



Legislation Passed December 11, 2018

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

An ordinance amending Chapter 8.12 of the Municipal Code, relating to Disorderly Conduct, by amending Section 8.12.180.E, entitled "Unlawful Camping", to extend the sunset date to December 31, 2019.

[Don Ramsdell, Police Chief]



RESOLUTION NO. 40180

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS MCCARTHY,
THOMS, AND USHKA

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

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

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

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

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

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

16 Adopted _____

17 _____
18 Mayor

19 Attest:

20 _____
21 City Clerk

22 Approved as to form:

23 _____
24 City Attorney



RESOLUTION NO. 40181

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

6 WHEREAS there are two types of Medicaid coverage in Washington State:

7 Fee-for-Service, which allows medical providers to bill only for each service
8 provided; and Managed Care, which is a comprehensive system of medical care
9 delivery, including preventive and primary care, and

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

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

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

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

21 WHEREAS Certified Public Expenditure funding requires the HCA only to
22 certify that providers have expended their share of the cost to provide Medicaid
23 services; for GEMT, this certification is done by submitting an annual cost report
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1 attesting to the department's expenses and revenues related to providing
2 emergency medical services, and

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

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

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

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

20 That the proper officers of the City are hereby authorized to enter into an
21 interagency agreement with the Washington State Health Care Authority for the
22 Ground Emergency Medical Transportation Intergovernmental Transfer
23 Framework, relating to emergency medical transports to Washington State's
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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



RESOLUTION NO. 40182

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

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

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

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

13 WHEREAS, effective January 1, 2019, the classifications of TVE Custodian,
14 TVE Maintenance Chief, TVE Assistant Maintenance Chief, and TVE Maintenance
15 Worker I and II will receive a wage increase of 1.5 percent; and the classifications
16 of TVE Electrician and TVE HVAC Mechanic will receive a wage increase of
17 3 percent, and

18 WHEREAS employees actively employed in the bargaining unit on
19 January 1, 2019 will receive a one-time lump sum payment in the amount of
20 \$100 in the first pay period of 2019; and beginning January 1, 2019, the annual
21 allowance for work shoes and clothing will increase from \$175 to \$200, and

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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

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

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

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

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

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

18 WHEREAS retroactive to January 1, 2018, wages for the bargaining unit
19 will increase by 3 percent; effective January 1, 2019, wages will increase by
20 3.6 percent, and the classification of Railway Shop Worker (CSC 7142) will
21 receive an additional \$1 per hour at the top step; and effective January 1, 2020,
22 wages will increase by 3 percent, and

23 WHEREAS other changes include: (1) a change from a reimbursement to
24 an annual allowance for safety related footwear, (2) an increase to the meal
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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



1 necessary documents that need to be executed to withdraw the bargaining unit
2 from the Western Metal Industry Pension Fund.

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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 Deputy City Attorney

14 Requested by Public Utility Board
15 Resolution No. U-11042

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RESOLUTION NO. 40184

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

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

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

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

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

18 WHEREAS, effective retroactive to January 1, 2018, wages for the
19 bargaining unit will increase by 3 percent; effective January 1, 2019, wages
20 increase by 3.6 percent, and the classifications of Railway Track Maintenance
21 Worker (CSC 7120) and Railway Track Supervisor (CSC 7121) will receive an
22 additional \$.50 per hour at the top step; and the classification of Railway Track
23 Inspector (CSC 7119) will receive an additional \$.66 per hour at the top step; and
24 effective January 1, 2020, wages will increase by 3 percent, and
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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



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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-11043



RESOLUTION NO. 40185

1 A RESOLUTION related to collective bargaining; authorizing the execution of a
2 two-year Collective Bargaining Agreement between the City and the
3 Professional Public Safety Management Association, effective January 1,
2019, through December 31, 2020.

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

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

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

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

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

18 WHEREAS other changes include: (1) limiting the number of hours
19 compensated for formal negotiations; (2) adding language to the Grievance
20 Procedure and Strike Prohibited sections; (3) requiring employees entering the
21 bargaining unit on or after January 1, 2019, to convert to Personal Time Off
22 (“PTO”) effective upon appointment; and, (4) beginning January 1, 2019,
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1 discontinuing deductions from Fire employees for a Medical Employee
 2 Reimbursement Plan (“MERP”), and adding for all bargaining unit employees a
 3 monthly deduction and contribution to a Voluntary Employee Beneficiary
 4 Association (“VEBA”) account and the ability for eligible unused sick leave and
 5 PTO payouts at retirement to be placed as specified into the VEBA, and
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7 WHEREAS it appears in the best interests of the City that the CBA
 8 negotiated by said Union and the City be approved; Now, Therefore,

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

10 That the proper officers of the City are hereby authorized to execute the
 11 two-year Collective Bargaining Agreement between the City and the Professional
 12 Public Safety Management Association, effective January 1, 2019, through
 13 December 31, 2020, said document to be substantially in the form of the
 14 agreement on file in the office of the City Clerk.
 15

16 Adopted _____
 17

18 _____
 19 Mayor

20 Attest:
 21 _____
 22 City Clerk

23 Approved as to form:
 24 _____
 25 Deputy City Attorney
 26



ORDINANCE NO. 28566

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

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

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

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

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

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

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

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

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

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

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

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

20 Therefore,

21 BE IT ORDAINED BY THE CITY OF TACOMA:

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

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3 Passed _____

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5 _____
6 Mayor

7 Attest:

8 _____
9 City Clerk

10 Approved as to form:

11 _____
12 Deputy City Attorney
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EXHIBIT “A”

**Chapter 8.12
DISORDERLY CONDUCT**

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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~~18~~.