EMS Special Revenue Fund; Now, Therefore,

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

That the proper officers of the City are hereby authorized to enter into an interagency agreement with the Washington State Health Care Authority for the Ground Emergency Medical Transportation Intergovernmental Transfer Framework, relating to emergency medical transports to Washington State’s...
Managed Care Medicaid clients, said document to be substantially in the form of
the agreement on file in the office of the City Clerk.

Adopted _______________

________________________________
Mayor

Attest:

________________________________
City Clerk

Approved as to form:

________________________________
Deputy City Attorney
A RESOLUTION related to collective bargaining; authorizing the execution of a two-year Collective Bargaining Agreement between the City and Teamsters Local Union No. 117, Tacoma Venues & Events Unit, effective January 1, 2019, through December 31, 2020.

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

WHEREAS this resolution allows for the execution of a two-year Collective Bargaining Agreement (“CBA”) between the City and Teamsters Local Union No. 117, Tacoma Venues & Events Unit (“Union”), on behalf of the employees represented by said Union, and

WHEREAS the bargaining unit consists of approximately 26 budgeted, full-time equivalent (“FTE”) positions, and

WHEREAS, effective January 1, 2019, the classifications of TVE Custodian, TVE Maintenance Chief, TVE Assistant Maintenance Chief, and TVE Maintenance Worker I and II will receive a wage increase of 1.5 percent; and the classifications of TVE Electrician and TVE HVAC Mechanic will receive a wage increase of 3 percent, and

WHEREAS employees actively employed in the bargaining unit on January 1, 2019 will receive a one-time lump sum payment in the amount of $100 in the first pay period of 2019; and beginning January 1, 2019, the annual allowance for work shoes and clothing will increase from $175 to $200, and
WHEREAS, effective January 1, 2020, the classifications of TVE Custodian, TVE Maintenance Chief, TVE Assistant Maintenance Chief and TVE Maintenance Worker I and II will receive a wage increase of 1.5 percent; and the classifications of TVE Electrician and TVE HVAC Mechanic will receive an increase of 3 percent, and

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

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

That the proper officers of the City are hereby authorized to execute the two-year Collective Bargaining Agreement between the City and Teamsters Local Union No. 117, Tacoma Venues & Events Unit, through December 31, 2020, said document to be substantially in the form of the agreement on file in the office of the City Clerk.

Adopted ______________________

______________________________ Mayor

Attest:

______________________________ City Clerk

Approved as to form:

______________________________ Deputy City Attorney
RESOLUTION NO. 40183

A RESOLUTION related to collective bargaining; authorizing the execution of a three-year Collective Bargaining Agreement between the City and District Lodge #160, on behalf of Local Lodge #297 of the International Association of Machinists and Aerospace Workers, Rail Mechanics Unit, effective retroactive to January 1, 2018, through December 31, 2020.

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

WHEREAS this resolution allows for the execution of a three-year Collective Bargaining Agreement ("CBA") between the City and District Lodge #160, on behalf of Local Lodge #297 of the International Association of Machinists and Aerospace Workers, Rail Mechanics Unit ("Union"), on behalf of the employees represented by said Union, and

WHEREAS the bargaining unit consists of approximately 16 budgeted, full-time equivalent ("FTE") positions, and

WHEREAS the CBA will provide for a wage increase in each year of the agreement, and

WHEREAS retroactive to January 1, 2018, wages for the bargaining unit will increase by 3 percent; effective January 1, 2019, wages will increase by 3.6 percent, and the classification of Railway Shop Worker (CSC 7142) will receive an additional $1 per hour at the top step; and effective January 1, 2020, wages will increase by 3 percent, and

WHEREAS other changes include: (1) a change from a reimbursement to an annual allowance for safety related footwear, (2) an increase to the meal
reimbursement rate to $15 per meal, (3) an increase to the rate paid for standby assignments to $3 per hour, and (4) employees hired after the ratification date of the agreement will not be eligible for longevity pay, and

WHEREAS the Agreement also commits Tacoma Rail to withdraw affected members from the Western Metal Industry Pension Fund (“WMIPF”), and assume all withdrawal liabilities in accordance with plan procedures and applicable law, which liabilities are estimated to be in a range of $5,430,000 for a one-time payment, or $95,000 a year for 20 years, and

WHEREAS the final withdrawal liability will be determined by WMIPF and presented in an estimate of withdrawal payment schedule following a formal extrication notice to the trustees, and Rail has included an amount in its budget to cover the projected annual payment amount, and

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

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

That the proper officers of the City are hereby authorized to execute the three-year Collective Bargaining Agreement between the City and the District Lodge #160, on behalf of Local Lodge #297 of the International Association of Machinists and Aerospace Workers, Rail Mechanics Unit, effective retroactive to January 1, 2018, through December 31, 2020, said document to be substantially in the form of the agreement on file in the office of the City Clerk, including the
necessary documents that need to be executed to withdraw the bargaining unit
from the Western Metal Industry Pension Fund.

