



Legislation Passed December 17, 2019

The Tacoma City Council, at its regular City Council meeting of December 17, 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. 40508

This is the first reading of a resolution amending the Rules of Procedure of the Council of the City of Tacoma by adding a new rule, Rule 8.B, entitled “Amendments to Motions, Resolutions, and Ordinances,” to establish best practices related to amending Council legislation; by changing the name of “Citizens’ Forum” to “Community Forum”; and by changing references from “citizen” to “resident” or “community member.”

[Bill Fosbre, City Attorney]

Resolution No. 40510

A resolution setting Thursday, January 30, 2020, at 1:30 p.m., as the date for a hearing by the Hearing Examiner on the request to vacate all those portions of publicly dedicated streets, lying between East 48th Street and East 52nd Street, within the park boundaries of Swan Creek Park for park enhancements and improvements.

(Metropolitan Park District of Tacoma; File No. 124.1406)

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

Resolution No. 40511

A resolution reappointing individuals to the Board of Ethics.

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

Resolution No. 40512

A resolution reappointing Alex Strautman to the Citizen Police Advisory Committee.

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

Resolution No. 40513

A resolution appointing and reappointing individuals to the Landmarks Preservation Commission and the Sustainable Tacoma Commission.

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

Resolution No. 40514

A resolution appointing and reappointing individuals to the Tacoma Arts Commission.

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

Resolution No. 40515

A resolution awarding a contract to Axum General Construction Inc, in the amount of \$1,063,539.99, plus applicable taxes, plus a 15 percent contingency, for a total of \$1,223,070.99, budgeted from the Transportation Capital Fund, for the restoration of approximately one mile of arterial roadway, construction of ADA curb ramps, and installation of traffic signal improvements - Specification No. PW19-0267F.

[Nick Correll, Engineer; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40516

A resolution awarding a contract to Construct Incorporated, in the amount of \$557,800, plus applicable taxes, plus a 16 percent contingency, for a total of \$647,048, budgeted from the Capital Project Fund, for the Tacoma Municipal Building 5th floor tenant improvements - Specification No. PW19-0333F.

[Mina Zarelli, Project Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40517

A resolution awarding a contract to Pease & Sons Inc., in the amount of \$3,748,369.00, plus applicable taxes, plus a 16 percent contingency, for a total of \$4,348,108.04, budgeted from the Public Safety Fund, for the construction of a new fire station in the Tideflats - Specification No. PW19-0306F.

[Mina Zarelli, Project Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40518

A resolution awarding a contract to Dickson Company, in the amount of \$52,500, plus applicable taxes, plus a 30 percent contingency, for a total of \$68,250, budgeted from the Asphalt Plant Fund, for crushed and natural aggregate, for an initial contract period of one year, with the option to renew for four additional one-year periods, for a projected contract total of \$341,250 - Specification No. PW19-0364F.

[Rae Bailey, Street Operations Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40519

A resolution awarding a contract to Holroyd Company, in the amount of \$266,900, plus applicable taxes, plus a 30 percent contingency, for a total of \$346,970, budgeted from the Asphalt Plant Fund, for crushed and natural aggregate, for an initial contract period of one year, with the option to renew for four additional one-year periods, for a projected contract total of \$1,734,850 - Specification No. PW19-0364F.

[Rae Bailey, Street Operations Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40520

A resolution awarding a contract to Mountain Stone Aggregate LLC, in the amount of \$244,000, plus applicable taxes, plus a 30 percent contingency, for a total of \$317,200, budgeted from the Asphalt Plant Fund, for crushed and natural aggregate, for an initial contract period of one year, with the option to renew for four additional one-year periods, for a projected contract total of \$1,586,000 - Specification No. PW19-0364F.

[Rae Bailey, Street Operations Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40521

A resolution awarding a contract to Granite Construction Co, in the amount of \$144,000.00, plus applicable taxes, plus a 25 percent contingency, for a total of \$180,000.00, budgeted from the Asphalt Plant Fund, for the purchase of reclaimed asphalt product and reclaimed asphalt shingles on an as-needed basis, for an initial contract period of one year, with the option to renew for four additional one-year periods, for a projected contract total of \$1,014,676.73 - Specification No. PW19-0384F.

[Rae Bailey, Street Operations Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40522

A resolution awarding a contract to Mercer Health & Benefits LLC, in the amount of \$1,375,000, plus applicable taxes, budgeted from the Health Care Trust Fund, for employee benefits brokerage and consulting services, for an initial contract period of five years, with the option to renew for three additional one-year periods - Specification No. HR19-0136F.

[Kari L. Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]

Resolution No. 40523

A resolution authorizing an increase to the contract with Comprehensive Life Resources, in the amount of \$210,538.00, plus applicable taxes, budgeted from the Mental Health and Chemical Dependency Fund, for the New Beginnings scope of work, for a cumulative contract total of \$3,647,215.35 - Contract No. CW2227270.

[Vicky McLaurin, Program Manager; Linda Stewart, Director, Neighborhood and Community Services]

Resolution No. 40524

A resolution authorizing an increase to the contract with the Crystal Judson Family Justice Center, in the amount of \$420,000, plus applicable taxes, for a cumulative contract total of \$840,000, budgeted from the General Fund, for domestic violence services - Direct Negotiation.

[Vicky McLaurin, Program Manager; Linda Stewart, Director, Neighborhood and Community Services]

Resolution No. 40525

A resolution authorizing the execution of a cooperative agreement with the United States Environmental Protection Agency, in the amount of \$542,684, accepting and depositing said sum into the Solid Waste Fund, to offset costs associated with the replacement of four diesel-powered refuse collection trucks with compressed natural gas trucks.

[James G. Parvey, P.E., Environmental Policy and Sustainability Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 40526

A resolution approving the City's Compensation Philosophy, to create and strengthen a culture of transparency and trust through a competitive classification and compensation program.

[Kari L. Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]

Amended Resolution No. 40527

A resolution establishing the activities and income criteria for the City's Affordable Housing Fund, for the purpose of prioritizing projects that are eligible for funding.

[Daniel Murillo, Housing Division Manager; Jeff Robinson, Director, Community and Economic Development]

Resolution No. 40528

A resolution authorizing the use of up to \$5,000 of City Council Contingency Funds, to conduct a survey of home sale prices over a two to three month period of time and take needed steps towards requesting that the U.S. Department of Housing and Urban Development revise the area-median sales prices on existing homes and new construction in order to submit the changes with the Fiscal Year 2020-2021 Annual Action Plan with an effective date of July 1, 2020.

[Council Member Ibsen]

Resolution No. 40529

A resolution expressing the City Council's support for an affirmative vote in 2020 by the Puget Sound Clean Air Agency Board for the most robust proposal, "Scenario D," of the regional Clean Fuel Standard rule.

[Council Member Beale]

Resolution No. 40530

A resolution authorizing the one-time use of funds, in the amount of \$1,500, budgeted from the Council Contingency Fund, to support the Stadium Historic Business District Association's 15th Annual Dickens Festival; and directing the City Manager to confirm deliverables for the funding commitment.

[Council Member Thoms]

Resolution No. 40531

A resolution removing member restrictions from the Tacoma Permit Advisory Task Force to allow the City Manager flexibility in appointing representatives as appropriate.

[Deputy Mayor McCarthy]

Resolution No. 40532

A resolution approving the cancellation of the following seven regular City Council meetings in 2020: January 2, January 21, March 10, May 26, September 8, December 22, and December 29.

[Mayor Woodards]

Ordinance No. 28642

An ordinance amending Chapter 12.01 of the Municipal Code, relating to Utility Charges, to extend the waiver of power and water utility connection and inspection fees for cities in Tacoma Power and Tacoma Water service territories during the current declared state of emergency, relating to the conditions of homeless encampments located in the City; effective January 1, 2020 and until the declared state of emergency has ended. [Tom Morrill, Chief Deputy City Attorney; Bill Fosbre, City Attorney]

Ordinance No. 28643

An ordinance amending Chapter 12.10 of the Municipal Code, relating to Water - Regulations and Rates, for wholesale rate adjustments, effective January 1, 2020; System Development Charge adjustments, effective January 1, 2020; and Fixed Fees adjustments, effective January 1, 2020, through December 31, 2024; and repealing Ordinance No. 28614 in its entirety. [Lyna Vo, Utilities Economist; Scott Dewhirst, Water Superintendent].

Ordinance No. 28644

An ordinance amending Chapter 1.45 of the Municipal Code, relating to Neighborhood Councils, to adopt proposed changes to the Neighborhood Council Program. [Bucoda Warren, Senior Management Fellow; Allyson Griffith, Program Manager, Neighborhood and Community Services]

Ordinance No. 28645

An ordinance amending Chapter 1.95 of the Municipal Code, relating to the Rental Housing Code, to update language to reflect Engrossed Substitute Senate Bill 5600 and the State of Washington's Residential Landlord-Tenant Act regarding notification requirements for pay-or-vacate notices. [Linda Stewart, Director, Neighborhood and Community Services]

Ordinance No. 28646

An ordinance amending Title 18 of the Municipal Code, relating to Minimum Employment Standards, by repealing in its entirety Chapter 18.20, entitled "Minimum Wage", and relying on Washington State minimum wage law and the Department of Labor and Industries enforcement. [Danielle Larson, Tax and License Manager; Andy Cherullo, Director, Finance]

Ordinance No. 28647

An ordinance amending Subtitle 6A of the Municipal Code, relating to the Tax Code, to change the due date for annual business and occupation tax returns, and to simplify how taxpayers apportion income reported under the service and other tax classification. [Danielle Larson, Tax and License Manager; Andy Cherullo, Director, Finance]

Ordinance No. 28649

An ordinance amending Chapter 1.29 of the Municipal Code, related to the Human Rights Commission, by adding a new Section 1.29.190, entitled “Provision of Universal Closed Captioning,” to require persons owning or managing a place of public accommodations to activate closed captioning on television receivers located within the City, effective March 1, 2020.

[Lucas Smiraldo, Management Analyst II; Diane Powers, Director, Office of Equity and Human Rights]

Ordinance No. 28651

An ordinance amending Chapter 1.06 of the Municipal Code, relating to Administration, to update the formal bid and governing body threshold, clarify language related to the authorization to pay recurring software license and maintenance fees, standardize contract amendment authority, and clarify parameters for governing body approval of Citywide contracts and other minor updates.

[Patsy Best, Procurement and Payables Division Manager; Andy Cherullo, Director, Finance]



RESOLUTION NO. 40508

1 A RESOLUTION relating to City Council procedures; amending the *Rules of*
2 *Procedure of the Council of the City of Tacoma* by adding a new Rule 8.B,
3 entitled "Amendments to Motions, Resolutions, and Ordinances," for the
4 purpose of establishing best practices related to amending Council
5 legislation; by changing the name of "Citizens' Forum" to "Community
6 Forum"; and by changing references from "citizen" to "resident" or
7 "community member."

8 WHEREAS the current *Rules of Procedure of the Council of the City of*
9 *Tacoma* ("Rules of Procedure") does not contain a process for amending Council
10 legislation beyond *Robert's Rules of Order*, and

11 WHEREAS the Government Performance and Finance Committee ("GPFC")
12 reviewed the matter and determined that the processing of legislative amendments
13 should be done in a manner that is fair, equitable, transparent, effective, and
14 respectful towards the public, constituent groups, and to the City Council itself, and

15 WHEREAS GPFC made a recommendation to the full City Council that the
16 Rules of Procedure should be amended to include a process for amending Council
17 legislation, which the City Council considered at its Study Sessions of
18 November 19, 2019, and December 3, 2019, and instructed the City Attorney's
19 Office to prepare an amendment to the Rules of Procedure that encourages
20 Council Members to consider a number of best practices prior to submitting an
21 amendment that will substantially change the policy scope or policy language, use
22 of City resources, or costs to the City if the original legislation is amended, and

23 WHEREAS, pursuant to Rule 9 of the Rules of Procedure, the City Council
24 appreciates hearing from members of the public on items on the agenda or under
25 the jurisdiction of the City Council, and
26



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

WHEREAS Rule 9 uses the term “citizen” and names the public forum

“Citizens’ Forum,” and

WHEREAS, to make public participation in City Council meetings more inclusive, the Mayor requested that the name “Citizens’ Forum” be changed to “Community Forum,” and that references in the Rules of Procedures to the word “citizen” be changed to either “resident” or “community member;” Now, Therefore,

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

That the *Rules of Procedure of the Council of the City of Tacoma* is hereby amended by adding a new Rule 8.B, entitled “Amendments to Motions, Resolutions, and Ordinances,” for the purpose of establishing best practices related to amending Council legislation; by changing the name of “Citizens’ Forum” to “Community Forum,” and by changing references from “citizen” to “resident” or “community member,” all as more specifically set forth in the attached Exhibit “A.”

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

EXHIBIT A

Rules of Procedure of the Council of the City of Tacoma

RULE 2 - PRESIDING OFFICER – DUTIES

The presiding officer shall:

1. Preserve order and decorum in the Council Chambers;
2. Observe and enforce all rules adopted by the Council for its government;
3. Decide all questions on order, in accordance with these rules, subject to appeal by any member to the Council; and
4. Recognize members of the Council in the order in which they request the floor. No member shall be recognized and given the floor to speak on the same matter more than once until after all other members of the Council have had an opportunity to be recognized and be heard.
5. Retain the authority, during Public Comment and [Citizens' Community Forum](#), to determine whether a speaker's remarks fail to comply with these Rules or exceed the scope of the designated forums, and the presiding officer shall have the authority to suspend such person's right to speak, subject to the Council's right to overrule such decision.

RULE 4 - ORDER OF BUSINESS

A. **Order of Business.** The order of business shall be as follows:

15. [Citizens' Community Forum](#). See Rule 9.C.

RULE 8 - MISCELLANEOUS

A. **Agenda.** The City Clerk, under the direction of the City Manager, shall prepare the Agenda for each session of the Council in regular order in accordance with these rules, which order shall not be departed from for any purpose, except as provided for in these rules. Such Agenda shall include all resolutions, ordinances, and matters requested by any

Council Member, including the Mayor, or by the City Manager. No item shall be deleted from the Agenda, except by motion approved by the Council.

B. **Amendments to Motions, Resolutions, and Ordinances.** It is the policy of the Council to process legislation in a manner that is fair, equitable, transparent, effective, and respectful towards the public, constituent groups, and to the Council itself. Council Members are encouraged to consider the following best practices prior to submission of an amendment that will substantially change the policy scope or policy language, use of City resources, or costs to the City if the original legislation is amended.

1. Prepare the amendment in writing.
2. Include a brief statement or analysis of the effect of the amendment.
3. Distribute the amendment to all members of the Council as soon possible prior to the meeting in which it will be offered.
4. Distribute the amendment prior to the meeting to obtain input from the public, constituents groups, and/or Committee, Board, or Commission that may have provided comment on the original legislation.
5. Distribute the amendment to the City Manager for purposes of obtaining input from City staff or outside experts, and the City Attorney for legal review.
6. Distribute the amendment to the City Clerk's Office on the Thursday prior to the meeting it will offered so it can be included in the published agenda to allow for comments by the public during Public Comment.
7. Obtain co-sponsorship of the amendment from other Council Members.

The rule is not intended to limit the public's right to influence the legislative process or to devalue the public's right to comment on and change pending legislation.

BC. **Robert's Rules of Order.** On all questions of practice or procedure not provided for by these rules, the practice and procedure set forth in *Robert's Rules of Order Newly Revised* shall prevail.

CD. **Amendments to Rules.** Amendments to these rules shall be made by resolution and shall require two readings.

DE. **Public Requests for Proclamations.** It is the policy of the Council to consider requests to proclaim certain events or causes when such proclamations pertain to a Tacoma event, person, organization, or cause with local implications. The Council will consider requests that are timely, have potential relevance to a majority of Tacoma's population, and either forward positive messages or call upon the support of the community.

The following guidelines and requirements apply to requests for consideration of proclamations:

1. The person(s) or organization making the request must submit a completed Application Requesting a City Proclamation and submit a copy of the proposed proclamation.
2. The request should be made at least two weeks in advance of the requested Council meeting.
3. The Mayor, City Manager and/or staff designee will determine if the proposed proclamation meets the intent of this policy. When there is uncertainty in making this determination, the Mayor will consult with the City Council Committee of the Whole for its guidance.
4. The Council retains the right to limit the number of proclamations at a Council Meeting.
5. The City retains the right to modify, edit, or otherwise amend the proposed proclamation to meet its requirements, needs, or policy determinations.
6. The City retains the right to decide if the proclamation will or will not be issued.
7. Once approved, the proclamation will be included on the appropriate Council agenda.
8. If not approved, the applicant will be notified of the decision and the reason(s) for the decision.

EF. Public Requests for Presentations. It is the policy of the Council to consider requests for presentations of certain events or causes when such presentations pertain to a Tacoma event, person, organization, or cause with local implications. The Council will consider requests that are timely, have potential relevance to a majority of Tacoma's population, and either forward positive messages or call upon the support of the community.

The following guidelines and requirements apply to requests for consideration of presentations:

1. The person(s) or organization making the request to make the presentation must submit a completed Application to Make a City Council Presentation.
2. The request should be made at least two weeks in advance of the requested Council meeting.
3. The Mayor, City Manager and/or staff designee will determine if the proposed presentation meets the intent of this policy. When there is uncertainty in making this determination, the Mayor will consult with the City Council Committee of the Whole for its guidance.
4. The presentation shall not exceed five minutes in length and the Council will not entertain more than two presentations at one Council Meeting.

5. The City retains the right to decide if the presentation will or will not be permitted.
6. Once approved, the presentation will be included on the appropriate Council agenda.
7. If not approved, the applicant will be notified of the decision and the reason(s) for the decision.

RULE 9 - PUBLIC COMMENT/PUBLIC FORUM

- A. **Public Comment.** The City Council appreciates hearing from [citizens-community members](#) about items on its agenda, and desires to set aside time at the start of each Council business meeting for Public Comment. All comments must be limited to items on the agenda. Speakers are asked to identify the specific agenda items they wish to address.

To ensure equal opportunity for the public to comment, a speaker's comments shall be limited to up to five minutes per person, per meeting. Where necessary, due to the number of persons who want to address the Council, the presiding officer shall retain authority to limit all persons' remarks to an equal period of less than five minutes. To further ensure equal opportunity for the public to comment, each person may address the Council only one time during the Public Comment portion of the meeting. Comments may be made on resolutions as well as first and final readings of ordinances. Comments shall not be accepted on ordinances forwarded to the Council by the Hearing Examiner for which a public hearing has been held. Written comments submitted prior to Council action shall be considered in the same manner as oral comments. When the Council suspends its rules to include a new resolution or ordinance on the agenda, public comment will be taken at the time the Council considers the resolution or ordinance. Where an ordinance has been substantially changed at its final reading, a person may speak to the changes. Public comment sign-up forms will be available at the back of the Council Chambers for use by those persons wishing to address the Council. All remarks will be addressed to the Council as a whole.

- B. **Courtesy.** All speakers during Public Comment or [Citizens'Community](#) Forum, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and deportment and shall not engage in or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the presiding officer, to the question or matter under discussion.
- C. **[Citizens'Community](#) Forum - Second Tuesday.** On the second Tuesday of each month, time shall be reserved for [Citizens'community members'](#) comments. The purpose of this forum is to assist the Council in making policy decisions; therefore, items of discussion shall be limited to matters over which the City Council has jurisdiction. A speaker's remarks shall be limited to up to three minutes per person, per [Citizens'Community](#) Forum. Where necessary, due to the number of persons who want to address the Council, the presiding officer shall retain authority to limit all persons' remarks to an equal period of less than three minutes. To further ensure equal opportunity for the public to comment, each person may address the Council only one time during the [Citizens'Community](#) Forum

portion of any meeting. Comment shall not be made in support of or opposition to any matter on the Council Agenda for which the time for public comment has passed.

