Legislation Passed February 26, 2019

The Tacoma City Council, at its regular City Council meeting of February 26, 2019, 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. 40237**
A resolution authorizing the execution of an amendment to the Interlocal Agreement with the City of Fircrest, to extend certain Fire Department fees and penalty charges to Fircrest, effective March 1, 2019.

[Michael Fitzgerald, Assistant to the Chief; James P. Duggan, Fire Chief]

**Resolution No. 40238**
A resolution authorizing the execution of an amendment to the Interlocal Agreement with Pierce County Fire District 10, to extend certain Fire Department fees and penalty charges to the Fire District, effective March 1, 2019.

[Michael Fitzgerald, Assistant to the Chief; James P. Duggan, Fire Chief]

**Resolution No. 40239**
A resolution appointing individuals to the Human Rights Commission and Tacoma Community Redevelopment Authority Board.

[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

**Resolution No. 40240**
A resolution authorizing an increase to the contract with Stergion Group, Inc., in the amount of $232,764, plus applicable taxes, for a total of $832,899, budgeted from the Information Systems Fund, for continued technical project management services - Specification No. PS14-0295F.

[Michele Lewis-Hodges, Information Technology Manager; Daniel Key, Director, Information Technology]

**Resolution No. 40241**
A resolution authorizing the use of $20,000 of City Council Contingency Funds to support tenant outreach and education services; and directing the City Manager to negotiate and execute an agreement with the Tenants Union of Washington outlining the scope of work and deliverables for said funding.

[Council Member Beale]

**Resolution No. 40242**
A resolution authorizing the execution of a Collective Bargaining Agreement with the International Brotherhood of Electrical Workers, Local 483, Water Pollution Control Unit, which consists of approximately 50 budgeted full-time equivalent positions, retroactive to January 1, 2018, through December 31, 2019.

[Dylan Carlson, Senior Labor Relations Manager; Gary Buchanan, Director, Human Resources]
Ordinance No. 28573
An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to clarify leave deposits and remove language regarding a cash-out option, to align with the Voluntary Employee Beneficiary Association Plan document. [Kari Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]
RESOLUTION NO. 40237

A RESOLUTION relating to fire services; authorizing the execution of an amendment to the Interlocal Agreement with the City of Fircrest to extend certain Fire Department fees and penalty charges to Fircrest, effective March 1, 2019.

WHEREAS, on August 1, 1995, pursuant to Ordinance No. 25744, the City entered into a consolidated fire services agreement with the City of Fircrest ("Fircrest") to have the Tacoma Fire Department ("TFD") provide fire, rescue, and emergency medical services in Fircrest, and

WHEREAS, as part of its approved 2019-2020 biennial budget, TFD included the extension of certain fees and penalty charges to Fircrest consistent with the implementation of said fees and penalties in the City, as follows: Commercial Fire Protection Systems Compliance Fee (Tacoma Municipal Code ("TMC") 3.09.040); Fire False Alarm Fine (TMC 3.06.005); and the Non-Emergency Lift Assistance Fine (TMC 6B.50.070), and

WHEREAS, based on historical information for Fircrest, TFD expects approximately 21 fire false alarms in 2019; no lift assists, as the department has not received these type of calls from the two licensed care facilities which operate in Fircrest; and approximately 53 commercial fire protections systems which need to be tracked for testing and maintenance records compliance, and

WHEREAS, pursuant to the intent of the original agreement, the proposed amendment excludes the extension of fees for building/business inspections in Fircrest, as the cost of such inspections is understood to be
covered by the existing contract fee; as a result, no additional fees will be charged for 56 buildings and 138 business inspections completed annually in Fircrest, and

WHEREAS the Fircrest City Council approved the proposed contract amendments through adoption of Resolution No. 1572, on January 8, 2019;

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 amendment to the Interlocal Agreement with the City of Fircrest to extend certain Fire Department fees and penalty charges to Fircrest, effective March 1, 2019, said document to be substantially in the form of the amendment on file in the office of the City Clerk.

Adopted __________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
RESOLUTION NO. 40238

A RESOLUTION relating to fire services; authorizing the execution of an amendment to the Interlocal Agreement with Pierce County Fire District No. 10 ("Fire District") to extend certain Fire Department fees and penalty charges to the Fire District, effective March 1, 2019.

