



## Legislation Passed April 9, 2019

The Tacoma City Council, at its regular City Council meeting of April 9, 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. 40288**

A resolution setting Tuesday, April 23, 2019, at approximately 5:15 p.m., as the date for a public hearing by the City Council on the potential reauthorization and extension of the Tideflats Interim Regulations.

[Steve Atkinson, Principal Planner; Peter Huffman, Director, Planning and Development Services]

### **Resolution No. 40289**

A resolution setting Thursday, May 16, 2019, at 1:30 p.m., as the date for a hearing by the Hearing Examiner on the request to vacate the southerly 250 feet of Chandler Street, lying north of Center Street, to cure an existing encroachment of the structure.

(Greenwood Property Mgmt. LLC; File No. 124.1396)

[Ronda Cornforth, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

### **Resolution No. 40290**

A resolution authorizing the acquisition of a right-of-way easement from the Puyallup Tribe of Indians, for the amount of \$201,200, to use the property located at 3640 Taylor Way as right-of-way for the Taylor Way Rehabilitation Project; and approving the execution of related documents with the Tribe and Bureau of Indian Affairs.

[Ronda Cornforth, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

### **Resolution No. 40291**

A resolution authorizing the execution of amended leases with Tacoma Community College (TCC) for two buildings located on the TCC Campus; and amending the Operation and Use Agreements with the Tacoma Area Coalition of Individuals with Disabilities Center and Tacoma Learning Communities, for continued services for persons with disabilities, from April 15, 2019, through April 15, 2024, with the option to renew in five-year increments.

[Jennifer Hines, Assistant Division Manager; Linda Stewart, Director, Neighborhood and Community Services]

**Resolution No. 40292**

A resolution authorizing the execution of a Collective Bargaining Agreement with the International Brotherhood of Electrical Workers, Local 483, Click! Unit, consisting of approximately 35 budgeted full-time positions, retroactive to January 1, 2019, through December 31, 2019.

[Dylan Carlson, Senior Labor Relations Manager; Gary Buchanan, Director, Human Resources]

**Resolution No. 40293**

A resolution authorizing the execution of a Letter of Agreement with the International Brotherhood of Electrical Workers, Local 483, Click! Unit, and the Washington State Council of County and City Employees, Local 120, on a Click! employee severance.

[Dylan Carlson, Senior Labor Relations Manager; Gary Buchanan, Director, Human Resources]

**Resolution No. 40294**

A resolution authorizing the execution of a Letter of Agreement with the International Brotherhood of Electrical Workers, Local 483, Click! Unit, and the Washington State Council of County and City Employees, Local 120, on a Click! retention incentive.

[Dylan Carlson, Senior Labor Relations Manager; Gary Buchanan, Director, Human Resources]



## RESOLUTION NO. 40288

1 A RESOLUTION relating to Amended Ordinance No. 28470; setting Tuesday,  
2 April 23, 2019, at approximately 5:15 p.m., as the date for a public hearing  
3 on the potential reauthorization and extension of the Tideflats Interim  
4 Regulations.

5 WHEREAS, on May 9, 2017, the City Council adopted Amended  
6 Resolution No. 39723, initiating a subarea planning process for the Tideflats  
7 area, and further, requesting that the Planning Commission ("Commission")  
8 consider the need for interim regulations in the Tideflats area while the subarea  
9 planning process was underway, and

10 WHEREAS, following a public hearing, the Commission determined that  
11 interim regulations were warranted, and on October 4, 2017, forwarded its  
12 recommendation to the City Council for consideration, and

13 WHEREAS, in support of these deliberations, the Commission conducted  
14 a public hearing, at which 81 people testified, and reviewed over 200 written  
15 comments, and

16 WHEREAS, on November 21, 2017, following its own public hearing, as  
17 well as substantial community input and deliberation, the City Council passed  
18 Amended Ordinance No. 28470, adopting the Tideflats Interim Regulations,  
19 which included the following elements:

- 22 • Category 1: Expanded public notification of heavy industrial use permits;
- 23 • Category 2: Temporary prohibition of new non-industrial uses in the Port of  
24 Tacoma Manufacturing and Industrial Center;
- 25 • Category 3: Temporary prohibition of new residential development along  
26 Marine View Drive and northeast Tacoma slopes; and



- Category 4: Temporary prohibition on certain types of new heavy industrial uses, and

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, on November 13, 2018, following another public hearing and substantial community input and deliberation, the City Council passed Ordinance No. 28542, which extended the Tideflats Interim Regulations for an additional six months, through June 2, 2019, and

WHEREAS the Tacoma Municipal Code (“TMC”), consistent with state law, allows the City Council to consider reauthorization of the interim regulations every six months subsequent to the initial one-year period, and

WHEREAS the City desires to fix a time and date for public hearing for the purpose of considering the potential reauthorization and extension of the Tideflats Interim Regulations; Now, Therefore,

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

Section 1. That Tuesday, April 23, 2019, at approximately 5:15 p.m., is hereby fixed as the time, and the City Council Chambers on the First Floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, as the place when and where a public hearing shall be held on the potential reauthorization and extension of the Tideflats Interim Regulations Extension.