- D. **No Use of Public Comment or Citizens'Community Forum for Campaigns.** No person may use public comment or Citizens'Community Forum for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Further, any direct mention of a candidate's candidacy or a ballot proposition shall constitute grounds for immediate suspension of such person's right to speak at that Council meeting.
- E. **No Use of Public Comment or Citizens'Community Forum for Advertising.** No person addressing the Council may use Public Comment or Citizens'Community Forum for the purpose of advertising. Advertising is defined as "promoting by making known, proclaiming publicly, drawing attention to, or making conspicuous any item, product, service, or thing, for profit or otherwise." This does not prevent or preclude any person addressing the Council from expressing his or her views or opinions on matters over which the Council has jurisdiction. Also, this does not prohibit individuals or organizations from promoting public events or causes through public requests for proclamations and presentations as provided in Rule 8, Sections D and E.
- F. **Transgression.** The presiding officer shall retain authority to determine whether a speaker's remarks fail to comply with these Rules or exceed the scope of the designated forum, and the presiding officer shall have the right to suspend such person's right to speak, subject to the Council's right to overrule such decision.

RULE 16 – FILLING COUNCIL VACANCIES AND APPROVED EXTENDED LEAVE OF ABSENCE

* * *

B. Appointment Process.

* * *

- 6. The City Clerk's Office shall use the standard application form used by the City for citizens-residents to apply to a City Committee, Board, or Commission. Applications will be available at the City of Tacoma Clerk's Office, Customer Service Center, and on the City's official website.

* * *



RESOLUTION NO. 40510

1 A RESOLUTION relating to the vacation of City right-of-way; setting Thursday,
 2 January 30, 2020, at 1:30 p.m., as the date for a hearing before the City of
 3 Tacoma Hearing Examiner on the petition of Metropolitan Park District of
 4 Tacoma, to vacate portions of publicly dedicated streets, lying between East
 5 48th Street and East 52nd Street, within the park boundaries of Swan Creek
 6 Park, for park enhancements and improvements.

7 WHEREAS Metropolitan Park District of Tacoma, having received the
 8 consent of the owners of more than two-thirds of the properties abutting the
 9 portions of publicly dedicated streets, lying between East 48th Street and East
 10 52nd Street, within the park boundaries of Swan Creek Park, has petitioned for
 11 the vacation of the following legally described right-of-way area:

12 All those portions of East 48th Street, East 50th Street, East "R" Street
 13 (also known as East "T" Street per City of Tacoma Ordinance No. 10398,
 14 passed February 13, 1930), East "S" Street (also known as Homestead
 15 Avenue per City of Tacoma Ordinance No. 10398, passed February 13,
 16 1930), East "T" Street (also known as Roosevelt Avenue per City of
 17 Tacoma Ordinance No. 10398, passed February 13, 1930) and all alleys
 18 therein lying between the northerly margin of East 48th Street and the
 19 northerly margin of East 52nd Street, all as dedicated by Plat filing of
 20 Homestead Park, Pierce County, Washington according to the Plat
 21 thereof recorded in Book 6, Page 112, records of Pierce County,
 22 Washington, all lying east and south of Tract "M", as shown on Plat filing
 23 of Salishan Division 2, according to the Plat recorded under Auditor's
 24 File number 200806245003, records of Pierce County, Washington, and
 25 lying east of Tract "K", as shown on Plat filing of Salishan Division 4,
 26 according to the Plat recorded under Auditor's File number
 201007155004, records of Pierce County, Washington.

27 Together with that portion of unrecorded East "T" Street lying south of
 28 the North margin of East 48th Street and North of East 52nd Street
 29 depicted outside of the plat of Portland Avenue First Addition, according
 30 to the Plat thereof recorded in Book 17, Page 82, records of Pierce
 31 County, Washington, more particularly described as follows:

32 Commencing at the Southeast corner of Tract 'J' as per said plat, thence
 33 South 88°03'57" East along the easterly projection of the south line of
 34 said Tract "J", 86.91 feet to a line perpendicularly 73 feet East 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

parallel to the East line of said Tract "J"; Thence North 30°56'07" West along said parallel line a distance of 159.46 feet to a point of tangency with a 633.30 foot radius curve to the right; Thence parallel Northwesterly along said curve through a central angle 12°57'53" an arc distance of 143.30 feet to an angle point; Thence North 89°40'58" West a distance of 76.45 feet more or less to a point on a non-tangent curve to the right having a radius of 706.30 feet, from which point the center bears North 73°58'33" East, said point being on the East line of said Tract "J"; Thence Northwesterly along said curved East line through a central angle of 1°13'59" an arc distance of 15.20 feet; Thence continuing along said East line North 14°47'27" West a distance of 57.35 feet to an angle point; Thence departing said East line South 89°40'58" East a distance of 75.61 feet to a line that is 73 feet perpendicularly East and parallel to said East line of Tract "J"; Thence North 14°47'27" West along said parallel line a distance of 243.75 feet to a point of tangency with a 464.40 foot radius curve to the right; Thence Northeasterly along said parallel curve through a central angle of 21°04'31" an arc distance of 170.82 feet to an angle point; Thence North 69°36'40" West a distance of 74.95 feet more or less to a point on the East line of said Tract "J", said point being on a non-tangent curve to the right having a radius of 537.40 feet, from which the center bears South 81°46'04" East; Thence Northeasterly along said curve and said East line through a central angle of 5°24'22" an arc distance of 50.71 feet to an angle point; Thence departing said East line South 69°36'40" East a distance of 73.59 feet to a point on a line that is 73 feet perpendicularly East and parallel to the East line of said Tract "J", said point being a non-tangent curve to the right having a radius of 464.40 feet, from which point the center bears South 77°25'44" East; Thence Northeasterly along said parallel curve through a central angle of 22°03'07" an arc distance of 178.74 feet; Thence North 34°37'23" East along said parallel line a distance of 22.24 feet more or less to the North line of the Northeast Quarter of the Northeast Quarter of Section 22, Township 20 North, Range 3 East of Willamette Meridian, said North line being the North margin of East 48th Street; Thence along said North line South 89°16'31" East a distance of 65.06 feet; Thence departing said North line South 34°37'23" West a distance of 58.52 feet to a point of tangency with a 410.40 foot radius curve to the left; Thence Southwesterly and Southeasterly along said curve through a central angle 49°24'50" an arc distance of 353.94 feet; Thence South 14°47'27" East a distance of 281.39 feet to a point of tangency with a 579.30 foot radius curve to the left; Thence Southeasterly along said curve through a central angle 16°08'40" an arc distance of 163.23 feet; Thence South 30°56'07" East a distance of 194.36 feet more or less to intersect said easterly projection of the south line of Tract "J"; Thence North 88°03'57" West along said projection a distance of 64.29 feet to the Point of Beginning.



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

All situate in the City of Tacoma, County of Pierce, State of Washington;
within the Northeast Quarter of the Northeast Quarter of Section 22,
Township 20 North, Range 03 East of the Willamette Meridian;

Now, Therefore,

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

Section 1. That Thursday, January 30, 2020, at 1:30 p.m., is hereby
fixed as the date and time, and the Council Chambers on the first floor of the
Tacoma Municipal Building, 747 Market Street, in the City of Tacoma, as the
place when and where said request 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: All those portions of publicly dedicated streets, lying between East
48th Street and East 52nd Street, within the park boundaries of
Swan Creek Park.

Petitioner: Metropolitan Park District of Tacoma

File No.: 124.1406



RESOLUTION NO. 40511

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

BY REQUEST OF COUNCIL MEMBERS HUNTER, IBSEN, AND MELLO

A RESOLUTION relating to committees, boards, and commissions; reappointing individuals to the Board of Ethics.

WHEREAS vacancies exist on the Board of Ethics, and

WHEREAS, at its meeting of November 19, 2019, the Government

Performance and Finance Committee conducted interviews and recommended the reappointment of individuals to said 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 Board of Ethics; Now, Therefore,

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

That those nominees to the Board of Ethics, listed on Exhibit "A," are hereby confirmed and reappointed as members of such board for such terms as are set forth on the attached Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



EXHIBIT "A"

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

BOARD OF ETHICS

Reappointing **KATIE BAIRD** to a three-year term, effective January 1, 2020, to expire December 31, 2022.

Reappointing **OHAD LOWY** to a three-year term, effective January 1, 2020, to expire December 31, 2022.



RESOLUTION NO. 40512

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

3 A RESOLUTION relating to committees, boards, and commissions; reappointing
4 an individual to the Citizen Police Advisory Committee.

5 WHEREAS a vacancy exists on the Citizen Police Advisory Committee, and

6 WHEREAS, at its meeting of November 14, 2019, the Community Vitality
7 and Safety Committee conducted interviews and recommended the reappointment
8 of Alex Strautman to said committee, and

9 WHEREAS, pursuant to City Charter 2.4 and the Rules, Regulations, and
10 Procedures of the City Council, Alex Strautman has been nominated to serve on the
11 Citizen Police Advisory Committee; Now, Therefore,

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

13 That Alex Strautman is hereby confirmed and reappointed as a member of
14 the Citizen Police Advisory Committee, to the "At-Large No. 3" position, to serve a
15 three-year term, effective January 1, 2020, to expire December 31, 2022.
16
17

18 Adopted _____

19 _____
20 Mayor

21 Attest:
22 _____
23 City Clerk

24 Approved as to form:
25 _____
26 City Attorney



RESOLUTION NO. 40513

1 BY REQUEST OF COUNCIL MEMBERS BEALE, HUNTER, IBSEN, AND MELLO

2 A RESOLUTION relating to committees, boards, and commissions; appointing and
3 reappointing individuals to the Landmarks Preservation Commission and the
4 Sustainable Tacoma Commission.

5 WHEREAS vacancies exist on the Landmarks Preservation Commission and
6 the Sustainable Tacoma Commission, and

7 WHEREAS, at its meetings of November 6, November 20, and
8 December 4, 2019, the Infrastructure, Planning, and Sustainability Committee
9 conducted interviews and recommended the appointment and reappointment of
10 individuals to said commissions, and

11 WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,
12 Regulations, and Procedures of the City Council, the persons named on Exhibit "A"
13 have been nominated to serve on the Landmarks Preservation Commission and the
14 Sustainable Tacoma Commission; Now, Therefore,

15
16
17
18
19
20
21
22
23
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

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

That those nominees to the Landmarks Preservation Commission and the Sustainable Tacoma Commission, listed on Exhibit "A," are hereby confirmed and appointed or reappointed as members of such commissions for such terms as are set forth on the attached Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



EXHIBIT "A"

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

LANDMARKS PRESERVATION COMMISSION

Appointing **Sarah Hilsendeger** to the "At-Large No. 4" position to serve a three-year term, effective January 1, 2020, to expire December 31, 2022.

Appointing **Deborah Cade** to the "North Slope Ex Officio" position to serve a four-year term, effective January 1, 2020, to expire December 31, 2023.

Appointing **Jonathan Hart** to the "Professional No. 1" position to fill an unexpired term, to expire December 31, 2019, followed by a three-year term, to expire December 31, 2022.

Appointing **Leah Jaggars** to the "Wedge Neighborhood Ex Officio" position to serve a four-year term, effective January 1, 2020, to expire December 31, 2023.

Reappointing **Jeff Williams** to the "Professional No. 2" position to serve a three-year term, effective January 1, 2020, to expire December 31, 2022.

SUSTAINABLE TACOMA COMMISSION

Appointing **Tony Ivey** to fill an unexpired term to expire April 30, 2021.

Appointing **Evlondo Cooper** to fill an unexpired term to expire April 30, 2022.

Appointing **Ashley Sloan** to fill an unexpired term to expire April 30, 2023.

Appointing **Elly Claus-McGahan** to fill an unexpired term to expire April 30, 2023.



RESOLUTION NO. 40514

1 BY REQUEST OF COUNCIL MEMBERS HUNTER, THOMS, AND USHKA

2 A RESOLUTION relating to committees, boards, and commissions; appointing and
3 reappointing individuals to the Tacoma Arts Commission.

4 WHEREAS vacancies exist on the Tacoma Arts Commission, and

5 WHEREAS, at its meeting of November 12, 2019, the Economic
6 Development Committee recommended the appointment and reappointment of
7 individuals to said commission, and

8 WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,
9 Regulations, and Procedures of the City Council, the persons named on Exhibit "A"
10 have been nominated to serve on the Tacoma Arts Commission; Now, Therefore,
11

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

13 That those nominees to the Tacoma Arts Commission, listed on Exhibit "A,"
14 are hereby confirmed and appointed or reappointed as members of such
15 commission, for such terms as are set forth on the attached Exhibit "A."
16

17 Adopted _____

18 _____
19 Mayor

20 Attest:

21 _____
22 City Clerk

23 Approved as to form:

24 _____
25 City Attorney

26



EXHIBIT "A"

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

TACOMA ARTS COMMISSION

Appointing **Olivia Allison** to the "At-Large No. 2" position to a three-year term, effective January 1, 2020, to expire December 31, 2022.

Appointing **Elizabeth Pew** to the "At-Large No. 3" position to a three-year term, effective January 1, 2020, to expire December 31, 2022.

Appointing **Benjamin Maestas III** to the "Professional No. 2" position to a three-year term, effective January 1, 2020, to expire December 31, 2022.

Reappointing **Michael Kula** to the "Professional No. 1" position to a three-year term, effective January 1, 2020, to expire December 31, 2022.



RESOLUTION NO. 40515

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the execution of a contract with Axum
3 General Construction Inc, in the amount of \$1,063,539.99, plus a 15 percent
4 contingency, for a cumulative total of \$1,223,070.99, budgeted from the
5 Transportation Capital Fund, for the restoration of approximately one mile of
arterial roadway, construction of ADA curb ramps, and installation of traffic
signal improvements, pursuant to Specification No. PW19-0267F.

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

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

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

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

17 Section 2. That the proper officers of the City are hereby authorized to
18 enter into a contract with Axum General Construction Inc, in the amount of
19 \$1,063,539.99, plus a 15 percent contingency, for a cumulative total of
20 \$1,223,070.99, budgeted from the Transportation Capital Fund, for the restoration
21 of approximately one mile of arterial roadway, construction of ADA curb ramps,
22
23
24
25
26



and installation of traffic signal improvements, pursuant to Specification

1 No. PW19-0267F, consistent with Exhibit "A."

2
3 Adopted _____

4
5
6 _____
7 Mayor

8 Attest:
9 _____
10 City Clerk

11 Approved as to form:
12 _____
13 City Attorney

14
15
16
17
18
19
20
21
22
23
24
25
26



RESOLUTION NO. 40516

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the execution of a contract with
3 Construct Incorporated, in the amount of \$557,800, plus a 16 percent
4 contingency, for a cumulative total of \$647,048, plus applicable taxes,
5 budgeted from the Capital Project Fund, for the Tacoma Municipal Building
6 5th floor tenant improvements, pursuant to Specification No. PW19-0333F.

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

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

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

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

17 Section 2. That the proper officers of the City are hereby authorized to
18 enter into a contract with Construct Incorporated, in the amount of \$557,800, plus
19 a 16 percent contingency, for a cumulative total of \$647,048, plus applicable
20 taxes, budgeted from the Capital Project Fund, for the Tacoma Municipal Building
21

22
23
24
25
26



1 5th floor tenant improvements, pursuant to Specification No. PW19-0333F,
2 consistent with Exhibit "A."

3
4 Adopted _____

5
6 _____
7 Mayor

8
9 Attest: _____
10 City Clerk

11
12 Approved as to form: _____
13 City Attorney

14
15
16
17
18
19
20
21
22
23
24
25
26



RESOLUTION NO. 40517

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the execution of a contract with
3 Pease & Sons Inc., in the amount of \$3,748,369.00, plus a 16 percent
4 contingency, for a cumulative total of \$4,348,108.04, plus applicable
5 taxes, budgeted from the Public Safety Fund, for the construction of a new
6 fire station in the Tideflats, pursuant to Specification No. PW19-0306F.

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

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

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

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

17 Section 2. That the proper officers of the City are hereby authorized to
18 enter into a contract with Pease & Sons Inc., in the amount of \$3,748,369.00, plus
19 a 16 percent contingency, for a cumulative total of \$4,348,108.04, plus applicable
20

21
22
23
24
25
26



1 taxes, budgeted from the Public Safety Fund, for the construction of a new fire
2 station in the Tideflats, pursuant to Specification No. PW19-0306F, consistent with
3 Exhibit "A."
4

5 Adopted _____
6

7 _____
8 Mayor

9
10 _____
11 City Clerk

12 Approved as to form:
13 _____
14 City Attorney

15
16
17
18
19
20
21
22
23
24
25
26



RESOLUTION NO. 40518

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with Dickson Company, in the amount of \$52,500, plus a 30 percent
4 contingency, for a total of \$68,250, plus applicable taxes, budgeted from
5 the Asphalt Plant Fund, for crushed and natural aggregate, for an initial
6 contract period of one year, with the option to renew for four additional
7 one-year periods, for a projected contract total of \$341,250, pursuant to
8 Specification No. PW19-0364F.

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

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

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

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

19 Section 2. That the proper officers of the City are hereby authorized to
20 enter into a contract with Dickson Company, in the amount of \$52,500, plus a
21 30 percent contingency, for a total of \$68,250, plus applicable taxes, budgeted
22 from the Asphalt Plant Fund, for crushed and natural aggregate, for an initial
23 contract period of one year, with the option to renew for four additional one-year
24
25
26



1 periods, for a projected contract total of \$341,250, pursuant to Specification
2 No. PW19-0364F, consistent with Exhibit "A."

3
4 Adopted _____

5
6 _____
7 Mayor

8
9 Attest: _____
10 City Clerk

11
12 Approved as to form: _____
13 City Attorney

14
15
16
17
18
19
20
21
22
23
24
25
26



RESOLUTION NO. 40519

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with Holroyd Company, in the amount of \$266,900, plus a 30 percent
4 contingency, for a total of \$346,970, plus applicable taxes, budgeted from
5 the Asphalt Plant Fund, for crushed and natural aggregate, for an initial
6 contract period of one year, with the option to renew for four additional
7 one-year periods, for a projected contract total of \$1,734,850, pursuant to
8 Specification No. PW19-0364F.

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

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

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

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

19 Section 2. That the proper officers of the City are hereby authorized to
20 enter into a contract with Holroyd Company, in the amount of \$266,900, plus a
21 30 percent contingency, for a total of \$346,970, plus applicable taxes, budgeted
22 from the Asphalt Plant Fund, for crushed and natural aggregate, for an initial
23 contract period of one year, with the option to renew for four additional one-year
24
25
26



1 periods, for a projected contract total of \$1,734,850, pursuant to Specification
2 No. PW19-0364F, consistent with Exhibit "A."

3
4 Adopted _____

5
6 _____
7 Mayor

8
9 Attest: _____
10 City Clerk

11
12 Approved as to form: _____
13 City Attorney

14
15
16
17
18
19
20
21
22
23
24
25
26



RESOLUTION NO. 40520

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with Mountain Stone Aggregate, LLC, in the amount of \$244,000, plus a
4 30 percent contingency, for a total of \$317,200, plus applicable taxes,
5 budgeted from the Asphalt Plant Fund, for crushed and natural aggregate,
6 for an initial contract period of one year, with the option to renew for four
7 additional one-year periods, for a projected contract total of \$1,586,000,
8 pursuant to Specification No. PW19-0364F.

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

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

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

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

19 Section 2. That the proper officers of the City are hereby authorized to
20 enter into a contract with Mountain Stone Aggregate, LLC, in the amount of
21 \$244,000, plus a 30 percent contingency, for a total of \$317,200, plus applicable
22 taxes, budgeted from the Asphalt Plant Fund, for crushed and natural aggregate,
23 for an initial contract period of one year, with the option to renew for four
24
25
26



1 additional one-year periods, for a projected contract total of \$1,586,000, pursuant
2 to Specification No. PW19-0364F, consistent with Exhibit "A."

3
4 Adopted _____

5
6 _____
7 Mayor

8
9 Attest: _____
10 City Clerk

11
12 Approved as to form: _____
13 City Attorney

14
15
16
17
18
19
20
21
22
23
24
25
26



RESOLUTION NO. 40521

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with Granite Construction Co, in the amount of \$144,000.00, plus a
4 25 percent contingency, for a cumulative total of \$180,000.00, plus
5 applicable taxes, for an initial contract period of one year, with the
6 option to renew for four additional one-year periods, for a projected
contract amount of \$1,014,676.73, budgeted from the Asphalt Plant
Fund, for the purchase of reclaimed asphalt product and reclaimed
asphalt shingles on an as-needed basis, pursuant to PW19-0384F.