WHEREAS, on July 12, 1994, pursuant to Resolution No. 32639, the City entered into a consolidated fire services agreement with Pierce County Fire District No. 10 ("Fire District") to have the Tacoma Fire Department ("TFD") provide fire, rescue, and emergency medical services in the Fire District, and

WHEREAS, as part of its approved 2019-2020 biennial budget, TFD included the extension of certain fees and penalty charges to the Fire District consistent with the implementation of said fees and penalties in the City, as follows: Building Inspection Program Fees (Tacoma Municipal Code ("TMC") 3.09.050); Commercial Fire Protection Systems Compliance Fee (TMC 3.09.040); Fire False Alarm Fine (TMC 3.06.005); and the Non-Emergency Lift Assistance Fine (TMC 6B.50.070), and

WHEREAS, based on historical information for the Fire District, TFD expects approximately 105 fire false alarms in 2019; no lift assists, as the Fire District does not have any licensed care facilities, however, this amendment allows the fine to be imposed if a facility opens in the future; 660 building and business inspections to be completed annually; and 627 commercial fire protections systems which need to be tracked for testing and maintenance records compliance, and

WHEREAS, at its meeting of February 12, 2019, the Fire District Board of Commissioners approved the proposed contract amendments; 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 amendment to the Interlocal Agreement with Pierce County Fire District No. 10 ("Fire District") to extend certain Fire Department fees and penalty charges to the Fire District, effective March 1, 2019, said document to be substantially in the form of the amendment on file in the office of the City Clerk.

Adopted ____________________

________________________________________________________
Mayor

Attest:

________________________________________________________
City Clerk

Approved as to form:

________________________________________________________
Deputy City Attorney
RESOLUTION NO. 40239

BY REQUEST OF COUNCIL MEMBERS BEALE, BLOCKER, THOMS, AND USHKA

A RESOLUTION relating to committees, boards, and commissions; appointing individuals to the Human Rights Commission and the Tacoma Community Redevelopment Authority Board.

WHEREAS vacancies exist on the Human Rights Commission and the Tacoma Community Redevelopment Authority Board, and

WHEREAS, at its meeting of February 14, 2019, the Community Vitality and Safety Committee conducted interviews and recommended the appointment of individuals to the Human Rights Commission, and

WHEREAS, at its meeting of February 14, 2019, the Community Vitality and Safety Committee also conducted interviews and recommended the appointment of an individual to the Tacoma Community Redevelopment Authority Board, and

WHEREAS, pursuant to the City Charter Section 2.4 and the Rules, Regulations, and Procedures of the City Council, the persons named on Exhibit “A” have been nominated to serve on the Human Rights Commission and the Tacoma Community Redevelopment Authority Board; Now, Therefore,

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

That those nominees to the Human Rights Commission and the Tacoma Community Redevelopment Authority Board, listed on Exhibit “A,” are hereby
confirmed and appointed as members of such commission and board for such
terms as are set forth on the attached Exhibit “A.”

Adopted ______________________

Mayor

Attest:

______________________________
City Clerk

Approved as to form:

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City Attorney
EXHIBIT “A”

HUMAN RIGHTS COMMISSION
Appointing Taniesha Lyons to a three-year term to expire February 28, 2022.
Appointing Carol Mitchell to a three-year term to expire February 28, 2022.
Appointing Sarah Nunez to a three-year term to expire February 28, 2022.
Appointing Sarah Rumbaugh to a three-year term to expire February 28, 2022.
Appointing Julie Tran to a three-year term to expire February 28, 2022.
Appointing Rosita Castellano to fill an unexpired term to expire February 29, 2020.
Appointing Ronita Boult to fill an unexpired term to expire February 28, 2021.

TACOMA COMMUNITY REDEVELOPMENT AUTHORITY BOARD
Appointing Tera Williams to the “At-Large” designation for a two-year term to expire February 28, 2021.
RESOLUTION NO. 40240

A RESOLUTION related to the purchase of materials, supplies or equipment, and the furnishing of services; authorizing the increase of Contract No. C12 with Stergion Group, Inc., in the amount of $232,764, plus applicable taxes, for a cumulative total of $832,899, budgeted from the Information Systems Fund, for continued technical project management services, pursuant to Specification No. PS14-0295F.

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

WHEREAS the Board of Contracts and Awards has concurred with the recommendation for award as set forth in the attached Exhibit “A”; Now, Therefore,

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

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

Section 2. That the proper officers of the City are hereby authorized to increase Contract No. C12 with Stergion Group, Inc., in the amount of $232,764, plus applicable taxes, for a cumulative total of $832,899, budgeted from the
Information Systems Fund, for continued technical project management services, pursuant to Specification No. PS14-0295F, consistent with Exhibit “A.”

Adopted __________________________

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Mayor

Attest:

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City Clerk

Approved as to form:

______________________________
City Attorney
BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS BEALE AND IBSEN

A RESOLUTION authorizing the one-time use of Council Contingency Funds, in the amount of $20,000, for the purpose of supporting tenant outreach and education services; and directing the City Manager to negotiate and execute an agreement with the Tenants Union of Washington, outlining the scope of work and deliverables for said funding.