Adopted ________________

Mayor

Attest:

__________________________
City Clerk

Approved as to form:

__________________________
Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-11042
RESOLUTION NO. 40184

A RESOLUTION related to collective bargaining; authorizing the execution of a three-year Collective Bargaining Agreement between the City and the District Lodge #160, on behalf of Local Lodge #297 of the International Association of Machinists and Aerospace Workers, Rail Track Workers Unit, effective retroactive to January 1, 2018, through December 31, 2020.

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

WHEREAS this resolution allows for the execution of a three-year Collective Bargaining Agreement (“CBA”) between the City and the District Lodge #160, on behalf of Local Lodge #297 of the International Association of Machinists and Aerospace Workers, Rail Track Workers Unit (“Union”), on behalf of the employees represented by said Union, and

WHEREAS the bargaining unit consists of approximately 8 budgeted, full-time equivalent (“FTE”) positions, and

WHEREAS the CBA will provide for a wage increase in each year of the agreement, and

WHEREAS, effective retroactive to January 1, 2018, wages for the bargaining unit will increase by 3 percent; effective January 1, 2019, wages increase by 3.6 percent, and the classifications of Railway Track Maintenance Worker (CSC 7120) and Railway Track Supervisor (CSC 7121) will receive an additional $.50 per hour at the top step; and the classification of Railway Track Inspector (CSC 7119) will receive an additional $.66 per hour at the top step; and effective January 1, 2020, wages will increase by 3 percent, and
WHEREAS other changes include: (1) a change from a reimbursement to an annual allowance for safety related footwear, rain gear and work clothing, (2) an increase to the meal reimbursement rate to $15 per meal, and (3) employees hired after the ratification date of the agreement will not be eligible for longevity pay, and

WHEREAS the Agreement also commits Tacoma Rail to withdraw affected members from the Western Metal Industry Pension Fund (“WMIPF”), and assume all withdrawal liabilities in accordance with plan procedures and applicable law, which liabilities are estimated to be in a range of $2,110,000 for a one-time payment, or $37,000 a year for 20 years, and

WHEREAS the final withdrawal liabilities will be determined by WMIPF and presented in an estimate of withdrawal payment schedule following a formal extrication notice to the trustees, and Rail has included an amount in its budget to cover the projected annual payment amount, and

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

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

That the proper officers of the City are hereby authorized to execute the three-year Collective Bargaining Agreement between the City and the District Lodge #160, on behalf of Local Lodge #297 of the International Association of Machinists and Aerospace Workers, Rail Track Workers Unit, effective retroactive to January 1, 2018, through December 31, 2020, said document to be substantially in the form of the agreement on file in the office of the City Clerk, including the
necessary documents that need to be executed to withdraw the bargaining unit
from the Western Metal Industry Pension Fund.

Adopted ______________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-11043
A RESOLUTION related to collective bargaining; authorizing the execution of a two-year Collective Bargaining Agreement between the City and the Professional Public Safety Management Association, effective January 1, 2019, through December 31, 2020.

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

WHEREAS this resolution allows for the execution of a two-year Collective Bargaining Agreement ("CBA") between the City and the Professional Public Safety Management Association ("Union"), on behalf of the employees represented by said Union, and

WHEREAS the bargaining unit consists of approximately eight budgeted positions, and

WHEREAS the agreement provides that wages for each year of the agreement will be determined by indexing provisions according to the classifications supervised, and

WHEREAS the indexing provisions provide for 2019 wage increases to classifications within this unit of between 1.5 and 4.74 percent, and

WHEREAS other changes include: (1) limiting the number of hours compensated for formal negotiations; (2) adding language to the Grievance Procedure and Strike Prohibited sections; (3) requiring employees entering the bargaining unit on or after January 1, 2019, to convert to Personal Time Off ("PTO") effective upon appointment; and, (4) beginning January 1, 2019,
discontinuing deductions from Fire employees for a Medical Employee Reimbursement Plan ("MERP"), and adding for all bargaining unit employees a monthly deduction and contribution to a Voluntary Employee Beneficiary Association ("VEBA") account and the ability for eligible unused sick leave and PTO payouts at retirement to be placed as specified into the VEBA, and

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

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

That the proper officers of the City are hereby authorized to execute the two-year Collective Bargaining Agreement between the City and the Professional Public Safety Management Association, effective January 1, 2019, through December 31, 2020, said document to be substantially in the form of the agreement on file in the office of the City Clerk.

Adopted

______________________________

Mayor

Attest:

______________________________

City Clerk

Approved as to form:

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Deputy City Attorney
ORDINANCE NO. 28566

AN ORDINANCE relating to public health and safety; amending Chapter 8.12 of the Tacoma Municipal Code, relating to Disorderly Conduct, by amending Section 8.12.180, entitled “Unlawful Camping,” to extend the sunset date to December 31, 2019.