7 WHEREAS the City has complied with all applicable laws and processes
8 governing the acquisition of those supplies, and/or the procurement of those
9 services, inclusive of public works, as is shown by the attached Exhibit "A,"
10 incorporated herein as though fully set forth, and
11

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

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

15 Section 1. That the Council of the City of Tacoma concurs with the Board of
16 Contracts and Awards to adopt the recommendation for award as set forth in the
17 attached Exhibit "A."
18

19 Section 2. That the proper officers of the City are hereby authorized to
20 enter into a contract with Granite Construction Co, in the amount of \$144,000.00,
21 plus a 25 percent contingency, for a cumulative total of \$180,000.00, plus
22 applicable taxes, for an initial contract period of one year, with the option to renew
23 for four additional one-year periods, for a projected contract amount of
24 \$1,014,676.73, budgeted from the Asphalt Plant Fund, for the purchase of
25
26



1 reclaimed asphalt product and reclaimed asphalt shingles on an as-needed basis,
2 pursuant to PW19-0384F, consistent with Exhibit "A."

3
4 Adopted _____

5
6 _____
7 Mayor

8
9 Attest: _____
10 City Clerk

11
12 Approved as to form: _____
13 City Attorney

14
15
16
17
18
19
20
21
22
23
24
25
26



RESOLUTION NO. 40522

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the execution of a contract with
3 Mercer Health & Benefits LLC, in the amount of \$1,375,000, plus applicable
4 taxes, budgeted from the Health Care Trust Fund, for employee benefits
5 brokerage and consulting services, for an initial contract period of five years,
6 with the option to renew for three additional one-year periods, pursuant to
7 Specification No. HR19-0136F.

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

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

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

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

18 Section 2. That the proper officers of the City are hereby authorized to
19 enter into a contract with Mercer Health & Benefits LLC, in the amount of
20 \$1,375,000, plus applicable taxes, budgeted from the Health Care Trust Fund, for
21 employee benefits brokerage and consulting services, for an initial contract period
22
23
24
25
26



1 of five years, with the option to renew for three additional one-year periods,
2 pursuant to Specification No. HR19-0136F, consistent with Exhibit "A."

3
4 Adopted _____

5
6 _____
7 Mayor

8
9 Attest: _____
10 City Clerk

11
12 Approved as to form: _____
13 City Attorney

14
15
16
17
18
19
20
21
22
23
24
25
26



RESOLUTION NO. 40523

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the increase of Contract
3 No. CW2227270/C574 with Comprehensive Life Resources, in the amount of
4 \$210,538.00, plus applicable taxes, budgeted from the Mental Health &
5 Chemical Dependency Fund, for the New Beginnings Scope of work, for a
6 cumulative contract total of \$3,647,215.35, pursuant to Contract No. C574.

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

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

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

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

17 Section 2. That the proper officers of the City are hereby authorized to
18 increase Contract No. CW2227270/C574 with Comprehensive Life Resources, in
19 the amount of \$210,538.00, plus applicable taxes, budgeted from the Mental Health
20 & Chemical Dependency Fund, for the New Beginnings Scope of work, for a
21
22
23
24
25
26



1 cumulative contract total of \$3,647,215.35, pursuant to Contract No. C574,
2 consistent with Exhibit "A."

3
4 Adopted _____

5
6 _____
7 Mayor

8
9 Attest: _____
10 City Clerk

11
12 Approved as to form: _____
13 City Attorney

14
15
16
17
18
19
20
21
22
23
24
25
26



RESOLUTION NO. 40524

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the increase of Contract
3 No. CW2227284/C579 with Crystal Judson Family Justice Center, in
4 the amount of \$420,000, plus applicable taxes, for a cumulative total
of \$840,000, budgeted from the General Fund, for domestic violence
services, pursuant to Direct Negotiation.

5 WHEREAS the City has complied with all applicable laws and processes
6 governing the acquisition of those supplies, and/or the procurement of those
7 services, inclusive of public works, as is shown by the attached Exhibit "A,"
8 incorporated herein as though fully set forth, and
9

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

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

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

17 Section 2. That the proper officers of the City are hereby authorized to
18 increase Contract No. CW2227284/C579 with Crystal Judson Family Justice
19 Center, in the amount of \$420,000, plus applicable taxes, for a cumulative total
20
21
22
23
24
25
26



1 of \$840,000, budgeted from the General Fund, for domestic violence services,
2 pursuant to Direct Negotiation, consistent with Exhibit "A."

3
4 Adopted _____

5

6 _____
Mayor

7 Attest:

8

9 _____
City Clerk

10 Approved as to form:

11

12 _____
13 City Attorney

14

15

16

17

18

19

20

21

22

23

24

25

26



RESOLUTION NO. 40525

1 A RESOLUTION relating to air pollution and greenhouse gas emissions;
2 authorizing the execution of a cooperative agreement with the United States
3 Environmental Protection Agency, in the amount of \$542,684, accepting and
4 depositing said sum into the Solid Waste Fund, to offset costs associated
with the replacement of four diesel-powered refuse collection trucks with
compressed natural gas trucks.

5 WHEREAS in accordance with the 2016 Environmental Action Plan (“EAP”),
6 the City has committed to reducing air pollution and greenhouse gas emissions,
7 and

8
9 WHEREAS the EAP specifies converting solid waste trucks from diesel to
10 renewable natural gas made from methane captured at the wastewater treatment
11 plant, which is being accomplished by both the purchase of compressed natural
12 gas (“CNG”) refuse collection trucks, and the completion of the current Organics-
13 To-Energy project at the Central Treatment Plant, and

14
15 WHEREAS the Solid Waste Management Division began purchasing
16 CNG refuse collection trucks to replace older diesel-powered trucks in 2015,
17 and four 2009-engine model-year trucks are scheduled to be replaced with four
18 new CNG-powered trucks at a total cost of \$1,550,526, with the new CNG
19 trucks estimated to reduce criteria pollutants by more than 99 percent over
20 existing 2009-engine model-year diesel trucks, as well as reduce CO2 emissions
21 by an estimated 42 percent or more, and

22
23 WHEREAS in 2019, the City applied through the United States
24 Environmental Protection Agency (“EPA”) Diesel Emissions Reduction Act
25 (“DERA”) program for a maximum 35 percent reimbursement grant towards the
26



1 purchase of four CNG trucks, and the City was awarded a competitive grant from
2 the EPA DERA program in the amount of \$542,684, and

3 WHEREAS the DERA grant allows reimbursement to replace four 2009-
4 engine model-year diesel powered trucks with four CNG trucks, and the cost for
5 these trucks is eligible for the \$542,684 grant under the DERA program, thereby
6 reducing the acquisition costs for these trucks; Now, Therefore,
7

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

9 Section 1. That the City of Tacoma, Solid Waste Management Division, is
10 authorized to accept and draw upon grant funding in the amount of up to \$542,684
11 from the United States Environmental Protection Agency ("EPA") Diesel Emissions
12 Reduction Act ("DERA") program pursuant to the terms and conditions of U.S. EPA
13 Grant Agreement Number DE 01J65201 awarded September 3, 2019, to offset the
14 costs associated with the replacement of four diesel-powered solid waste refuse
15 collection trucks with compressed natural gas ("CNG") trucks.
16
17
18
19
20
21
22
23
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

Section 2. That the City Manager, or designee, is hereby authorized to execute any additional documents that may be necessary for the administration of the funding accepted pursuant to Section 1.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney



RESOLUTION NO. 40526

1 A RESOLUTION relating to pay and compensation; approving an updated
2 compensation philosophy for the City of Tacoma.

3 WHEREAS the City strives to offer a total compensation program
4 designed to help create and support a high-performing, responsive, and
5 competitive organization, and

6 WHEREAS, on November 18, 2008, the City Council adopted Resolution
7 No. 37639, approving a compensation philosophy which defined the City
8 Council's values, goals, and commitment to be an employer of choice in the
9 Puget Sound region, and

10 WHEREAS it is necessary to update the City's compensation philosophy
11 to create and strengthen a culture of transparency and trust through a
12 competitive classification and compensation program that is equitable, accessible
13 and flexible; motivates high performance; and reflects the strong value the City
14 places on its employee population, and

15 WHEREAS the proposed compensation philosophy includes a vision
16 statement, and has a broader approach to compensation which captures the total
17 value of an individual's employment relationship with the City, introduced as Total
18 Rewards, and

19 WHEREAS Total Rewards is not in lieu of competitive pay and benefits;
20 rather, the philosophy includes how work is classified, including meaningful and
21 measurable differences in the level of work defined within each occupational
22 group, while allowing for management flexibility, and
23
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 proposed compensation philosophy also provides a sustainability measure to ensure the system is regularly assessed to remain competitive in the market, and

WHEREAS, in response to City Council feedback provided during the October 22, 2019, Study Session, minor revisions to the compensation philosophy have been applied to the section titled "Commitment to Equity"; Now, Therefore,

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

That the Compensation Philosophy of the City of Tacoma, as set forth in the proposed document on file in the office of the City Clerk, is hereby approved.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 40527

1 A RESOLUTION relating to affordable housing; establishing the activities and
2 income criteria for the City's Affordable Housing Fund, for the purpose of
3 prioritizing projects that are eligible for funding.

4 WHEREAS the City Council approved a one-time \$1.2 million allocation in
5 the 2019-2020 Biennial Budget, which represented an initial investment into the
6 Affordable Housing Fund ("AHF"), and receipt of approximately \$853,000 annually
7 in sales tax revenue authorized by Substitute Housing Bill 1406 ("SHB 1406"); after
8 passage of SHB 1406, a portion of sales tax revenue that would otherwise go to
9 the State remits back to the City, and

10 WHEREAS revenue from SHB 1406 is available for 20 years, effective
11 October 1, 2019, and

12 WHEREAS the Affordable Housing Fund ("AHF") has limited resources, and
13 to allocate the resources within the Affordable Housing Action Strategy ("AHAS"),
14 criteria is necessary which will establish proposed uses as well as proposed
15 eligibility requirements for a project to receive funds, and

16 WHEREAS the use of funds will be measured against three metrics
17 included in the AHAS, specifically: (1) number of units created; (2) number of unit
18 preserves; and (3) number of households served, and

19 WHEREAS the eligibility requirements were first presented at the City
20 Council's November 12, 2019 Study Session as part of the AHAS quarterly update,
21 and
22
23
24

25
26



1 WHEREAS staff recommendations for eligible use are: (1) projects with
2 existing funds, including from the City, in order to facilitate affordable housing
3 development; (2) place emphasis on Permanent Supportive Housing projects;
4 (3) allow for some, or all, funding to address the current homeless state of
5 emergency, including potential service funding; and (4) provide as site acquisition,
6 site improvement, and building construction capital for projects that meet eligibility
7 requirements, and
8

9 WHEREAS the recommendations for eligibility requirements are:
10 (1) preference for households that make at or below 60 percent of Tacoma’s Area
11 Median Income (“AMI”); (2) give preference to projects which have other funding
12 committed and allow the preliminary commitment of AHF investments with its final
13 commitment contingent upon a project’s showing of its financial feasibility,
14 including the procurement of other necessary funding sources, and
15

16 WHEREAS staff will update the City Council on projects or programs funded
17 on a biannual basis during the same time as the delivery of the second and fourth
18 quarter overall AHAS updates, and
19

20 WHEREAS if a future action results in a significant increase in funding, staff,
21 in consultation with the AHAS Technical Advisory Group (“TAG”), will reevaluate
22 the uses and requirements to determine whether changes are necessary; Now,
23 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 establish activities and income criteria for the Affordable Housing Fund, for the purpose of prioritizing projects that are eligible for funding.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 40528

1 BY REQUEST OF COUNCIL MEMBERS BEALE, BLOCKER, HUNTER, AND
2 IBSEN

3 A RESOLUTION authorizing the use of up to \$5,000 of City Council Contingency
4 Funds, to conduct a survey of home sale prices over a two to three month
5 period of time, and take needed steps towards requesting that the U.S.
6 Department of Housing and Urban Development revise the area-median
7 sales prices on existing homes and new construction, in order to submit the
8 changes with the Fiscal Year 2020-2021 Annual Action Plan, with an
9 effective date of July 1, 2020.

10 WHEREAS the City offers down payment assistance to income-eligible
11 residents through the federal HOME Investment Partnerships Program (“HOME”)
12 administered by the U.S. Department of Housing and Urban Development (“HUD”),
13 and managed for the City by the Washington State Housing Finance Commission
14 (“WSHFC”), with \$10,000 coming from HOME funds and the other \$10,000 coming
15 from WSHFC, for a maximum loan of \$20,000, and

16 WHEREAS in 2019 the City allocated \$75,000 to the HOME program, and

17 WHEREAS eligibility for the program is based on income (households that
18 make up to 80 percent of the area-median income), and maximum purchase price
19 of the home to be purchased, and

20 WHEREAS HUD determines the maximum purchase price annually, and
21 limits it to 95 percent of the area-median sales price using Federal Housing
22 Administration (“FHA”) single family mortgage program data, and for fiscal year
23 2020 (July 1, 2019-June 30, 2020), HUD determined the maximum amounts were
24 \$285,000 for existing homes and \$354,000 for new construction, and
25
26



1 WHEREAS HOME regulations allow a local jurisdiction to request a change
2 to these amounts through an administrative action, which requires a survey of sale
3 prices over at least a two-month period, that includes both new and existing
4 housing sales prices, and sales only within the city limits of Tacoma, and
5

6 WHEREAS the City can then recommend approval from HUD of the new
7 amounts based on this survey and analysis, and
8

9 WHEREAS the request is reviewed by HUD and is allowable during the
10 City's "program year" of July 1-June 30, and
11

12 WHEREAS the City is concerned that HUD's established maximum home
13 values eligible for assistance through the HOME grant program are below what the
14 actual median sales prices are for the City, and
15

16 WHEREAS in order to make the HOME grant program useable for those
17 who qualify based on income, the City should take action towards requesting a
18 revision to HUD, if necessary, and
19

20 WHEREAS, at the December 3, 2019, Study Session, Council
21 Member Ibsen shared a Council Consideration Request to authorize the one-time
22 use of up to \$5,000 from the Council Contingency Fund to conduct a survey of
23 home sale prices over a two to three-month period of time, in order to take the
24 necessary steps towards requesting that HUD revise the area-median sales prices
25 on existing homes and new construction, and
26

 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



1 which could not have been foreseen or reasonably evaluated at the time of
2 adopting the budget, and

3 WHEREAS the extent of the need for the survey of home sale prices could
4 not have been foreseen or reasonably evaluated at the time the City adopted its
5 biennial budget, and
6

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

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

11 Section 1. That one-time funding in the amount of up to \$5,000, budgeted
12 from the Council Contingency Fund, is hereby approved for the purpose of
13 supporting the survey of home sale prices over a two to three-month period, in
14 order to request that the U.S. Department of Housing and Urban Development
15 ("HUD") revise the area-median prices on existing homes and new construction,
16
17 with an effective date of July 1, 2020.
18

19
20
21
22
23
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

Section 2. That the proper officers of the City are hereby authorized to confirm deliverables with the U.S. Department of Housing and Urban Development (“HUD”) for the purposes hereinabove enumerated, and document as appropriate.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 40529

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS BEALE,
2 HUNTER, AND MELLO

3 A RESOLUTION expressing City Council support for the most robust proposal,
4 "Scenario D", for the Puget Sound Clean Air Agency's proposed regional
5 Clean Fuel Standard rule.

6 WHEREAS the City's vision of sustainability seeks to achieve an exceptional
7 quality of life for every generation and leave a legacy of stewardship; achieve
8 lasting and equitable prosperity; build a safe, healthy, attractive, and vibrant
9 community; and minimize negative impacts in order to conserve the natural
10 resources that sustain it, and

11 WHEREAS the City's 2008 Climate Action Plan sets an aggressive
12 greenhouse gas emissions reduction goal of 80 percent from 1990 levels by 2050;
13 and the current Environmental Action Plan supports these goals, with targets to
14 register 2,000 electric vehicles and decrease City and Tacoma Public Utilities
15 transportation-based fossil fuel use by 15 percent of 2014 levels by 2020, and

16 WHEREAS, in 2016, transportation accounted for 71 percent of greenhouse
17 gas emissions in the City, and

18 WHEREAS diesel exhaust from fossil fuel combustion is linked to heart and
19 lung disease, cancer, and premature death, and

20 WHEREAS, from 2009 to 2015, the Environmental Protection Agency
21 formally designated part of Tacoma and most of Pierce County as "non-attainment,"
22 meaning that air quality did not meet federal health standards because of fine
23 particle pollution, including diesel exhaust, and
24
25
26



1 WHEREAS poor air quality affects everyone; however, children, the elderly,
2 pregnant women, those with respiratory or cardiovascular health problems, those
3 situated within 500 feet of a freeway, and those without the resources to protect
4 themselves are most at risk, and

5 WHEREAS the proposed regional Clean Fuel Standard, "Scenario D,"
6 projects 20-26 percent reductions in transportation fuel carbon intensity by 2030,
7 and a resulting reduction in fine particle pollution (PM_{2.5}) emissions is estimated to
8 result in health benefits, presently valued at up to \$45.7 million by 2030, especially
9 for low-income communities and communities of color, which studies show are
10 often located near major roadways such as the Interstate 5 corridor, and
11

12 WHEREAS the Clean Fuel Standard "Scenario D" is consistent with the
13 region's economic growth, and any changes to economic productivity and
14 employment are estimated to be minimal, and

15 WHEREAS the City enjoys low-cost, low-carbon electricity resources, and
16 the City, Tacoma Public Utilities, and their partners which provide clean fuels and
17 infrastructure can earn credits from sales, and
18

19 WHEREAS the Washington State Legislature has been unable to address a
20 proposed statewide Clean Fuel Standard rule in recent years, and
21

22 WHEREAS, if adopted, the regional Clean Fuel Standard "Scenario D" will
23 reduce greenhouse gas emissions from transportation fuels using a flexible,
24 market-based approach that spurs technological innovation, and has the ability to
25 improve air quality, protect public health, transform and diversify the transportation
26 fuel pool, decrease dependency on petroleum over the long-term, and increase



predictability and consistency in the fuel market in Tacoma and the wider Puget

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

Sound region; Now, Therefore,

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

That the City Council affirms its support for the most robust proposal,
“Scenario D,” for the regional Clean Fuel Standard rule, with a “yea” vote when it
comes before the Puget Sound Clean Air Agency Board of Directors for approval
in 2020.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 40530

1 BY REQUEST OF COUNCIL MEMBER THOMS

2 A RESOLUTION authorizing the one-time use of funds, in the amount of \$1,500,
3 budgeted from the Council Contingency Fund, to support the Stadium
4 Historic Business District Association's 15th Annual Dickens Festival in the
5 Stadium Business District on December 14, 2019.