WHEREAS, on November 20, 2018, the City enacted Tacoma Municipal Code 1.95, “Rental Housing Code,” to provide better protections for tenants and provide specific guidance to landlords, and

WHEREAS the City’s Office of Equity and Human Rights has budgeted $26,000 for public outreach to educate tenants and landlords on the new laws and their rights under the laws, and

WHEREAS this public outreach will take place in each district of the City, and will provide translation and other accessibility options, as necessary, to allow for equitable outreach to as many tenants as possible, and

WHEREAS, at the February 5, 2019, Study Session, Council Member Beale shared a Council Consideration Request to authorize the one-time use of Council Contingency Funds, in the amount of $20,000, for tenant outreach and education services, and

WHEREAS the proposed funding will allow for additional public outreach services by the Tenants Union of Washington, through the Tacoma Tenants Organizing Committee, to supplement existing efforts to connect tenants to resources and advocate for their interests, and
WHEREAS this proposal is aligned with the City’s Affordable Housing Action Strategy, which includes a strategic objective to “help people stay in their homes and communities,” and

WHEREAS the proposed outreach efforts will occur in 2019, and the deliverables, as identified by the Tacoma Tenants Organizing Committee, include:

(1) eight tenant-led public meetings in central, south, and east Tacoma, with 50 attendees per meeting; (2) “train the trainer” training for community groups and direct service providers who work with tenants, with a goal of reaching ten groups and at least 50 direct service providers; and (3) outreach to 5,000 tenants through 25 volunteers, and

WHEREAS the Tacoma Tenants Organizing Committee is not able to directly contract with the City, and requires that the City contract with the Tenants Union of Washington for these services, and

WHEREAS the Tacoma Tenants Organizing Committee has worked closely with the Tenants Union of Washington, and the committee would provide technical support and assistance for the project, and

WHEREAS City staff will negotiate and execute an agreement for services with the Tenants Union of Washington, outlining the scope of work and deliverables for said funding, and

WHEREAS RCW 35.33.145 and 35.34.250 authorize a withdrawal from the Council Contingency fund for any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the budget, and
WHEREAS the need for additional tenant outreach and education services could not have been foreseen or reasonably evaluated at the time the City adopted its biennial budget, and

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

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

Section 1. That one-time funding in the amount of $20,000, budgeted from the Council Contingency Fund, is hereby approved for the purpose of supporting tenant outreach and education services.

Section 2. That the City Manager is hereby directed to negotiate and execute an agreement with the Tenants Union of Washington, outlining the scope of work and deliverables outlined in Section 1.

Adopted ______________________

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Mayor

Attest:

_____________________________________________
City Clerk

Approved as to form:

_____________________________________________
Deputy City Attorney
RESOLUTION NO. 40242

A RESOLUTION related to collective bargaining; authorizing the execution of a two-year Collective Bargaining Agreement between the City and the International Brotherhood of Electrical Workers, Local 483, Water Pollution Control Unit, effective retroactive to January 1, 2018, through December 31, 2019.

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 International Brotherhood of Electrical Workers, Local 483, Water Pollution Control Unit ("Union"), on behalf of the employees represented by said Union, and

WHEREAS the bargaining unit consists of approximately 50 budgeted, full-time equivalent ("FTE") positions, and

WHEREAS the CBA will provide for a wage increase of 2.5 percent retroactive to January 1, 2018; and a wage increase of 3 percent, retroactive to January 1, 2019, and

WHEREAS other changes include the following: (1) an increase to the annual safety footwear allowance, from $250 to $300; (2) amended language in the articles on Grievances and Discipline; (3) language that unused compensatory time off will be paid out at the end of the year in which it was earned; (4) language that employees must complete their probationary period to be eligible for standby assignments; (5) the addition of an application of rate of 2 percent for up to three employees in the classification of WWTP Electrical/Instrumentation Technician for...
maintaining a valid Crane Operator certification; and (6) the addition of standard
language regarding time off and benefits to Appendix B, 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 International
Brotherhood of Electrical Workers, Local 483, Water Pollution Control Unit,
effective retroactive to January 1, 2018, through December 31, 2019, said
document to be substantially in the form of the agreement on file in the office of the
City Clerk.

Adopted ____________________________

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                                          Mayor

Attest:

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City Clerk

Approved as to form:

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Deputy City Attorney
AN ORDINANCE relating to pay and compensation; amending Section 1.12.229 of the Tacoma Municipal Code (“VEBA Accounts”) regarding leave deposits, and removing a cash-out option, to align with the VEBA Plan document.