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 Clerk shall give proper notice of the time and place of said hearing.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

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



## RESOLUTION NO. 40289

1 A RESOLUTION relating to the vacation of City right-of-way; setting Thursday,  
2 May 16, 2019, at 1:30 p.m., as the date for a hearing before the City of  
3 Tacoma Hearing Examiner on the petition of Greenwood Property Mgmt.  
4 LLC to vacate the southerly 250 feet of Chandler Street, lying northerly of  
Center Street, to cure an existing encroachment resulting from a permitted  
1966 alteration of the structure.

5 WHEREAS Greenwood Property Mgmt. LLC, having received the consent  
6 of the owners of more than two-thirds of the properties abutting the southerly  
7 250 feet of Chandler Street, lying north of Center Street, in order to cure an  
8 existing encroachment resulting from a permitted 1966 alteration of the structure,  
9 has petitioned for the vacation of the following legally described right-of-way area:  
10

11 All that portion of Chandler Street, abutting and between, Lots 11  
12 through 20, Block 3 of Replat of Chandler's Addition to Tacoma,  
13 W.T., according to the Plat thereof recorded in Volume 4 of Plats,  
14 Page 30, records of Pierce County, Washington, and Lots 10  
15 through 15, inclusive and Lot 20, Block 1, Brockenbrough's  
16 Addition to Tacoma, W.T., according to the Plat thereof recorded  
17 in Volume 4 of Plats, Page 9, records of Pierce County,  
Washington. Said Chandler Street lying northerly of Center Street  
and southerly of that previous partial street vacation under City of  
Tacoma Ordinance Number 18560, recorded under Auditor's File  
Number 2238706, records of Pierce County, Washington.

18 All situate in the City of Tacoma, County of Pierce, State of  
19 Washington; within the Northeast Quarter of the Southwest  
20 Quarter of Section 08, Township 20 North, Range 03 East of  
the Willamette Meridian.

21 Now, Therefore,

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

23 Section 1. That Thursday, May 16, 2019, at 1:30 p.m., is hereby fixed as  
24 the date and time, and the Council Chambers on the first floor of the Tacoma  
25 Municipal Building, 747 Market Street, in the City of Tacoma, as the place when  
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

and where the request of Greenwood Property Mgmt. LLC to vacate the southerly 250 feet of Chandler Street, lying northerly of Center Street, to cure an existing encroachment resulting from a permitted 1966 alteration of the structure, will be heard by the Hearing Examiner and his recommendations thereafter transmitted to the Council of the City of Tacoma.

Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Deputy City Attorney

Property description approved:  
  
\_\_\_\_\_  
Chief Surveyor  
Public Works Department

Location: The southerly 250 feet of Chandler Street, lying northerly of Center Street

Petitioner: Greenwood Property Mgmt. LLC

File No.: 124.1396



## RESOLUTION NO. 40290

1 A RESOLUTION relating to City real property; authorizing the acquisition of a right-  
2 of-way easement from the Puyallup Tribe of Indians ("Tribe"), for the amount  
3 of \$201,200, for the purpose of using property located at 3640 Taylor Way  
4 as right-of-way for the Taylor Way Rehabilitation Project; and approving the  
5 execution of related documents with the Tribe and Bureau of Indian Affairs.

6 WHEREAS, as part of the Taylor Way Rehabilitation Project, the City is  
7 constructing a 10-foot sidewalk and planter strip for a shared use path which will  
8 provide enhanced pedestrian and cyclist safety along a busy freight corridor, and

9 WHEREAS this shared use path, with planned future connections to State  
10 Route 509, meets the goal of a designated bicycle route in the City's  
11 Transportation Master Plan, and

12 WHEREAS the project requires the City to acquire an approximately  
13 11,420 square-foot right-of-way on Puyallup Tribal Trust land, located at  
14 3640 Taylor Way, under the jurisdiction of the Puyallup Tribe of Indians ("Tribe")  
15 and Bureau of Indian Affairs ("BIA"), and