6 WHEREAS in 2004, Mario and Frances Lorenz created the idea for the
7 Dickens Festival ("Festival") in the Stadium Business District ("Stadium District")
8 after working with the Dickens on the Strand Festival in Galveston, Texas, which
9 uses the festival to call attention to their historic neighborhood, and

10 WHEREAS 2019 will be the Stadium District's 15th year of organizing the
11 Festival, which has been sustained for years by business and community
12 sponsorships; however, due to the economic hardships of ongoing construction in
13 the Stadium District, there has been a decrease in sponsorships, and the Festival is
14 seeking alternative funding methods to maintain the level of service expected from
15 the event, and

16 WHEREAS attendance for the Festival ranges from 500 to 3,000, depending
17 on the weather, and funds raised for the Festival contribute towards audio/visual
18 equipment, staging, entertainment, roving Dickens' characters, horse and carriage
19 rides, promotion, signage, and other marketing for the event, and

20 WHEREAS organizers of the Festival committed to requesting contingency
21 funds to cover this event only during the LINK Light Rail construction that is
22 impacting local businesses, and

23
24
25
26



1 WHEREAS, at the November 19, 2019, Study Session, Council
2 Member Thoms shared a Council Consideration Request to authorize the one-time
3 use of \$5,000 from the Council Contingency Fund for the Festival, but the
4 requested amount has been reduced, and Sound Transit will be matching the City's
5 contribution of \$1,500 for this event, and
6

7 WHEREAS the Festival promotes sponsorships from many businesses and
8 organizations, and sponsors are advertised through the Festival website, through a
9 Festival program, and on social media, and
10

11 WHEREAS Stadium District businesses also support the Festival through
12 their participation in Open Houses and various contests, and

13 WHEREAS City staff will confirm deliverables for the City's contribution, and

14 WHEREAS RCW 35.33.145 and 35.34.250 authorize a withdrawal from the
15 Council Contingency Fund for any municipal expense, the necessity or extent of
16 which could not have been foreseen or reasonably evaluated at the time of
17 adopting the budget, and
18

19 WHEREAS the need for support of the Stadium Historic Business District
20 Association's 15th Annual Dickens Festival could not have been foreseen or
21 reasonably evaluated at the time the City adopted its biennial budget, and
22

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

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

Section 1. That one-time funding in the amount of \$1,500, budgeted from the Council Contingency Fund, is hereby approved for the purpose of supporting the Stadium Historic Business District Association’s 15th Annual Dickens Festival in the Stadium District on December 14, 2019.

Section 2. That the proper officers of the City are hereby authorized to confirm deliverables with the Stadium Historic Business District Association, or other appropriate entity, for the purposes hereinabove enumerated, and document as appropriate.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 40531

1 BY REQUEST OF DEPUTY MAYOR McCARTHY, AND COUNCIL MEMBERS
HUNTER AND THOMS

2 A RESOLUTION relating to development services; removing the 12-15 member
3 limitation from the Tacoma Permit Advisory Task Force.

4 WHEREAS in December of 2017, the City Council created the Tacoma
5 Permit Advisory Task Force ("Task Force") at the request of professionals and
6 permit applicants who interface with the City, and who had convened various
7 groups to discuss process improvements to the permitting system and provide
8 feedback to the City, and
9

10 WHEREAS the purpose of the Task Force is to: (1) meet monthly with City
11 staff to review, discuss, and provide recommendations to the City Manager and
12 City Council for the improvement of City policies, codes, and procedures for the
13 issuance of residential and commercial permits, review best practices in peer
14 communities, and monitor implementation progress and recommend
15 adjustments; (2) review and provide recommendations to the City Manager and
16 City Council regarding proposed City policies and laws which affect the
17 permitting system; (3) consult and advise on customer issues that arise in the
18 permitting process; and (4) establish guiding principles to guide policy and best
19 practice recommendations made by the Task Force, and
20
21

22 WHEREAS on December 12, 2017, Resolution No. 39894 was adopted,
23 which determined that the Task Force would consist of 12-15 members
24 representative of a broad base of permit applicants who regularly apply to the City
25 for permits, and are appointed by the City Manager, and
26



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

WHEREAS at the November 14, 2019 Task Force meeting, members discussed future priorities and perspectives that were not yet represented in the Task Force membership that would be valuable to the work ahead, and

WHEREAS members determined there was a need for representatives from affordable housing, the legal community, and the restaurant industry as part of the Task Force, and

WHEREAS the Task Force formally requested its membership limits be removed to provide greater flexibility for the City Manager to appoint representatives to the Task Force as deemed appropriate; Now, Therefore,

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

Section 1. That the 12-15 member limitation of the Tacoma Permit Advisory Task Force ("Task Force") is hereby removed, to allow the City Manager greater flexibility to appoint representatives to the Task Force as deemed appropriate.



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 Tacoma Permit Advisory Task Force will continue to operate under administrative rules and procedures established to ensure that the Task Force conducts its operations in a manner consistent with all other applicable laws, regulations and policies.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 40532

1 BY REQUEST OF MAYOR WOODARDS

2 A RESOLUTION relating to City Council meetings; approving the cancellation of
3 seven regular City Council Meetings in 2020.

4 WHEREAS, pursuant to City Charter Section 2.8, the City Council shall meet
5 weekly at least 46 times per calendar year, and

6 WHEREAS the City Council can, by a majority vote, cancel up to seven
7 meetings in 2020 while still meeting its regular meeting requirements, and
8

9 WHEREAS, after discussion at the December 3, 2019, Study Session, the
10 City Council determined that the following regular City Council meetings scheduled
11 for 2020 would be cancelled: January 2; January 21; March 10; May 26;
12 September 8; December 22; and December 29; Now, Therefore,

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

14 That the following City Council meetings scheduled for 2020 are hereby
15 cancelled: January 2; January 21; March 10; May 26; September 8; December 22;
16 and December 29.
17

18 Adopted _____
19

20 _____
21 Mayor

22 Attest:
23 _____
24 City Clerk

25 Approved as to form:
26 _____
Deputy City Attorney



ORDINANCE NO. 28642

1 AN ORDINANCE relating to the Department of Public Utilities; amending Tacoma
2 Municipal Code 12.01.050 to extend the waiver of power and water utility
3 connection and inspection fees, upon request, for cities in Tacoma Power
4 and Tacoma Water service territories during the current declared state of
emergency, relating to the conditions of homeless encampments located in
the City, until the declared state of emergency has ended.

5 WHEREAS, on May 2, 2017, the City Council adopted Resolution
6 No. 39716, directing the City Manager to prepare and present an Emergency
7 Temporary Aid and Shelter Program to respond to the homelessness crisis and to
8 prepare, and present an ordinance declaring a state of emergency, and
9

10 WHEREAS, on May 9, 2017, the City Council passed Ordinance No. 28430
11 (“Emergency Ordinance”), declaring a state of public health emergency relating to
12 the conditions of homeless encampments located in the City, effective through
13 October 9, 2017, and
14

15 WHEREAS, on June 6, 2017, by motion, the City Council approved a
16 temporary emergency aid and shelter plan with a three-phased approach
17 (Mitigation, Stabilization, and Short-Term Transitional Housing) at a projected cost
18 of \$3.4 million, and
19

20 WHEREAS, on July 12, 2017, pursuant to Resolution U-10942, the Public
21 Utility Board authorized the waiver of connection and inspection fees, upon
22 request, for cities within Tacoma Power and Tacoma Water’s service territories
23 providing facilities for sheltering low-income and/or infirm persons, effective
24 through October 9, 2017, and
25
26



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

WHEREAS Ordinance No. 28440, passed July 18, 2017, authorized the waiver of said connection and inspection fees through October 9, 2017, and further provided that the City Council review the conditions giving rise to the public health emergency to determine whether such conditions warranted keeping in place the extraordinary measures authorized to respond to the public health emergency, and

WHEREAS after review, the City Council passed Ordinance No. 28457 on October 3, 2017, extending the sunset date of the public emergency declaration made pursuant to the Emergency Ordinance from October 9, 2017, to December 31, 2017, and

WHEREAS, on December 12, 2017, the City Council passed Ordinance No. 28477, extending the sunset date of the public emergency declaration from December 31, 2017, to December 31, 2018, and

WHEREAS, on March 26, 2019, the City Council passed Ordinance No. 28577, approving the Public Utility Board's request to renew the waiver of connection and inspections fees retroactive to January 1, 2019, and effective through December 31, 2019, and

WHEREAS, on November 19, 2019, the City Council adopted Ordinance No. 28637, extending the sunset date of the public emergency declaration from December 31, 2019, until such time as there is shelter availability for 95 percent of the unsheltered individuals in Tacoma as noted in the annual Point in Time Count, 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, 2019, the Public Utility Board passed Resolution U-11118, authorizing the renewal of the waiver of connection and inspection fees for cities within Tacoma Power/Water’s service territories providing facilities for sheltering low-income and/or infirm persons, effective through the end of the declared state of emergency, and

WHEREAS Section 4.11 of the Tacoma City Charter requires that all matters relating to the “incurring of indebtedness . . . shall be initiated by the Board, subject to approval by the Council, and executed by the Board,” prior to acceptance of the Agreement, and

WHEREAS, by adoption of Public Utility Board Resolution U-11118 on November 13, 2019, the proposed extension of the waiver was approved, pending confirmation from the City Council; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That Chapter 12.01 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit “A.”

Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not



1 limited to, the correction of scrivener's/clerical errors, references, ordinance
2 numbering, section/subsection numbers, and any references thereto.

3
4 Passed _____

5

6

Mayor

7 Attest:

8

9

City Clerk

10

11 Approved as to form:

12

13

Chief Deputy City Attorney

14

15

16

17

18

19

20

21

22

23

24

25

26



EXHIBIT "A"

**Chapter 12.01
UTILITY CHARGES**

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

Sections:

- 12.01.010 Utility services establishment.
- 12.01.020 Utility field collection call.
- 12.01.030 Invoicing and late payment fee.
- 12.01.040 Residential conservation loan program charges – Light Division.
- 12.01.050 Waiver of utility connection and inspection charges during declared emergency.

* * *

* * *

12.01.050 Waiver of utility connection and inspection charges during declared emergency.

Pursuant to Washington State Constitution Article VIII, section 7, and RCW 35.92.380, upon request, the Director of Utilities is authorized to waive all electric and water connection and inspection fees for cities (including the City of Tacoma) within Tacoma Power and Tacoma Water service territories that are providing facilities for sheltering low-income and/or infirm persons. Such authority is contingent upon the city passing an ordinance declaring a state of public health emergency. This section shall sunset ~~on~~ December 31, 2019 pursuant to the requirements of Ordinance No. 28637, passed by the City Council on November 17, 2019.



ORDINANCE NO. 28643

1 AN ORDINANCE relating to the Department of Public Utilities, Water Division,
2 (d.b.a. Tacoma Water); amending Chapter 12.10 of the Tacoma
3 Municipal Code, relating to Water – Regulations and Rates, to provide
4 for wholesale rate adjustments, effective January 1, 2020; System
5 Development Charge adjustments, effective January 1, 2020; and Fixed
6 Fees adjustments, effective each January 1st, from 2020 through 2024,
7 and repealing and replacing Ordinance No. 28614.

8 WHEREAS the City of Tacoma, Department of Public Utilities, Water
9 Division (d.b.a. “Tacoma Water”), has requested proposed changes for
10 Chapter 12.10 (“Water Regulations and Rates”) in Title 12 (“Utilities”) of the
11 Tacoma Municipal Code (“TMC”), that include rate adjustments for Wholesale
12 Rate Structure, System Development Charges, and Fixed Fees adjustments
13 effective each January 1st starting in 2020 through 2024, and

14 WHEREAS Tacoma Water provides water service to 15 wholesale
15 customers in the region which have contractually obligated about 18 million
16 gallons per day (MGD), but only 2.5 MGD are consumed annually, and

17 WHEREAS wholesale revenue and demand have been declining while
18 ongoing costs to maintain Tacoma Water’s supply obligation remain, and
19 Tacoma Water is proposing a revenue neutral wholesale rate design based on
20 contracted peak capacity that would increase the fixed charge while decreasing
21 the variable rate, and

22 WHEREAS without changes to the wholesale rate and ratemaking policy,
23 Tacoma Water could experience a potential loss of up to \$3.6 million annually in
24 opportunity costs, and
25
26



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

WHEREAS the requested change in TMC 12.10.400 updates the monthly ready to serve charge based on contracted peak capacity and variable winter, summer and peaking rates for the wholesale class, and

WHEREAS Tacoma Water assesses System Development Charges (“SDC”) in three different situations: a one-time charge for water service connection to the water system, a service upgrade that requires a larger meter, or an existing service for larger meters that exceeds usage thresholds. The SDC is typically charged to new development, commercial and wholesale customers. From 2014-2018 the average SDC revenue was about \$2.9 million, and

WHEREAS the last time the SDC was updated was in 2004, and since that time, changes have occurred in the system capacity, plant assets, capital projects, debt, and demand, and

WHEREAS the requested change in TMC 12.10.310 updates the SDC based on an assessment of the current water system, simplifies the SDC methodology by combining “four-day maximum” and “peak day” and replacing the charges in TMC 12.10.310(6)(f) with a cross-reference to the system development charge table for 3” meter size or larger, and

WHEREAS Tacoma Water also assesses fixed charges for water service installations, which are commonly known as Fixed Fees. The Fixed Fees are one-time charges for installations of the water service in schools, shopping centers, restaurants, residential homes, and apartments. In circumstances where the Fixed Fees are not adequate to cover the actual costs



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

of installing the water service, charges for installations are based on the costs of Time & Materials (“T&M”). From June 2017 to May 2019, Fixed Fees and fees based on T&M generated approximately \$2 million in revenue, and

WHEREAS the last time the Fixed Fees charge was updated was in 2009, and since then, Tacoma Water’s cost of service has changed such that Tacoma Water’s Fixed Fees rate no longer accurately reflects current costs, and the proposed change to the Fixed Fees rate will align the fees with actual expenses, reduce staff time, shorten the time of quote delivery to customers and implement a five year schedule, and

WHEREAS a requested change to TMC 12.10.250 removes “Automated Meter Reading (AMR)” and changes the installation of 3/4-inch service and 5/8-inch meters for residential domestic service from a requirement to a standard, and

WHEREAS Tacoma Water has sought input from wholesale customers, developers, builders, and members of the public through various meetings and public information sessions in preparation for the amendments, and

WHEREAS Tacoma Water’s proposed rate adjustments and regulations are attached as Exhibit A, and

WHEREAS Ordinance No. 28614 was adopted on October 1, 2019 for requested rate adjustments, however, changes were not made to the most recent version of the TMC, therefore, this Ordinance repeals and replaces Ordinance No. 28614, 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 the Public Utility Board approved the proposed revisions to the rates and regulations on December 4, 2019, and

WHEREAS pursuant to Tacoma City Charter Section 4.11, revisions to Tacoma Water rates and regulations and the Water Rate and Financial Policy require approval by the Public Utility Board and City Council; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 12.10 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A".

Section 2. That the wholesale rate adjustments are effective January 1, 2020. That the system development charge adjustments are effective January 1, 2020. That the fixed fee adjustments are effective January 1, 2020; January 1, 2021; January 1, 2022; January 1, 2023; and January 1, 2024.

Section 3. That Ordinance No. 28614 is repealed and replaced with this Ordinance.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Exhibit A
CHAPTER 12.10
WATER – REGULATIONS AND RATES

Sections:

- 12.10.010 Rules established.
- 12.10.020 Definitions.
- 12.10.030 Water service inside/outside City limits.
- 12.10.035 Ability to supply water within City limits.
- 12.10.040 Application for service.
- 12.10.045 Services and meters.
- 12.10.050 Establishment of service account and request for turn-on.
- 12.10.060 Billing.
- 12.10.110 Turn-on and/or - Unauthorized use.
- 12.10.115 Turn-off, turn-on - Responsibility and liability.
- 12.10.120 Turn-off, turn-on - Condemned buildings.
- 12.10.125 Damage of water service installation.
- 12.10.130 Termination of service.
- 12.10.150 Interruption of service.
- 12.10.170 Ownership of water mains and appurtenances.
- 12.10.180 Operation of private water systems.
- 12.10.200 Private contract charges.
- 12.10.220 Cross connections.
- 12.10.250 Water service construction charges.
- 12.10.275 Property-side (private) in public rights-of-way.
- 12.10.300 Fire hydrant installation and relocation.
- 12.10.301 Fire hydrant services fee.
- 12.10.302 System capacity flow testing.
- 12.10.303 *Repealed.*
- 12.10.305 Fire hydrant use (non-fire fighting).
- 12.10.310 System development charge (“SDC”).
- 12.10.315 Water main charge.
- 12.10.350 Premises not abutting a permanent water main.
- 12.10.400 Rates - Inside and outside City limits.
- 12.10.485 City not liable for damages.
- 12.10.490 Protection of public health.
- 12.10.495 South Tacoma Groundwater Protection.
- 12.10.500 Waivers - By Superintendent.
- 12.10.505 Customer service policies - Additional rules and regulations.
- 12.10.515 Violations - Penalties - Enforcement.
- 12.10.520 Severability.
- 12.10.525 Interference with and/or damage to City water system.

12.10.250 Water service construction charges.

All water service installations shall be constructed by the Division. For all service installations, the owner or applicant shall pay in advance the fixed charge or a deposit in the amount of the Division's estimated cost for the proposed work. For all estimated work the requestor will be required to sign a time and materials agreement noting their acceptance of the responsibility to pay the actual charges. The amount charged for work performed on an estimated basis will be actual costs to the Division, ~~including overhead cost of installation of Automated Meter Reading (“AMR”) equipment when applicable.~~ If the actual cost is less than the estimated cost, the customer will be refunded the difference. Should the cost of the installation exceed the deposit amount, the additional amount will be billed to the customer that signed the time and materials agreement accepting the responsibility for actual charges. Failure to pay charges may result in, but not be limited to, termination of water service.

All required City, county, state, and/or other permits and fees are in addition to the charges listed below.

A. Water service construction charges on existing mains shall be as set forth below. In extraordinary circumstances where the Division determines that the fixed charges are not adequate to cover the actual costs, the water service construction charge will be based upon actual costs to the Division, including overhead and taxes.

	Effective 1/19/2009
3/4 inch" Service & 5/8 inch" Meter	\$2,325
3/4 inch" Service & 3/4 inch" Meter	\$2,400
1 inch" Service & 5/8 inch" Meter	\$2,400
1 inch" Service & 3/4 inch" Meter	\$2,450
1 inch" Service & 1 inch" Meter	\$2,550
Meter exchange from 5/8" to 3/4"	\$625
Meter exchange from 3/4" to 5/8"	\$325

Water Service Construction Charges on Existing Mains					
Type of Service	Effective Dates				
	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24
<u>3/4" Service with 5/8" Meter</u>	<u>\$3,250</u>	<u>\$3,350</u>	<u>\$3,450</u>	<u>\$3,550</u>	<u>\$3,660</u>
<u>1" Service with 5/8" Meter</u>	<u>\$3,600</u>	<u>\$3,800</u>	<u>\$4,010</u>	<u>\$4,230</u>	<u>\$4,460</u>
<u>1" Service with 3/4" Meter</u>	<u>\$3,675</u>	<u>\$3,900</u>	<u>\$4,140</u>	<u>\$4,400</u>	<u>\$4,670</u>
<u>1" Service with 1" Meter</u>	<u>\$3,825</u>	<u>\$4,040</u>	<u>\$4,270</u>	<u>\$4,510</u>	<u>\$4,760</u>
<u>Meter Exchange from 5/8" to 3/4"</u>	<u>\$700</u>	<u>\$720</u>	<u>\$740</u>	<u>\$760</u>	<u>\$790</u>
<u>Meter Exchange from 5/8" to 1"</u>	<u>\$700</u>	<u>\$720</u>	<u>\$740</u>	<u>\$760</u>	<u>\$790</u>
<u>Meter Exchange from 3/4" to 5/8"</u>	<u>\$325</u>	<u>\$330</u>	<u>\$340</u>	<u>\$360</u>	<u>\$370</u>
<u>Meter Exchange from 3/4" to 1"</u>	<u>\$700</u>	<u>\$720</u>	<u>\$740</u>	<u>\$760</u>	<u>\$790</u>
<u>Meter Exchange from 1" to 5/8"</u>	<u>\$200</u>	<u>\$210</u>	<u>\$210</u>	<u>\$220</u>	<u>\$230</u>
<u>Meter Exchange from 1" to 3/4"</u>	<u>\$200</u>	<u>\$210</u>	<u>\$210</u>	<u>\$220</u>	<u>\$230</u>

Service construction charges for services larger than 1-inch will be estimated based upon actual costs to the Division, including overhead. ~~Service construction charges for water meters 3-inches and larger, or as required by the Division, will include the cost of installation of AMR equipment in accordance with the most current requirements. AMR is also required on all wholesale meters.~~

All services and meters applied for shall be installed within two years of the application. Those customers who have not requested their water service and meter be installed within the two-year period will be required to pay the difference in all current charges and the charges paid at time of application, including the system development charge ("SDC").

Where a service stub was previously installed at the option of the Division, activation of that service shall require payment of all current fees and charges including service construction charge in effect at the time of application for service.