WHEREAS Tacoma Municipal Code (“TMC”) 8.12.180, “Unlawful Camping,” enacted in July 2017, pursuant to Ordinance No. 28438, makes it unlawful for any person to camp upon any property in the City except any location where camping has been expressly allowed by the officer or agency having control, management, and supervision of the public property in question, and

WHEREAS the prohibitions contained in TMC 8.12.180 are scheduled to sunset on December 31, 2018, and

WHEREAS the City continues to experience large numbers of individuals and families who are homeless due to such factors as job loss, stagnant or declining wages, family crisis, substance abuse, mental health issues, and loss of temporary housing, and

WHEREAS, although the conditions for many individuals formerly occupying homeless encampments have been mitigated through the Temporary Emergency Aid and Shelter Program, unsanitary and unsafe conditions remain in homeless encampments throughout the City, and

WHEREAS the adverse impacts on those experiencing homelessness and the community at large, including the continuing presence of homeless encampments in the City, together with the large concentrations of occupants in some of those homeless encampments, and the lack of adequate and proper
on-site health and sanitation services and practices that will prevent the spread of
disease and contamination of the environment, pose a significant, direct threat to
the health of the inhabitants and community, and

WHEREAS the Ninth Circuit Court of Appeals, in Bell v. Boise, held that “as
long as there is no option of sleeping indoors, the government cannot criminalize
indigent, homeless people for sleeping indoors, on public property. . . ,” and

WHEREAS the City intends to fully honor individuals’ constitutional rights
and comply with the holding of the Ninth Circuit Court of Appeals in the Bell v.
Boise case, and

WHEREAS the City is increasing the number of available shelter beds to
accommodate the number of individuals who may be sleeping outdoors, and

WHEREAS the City intends to enforce TMC 8.12.180 only in those
situations where an individual is sleeping outdoors and refuses or chooses not to
utilize an available shelter bed, and

WHEREAS the City does not intend to arrest someone in violation of
TMC 8.12.180 if no shelter space is available, and

WHEREAS such a tool can be effectively created to balance the needs and
interests of all persons and should be implemented, enforced, and prosecuted with
full consideration for the constitutional and human rights of all individuals; Now,

Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 8.12.180 of the Tacoma Municipal Code is hereby
amended as set forth in the attached Exhibit “A.”
Section 2. That this ordinance shall sunset and no longer be in force or effect after 11:59 p.m. on December 31, 2019.

Passed ______________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
Chapter 8.12
DISORDERLY CONDUCT

8.12.180 Unlawful Camping.
A. It is the intent of the City of Tacoma to provide for the safety, health, and welfare of all the inhabitants, residents, visitors, and persons in the City of Tacoma. To that end, the City recognizes the negative social, physical, and psychological impacts that unregulated encampments have on both those persons experiencing homelessness and the surrounding community. To mitigate and ameliorate the grave social and public health risks attendant to unregulated encampments, the purpose of TMC 8.12.180 is to protect the public health, safety, and welfare of all persons and to continue to assist those currently experiencing homelessness transition to stable sheltering solutions while protecting the public and private property rights of owners, inhabitants, and visitors.
B. It is unlawful for any person to camp upon any public property in the City of Tacoma except in any location where camping has been expressly allowed by the officer or agency having the control, management, and supervision of the public property in question.
C. For purposes of this section:
1. “To camp” means to reside or dwell temporarily in a place for the purpose of seeking shelter.
2. “Reside or dwell” includes, by way of example and not limitation, any of the following activities: sleeping, setting up any bedding, sleeping bags, bedroll, pillow or other sleeping materials in such a manner as to be used for sleeping; engaging in housekeeping or cooking activities; storing cookware or cooking equipment; storing bodily fluids; storing personal possessions; using sanitation, plumbing and/or electrical systems or equipment in a manner inconsistent with any provision of the Tacoma Municipal Code; or, any other activity where it reasonably appears, in light of all the circumstances, that a person or persons is or are residing or dwelling. For purposes of this section, “reside or dwell” does not include temporary, common recreational activities such as picnicking or utilization of park facilities consistent with other state and local laws and regulations.
3. “Shelter” means any form of cover or protection from the elements other than clothing, and includes, by way of example and not limitation, any vehicle, tent, tarpaulin, lean-to, sleeping bag, bedroll, or blanket.
4. “Public property” means any street, alley, sidewalk, parking space, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreation facility; or any other grounds, buildings, fixtures, or other facilities owned or leased by the City or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose.
D. A violation of this section is a misdemeanor punishable by a fine not exceeding $1,000, or by imprisonment in the correctional facilities utilized by the City of Tacoma for a period of not more than 90 days, or by both such fine and imprisonment.
E. The prohibitions contained herein shall sunset and no longer be in force or effect at 11:59 p.m. on December 31, 2019.