WHEREAS Ordinance No. 26070, passed September 30, 1997, amended Chapter 1.12 of the Tacoma Municipal Code (“TMC”), “Compensation Plan,” to allow employee participation in a VEBA (Voluntary Employee Beneficiary Association) Account as an alternative to the incentive payment for non-use of sick leave, and

WHEREAS employees retiring from the City benefit from depositing untaxed severance pay into a VEBA Account and using the funds for post-retirement medical expenses, as authorized pursuant to Internal Revenue Code Section 501(c)(9), without any additional cost to the City, and

WHEREAS it is necessary to amend TMC 1.12.229 (“VEBA Accounts”) to clarify leave deposits and remove language that allows a retiring employee to apply for a cashout in lieu of a deposit to a VEBA Account, which is inconsistent with the VEBA Plan document; Now, Therefore,
BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.229 of the Tacoma Municipal Code ("VEBA Accounts") is hereby amended as set forth in the attached Exhibit "A."

Section 2. That Section 1 is effective as provided by law.

Passed ____________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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Deputy City Attorney
EXHIBIT “A”

1.12.229    VEBA Accounts.

A. The City shall deposit into a VEBA (Voluntary Employee Beneficiary Association) Account a sum equivalent to 25 percent of the sick leave accruals for a nonrepresented employee; or, if provided for in a collective bargaining agreement, 25 percent of the sick leave accruals, and 100 percent up to the amount provided in the specific collective bargaining agreement of Personal Time Off accruals for any employee who meets the following criteria:

1. The employee must qualify under subsection B of this section; and

2. The employee must be separated from the City service due to (i) retirement for disability or length of service with attendant pension payments under any City employee pension system; or (ii) death.

The sum deposited into the VEBA Account shall be calculated at the employee’s regular classification rate of pay effective at the time of retirement or death.

B. An employee shall qualify for a deposit into a VEBA Account pursuant to subsection A of this section if the following three criteria are met:

1. a. The employee is not a member of one of the City’s collective bargaining units at the time of retirement or death, or
   b. If the employee is a member of a duly selected collective bargaining unit at the time of his or her retirement or death, the employee shall qualify for a deposit into a VEBA Account only if, at the time of the employee’s retirement or death, a valid collective bargaining agreement confers upon the employee the right to a VEBA account; and

2. The employee shall qualify for a deposit into a VEBA Account only if the VEBA Account deposit is a reasonable and equitable substitute for the cashout payment under Section 1.12.230D.1 which was in effect immediately prior to the effective date of the ordinance codified in this section; however, an employee may apply for a cashout where the VEBA Account will be clearly detrimental when compared to the preexisting benefit in the unusual circumstances of his or her particular case. The employee must prove he or she is not qualified under a preponderance of evidence standard for a VEBA Account due to one or more of the following circumstances: (a) the employee has access to alternative post-retirement benefits and therefore will not use the VEBA Account in a reasonably foreseeable time or manner following separation from the City; (b) the employee, his or her spouse, and dependents have only nominal medical expenses and the panel is convinced that, due to the employee’s circumstances, projected medical expenses will be substantially below what would normally be expected; (c) the employee possesses a compelling immediate need for cash to prevent a hardship to the employee or his or her dependents, such as loss of shelter or inability to obtain food; (d) a bona fide emergency need exists due to events beyond the control of the employee, such as for airfare to attend a seriously ill or incapacitated relative in the absence of other reasonable alternative methods of payment; or (e) such similar circumstance as the panel finds unique and compelling which would render the VEBA deposit an inequitable or unreasonable alternative to the cash out payment. An employee’s desire for cash without any additional compelling factors set forth above shall not render the VEBA deposit an unreasonable or inequitable benefit; and

3. The total sum due to the employee is $100.00 or greater.

C. In the event an employee contends he or she is entitled to the cashout, upon application for retirement, he or she shall submit to the Human Resources Department a written application on such form as the Human Resources Department shall identify and require. The Human Resources Department shall then convene a panel to consider such declaration. The panel shall be comprised of the Director or Acting Director of the Human Resources Department, the Manager or Acting Manager of the Risk Management Division of Human Resources, the City Treasurer or Acting City Treasurer, the City Attorney or his or her designee, and a representative appointed by the Joint Labor Council. Such panel shall convene within
14 days of receipt of the declaration and shall render its decision within 28 days of receipt of the declaration. Such panel shall receive evidence from the employee in a manner prescribed by the panel. In no case shall a cashout payment be made until the panel has issued its decision. The panel shall determine whether an employee is qualified for the VEBA deposit solely upon the criteria set forth in this section and such administrative guidelines as the Human Resources Director shall issue to aid in the interpretation of this section. The determination of the panel shall be binding.

DC. In addition to VEBA benefits for which an employee may be eligible under subsections A and B above, the City shall deposit $250.00 per month into an individual VEBA Account for each employee represented by the Tacoma Police Management Association, Local 26, who is also an LEOFF II pension system member, per the collective bargaining agreement; provided, however, contributions for employees who become represented by said bargaining unit after May 21, 2001, will be made beginning the first full month following an employee’s permanent appointment to a classification represented by the bargaining unit.