~~B. Installation of Services and Meters on New Mains. Domestic service for residential will require the installation of 3/4 inch services and 5/8 inch meters. The standard for residential domestic service is the installation of 3/4-inch services and 5/8-inch meters. Larger service and meter sizes may be provided if requested by the customer and the Division approves the request, or if the Division determines larger service and/or meter is necessary. The developer requesting services and meters for use other than domestic service for residential will be required to provide additional information on the proposed use. Plan review will be required to determine sizing requirements. For stubs, installation occurs after successful samples and pressure tests. For meter installations, system development charges will also apply.~~

Stub Only	Effective 1/19/2009
a. 3/4 inch Service stubs installed after successful samples and pressure tests.	\$750/service
b. 1 inch Service stubs installed after successful samples and pressure tests.	\$800/service
Meter, Yoke and Box	Effective
a. 5/8 inch Meter, yoke and box installed when requested.	\$400/meter plus the SDC
b. 3/4 inch Meter, yoke and box installed when requested.	\$450/meter plus the SDC
Meter Only	Effective 1/19/2009
a. 5/8 inch Meter installed when requested	\$175/meter plus the SDC
b. 3/4 inch Meter installed when requested.	\$225/meter plus the SDC
Installation of Services and Meters on New Mains	

<u>Type of Installation</u>	<u>Effective Dates</u>				
	<u>1/1/20</u>	<u>1/1/21</u>	<u>1/1/22</u>	<u>1/1/23</u>	<u>1/1/24</u>
<u>3/4" Service Stub</u>	<u>\$925</u>	<u>\$950</u>	<u>\$980</u>	<u>\$1,010</u>	<u>\$1,040</u>
<u>1" Service Stub</u>	<u>\$975</u>	<u>\$1,000</u>	<u>\$1,030</u>	<u>\$1,070</u>	<u>\$1,100</u>
<u>5/8" Meter Only</u>	<u>\$200</u>	<u>\$210</u>	<u>\$210</u>	<u>\$220</u>	<u>\$230</u>
<u>3/4" Meter Only</u>	<u>\$350</u>	<u>\$410</u>	<u>\$480</u>	<u>\$560</u>	<u>\$660</u>
<u>1" Meter Only</u>	<u>\$500</u>	<u>\$520</u>	<u>\$530</u>	<u>\$550</u>	<u>\$560</u>
<u>5/8" Meter, Yoke & Box</u>	<u>\$475</u>	<u>\$490</u>	<u>\$500</u>	<u>\$520</u>	<u>\$530</u>
<u>3/4" Meter, Yoke & Box</u>	<u>\$675</u>	<u>\$720</u>	<u>\$780</u>	<u>\$830</u>	<u>\$890</u>
<u>1" Meter, Yoke & Box</u>	<u>\$1,200</u>	<u>\$1,240</u>	<u>\$1,280</u>	<u>\$1,320</u>	<u>\$1,360</u>

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 6; passed Dec. 19, 2006; Ord. 27522 § 12; passed Aug. 29, 2006; Ord. 27299 § 5; passed Dec. 7, 2004; Ord. 27024 § 5; passed Dec. 10, 2002; Ord. 26800 § 12; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.310 System development charge ("SDC").

A. A system development charge ("SDC") shall be levied for each new water service connection to the City water system, for a service upgrade requiring a larger meter, or for any existing service with 3-inch and larger meters that exceeds 150 percent of their highest maximum annual daily average water use. The SDC fee is based on an equitable share of the cost of the entire existing water system and future facilities necessary to accommodate projected growth. This fee is established pursuant to RCW 35.92.025, the City Charter, and this chapter. SDCs are considered contributions for or in aid to construction, and shall be accounted for accordingly. Customer water consumption amounts on and after May 9, 1999, the original effective date of Ordinance No. 26408, will be examined to determine whether additional SDC amount is owed to the Department.

B. For retail meters 5/8-inch through 2-inches, the charge will be based on customer class and meter size.

For meters larger than 2 inches, the SDC shall be determined based on the customer's anticipated water use as shown below:

<u>Meter Size</u>	<u>Inside City Residential Charges</u>		<u>Inside City Commercial/Industrial Charges</u>	
	<u>Effective</u>			
	<u>1/1/2003</u>	<u>1/1/2004</u>	<u>1/1/2003</u>	<u>1/1/2004</u>
<u>5/8-inch</u>	<u>\$1,443</u>	<u>\$1,485</u>	<u>\$1,928</u>	<u>\$1,984</u>
<u>3/4-inch</u>	<u>2,166</u>	<u>2,229</u>	<u>2,894</u>	<u>2,978</u>
<u>1-inch</u>	<u>3,610</u>	<u>3,715</u>	<u>4,823</u>	<u>4,963</u>
<u>1-1/2-inch</u>	<u>7,218</u>	<u>7,427</u>	<u>9,647</u>	<u>9,927</u>
<u>2-inch</u>	<u>11,548</u>	<u>11,883</u>	<u>15,433</u>	<u>15,881</u>
<u>3-inch & Larger</u>	<u>Individually calculated based on consumption</u>			

<u>System Development Charges – 2" Meter Size or Smaller</u>				
<u>Meter Size (Inches)</u>	<u>Residential</u>		<u>Commercial & Other</u>	
	<u>Inside City</u>	<u>Outside City</u>	<u>Inside City</u>	<u>Outside City</u>
	<u>Effective Date</u>			
	<u>1/1/20</u>	<u>1/1/20</u>	<u>1/1/20</u>	<u>1/1/20</u>
<u>5/8</u>	<u>\$809</u>	<u>\$970</u>	<u>\$1,061</u>	<u>\$1,273</u>
<u>3/4</u>	<u>\$1,213</u>	<u>\$1,456</u>	<u>\$1,592</u>	<u>\$1,910</u>
<u>1</u>	<u>\$2,022</u>	<u>\$2,426</u>	<u>\$2,653</u>	<u>\$3,183</u>
<u>1.5</u>	<u>\$4,043</u>	<u>\$4,852</u>	<u>\$5,306</u>	<u>\$6,367</u>
<u>2</u>	<u>\$6,469</u>	<u>\$7,763</u>	<u>\$8,489</u>	<u>\$10,187</u>

Meter Size	Outside-City Residential Charges		Outside-City Commercial/Industrial Charges	
	Effective			
	1/1/2003	1/1/2004	1/1/2003	1/1/2004
5/8-inch	\$1,732	\$1,782	\$2,315	\$2,382
3/4-inch	2,599	2,674	3,473	3,574
1-inch	4,330	4,456	5,786	5,954
1-1/2-inch	8,661	8,912	11,575	11,911
2-inch	13,860	14,262	18,520	19,057
3-inch & Larger	Individually calculated based on consumption			

The SDC for a multiple family dwelling unit arrangement to be served by a single meter shall be calculated by taking the number of units in the premise and multiplying by 60 percent of the SDC for a single-family dwelling (5/8-inch meter) . If said premise chooses in the future to separately meter each premise the additional 40 percent of the SDC for a single-family dwelling (5/8-inch meter) shall be due and payable at the time of application for services.

~~For meters 3-inches and larger, estimates of anticipated average day use, peak day, and four-day maximum water use will be determined by the Division. For meters 3-inches and larger, estimates of anticipated average day and peak day water use will be determined by the Division.~~ Peak day is defined as the maximum 24-hour use during summer months of June through, and including, September. ~~Four-day maximum use is defined as the average use per day of the four highest consecutive days of the customer's water use in the summer months. For inside City customers, the average day SDC cost is \$2.64/gallon (effective 1/1/04). The peak day SDC cost is \$0.28/gallon (effective 1/1/04). The four-day maximum SDC cost is \$2.36/gallon (effective 1/1/04). For outside City customers, the average day SDC cost is \$3.17/gallon (effective 1/1/04). The peak day SDC cost is \$0.34/gallon (effective 1/1/04). The four-day maximum SDC is \$2.83/gallon (effective 1/1/04).~~

System Development Charges – 3” Meter Size or Larger		
Cost per Gallon	Inside City of Tacoma	Outside City of Tacoma
	Effective Date	
	1/1/20	1/1/20
Average Day	\$2.09	\$2.51
Peak Day	\$2.09	\$2.51

The SDC will be the sum of the average day use multiplied by the average day cost/gallon, ~~and the peak day use minus average day use multiplied by the peak day cost/gallon, and the four-day maximum use minus average day use multiplied by the four-day maximum cost/gallon.~~

As of April 23, 2001, the SDC paid for meters 3-inches and larger will be adjusted annually based on actual usage. If usage is greater than 110 percent of the anticipated average, ~~or peak day or four-day maximum~~ use during a 12-month period of time, an additional SDC will be charged, using the same methodology for calculating average day, ~~and peak day, and four-day maximum~~ water use and multiplying by the respective SDC cost per gallon in effect at the time of adjustment. This requirement for an additional SDC may be waived upon satisfactory demonstration by the customer that the increased water use was temporary in nature and will return to the originally anticipated level.

C. SDC Exemptions:

1. New water service connections dedicated exclusively for fire protection purposes shall be exempt from payment of the SDC. The conversion of a dedicated fire service to a service for use other than exclusively for fire protection shall require the payment of the SDC as provided for in subsection B above.
2. The Division requires that all new single family dwelling residential combination domestic/fire sprinkler service and meters be served by a 1-inch service and 3/4-inch meter. If a larger size meter is required for fire protection the customer must install separate fire service and domestic services. The customer is required to pay all fees to construct said 1-inch service and 3/4-inch meter and all applicable main charges. When such use is documented through the plan review process, the SDC for a 5/8-inch meter will apply. The monthly customer charge will be at the standard charge for a 3/4-inch meter as set forth in TMC 12.10.400.

3. If a residential customer has an existing ¾-inch x 5/8-inch service and meter an exchange to a ¾-inch meter will be allowed if the customer’s fire protection engineer determines it will provide adequate flow. All applicable fees will apply. If flow tests after the meter exchange show inadequate flow the customer will be required to pay the additional fees to retire the ¾” service and install a new 1” service. Residential customers requesting an upgrade to an existing meter to a 3/4-inch meter for a combination domestic/fire sprinkler service will be exempt from payment of the additional SDC when such use is approved through the plan review process. The monthly customer charge will be at the standard charge for a 3/4-inch meter as set forth in TMC 12.10.400.

4. Customers who are requesting a separate water service connection and are being provided with water service by way of another Division customer (i.e., multi-premises connection), shall be exempt from payment of the SDC if:

Billing record exists showing multi-premise rate for each premise on meter.

All premises served by meter of record were constructed prior to October 7, 1991.

D. Existing Facilities:

1. Multiple dwelling unit arrangements currently being served by a single meter shall be exempt from payment of the SDC when changing to separate water service connections for each unit if the original meter was installed prior to October 7, 1991. If the existing meter was installed after October 7, 1991, the customer will be required to pay the 40 percent differential for each individual meter installed as noted in B above.

E. Credit policy for retail customers previously or currently metered:

1. When a request or requirement for a larger meter is made, an SDC credit for the existing meter will be made. The credit for meters up to 2-inches will be the current published SDC amount using the rate in place prior to the requested or required up-sizing. For meters 3-inches and larger, the credit would be calculated based on 150 percent of the highest maximum annual daily average water use derived from billing records. If billing records are not available for a specific meter, the SDC credit calculation will be based on a system-wide use data for that size meter.

2. For situations where meters 3-inches or larger exist and water use will increase, but no change in the meter is required, an SDC will not be required unless the projected use is more than 150 percent of historical use. If the projected use exceeds the 150 percent historical use quantity, an SDC will be calculated for the quantity of water in excess of the 150 percent figure. Prior written commitments to deliver a specific quantity of water, if greater than 150 percent of historical use, will be honored.

3. Credit shall be given for inactive or previously removed meters that can be verified by Division records. The credit will be determined as stated in subsection E.1 above.

Multiple dwelling unit arrangements – Credit for existing multiple dwelling unit meters shall be calculated at 60 percent of the applicable 5/8-inch meter rate per unit and applied to the required SDC if previously served by a single meter.

4. Credits as computed will be subtracted from the determined SDC amount. If an available credit exceeds the SDC amount, the balance shall remain with the parcel previously receiving water service. No refunds shall be allowed for the amount of this credit.

5. All SDC credits are non-transferable unless parcels are combined to facilitate redevelopment.

6. This section is not applicable to the Pulp Mill’s existing services.

F. For wholesale meters, as sized by the Division, the SDC will be determined based on the customer’s anticipated water use.

1. Estimates of anticipated average day use, and peak day, ~~and four day maximum~~ water use will be submitted to and approved by the Division. Peak day is defined as the maximum 24-hour use during summer months of June through, and including, September. ~~Four day maximum use is defined as the average use per day of the four highest consecutive days of water use in the summer months. The average day SDC cost is \$3.17/gallon (effective 1/1/04). The peak day SDC cost is \$0.34/gallon (effective 1/1/04). The 4 day maximum SDC cost is \$2.83/gallon (effective 1/1/04). The average and peak day SDC costs are determined by the charges set forth in the Outside City of Tacoma column of the System Development Charges table for 3” meter size or larger of this section.~~

The SDC will be the sum of the average day use multiplied by the average day cost/gallon, and the peak day use minus average day multiplied by the peak day cost/gallon, ~~and the four day maximum use minus average day multiplied by the four day maximum cost/gallon.~~

The SDC, as of the effective date of this ordinance, will be adjusted annually based on actual usage. If usage is greater than 110 percent of the anticipated average, or peak day ~~or four day maximum~~ use during a 12-month period of time, an additional SDC may be charged using the same methodology for calculating average day, and peak day, ~~and four day maximum~~ water use and multiplying by the respective SDC cost per gallon in effect at the time of adjustment. This requirement for an

additional SDC may be waived upon satisfactory demonstration by the customer that the increased water use was temporary in nature and that water use will return to the originally anticipated level.

2. For situations where an existing wholesale customer is increasing its purchase of water, SDC credit for existing service will be based on either maximum historic use or prior written commitments to deliver a specific quantity of water, whichever is greater.

G. SDCs for meters 2-inches and smaller are payable in full at the time the meter installation is requested. Time payments will be allowed for SDCs for meters 3-inches and larger, for up to ten years, at the discretion of the customer, as follows:

1. When a down payment of 20 percent or more is initially paid, the Division will accept annual payments, with interest, on the unpaid balance calculated using the then current prime rate of interest less 2 percent.
2. When a down payment of at least 10 percent, but less than 20 percent, is initially paid, the Division will accept annual payments, with interest, on the unpaid balance calculated using the then current prime rate of interest.
3. The time payment agreements shall provide that this obligation constitutes a lien on the benefited premises and that the City has the right to terminate water service for any nonpayment of the amounts due on the outstanding balance. In addition, unless the customer is a financially stable public entity, the customer shall be required to provide security such as a financial guarantee bond to guarantee payment of the SDC or make incremental prepayments of the SDC plus interest on the balance of the outstanding total amount of the SDC.

H. Rate Adder to Recover Capital Costs Not Covered by the SDC. In addition to paying the SDC set forth in this section, a customer who proposes to use water for a new or enlarged power plant, and who does not use best available water conservation technology (BAWCT), shall be required to pay, in addition to the applicable water rate, an adder to such rate in accordance with the Division’s Customer Service Policy for New Power Plants. The adder shall be calculated to recover over a period of 20 years a portion of the capital costs that are not covered by the SDC for such customer. This present value of the adder (spread over 20 years) will be equivalent to an SDC on that portion of the customer’s water consumption that is in excess of the amount of water the customer would have consumed had BAWCT been used. Said customers shall also be required to enter into a water service agreement with the Division, and such agreement shall be submitted to the Public Utility Board for approval.

(Ord. 28413 Ex. A; passed Mar. 21, 2017: Ord. 28286 Ex. A; passed Mar. 17, 2015: Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 8; passed Dec. 19, 2006: Ord. 27522 § 17; passed Aug. 29, 2006: Ord. 27299 § 8; passed Dec. 7, 2004: Ord. 27024 § 6; passed Dec. 10, 2002: Ord. 26872 § 1; passed Nov. 6, 2001: Ord. 26800 § 14; passed Apr. 10, 2001: Ord. 26408 § 1; passed Apr. 27, 1999: Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.400 Rates – Inside and outside City limits.

The standard charge for water supplied inside and outside the City for residential, and commercial/industrial use shall consist of a customer charge, also termed a “monthly ready to serve charge,” based on the meter size together with the rate for the quantity of water used, and public fire protection fees, where applicable. The standard charge for wholesale shall consist of a monthly ready to serve charge based on contracted peak capacity together with a rate for the quantity of water used.

For water supplied to a single premises which contains multiple dwelling units, i.e., two or more houses under the same ownership, duplexes, apartment buildings, condominiums, mobile home parks, trailer courts, industrial buildings, etc., the monthly charges will be the same as indicated above.

When water is being supplied to an existing multiple premises, i.e., two or more separate premises being served by one service and meter, the “monthly ready to serve charge” will be based on either the existing meter size or on a 5/8-inch meter size for each premises served, whichever is the greater charge.

When more than one service supplies a premises, the consumption of water for each meter shall be computed separately.

A. Standard charges:

1. The monthly ready to serve charge shall be calculated on a monthly basis, invoiced, and collected pursuant to the applicable customer service policies in accordance with the following schedule for residential, commercial/industrial, and commercial/industrial large volume.

Residential, Commercial & Large Volume – Ready to Serve Charge

Meter Size (Inches)	Inside City of Tacoma		Outside City of Tacoma	
	Rate Effective Dates			
	1/1/2019	1/1/2020	1/1/2019	1/1/2020
5/8	\$24.76	\$24.95	\$29.94	\$30.21
3/4	\$35.79	\$35.98	\$43.18	\$43.45
1	\$57.84	\$58.03	\$69.64	\$69.91
1.5	\$112.96	\$113.15	\$135.78	\$136.05
2	\$179.11	\$179.30	\$215.16	\$215.43
3	\$333.46	\$333.65	\$400.38	\$400.65
4	\$553.96	\$554.15	\$664.98	\$665.25
6	\$1,105.21	\$1,105.40	\$1,326.48	\$1,326.75
8	\$1,766.71	\$1,766.90	\$2,120.28	\$2,120.55
10	\$2,538.46	\$2,538.65	\$3,046.38	\$3,046.65
12	\$3,723.65	\$3,723.84	\$4,468.61	\$4,468.88

The monthly ready to serve charge shall be in accordance with the following schedule for parks and irrigation.