16 WHEREAS compensation for the right-of-way easement on Tribal Trust  
17 land must be no less than fair market value, as determined by appraisal, unless  
18 waived by the Tribe, and

19 WHEREAS an appraisal of the right-of-way easement and related  
20 damages established value in the amount of \$201,200, and

21 WHEREAS the Tribe has agreed to payment of said compensation as  
22 follows: (1) cash payment in the amount of \$76,600; and (2) construction of  
23 in-kind utility installations to the property, valued at approximately \$124,600, and  
24  
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 the Tribe has requested that the City prepare a Puyallup Tribe of Indians Government Contract/Intergovernmental Agreement to memorialize the right-of-way transaction, and, in addition, the City will be required to complete, submit, and sign federal agency applications and documentation pertaining to acquisition of right-of-way on Tribal Trust land, including, but not limited to, a BIA Application for Right-of-Way, and

WHEREAS, pursuant to the BIA, the initial term of the easement shall be for a period of 99 years, with automatic renewals until such time as the easement is not being used for right-of-way purposes, without any further action or compensation, and

WHEREAS Public Works staff is recommending approval of the negotiated acquisition of the right-of-way easement, for the purpose of using the property located at 3640 Taylor Way as right-of-way for the Taylor Way Rehabilitation Project; Now, Therefore,

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

That the proper officers of the City are hereby authorized to acquire a right-of-way easement from the Puyallup Tribe of Indians (“Tribe”), for the amount of \$201,200, to use the property located at 3640 Taylor Way as right-of-



1 way for the Taylor Way Rehabilitation Project, and to execute related documents  
2 with the Tribe and Bureau of Indian Affairs related to said right-of-way easement.  
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. 40291

1 A RESOLUTION relating to the leasing of City facilities; authorizing amended  
2 leases with Tacoma Community College ("TCC") for two buildings located  
3 on the TCC Campus; and amending the Operation and Use Agreements  
4 with the Tacoma Area Coalition of Individuals with Disabilities Center and  
5 Tacoma Learning Communities, for the purpose of renewing said  
6 agreements for additional five-year periods, from April 15, 2019, through  
7 April 15, 2024, to continue providing services for persons with disabilities.

8 WHEREAS, in 1985, the City entered into two ground leases with  
9 Tacoma Community College ("TCC"), with a lease amount of \$1 per year, and  
10

11 WHEREAS these leases allowed the City to construct two buildings on  
12 the TCC Campus for use by the Tacoma Area Coalition of Individuals with  
13 Disabilities Center ("TACID") and Tacoma Learning Communities ("TLC"), for  
14 the operation of learning facilities for adults and children with disabilities, and

15 WHEREAS the City owns the structures, while TCC retains ownership of  
16 the land, and

17 WHEREAS the leases were amended in 2005, and will expire on April 15,  
18 2019, unless otherwise amended or extended, and

19 WHEREAS the City and TCC have negotiated amended leases for the  
20 buildings located on the TCC Campus, for continued use by TACID and TLC, and

21 WHEREAS the City further desires to amend the Operation and Use  
22 Agreements with TACID and TLC for additional five-year periods, from April 15,  
23 2019, through April 15, 2024, with the option to renew the agreements in five-year  
24 increments, subject to the parties' approval; Now, Therefore,

25  
26



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

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 1. That the proper officers of the City are hereby authorized to execute amended leases with Tacoma Community College (“TCC”) for two buildings located on the TCC Campus, for continued use by the Tacoma Area Coalition of Individuals with Disabilities Center (“TACID”) and Tacoma Learning Communities (“TLC”), said documents to be substantially in the form of the amendments on file in the office of the City Clerk.

Section 2. That the proper officers of the City are hereby authorized to execute amendments to the Operation and Use Agreements with TACID and TLC for the purpose of renewing said agreements for additional five-year periods, from April 15, 2019, through April 15, 2024, with the option to renew the agreements in five-year increments, said documents to be substantially in the form of the agreements on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Deputy City Attorney



## RESOLUTION NO. 40292

1 A RESOLUTION related to collective bargaining; authorizing the execution of a  
2 one-year Collective Bargaining Agreement between the City and  
3 International Brotherhood of Electrical Workers, Local 483, Click! Unit,  
4 effective retroactive to January 1, 2019, through December 31, 2019.