Parks and Irrigation – Ready to Serve Charge				
Meter Size (Inches)	Inside City of Tacoma		Outside City of Tacoma	
	Rate Effective Dates			
	1/1/2019	1/1/2020	1/1/2019	1/1/2020
5/8	\$11.03	\$7.35	\$13.23	\$8.82
3/4	\$16.54	\$11.03	\$19.85	\$13.23
1	\$27.57	\$18.38	\$33.08	\$22.05
1.5	\$55.13	\$36.75	\$66.15	\$44.10
2	\$88.20	\$58.80	\$105.84	\$70.56
3	\$165.38	\$110.25	\$198.45	\$132.30
4	\$275.63	\$183.75	\$330.75	\$220.50
6	\$551.25	\$367.50	\$661.50	\$441.00
8	\$882.00	\$588.00	\$1,058.40	\$705.60
10	\$1,267.88	\$845.25	\$1,521.45	\$1,014.30
12	\$1,860.47	\$1,240.31	\$2,232.57	\$1,488.38

~~The monthly ready to serve charge shall be in accordance with the following schedule for wholesale. The monthly ready to serve charge shall be in accordance with a wholesale customer’s contracted peak capacity in MGD times the monthly rate.~~

Wholesale – Ready to Serve Charge		
Meter Size (Inches)	Rate Effective Dates	
	1/1/2019	1/1/2020
5/8	\$26.46	\$26.46
3/4	\$39.70	\$39.70
1	\$66.16	\$66.16
1.5	\$132.30	\$132.30

2	\$211.68	\$211.68
3	\$396.90	\$396.90
4	\$661.50	\$661.50
6	\$1,323.00	\$1,323.00
8	\$2,116.80	\$2,116.80
10	\$3,042.90	\$3,042.90
12	\$4,465.13	\$4,465.13

<u>Wholesale – Ready to Serve Charge</u>	
<u>Range in MGD (million gallons per day)</u>	<u>Rate Effective Date</u>
	<u>1/1/20</u>
<u>For each MGD of contracted peak capacity</u>	<u>\$1,276.20</u>

2. The schedule of rates for water used shall be as follows and billed to the nearest CCF (100 cubic feet or approximately 748 gallons):

Residential Service – Rate per CCF				
Range in CCF (100 cubic feet)	Inside City of Tacoma		Outside City of Tacoma	
	Rate Effective Dates			
	1/1/2019	1/1/2020	1/1/2019	1/1/2020
Winter Tier: For each CCF of water consumption during the winter months of October through and including May	\$2.011	\$2.132	\$2.413	\$2.558
Summer Tier 1: For the first five CCF of water consumption per month during the summer months of June through and including September	\$2.011	\$2.132	\$2.413	\$2.558
Summer Tier 2: For each CCF of water consumption over five CCF during the summer months of June through and including September	\$2.514	\$2.665	\$3.016	\$3.198

Commercial and Industrial – General Service – Rate per CCF				
Range in CCF (100 cubic feet)	Inside City of Tacoma		Outside City of Tacoma	
	Rate Effective Dates			
	1/1/2019	1/1/2020	1/1/2019	1/1/2020
For each CCF of water consumption	\$2.209	\$2.298	\$2.651	\$2.758

Commercial and Industrial – Large Volume Service – Rate per CCF.				
Customers may qualify for this rate based on an established consumption history greater than 65,000 CCF annually.				
Range in CCF (100 cubic feet)	Inside City of Tacoma		Outside City of Tacoma	
	Rate Effective Dates			
	1/1/2019	1/1/2020	1/1/2019	1/1/2020
For each CCF of water consumption	\$1.784	\$1.787	\$2.141	\$2.144

Parks and Irrigation Service – Rate per CCF				
--	--	--	--	--

Range in CCF (100 cubic feet)	Inside City of Tacoma		Outside City of Tacoma	
	Rate Effective Dates			
	1/1/2019	1/1/2020	1/1/2019	1/1/2020
For each CCF of water consumption	\$3.739	\$3.998	\$4.487	\$4.798

B. Wholesale Service. Wholesale water service may be provided to community water systems that are in compliance with state Department of Health regulations. All wholesale water agreements are subject to Tacoma Public Utility Board approval. Any customer purchasing wholesale water must adopt or commit, in writing, to a water conservation and water shortage response program substantially equivalent to the Division's program as a condition of service.

1. Water Rates. A wholesale water service customer with contractual agreement from Tacoma Water may choose either a rate schedule below with a corresponding ready to serve charge as described in Section A1 for an outside city customer or a market-based price set by Tacoma Water staff based on an analysis of the wholesale system and their supply alternatives. All wholesale contractual agreements with market-based pricing shall be approved by the Tacoma Public Utility Board and Tacoma City Council.

a. Constant Use Customer:

<u>Wholesale Constant Use Customer – Rate per CCF</u>		
Range in CCF (100 cubic feet)	Rate Effective Dates	
	1/1/2019	1/1/2020
Per CCF for winter months (October – May)	\$2.042	\$1.973
Per CCF for summer months (June – September)	\$2.553	\$2.466

<u>Wholesale Constant Use Customer – Rate per CCF</u>	
Range in CCF (100 cubic feet)	Rate Effective Date
	<u>1/1/20</u>
Per CCF for winter months (October – May)	<u>\$1.797</u>
Per CCF for summer months (June – September)	<u>\$2.246</u>

This option may be considered by those customers using water on a year-round basis where their average summer day use divided by their average winter day use results in a summer/winter use ratio of 2.5 or less.

b. Summer Season, Peaking:

<u>Wholesale Summer Season, Peaking – Rate per CCF</u>		
Range in CCF (100 cubic feet)	Rate Effective Dates	
	1/1/2019	1/1/2020
For each CCF of water consumption	\$3.829	\$3.699

<u>Wholesale Summer Season, Peaking – Rate per CCF</u>	
Range in CCF (100 cubic feet)	Rate Effective Date
	<u>1/1/20</u>
For each CCF of water consumption	<u>\$3.369</u>

This option will be used for those customers using relatively large amounts of water in the summer months and little or no water in winter months. The ratio of average summer day use divided by average winter day use shall be greater than 2.5.

For purposes of these rates, summer-use months are defined as June through September and winter-use months are October through May.

Existing customers will be classified into one of the two rate schedules upon annual review of their usage patterns. New customers will select a rate based upon anticipated use. This selection will be subject to revision if usage is not consistent with the above options after a six-month period.

2. Additional Water. Additional or new water may be provided by the City to a wholesale customer conditioned upon satisfying the following:

- a. For every new customer of the wholesale customer that is provided with water from City’s surplus supply, the wholesale customer shall remit to the City (on a monthly basis or by other arrangement as agreed to by the Superintendent) the appropriate SDC for said customer based on meter size in accordance with TMC 12.10.310.
- b. That, in lieu of satisfying subsection A above, in the event the wholesale customer is in a water deficient status or later becomes water deficient as determined by the Superintendent in consultation with wholesale customer, then the Superintendent shall establish a SDC equivalent for said wholesale customer. This SDC equivalent shall not be less than what the total “retail customer equivalent” would have been for the total deficiency.
- c. That the City and wholesale customer shall enter into a letter agreement setting forth the above requirements and committing the wholesale customer to remit the SDC payment to City. The wholesale customer may be required to provide City with periodic reports, certified to be accurate, detailing pertinent data.

C. Emergency Intertie Service. Requests for one-way and two-way emergency intertie service between the City and another purveyor will be considered.

The Superintendent may enter into specific agreements, specifying the terms under which water will be furnished or accepted by the Division. Water furnished to a purveyor through an emergency intertie service will be billed as a wholesale service with a ready to serve charge and rate for water used. Billing will be at the constant use rate for up to 30 days. If use exceeds 30 days the Superintendent will have the discretion to change the constant use rate to the summer season peaking rate. Said agreement shall provide that neither party shall be liable for failure to deliver water to the other at any time.

D. Fire Protection Service. When a customer does not receive domestic water from the Division and requests a fire service from the Division the appropriate regular domestic service rates shall apply as detailed above. In addition all regular construction fees, main charges and SDC shall apply. Where City water is used for domestic purposes, such customers are entitled to a separate fire service at the regular fire service rate, payable monthly as follows:

Fire Protection Service – Ready to Serve Charge					
Meter Size (Inches)	Inside City of Tacoma		Outside City of Tacoma		Maximum Allowable Monthly Water Usage for Testing and Leakage, CCF
	Rate Effective Dates				
	1/1/2019	1/1/2020	1/1/2019	1/1/2020	
2	\$27.37	\$28.78	\$32.84	\$34.54	2.99
3	\$39.85	\$41.91	\$47.82	\$50.29	2.99
4	\$66.58	\$70.01	\$79.90	\$84.01	2.99
6	\$149.35	\$157.04	\$179.22	\$188.45	2.99
8	\$265.87	\$279.57	\$319.04	\$335.48	2.99
10	\$415.86	\$437.28	\$499.03	\$524.74	2.99
12	\$665.16	\$699.43	\$798.19	\$839.32	2.99

Where such fire service is provided, the monthly rate shall include usage of up to a maximum of 2.99 units of water per month. The 2.99 units of allowable water use is for incidental water use for monthly leakage and system testing and is the maximum amount allowed in a single month. In any month where the total consumption is in excess of the amount shown above, the rate for water consumed shall be as noted below.

Fire Protection Service – Rate per CCF				
Range in CCF (100 cubic feet)	Inside City of Tacoma		Outside City of Tacoma	
	Rate Effective Dates			
	1/1/2019	1/1/2020	1/1/2019	1/1/2020
For each CCF of water consumption	\$3.960	\$3.960	\$4.752	\$4.752

If the Water use in excess of the maximum monthly allowable amount was used in extinguishing fires of incendiary or accidental origin and the customer at the location where the use occurs gives written notice to the Division within ten days from the time of such fire the customer shall pay only for actual water used at the rate noted above. If the Division is not

notified the Division will conclude that water is being used for purposes other than extinguishing fires and charge the additional fee noted below of 12 times the monthly rate.

Whenever water from the Division is available on a premise through a service being charged the rate for fire protection only and is used for purposes other than extinguishing fires of incendiary or accidental origin including ongoing leakage of the fire service line and the amount of water used is in excess of the amount shown in the table above, 12 times the ready to serve charge for the specific service in question shall be the monthly minimum charge and the charge for water consumed shall be as noted in the “Fire Protection Service – Rate per CCF” table above. Waivers may be granted from the assessment of the 12 times the ready to serve charge for leaks or other accidental use upon written request with all supporting documentation but the charge for water consumed shall not be waived.

Nonpayment of invoices related to the construction of or monthly use of a fire service will result in the service being turned off and notification of the appropriate fire official who may then disallow occupancy of the premise.

Unauthorized use of water through a detector check meter more than once per calendar year may be cause for installation of a turbine meter assembly, UL/FM approval for fire service assemblies at the expense of the customer. Within the City of Tacoma, whenever water is used for purposes other than extinguishing fires, the amount of water used may be subject to the appropriate sanitary sewer charge as defined in TMC 12.08, in addition to the rates noted above and assessment of the 12 times the ready to serve charge.

Should the unauthorized use continue, including leakage in excess of the maximum amount of water allowed, the service will be considered as other than standby fire protection and be billed in accordance with the type of use pursuant to this section, and shall be subject to payment of the applicable SDC pursuant to TMC 12.10.310. Refusal to pay for the installation of the fire line meter and/or the SDC shall result in termination of service pursuant to TMC 12.10.130.

When a customer desires a fire service for the protection of a premises and the domestic water for said premises is provided from another source, the applicable single-family residential, multi-family residential, or commercial/industrial rates shall apply for the requested fire protection service inside and outside the City, respectively. When any outlet for fire protection purposes is installed on a residential, commercial or industrial service, no rebate will be allowed for water used for extinguishing a fire.

E. The Pulp Mill Contract. The rates, terms, and conditions in the contract originally entered between the City and RockTenn CP, LLC (“Pulp Mill”) and all future assignee to the contract are applicable, except as modified by this section. For a nominated contract demand, the water rate will be based on a monthly distribution charge and the daily supply charge. If the monthly water use exceeds 103% of the contract demand or the daily water use exceeds 109% of the contract demand, an excess water usage charge will be applied. The excess water usage charge will be either the daily excess water use charge or the monthly excess water use charge, whichever is greater.

1. Water use within the range of contract demand plus 3 percent: The charge will consist of a monthly distribution charge and daily supply charge per ccf metered as stated below.
2. Daily water use greater than one hundred and nine percent (109%) of the contract demand: The charge will consist of a monthly distribution charge, daily supply charge, plus a Daily Excess Water Usage Charge (based upon the commercial and industrial-large volume rate) for water metered daily in excess of the contract demand plus 9 percent as stated below.
3. Monthly water use greater than one hundred and three percent (103%) of the contract demand: The charge will consist of a monthly distribution charge, daily supply charge, plus a Monthly Excess Water Usage Charge (based on the commercial and industrial-large volume rate) for water metered during a month in excess of the contract demand plus 3 percent, as stated in the following table.

Pulp Mill		
Billing Components	Rate Effective Dates	
	1/1/2019	1/1/2020
Distribution Charge per Month	\$82,296.95	\$84,354.37
Supply Charge/CCF	\$0.7620256	\$0.7810762
Daily or Monthly Excess Water Usage Charge (Commercial and Industrial - Large Volume Rate) per CCF	\$1.784	\$1.787

4. The Superintendent is hereby authorized to execute a contract with the Pulp Mill to provide additional terms and conditions of service and other provisions consistent with this ordinance.

F. Meter Tests. If a customer has informed the Division that its water consumption has been above its normal billing consumption and verification discovers no leaks on the customer facilities, the customer may request that the Division test the meter. If the test discloses the meter is accurate within the American Water Works Association (“AWWA”) specifications, the customer will be billed for the test and their water bill will not be adjusted. If the test discloses the meter is not accurate within the AWWA specifications and the inaccuracy is the cause of the recorded high consumption, the customer’s water bill will be adjusted and credit given for the excessive consumption and the customer will not be billed for the test. The charge for testing meters shall be added to the customer’s bill as follows:

Meter Size	Cost
1-inch and smaller	\$75.00
>1-inch	*Estimated Cost

*The customer shall pay a deposit in the amount of the Division’s estimated cost.

If the actual cost differs from the estimated cost, the customer will be refunded or billed the difference.

The Division will not test meters owned by others.

G. Low Pressure or Low Flow Concerns. The customer may request the Division to conduct a flow and pressure test on the service to its premises. If the cause of the problem is found to be located on the property side of the meter yoke outlet, the customer will be invoiced for a fee of \$25. If the test discloses that the low flow and/or pressure is caused by Division facilities, the Division will attempt to correct the problem and the customer will not be charged.

H. Low-income Senior and/or Low-income Disabled Residential Rate Discount. Residential customers who qualify as low-income senior or low-income disabled shall be eligible for a 30 percent reduction from the regular residential water rates. The determination of low-income senior and low-income disabled shall be made as set forth in TMC 12.06.165 for City Light Division (d.b.a. “Tacoma Power”) customers. Customers must submit an application for review and acceptance by the authorized administering agency to qualify for this reduction. For the water rate discount, there is no requirement that a customer be a Tacoma Power customer or submit to an energy audit.

I. Water System Acquisition. A water system may be acquired by the City under an agreement between the water system owner(s) and the City with Board and City Council approval. When all or a portion of the acquired system requires upgrading equal to Division standards, the agreement shall provide for funds to achieve compliance with said standards. Under the agreement, a surcharge may be levied by the City for a period of time or an LID may be formed in accordance with RCW Title 35. The surcharge shall be an additional charge equivalent to the Ready to Serve charge per month times a multiplier, or an actual dollar amount as stated in the acquisition agreement and set forth below. The current surcharge areas include:

Former Water System	
Hyada Mutual Service Company	Total Monthly Charge \$30.00 per month through July 2022
Andrain	Total Monthly Charge equal to the Ready to Serve charge per month until paid in full.
Curran Road	Total Monthly Charge equal to the Ready to Serve charge per month until paid in full.

If allowed by the acquisition agreement, a customer in a surcharge area may opt to pay off the outstanding surcharge amount.

(Ord. 28554 Ex. A; passed Nov. 20, 2018: Ord. 28490 Ex. A, passed Feb. 13, 2018: Ord. 28423 Ex. A; passed Apr. 11, 2017: Ord. 28413 Ex. A; passed Mar. 21, 2017: Ord. 28305 Ex. A; passed Jul. 14, 2015: Ord. 28286 Ex. A; passed Mar. 17, 2015: Ord. 28133 Ex. A; passed Feb. 26, 2013: Ord. 27971 Ex. A; passed Feb. 8, 2011: Ord. 27970 Ex. A; passed Feb. 1, 2011: Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 9; passed Dec. 19, 2006: Ord. 27522 § 20; passed Aug. 29, 2006: Ord. 27299 § 11; passed Dec. 7, 2004: Ord. 27137 § 2; passed Sep. 9, 2003: Ord. 27076 § 1; passed Apr. 8, 2003: Ord. 27024 § 7; passed Dec. 10, 2002: Ord. 26872 § 2; passed Nov. 6, 2001: Ord. 26800 § 16; passed Apr. 10, 2001: Ord. 26409 § 1; passed Apr. 27, 1999: Ord. 26048 § 1; passed Mar. 25, 1997)



ORDINANCE NO. 28644

1 AN ORDINANCE relating to neighborhood councils; amending Chapter 1.45 of
2 the Tacoma Municipal Code to adopt proposed changes to the
3 Neighborhood Council Program.

4 WHEREAS Chapter 1.45 of the Tacoma Municipal Code, relating to the
5 Neighborhood Council Program ("Program"), mandates a review of the Program
6 every five years, and

7 WHEREAS, in 2018, as part of the Livable City Year initiative, students at
8 the University of Washington provided analysis and recommendations to update the
9 Program, and these recommendations, as well as outreach to the Neighborhood
10 Councils conducted through 2018, were the basis of Program update
11 recommendations presented to the City Council at a December 2018 Study
12 Session, and

14 WHEREAS, in January 2019, the Program was transferred from the
15 Community and Economic Development to the Neighborhood and Community
16 Services Department ("NCS"), and NCS staff hosted a community meeting in
17 February 2019 to receive feedback on the proposed changes, and

19 WHEREAS, based on the feedback received, it was determined that
20 additional analysis should be completed prior to making any amendments to the
21 Program, and

22 WHEREAS, in mid-2019, staff took prior feedback and reports, as well as
23 information from other jurisdictions' neighborhood council programs, to present a
24 revised set of proposed changes, and conducted a new round of outreach on the
25
26



1 proposed changes, which included an online survey, community meetings, and an
2 offer to meet with each Neighborhood Council individually, and

3 WHEREAS, based on feedback from the outreach process and best practice
4 research, staff is proposing Program amendments in the following areas:

5 (1) clarifying the role of Neighborhood Councils; (2) creating a process to establish
6 new Neighborhood Councils and adjust existing boundaries; (3) changing the
7 definition of “membership” to focus on participation; (4) updating the Program to
8 bring it into alignment with the City’s Equity Framework; and (5) revamping
9 standards and guidelines to serve as a dynamic operational document that will give
10 staff greater flexibility to best serve the Neighborhood Councils; Now, Therefore,
11

12 BE IT ORDAINED BY THE CITY OF TACOMA:

13 Section 1. That Chapter 1.45 of the Tacoma Municipal Code is hereby
14 amended as set forth in the attached Exhibit “A.”

15 Section 2. That the City Clerk, in consultation with the City Attorney, is
16 authorized to make necessary corrections to this ordinance, including, but not
17
18
19
20
21
22
23
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

limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

CHAPTER 1.45
NEIGHBORHOOD COUNCILS

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

Sections:

- 1.45.010 Purpose.
- 1.45.020 Intent.
- 1.45.030 Standards and guidelines.
- 1.45.040 Neighborhood Council ~~functions and responsibilities~~duties and expectations.
- 1.45.050 Neighborhood Council boundaries and ~~membership~~participation.
- 1.45.060 Community Council of Tacoma ~~functions and responsibilities~~duties and expectations.
- ~~1.45.070 City responsibilities.~~
- 1.45.080 Administrative provisions.
- 1.45.090 Review and revision.
- 1.45.100 *Repealed.*

1.45.010 Purpose.

The purpose of this chapter is to establish ~~policies in support of neighborhood involvement in the deliberations and actions of City government through a~~ the Neighborhood Council Program, and ~~to~~ establish a Standards and Guidelines document that defines administrative responsibilities and ~~procedures for the recognition~~expectations and funding of the Neighborhood Councils and the Community Council of Tacoma.

1.45.020 Intent.

~~It is the intent of the City to engage its neighborhoods as broadly as possible in the issues and concerns that directly affect them. The City will~~It is the intent of the City Council to support and promote a Neighborhood Council Program to foster ~~open a~~ partnership of open communication between the City and its neighborhoods and to create an environment in which residents are afforded an opportunity to participate in City government decisions in an advisory role, meaningfully discuss City programs and policies that affect the neighborhood, bring neighborhood concerns, priorities, and goals to the attention of the City, and encourage diverse relationships, representative participation, and the inclusion of differing viewpoints and perspectives that allow all residents to feel included and empowered to contribute to improving the livability of their communities.

~~The City's Neighborhood Council Program will support cooperation and consensus among residents and other diverse interests to craft solutions to mutual problems and to build a sense of personal pride in and responsibility for their neighborhoods. The City will support the Neighborhood Council Program in recruiting and developing diverse Neighborhood Council representation among participants that is equitable in its community engagement and seeks to that creates an inclusive and accessible atmosphere process including by the engagement of community members where neighbors from low-income communities, communities of color, and other historically underrepresented populations are represented in a way that reflects the neighborhood.~~

~~Involvement with the Neighborhood Councils is not intended to limit the activities, role, or importance of existing neighborhood organizations, neighborhood business districts, and block watch groups or other similar neighborhood advisory or advocacy groups. While it is expected that these groups will take an active part in the Neighborhood Council Program, it is intended that they, like the Neighborhood Councils, remain independent entities.~~

1.45.030 Standards and guidelines.

A Neighborhood Council Program Standards and Guidelines document will be ~~adopted by resolution of the City Council~~created by the City Manager, or designee. In order to be eligible for funding or ~~to act in an advisory capacity to the support from the~~ City ~~to advance neighborhood priorities,~~ the Neighborhood



Councils and Community Council must ~~comply with administrative and procedural~~ meet the expectations and requirements contained in the Standards and Guidelines. The Standards and Guidelines document will outline the administrative responsibilities of the City. The Community Council of Tacoma will be notified of any changes to the Standards and Guidelines and be given opportunity to provide input on changes.

~~The Neighborhood Council Program Coordinator will review the Standards and Guidelines document and provide recommendations for changes to the City Council at least every five years. Sixty (60) days' notice will be provided to the Community Council of Tacoma and the Neighborhood Councils in advance of any changes recommended to the City Council.~~

~~The Community Council of Tacoma may request a formal review of the Standards and Guidelines document determining whether changes should be proposed to the City Council.~~

1.45.040 Neighborhood Council ~~functions and responsibilities~~duties and expectations.

Neighborhood Councils will serve independent of the City as the primary forum for discussions on City programs, policies, and neighborhood concerns for residents and participants within the Neighborhood Council boundaries. in an advisory capacity to City government on matters concerning the general health, safety, and welfare of their neighborhoods. Neighborhood Council actions shall ~~should~~ reflect the needs and wants of the neighborhoods existing within their boundaries and demonstrate equitable involvement in those actions. ~~The responsibilities and functions~~ expectations of the Neighborhood Councils are contained in the Standards and Guidelines document.

1.45.050 Neighborhood Council boundaries and ~~membership~~participation.

A. Neighborhood Council boundaries. The City Council shall determine the boundaries of the Neighborhood Councils ~~with the intention of recognizing existing neighborhood groups,~~ and shall set those boundaries by resolution. ~~A Neighborhood~~The Community Council may propose boundary adjustments for consideration by the City Council, so long as there is written agreement by any impacted/affected existing Neighborhood Councils prior to request for consideration by the City Council, and no boundaries overlap. Individual Neighborhood Councils shall not submit proposed boundary changes to the City Council directly. The Community Council shall not reject any proposals by Neighborhood Councils to adjust boundaries as long as the proposal meets the above requirements, but may note its support or opposition to a proposal.

B. Formation of New Neighborhood Councils. The Community Council of Tacoma must consult with City staff prior to approval in order to create new Neighborhood Councils. New Neighborhood Councils may be considered to better represent diverse interests, provide fair and equitable representation, and better advocate for the needs of the neighborhood, but must meet the following requirements.

1. No more than two Neighborhood Councils will be created by the City Council in a calendar year.

2. There may be no more than five Neighborhood Councils per City Council District.

3. Neighborhood Council boundaries must have a population of at least three percent of the total population of Tacoma.

In order to create a new Neighborhood Council, both the affected Neighborhood Councils and the new proposed Neighborhood Council must affirm, in writing, their consent to changing their boundaries so that no Neighborhood Council boundaries overlap. The proposed Neighborhood Council must hold a public meeting in the proposed boundary area to get public input on whether to form a new Neighborhood Council, and what form of governance the new body will take prior to submitting their proposal to the Community Council. The public meeting must be announced and advertised at a minimum two weeks in advance, and have at least 30 attendees signed in and/or have a petition with 80 unique signatures, including addresses from the proposed boundary area supporting the proposed Neighborhood Council. After the public meeting, the Community Council of Tacoma must submit the public meeting notes, proposed boundaries of affected Neighborhood Councils, proposed leadership and governance of the new Neighborhood Council, and their recommendation to City staff for review. Following City staff review, the proposal will be submitted and go to the City Council for consideration. The City Council must adopt by resolution the new Neighborhood Council and adjusted boundaries before they can operate. Following adoption, the Neighborhood Council will



1 be in a one-year probationary period where they must operate in compliance with the City Code and
 2 Standards and Guidelines. Should the Neighborhood Council fail to comply or fail to establish a governing
 3 board and regular meetings within this period, staff will propose a resolution to the City Council, revoking the
 4 Neighborhood Council’s status and reinstating the boundaries that existed prior to the New Neighborhood
 5 Council forming.

6 CB. Neighborhood Council membership participation. Any resident, renter, or owner of property, business, or
 7 nonprofit and their employees, who live or work within a Neighborhood Council Boundary, may participate
 8 fully in that Neighborhood Council without conditions. Participation means attending meetings and events,
 9 voting, engaging in the creation of annual reports, budgets, and plans, and utilizing Neighborhood Council
 10 resources. Individual Neighborhood Councils may choose to adopt bylaws that limit members of the
 11 governing board to residents that live within the Neighborhood Council boundaries. Although the primary
 12 purpose of the Neighborhood Council Program is to foster open communication in which residents are
 13 afforded an opportunity to participate in government decisions in an advisory role, the ability to participate on
 14 a Neighborhood Council Board and/or to vote at general meetings shall not be restricted to neighborhood
 15 residents only. No Neighborhood Council may discriminate against any individual nor limit participation
 16 based on race, ethnicity, religion, color, national origin or ancestry, sex, gender identity, sexual orientation,
 17 age, marital status, familial status, or the presence or perceived presence of any sensory, mental or physical
 18 disability. It is the objective of the City Council for neighborhood residents, property owners, and business
 19 owners to have the opportunity to participate in the Neighborhood Council Program.

20 **1.45.060 Community Council of Tacoma functions and responsibilities duties and expectations.**

21 The Community Council of Tacoma shall act as a coalition of the ~~independent individual~~ Neighborhood
 22 Councils. The Community Council shall ~~and~~ serve as a forum for discussion of issues of broad
 23 ~~interests interest or Citywide impact, and the advocacy of the needs of individual Neighborhood Councils.~~ The
 24 Community Council of Tacoma will consist of ~~three~~ representatives from each of the Neighborhood Councils
 25 selected by the means identified in the bylaws of the Community Council. The responsibilities and functions
 26 of the Community Council are contained in the Standards and Guidelines document.

1 **1.45.070 City responsibilities.**

2 A. The Neighborhood Council Program Coordinator. To further the neighborhood partnership between the
 3 City and its citizens, the Neighborhood Council Program Coordinator shall be the main contact and support
 4 for the Neighborhood Councils and Community Council, shall be responsible for coordinating assistance to
 5 the Neighborhood Councils and Community Council, and shall request support from other City departments
 6 as necessary. The Neighborhood Council Program Coordinator shall have the following specific
 7 responsibilities:

8 1. Support and promote property owner, business, and neighborhood participation within the Neighborhood
 9 Council program.

10 2. Promote and facilitate open communication between the City and the Neighborhood Councils and
 11 Community Council.

12 3. Act as an information clearinghouse and resource to the Neighborhood Councils and Community Council.

13 4. Notify the Neighborhood Councils, the Community Council, and other interested persons of meetings and
 14 hearings of citizen participation events.

15 5. Assist the Neighborhood Councils and the Community Council in planning and developing programs for
 16 citizen participation.

17 6. Receive and file Neighborhood Council bylaws and annual reports, review the bylaws and annual reports,
 18 and disburse them to the City Council and other City departments and make them available to the public.

19 7. Maintain contact information for all Neighborhood Council board members, officers, representatives to the
 20 Community Council, and individuals designated to receive all notices and other mailings on behalf of the
 21 Neighborhood and Community Councils.



1 ~~8. Provide the contact information of those designated to receive all notices and other mailings on behalf of the Neighborhood and Community Councils to all City departments, and notify the departments of any changes.~~

2 ~~9. Maintain a current map of all Neighborhood Council boundaries.~~

3 ~~10. Maintain a City Resource Guide of key services and contacts for disbursement to the Neighborhood Councils and other stakeholders.~~

4 ~~11. Conduct reviews of the Neighborhood Council Program for recommendations to the City Council.~~

5 ~~B. Responsibilities of Other City Departments. All City departments shall:~~

6 ~~1. Make a good faith effort to notify affected Neighborhood Councils of any significant policy matter which requires the exercise of City discretion and directly impacts the neighborhood. Notice should be provided as early in the planning or review process as possible. In no case shall notice be provided later than at the time required by established notification procedures. Notice of Citywide matters shall be provided to all the Neighborhood Councils and notice of matters affecting a specific locale of the City shall be forwarded only to the affected Neighborhood Councils. Notice shall be mailed to the officers of each Neighborhood Council. This shall include, but not be limited to, the following:~~

9 ~~a. Notice of pending land use/environmental cases, decisions, and threshold determinations under the State Environmental Policy Act shall be provided to the affected Neighborhood Councils.~~

10 ~~e. Notice of all public hearings shall be provided to the Neighborhood Councils as requested by each individual council.~~

12 ~~d. Copies of agendas for all citizen commissions, boards, committees, and the City Council shall be provided to the Neighborhood Councils as requested by each individual council.~~

13 ~~e. Copies of City newsletters or other general communication mediums, as requested by each individual Neighborhood Council.~~

14 ~~2. Make a good faith effort to solicit the position and reasoning of affected Neighborhood Councils on any significant policy matter which requires the exercise of City discretion.~~

15 ~~3. Provide a list of the Neighborhood Councils and their contacts to the proponents of development and encourage the proponents to discuss their proposal with the affected Neighborhood Council(s).~~

17 ~~4. Share information with the Neighborhood Councils and Community Council to assist them in performing their functions and responsibilities.~~

18 **1.45.080 Administrative provisions.**

19 A. This chapter does not limit the right of any person or group to participate directly in the decision-making process of the City Council or any City department.

20 B. Compliance with the Neighborhood Council program is not jurisdictional. Failure of the City or any City department to comply with any provision of this chapter will not invalidate any later action taken by any officer of the City; any City commission, committee, or board; or the City Council.

22 C. It is not the intent of this chapter to provide for new procedures or processes for legislative enactment, policy formulation, quasi-judicial decision-making or administrative practices.

23 D. It is not the intent of the City to delegate any portion of its authority to the Neighborhood Councils or the Community Council.

24 E. Citizens-Residents of the City of Tacoma retain all duties and obligations to participate in existing processes for legislative enactment, policy formulation, and quasi-judicial decision-making or administrative practices. Participation in the Neighborhood Council program does not limit such duties and obligations.

26



1.45.090 Review and revision.

1 The Neighborhood Council Program shall be reviewed ~~and revised, if necessary,~~ by the City Council at least
2 every five years, ~~with a corresponding presentation to the City Council by Neighborhood Council Program~~
3 ~~Coordinator or other staff regarding~~ The City Manager, or designee, will provide a presentation to the City
4 Council on the state of the Program overall and recommendations, if any, for revisions to the Tacoma
5 Municipal Code.

6 ~~It is suggested that the Community Council of Tacoma conduct a review of the Neighborhood Council~~
7 ~~Program every five years and provide recommendations for updates to the City Council.~~

1.45.100 Repealed.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26



ORDINANCE NO. 28645

1 AN ORDINANCE relating to the Rental Housing Code; amending Chapter 1.95
2 of the Tacoma Municipal Code, relating to the Rental Housing Code, by
3 amending Section 1.95.070 thereof to align with state law regarding
4 notices to terminate relating to pay-or-vacate notices.

4 WHEREAS, on November 20, 2018, the City Council passed Ordinance
5 No. 28559, enacting Tacoma Municipal Code (“TMC”) Chapter 1.95, the Rental
6 Housing Code, and

7 WHEREAS the Rental Housing Code requires 60-day notice for no cause
8 termination, and at the time of adoption, provided an exemption specifically for
9 three-day notices to pay or vacate, and
10

11 WHEREAS Engrossed Substitute Senate Bill (“ESSB”) 5600 went into
12 effect July 28, 2019, and increased the notification period for pay-or-vacate
13 notices from three days to 14 days, for tenancies under the Residential Landlord
14 Tenant Act, and
15

16 WHEREAS the City’s Rental Housing Code needs to be amended to
17 reflect the revised notice requirement in ESSB 5600 and the state’s Residential
18 Landlord-Tenant Act, RCW 59.18; Now, Therefore,
19
20
21
22
23
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

BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 1.95 of the Tacoma Municipal Code, relating to the Rental Housing Code, is hereby amended by amending Section 1.95.070 thereof, to read as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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

1.95.070 Notice to vacate requirements.

C. Requirement for notice to tenant for no cause termination. Unless provided otherwise under federal or state law applicable to low-income or affordable housing programs or under subsection B above, a landlord may only terminate a tenancy for no cause by providing the tenant written notice of at least 60 days preceding the end of the month or period of tenancy. Notices that are exempt from this subsection include, but are not limited to, notices authorized under RCW 59.12.030, as it currently exists or as hereinafter amended. ~~three day fourteen day notice to pay or vacate, three day notice for waste or nuisance, or ten day notice to comply with the terms of the rental agreement or vacate.~~



ORDINANCE NO. 28646

1 AN ORDINANCE relating to minimum employment standards; amending Title 18
2 of the Municipal Code, relating to Minimum Employment Standards, by
3 repealing in its entirety Chapter 18.20, entitled "Minimum Wage," and
4 relying on Washington State minimum wage law and the Department of
5 Labor and Industries enforcement.

6 WHEREAS, in 2015, prior to Washington State's employment standards
7 laws going into effect, the City Council enacted Chapter 18.20 of the Tacoma
8 Municipal Code, entitled "Minimum Wage," and

9 WHEREAS the law went into effect on February 1, 2016, and has been
10 implemented by the Employment Standards Office within the Finance
11 Department's Tax & License Division, and

12 WHEREAS, in November 2016, voters approved Washington State Initiative
13 1433, changing statewide employment standards by increasing the state minimum
14 wage that went into effect on January 1, 2018, and

15 WHEREAS the Washington State Department of Labor & Industries ("L&I")
16 investigates complaints and enforces the state's Minimum Wage laws, and

17 WHEREAS the state's minimum wage will be higher than the City's
18 minimum wage, effective January 1, 2020, and

19 WHEREAS staff is recommending that TMC Chapter 18.20, Minimum
20 Wage, be repealed and that the City rely on state law and L&I enforcement going
21 forward; Now, Therefore,
22
23
24
25
26



BE IT ORDAINED BY 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 Title 18 of the Municipal Code, relating to Minimum Employment Standards, is hereby amended by repealing in its entirety Chapter 18.20, "Minimum Wage," as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

**TITLE 18
MINIMUM EMPLOYMENT STANDARDS**

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

Chapters:

- 18.10 Paid Sick Leave
- ~~18.20 Minimum Wage~~

* * *

**~~Chapter 18.20
Minimum Wage~~**

Sections:

- ~~18.20.010 Findings.~~
- ~~18.20.020 Authority.~~
- ~~18.20.030 Relationship to other requirements.~~
- ~~18.20.040 Definitions.~~
- ~~18.20.050 Application.~~
- ~~18.20.060 Minimum wage required.~~
- ~~18.20.070 Waivers; exemptions.~~
- ~~18.20.080 Repealed.~~
- ~~18.20.090 Exercise of rights protected; retaliation prohibited.~~
- ~~18.20.100 Notice and posting.~~
- ~~18.20.110 Employer responsibilities.~~
- ~~18.20.120 Enforcement.~~
- ~~18.20.130 Severability.~~

~~18.20.010 Findings.~~

- ~~A. Many persons employed in the City are paid wages which are insufficient to sustain minimum standards of living in the City.~~
- ~~B. Minimum standards of living in the City are higher than the minimum standards of living in many other areas of the state.~~
- ~~C. Minimum wage standards promote the general welfare, health, and prosperity of residents and businesses in Tacoma by ensuring that workers can better support and care for their families.~~
- ~~D. Minimum wage standards promote greater income equality.~~
- ~~E. Minimum wage standards in the City are necessary to:

 - ~~1. promote the health and welfare of City residents;~~
 - ~~2. safeguard employers and employees against unfair competition;~~
 - ~~3. increase the stability of industry in the City;~~
 - ~~4. increase the buying power of employees in the City; and~~
 - ~~5. decrease the need for the City to spend public money for the relief of employees who also live in the City.~~~~

~~18.20.020 Authority.~~

~~This chapter is adopted pursuant to the powers vested in the City of Tacoma under the laws and Constitution of the State of Washington, including, but not limited to, the police powers vested in the City pursuant to Article XI, Section 11, of the Washington Constitution.~~

~~18.20.030 Relationship to other requirements.~~



This chapter provides for payment of a local minimum hourly wage and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement, policy or standard that provides for payment of higher or supplemental wages or benefits, or that extends other protections; and nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. This chapter shall not be construed to preclude any person aggrieved from seeking judicial review of any final administrative decision or order made under this chapter affecting such person.

18.20.040 — Definitions.

In construing the provisions of this chapter, the following definitions shall be applied. Words in the singular number shall include the plural, and the plural shall include the singular. If specific provisions of law, code, regulation, or rule referred to herein be renumbered or amended, then the reference shall be read to refer to the renumbered and/or amended provision.

“Adverse action” means to discharge, suspend, discipline, transfer, demote, or deny promotion, or threaten to do any of the prior listed actions, by an employer of an employee for any reason prohibited by Section 18.20.090 of this chapter.

“Charging party” means the person aggrieved by an alleged violation of this chapter or the person making a charge on another person’s behalf, or the Director, when the Director files a charge.

“City” means the City of Tacoma.

“Director” means the Finance Director, or designee.

“Employ” shall have the same meaning as that term is given pursuant to the Washington Minimum Wage Act.

“Employee” shall have the same meaning as that term is given pursuant to the Washington Minimum Wage Act.

“Employer” shall have the same meaning as that term is given pursuant to the Washington Minimum Wage Act.

“Minimum Wage” or “Minimum Wage Rate” shall mean the minimum hourly rates of monetary compensation for work as specified in this chapter.

“Nonprofit Corporation” means any organization recognized as a nonprofit corporation under the provisions of Chapter 24.03 of the Revised Code of Washington (“RCW”), and exempt from the Washington State business and occupation tax pursuant to RCW 82.04.3651.

“Party” includes the person charging or upon whose behalf a charge is made alleging a violation of this chapter, the person alleged or found to have committed a violation of this chapter, and the Director.

“Person” means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, co partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, and the United States or any instrumentality thereof.

“Tip” means a verifiable sum to be presented by a customer as a gift or gratuity in recognition of some service performed for the customer by the employee receiving the tip.

“Wage” shall have the same meaning as that term is given pursuant to the Washington Minimum Wage Act. Tips and employer payments toward a medical benefits plan do not constitute wages for purposes of this Chapter.

“Washington Minimum Wage Act” shall mean Chapter 49.46 of the Revised Code of Washington (“RCW”).

18.20.050 — Application.

Employees are covered by this chapter for each hour worked within the geographic boundaries of Tacoma, provided that an employee who performs work in Tacoma on an occasional basis is covered by this chapter only if the employee performs more than 80 hours of work in Tacoma within a calendar year. Time spent in Tacoma solely for the purpose of traveling through Tacoma from a point of origin outside



Tacoma to a destination outside Tacoma, with no employment related or commercial stops in Tacoma except for refueling or the employee's personal meals or errands, is not covered by this chapter. An employee who is not covered by this chapter is still included in any determination of the size of the employer.

18.20.060 — Minimum wage required.

A. Beginning February 1, 2016, and until January 1, 2017, every employer shall pay to each employee who has reached the age of 16 years wages at a rate of not less than \$10.35 per hour.

B. Beginning January 1, 2017, and until January 1, 2018, every employer shall pay to each employee who has reached the age of 16 years wages at a rate of not less than \$11.15 per hour.

C. Beginning January 1, 2018, and until January 1, 2019, every employer shall pay to each employee who has reached the age of 16 years wages at a rate of not less than \$12.00 per hour.

D. Beginning January 1, 2019, and each following January 1st as set forth under subsection E, every employer shall pay to each employee who has reached the age of 16 years wages at a rate of not less than the applicable amount established under subsection E.