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  
8 WHEREAS this resolution allows for the execution of a one-year Collective  
9 Bargaining Agreement (“CBA”) between the City and International Brotherhood of  
10 Electrical Workers, Local 483, Click! (“Union”), on behalf of the employees  
11 represented by said Union, and

12 WHEREAS the bargaining unit consists of approximately 35 budgeted,  
13 full-time equivalent (“FTE”) positions assigned to Tacoma Public Utilities, and

14  
15 WHEREAS the CBA will provide for a wage increase of 3 percent,  
16 retroactive to January 1, 2019, and

17 WHEREAS, additionally, an employee who is in a frozen wage rate will  
18 receive a one-time lump sum payment of \$1,500 upon ratification of the  
19 agreement, and

20  
21 WHEREAS the CBA was considered and approved by the Public Utility  
22 Board at its meeting of March 27, 2019, and

23 WHEREAS it appears in the best interests of the City that the CBA  
24 negotiated by said Union and the City be approved; Now, Therefore,  
25  
26



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

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

That the proper officers of the City are hereby authorized to execute the one-year Collective Bargaining Agreement between the City and International Brotherhood of Electrical Workers, Local 483, Click! Unit, effective retroactive to January 1, 2019, 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 \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

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

Requested by Public Utility Board  
Resolution No. U-11072



## RESOLUTION NO. 40293

1 A RESOLUTION relating to collective bargaining; authorizing the execution of a  
2 Letter of Agreement on a Click! Employee Severance as negotiated between  
3 the City of Tacoma, the International Brotherhood of Electrical Workers,  
4 Local 483, and the Washington State Council of County and City Employees,  
5 Local 120.

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 the International Brotherhood of Electrical Workers, Local 483,  
10 and the Washington State Council of County and City Employees, Local 120  
11 (“Unions”) have negotiated a Letter of Agreement (“LOA”) with the City, which  
12 describes the parameters of severance payments and conditions for eligibility for  
13 represented Click! employees who lose their employment with the City through the  
14 layoff process, and

15 WHEREAS the LOA provides for the following: (1) a lump sum severance  
16 payment equal to eighty hours at the eligible employee’s base salary rate for each  
17 full year of employment, up to a maximum of four hundred and eighty hours; and (2)  
18 a lump sum payment equivalent to four months of medical, dental and vision  
19 insurance premiums under COBRA, and

20 WHEREAS the LOA was considered and approved by the Public Utility  
21 Board at its meeting of March 27, 2019, and

22 WHEREAS it appears in the best interest of the City that the LOA negotiated  
23 by said Unions and the City be approved; Now, Therefore,  
24  
25  
26



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

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

That the proper officers of the City are hereby authorized to execute the Letter of Agreement on a Click! Employee Severance negotiated between the City of Tacoma, the International Brotherhood of Electrical Workers, Local 483, and the Washington State Council of County and City Employees, Local 120, said document to be substantially in the form of the document on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Deputy City Attorney

Requested by Public Utility Board  
Resolution No. U-11074





## RESOLUTION NO. 40294

1 A RESOLUTION relating to collective bargaining; authorizing the execution of a  
2 Letter of Agreement on a Click! Retention Incentive as negotiated between  
3 the City of Tacoma, the International Brotherhood of Electrical Workers,  
4 Local 483, and the Washington State Council of County and City Employees,  
5 Local 120.

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 the International Brotherhood of Electrical Workers, Local 483,  
10 and the Washington State Council of County and City Employees, Local 120  
11 (“Unions”) have negotiated a Letter of Agreement (“LOA”) with the City, which  
12 describes the parameters of a retention incentive program for eligible, represented  
13 Click! employees whose employment is considered essential for the continued  
14 operations of Click!, and

15 WHEREAS the LOA provides for the following: (1) the specific definition and  
16 designation of essential employees, and their eligibility for a one-time lump sum  
17 payment of \$15,000 in compensation for their successful contributions to the  
18 transition of Click! operations; and (2) that eligible employees shall receive one  
19 floating holiday (eight hours) every two months during the time they are employed  
20 with Click!, with the first holiday to be awarded April 1, 2019, and with subsequent  
21 days awarded every two months thereafter, said holidays being subject to  
22 customary usage and cash out restrictions, consistent with Tacoma Municipal  
23 Code 1.12.200(2), and  
24  
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 the LOA was considered and approved by the Public Utility

Board at its meeting of March 27, 2019, and

WHEREAS it appears in the best interest of the City that the LOA negotiated by said Unions 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 Letter of Agreement on a Click! Retention Incentive as negotiated between the City of Tacoma, the International Brotherhood of Electrical Workers, Local 483, and the Washington State Council of County and City Employees, Local 120, said document to be substantially in the form of the document on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

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

Requested by Public Utility Board  
Resolution No. U-11073