E. On September 30, 2018, and on each following September 30th, the Director shall calculate an adjusted minimum wage rate to maintain employee purchasing power by increasing the current year's minimum wage rate by the rate of inflation. The adjusted minimum wage rate shall be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the 12 months prior to each September 1st as calculated by the United States Department of Labor and as used by the state of Washington at that time. Each adjusted minimum wage rate calculated under this Subsection E takes effect on the following January 1st.

18.20.070 — Waivers; exemptions.

Employers issued special certificates pursuant to RCW 49.46.060 are exempt from the requirements of Section 18.20.060 of this chapter to pay minimum wage to those employees who are subject to the certificate(s); provided that, the employer is in compliance with the terms and conditions of the certificate(s) issued.

18.20.080 — Review. *Repealed by Ord. 28541.*

18.20.090 — Exercise of rights protected; retaliation prohibited.

A. It shall be a violation for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this chapter.

B. It shall be a violation for an employer to take adverse action against an employee because the employee has exercised in good faith the rights protected under this chapter.

C. The protections afforded under this subsection shall apply to any person who mistakenly, but in good faith, alleges violations of this chapter.

18.20.100 — Notice and posting.

A. Employers shall give notice that employees are entitled to payment of minimum wage; the current minimum wage rate and their rights under this chapter; that adverse action against employees who exercise any right under this chapter is prohibited; and that each employee has the right to file a charge if payment of minimum wage, as required by this chapter, is denied by the employer or the employer takes an adverse action against an employee for exercising rights granted under this chapter.

B. The Director shall create and make available to employers a model notice, hereinafter referred to as the "Notice," which contains the information required under paragraph A of this subsection for their use in complying with this subsection. The Notice shall be printed in English and Spanish and any other languages that the Director determines are needed to notify employees of their rights under this chapter.

C. Employers may comply with this section by posting the Notice in a conspicuous and accessible place in each establishment where employees are employed.

D. Employers may also comply with this section by including the Notice in employee handbooks or other written guidance to employees concerning employee benefits or leave rights, or by distributing a copy of



the Notice to each new employee upon hiring. In either case, distribution may be accomplished electronically.

1 **18.20.110 — Employer responsibilities.**

2 A. Employers shall certify compliance with this chapter upon application for and renewal of their City of Tacoma business license.

3 B. Employers shall retain records documenting hours worked by employees in the City of Tacoma, and the wages paid to such employees. Employers shall retain such records for a period of three years, and shall allow the Director access to such records, with at least five business days' notice and at a mutually agreeable time, to investigate potential violations and to audit compliance with the requirements of this chapter. Employers shall make copies of these records available to employees upon request and within a reasonable period of time.

4
5
6 C. Records and documents relating to medical certifications, recertifications, or medical histories of employees or employees' family members created for purposes of this chapter are required to be maintained as confidential medical records in separate files and/or records from the usual personnel files. If the Americans with Disabilities Act ("ADA") applies, then these records must comply with ADA confidentiality requirements.

7
8 **18.20.120 — Enforcement.**

9 A. Powers and duties of Director.

10 1. The Director is authorized to enforce this chapter, and may promulgate rules and regulations consistent with this chapter, provided that the Director shall hold one or more public hearings prior to adoption of final rules and regulations.

11 2. The Director shall attempt to conciliate and settle by agreement, any alleged violation or failures to comply with the provisions of this chapter.

12 B. Charge filing.

13 1. A charge alleging a violation of this chapter shall be in writing, on a form or in a format determined by the Director and signed by or on behalf of a charging party, and shall describe the violation complained of and shall include a statement of the dates, places, and circumstances and the persons responsible for the alleged violation.

14 2. A charge alleging a violation of this chapter may also be filed by the Director whenever the Director has reason to believe that any person has been engaged or is engaging in a violation of this chapter.

15 C. Citations and Notices of Assessment, Determinations of Compliance, and Civil Penalties.

16 1. The Director shall issue either (a) a citation and notice of assessment or (b) a determination of compliance no later than 60 calendar days after receipt of the charge, unless the Director extends the response date. Notice of the extended date will be provided by the Director to the parties in writing.

17 2. The citation and notice of assessment or determination of compliance shall be delivered in writing to all parties by personal delivery or first-class mail.

18 3. If the Director determines that a violation has occurred and issues a citation and notice of assessment, the assessment shall include a determination of all unpaid wage amounts that are due, plus interest of 1 percent per month. The assessment may not include any amounts owed more than three years before the date the charge was filed.

19 4. If the Director finds any violation of this chapter, the Director may issue a civil penalty in the amount of \$250, provided the Director may waive or reduce the civil penalty if the employer comes into compliance within ten calendar days of the notice or shows that its failure to comply was due to reasonable cause and not willful neglect. If the Director finds a willful violation of this chapter which results in a citation and notice of assessment, the Director may issue a civil penalty that shall not be less than \$250 or an amount equal to two times the total value of unpaid wages the employer failed to credit or pay the employee, whichever is greater, provided the Director may waive or reduce the civil penalty if the employer has not previously been found by the Director to have willfully violated this chapter, and the employer provides payment to the employee of all amounts of unpaid wages and interest due, all as



determined in the citation and notice of assessment, within ten business days of receipt of the citation and notice of assessment.

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

5. Payment by the employer, and acceptance by the employee of all unpaid wages and interest assessed by the department in a citation and notice of assessment shall constitute full and complete satisfaction by the employer of all payment requirements in the citation and notice of assessment.

6. Nothing in this chapter shall be construed as creating a private cause of action for employees to file suit against an employer.

D. Administrative Review by Director.

1. General.

A person to whom a Citation and Notice of Assessment (“Citation”) or a Determination of Compliance (“Determination”) or civil penalty (“Penalty”) is assessed may request an administrative review of the Citation, Determination, or Penalty.

2. How to request administrative review.

A person may request an administrative review of the Citation, Determination, or Penalty by filing a written request with the Director within ten calendar days from the date of the Citation, Determination, or Penalty. The request shall state, in writing, the reasons the Director should review the Citation, Determination, or Penalty. Failure to state the basis for the review in writing shall be cause for dismissal of the review. Upon receipt of the request for administrative review, the Director shall review the information provided.

3. Decision of Director.

After considering all of the information provided, the Director shall determine whether a violation has occurred and shall affirm, vacate, suspend, or modify the Citation, Determination, or Penalty.

The Director’s decision shall be delivered, in writing, to all parties by first class mail.

E. Appeals to the Hearing Examiner of Director’s Decision.

Appeal of the Director’s decision shall be made within ten calendar days from the date of the Director’s decision by filing a written notice of appeal, clearly stating the grounds that the appeal is based upon, with the Hearing Examiner, which appeal shall be governed by TMC 1.23. The Hearing Examiner shall notify all parties, by mail, of the time and place of hearing.

18.20.130 — Severability.

If any provision or section of this chapter shall be held to be void or unconstitutional, all other parts, provisions, and sections of this chapter not expressly so held to be void or unconstitutional shall continue in full force and effect.



ORDINANCE NO. 28647

1 AN ORDINANCE relating to business and occupation tax; amending Subtitle 6A
2 of the Tacoma Municipal Code, relating to the Tax Code, by amending
3 Sections 6A.10.040, 6A.30.077, and 6A.30.090 thereof to change the due
4 date for annual business and occupation tax returns, and to simplify how
taxpayers apportion income reported under the service and other tax
classification.

5 WHEREAS state legislation adopted in 2003 required all cities with local
6 business and occupation (“B&O”) taxes to adopt a city B&O tax model ordinance
7 pursuant to RCW 35.102, and
8

9 WHEREAS the last update to the City’s B&O tax model ordinance occurred
10 in 2012, and during the summer of 2019, a work group of cities, in consultation with
11 the business community, revised the model ordinance to include the changes in
12 RCW 35.102 and to reflect other changes made to state law since 2012, and
13

14 WHEREAS two mandatory changes to cities’ B&O tax model ordinance were
15 made by the 2019 State Legislation, in Substitute House Bill 1403 (“SHB 1403”) and
16 Second Substitute House Bill 1059 (“2SHB 1059”), and

17 WHEREAS SHB 1403 amended RCW 35.102 to, in part, simplify the two-
18 factor apportionment formula used by cities to assign gross receipts to a local
19 jurisdiction for municipal B&O purposes, and
20

21 WHEREAS independent contractors receive IRS Form 1099 by January 31
22 of the year following payment, which does not leave sufficient time for independent
23 contractors to prepare and file their annual tax return due on January 31;

24 2SHB 1059 requires cities to change the due date for annual B&O tax filers from
25 January 31 to April 15, beginning in 2021, and
26



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

WHEREAS the mandatory amendments to Title 6 are required to be adopted by the end of 2019, and staff is recommending that the proposed TMC amendments be approved: Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Subtitle 6A of the Tacoma Municipal Code, relating to the Tax Code, is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

**SUBTITLE 6A
TAX CODE**

* * *

6A.10.040 Reporting periods – Due date – Filing Requirements – Threshold provisions – Failure to file returns.

A. The tax imposed by this subtitle shall be due and payable in quarterly installments. At the Director's discretion, businesses may be assigned to a monthly or annual reporting period depending on the tax amount owing or type of tax.

B. Tax payments are due on or before the last day of the next month following the end of the assigned reporting period covered by the return, unless it is a Saturday, Sunday, or City or federal legal holiday, in which case the due date shall be the next succeeding day which is neither a Saturday, Sunday, or City or federal legal holiday. Effective January 1, 2021, for annual filers, tax payments, along with reports and returns on forms prescribed by the department are due on or before April 15 of the year immediately following the end of the period covered by the return as provided in RCW 82.32.045(2).

C. Taxes shall be paid as provided in this subtitle and accompanied by a return on forms as prescribed by the Director. The return shall be signed by the taxpayer personally or by a responsible officer or agent of the taxpayer. The individual signing the return shall swear or affirm that the information in the return is complete and true.

D. Tax returns must be filed and returned by the due date whether or not any tax is owed, except that persons whose gross income is exempt from taxation under 6A.30.90.V are not required to submit a tax return.

E. For purposes of the tax imposed by Chapter 6A.30, any person whose value of products, gross proceeds of sales, or gross income of the business, subject to tax after all allowable deductions, is equal to or less than \$20,000 in the current calendar year shall file a return, declare no tax due on their return, and submit the return to the Director. The gross receipts and deduction amounts shall be entered on the tax return even though no tax may be due, except that persons whose gross income is exempt from taxation under 6A.30.90.V are not required to submit a tax return.

F. A taxpayer that commences to engage in business activity shall file a return and pay the tax for the portion of the reporting period during which the taxpayer is engaged in business activity.

G. If any taxpayer fails, neglects, or refuses to make a return as and when required in this subtitle, the Director is authorized to determine the amount of the tax payable by obtaining facts and information upon which to base the Director's estimate of the tax due. Such assessment shall be deemed prima facie correct and shall be the amount of tax owed to the City by the taxpayer. The Director shall notify the taxpayer of the amount of tax so determined, together with any penalty, interest, and fees due; the total of such amounts shall thereupon become immediately due and payable.

* * *



**CHAPTER 6A.30
BUSINESS AND OCCUPATION TAX**

1 * * *

2 **6A.30.077 Allocation and apportionment of income when activities take place in more than**
3 **one jurisdiction.**

4 For tax reporting periods beginning January 1, 2008, gross income, other than persons subject to the
5 provisions of chapter 82.14A RCW, shall be allocated and apportioned as follows:

6 * * *

7 E. For purposes of subsections 6A.30.077.C.1 through 6A.30.077.C.5, the following definitions
8 apply:

9 1. "Digital automated services," "digital codes," and "digital goods" have the same meaning as in
10 RCW 82.04.192;

11 2. "Digital products" means digital goods, digital codes, digital automated services, and the services
12 described in RCW 82.04.050(2)(g) and (6)(c); and

13 3. "Receive" has the same meaning as in RCW 82.32.730.

14 F. Effective January 1, 2020, Ggross income derived from activities taxed as services and other
15 activities taxed under 6A.30.050(A)(9) shall be apportioned to the city by multiplying
16 apportionable income by a fraction, the numerator of which is the payroll factor plus the service-
17 income factor and the denominator of which is two.

18 ~~(1)~~ The payroll factor is a fraction, the numerator of which is the total amount paid in the city
19 during the tax period by the taxpayer for compensation and the denominator of which is the total
20 compensation paid everywhere during the tax period. Compensation is paid in the city if:

21 a. The individual is primarily assigned within the city;

22 b. The individual is not primarily assigned to any place of business for the tax period and the
23 employee performs 50 percent or more of the individual's service for the tax period in the city; or

24 c. The individual is not primarily assigned to any place of business for the tax period, the individual
25 does not perform 50 percent or more of the individual's service in any city and the employee
26 resides in the city.

~~(2)~~ The service income factor is a fraction, the numerator of which is the total service income of
the taxpayer in the city during the tax period, and the denominator of which is the total service
income of the taxpayer everywhere during the tax period. Service income is in the city if the
customer location is in the city.:

a. ~~The customer location is in the city; or~~

b. ~~The income producing activity is performed in more than one location and a greater proportion~~
~~of the service income producing activity is performed in the city than in any other location, based~~
~~on costs of performance, and the taxpayer is not taxable at the customer location; or~~

c. ~~The service income producing activity is performed within the city, and the taxpayer is not~~
~~taxable in the customer location.~~

3. Gross income of the business from engaging in an apportionable activity must be excluded from
the denominator of the service income factor if, in respect to such activity, at least some of the
activity is performed in the city, and the gross income is attributable under subsection 2 of this
subsection F to a city or unincorporated area of a county within the United States or to a foreign
country in which the taxpayer is not taxable. For purposes of this subsection F.3, "not taxable"
means that the taxpayer is not subject to a business activities tax by that city or county within the



1 United States or by that foreign country, except that a taxpayer is taxable in a city or county within
2 the United States or in a foreign country in which it would be deemed to have a substantial nexus
3 with the city or county within the United States or with the foreign country under the standards in
4 RCW 35.102.050 regardless of whether that city or county within the United States or that foreign
5 country imposes such a tax.

6 34. If the allocation and apportionment provisions of this subsection F do not fairly represent the
7 extent of the taxpayer's business activity in the city ~~or cities in which the taxpayer does business,~~
8 the taxpayer may petition for or the tax administrators may ~~jointly~~ require, in respect to all or any
9 part of the taxpayer's business activity, ~~that one of the following methods be used jointly by the~~
10 cities to allocate or apportion gross income, if reasonable:

11 a. Separate accounting;

12 b. ~~The use of a single factor~~ The exclusion of any one or more of the factors;

13 c. The inclusion of one or more additional factors that will fairly represent the taxpayer's business
14 activity in the city; or

15 d. The employment of any other method to effectuate an equitable allocation and apportionment of
16 the taxpayer's income.

17 5. The party petitioning for, or the tax administrator requiring, the use of any method to effectuate
18 an equitable allocation and apportionment of the taxpayer's income pursuant to subsection 4 of this
19 subsection F must prove by a preponderance of the evidence:

20 a. That the allocation and apportionment provisions of this subsection F do not fairly represent the
21 extent of the taxpayer's business activity in the city; and

22 b. That the alternative to such provisions is reasonable.

23 The same burden of proof shall apply whether the taxpayer is petitioning for, or the tax
24 administrator is requiring, the use of an alternative, reasonable method to effectuate an equitable
25 allocation and apportionment of the taxpayer's income.

26 6. If the tax administrator requires any method to effectuate an equitable allocation and
apportionment of the taxpayer's income, the tax administrator cannot impose any civil or criminal
penalty with reference to the tax due that is attributable to the taxpayer's reasonable reliance solely
on the allocation and apportionment provisions of this section F.

7. A taxpayer that has received written permission from the tax administrator to use a reasonable
method to effectuate an equitable allocation and apportionment of the taxpayer's income shall not
have that permission revoked with respect to transactions and activities that have already occurred
unless there has been a material change in, or a material misrepresentation of, the facts provided by
the taxpayer upon which the tax administrator reasonably relied in approving a reasonable
alternative method.

G. The definitions in this subsection apply throughout this section unless otherwise provided for
periods prior to January 1, 2020.

"Apportionable income" means the gross income of the business taxable under the service
classifications of a city's gross receipts tax, including income received from activities outside the
city if the income would be taxable under the service classification if received from activities within
the city, less any exemptions or deductions available.

"Business activities tax" means a tax measured by the amount of, or economic results of, business
activity conducted in a city or county within the United States or within a foreign country. The term
includes taxes measured in whole or in part on net income or gross income or receipts. "Business
activities tax" does not include a sales tax, use tax, or a similar transaction tax, imposed on the sale



or acquisition of goods or services, whether or not denominated a gross receipts tax or a tax imposed on the privilege of doing business.

1 “Compensation” means wages, salaries, commissions, and any other form of remuneration paid to
2 individuals for personal services that are or would be included in the individual’s gross income
under the federal internal revenue code.

3 “Customer” means a person or entity to whom the taxpayer makes a sale or renders services or from
whom the taxpayer otherwise receives gross income of the business.

4 “Customer location” means the following:

5 A. For a customer not engaged in business, if the service requires the customer to be physically
present, where the service is performed.

6 B. For a customer not engaged in business, if the service does not require the customer to be
physically present:

7 1. The customer’s residence; or

8 2. If the customer’s residence is not known, the customer’s billing/ mailing address.

9 C. For a customer engaged in business:

10 1. Where the services are ordered from;

11 2. At the customer’s billing/ mailing address, if the location from which the services are ordered is
not known; or

12 3. At the customer’s commercial domicile, if none of the above are known.

13 “Individual” means any individual who, under the usual common law rules applicable in
determining the employer-employee relationship, has the status of an employee of that taxpayer.

14 “Customer location” means the city or unincorporated area of a county where the majority of the
contacts between the taxpayer and the customer take place.

15 “Primarily assigned” means the business location of the taxpayer where the individual performs
their duties.

16 “Service-taxable income” or “service income” means gross income of the business subject to tax
under either the service or royalty classification.

17 “Tax period” means the calendar year during which tax liability is accrued. If taxes are reported by
a taxpayer on a basis more frequent than once per year, taxpayers shall calculate the factors for the
previous calendar year for reporting in the current calendar year and correct the reporting for the
previous year when the factors are calculated for that year, but not later than the end of the first
quarter of the following year.

20 “Taxable in the customer location” means either that a taxpayer is subject to a gross receipts tax in
the customer location for the privilege of doing business, or that the government where the
customer is located has the authority to subject the taxpayer to gross receipts tax regardless of
whether, in fact, the government does so.

22 H. For periods prior to January 1, 2020, the following language is still in effect:

23 Section 6A.30.077.F.2 provides “The service income factor is a fraction, the numerator of which is
the total service income of the taxpayer in the city during the tax period, and the denominator of
which is the total service income of the taxpayer everywhere during the tax period. Service income
is in the city if:

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

1. The customer location is in the city; or
2. The income-producing activity is performed in more than one location and a greater proportion of the service-income-producing activity is performed in the city than in any other location, based on costs of performance, and the taxpayer is not taxable at the customer location; or
3. The service-income-producing activity is performed within the city, and the taxpayer is not taxable in the customer location.”

Section 6A.30.077.G provides “Customer location” means the city or unincorporated area of a county where the majority of the contacts between the taxpayer and the customer take place.

Section 6A.30.077.G provides “Taxable in the customer location” means either that a taxpayer is subject to a gross receipts tax in the customer location for the privilege of doing business, or that the government where the customer is located has the authority to subject the taxpayer to gross receipts tax regardless of whether, in fact, the government does so.

H. Assignment or apportionment of revenue under this Section shall be made in accordance with and in full compliance with the provisions of the interstate commerce clause of the United States Constitution where applicable.

6A.30.090 Exemptions.

* * *

O. Amounts derived from manufacturing, selling, or distributing motor vehicle fuel. This chapter shall not apply to the manufacturing, selling, or distributing motor vehicle fuel, as the term “motor vehicle fuel” is defined in RCW ~~82.36.01~~82.38.020 and exempt under RCW ~~82.36.440~~82.38.280, provided that any fuel not subject to the state fuel excise tax or any other applicable deduction or exemption will be taxable under this chapter.

* * *



ORDINANCE NO. 28649

1 BY REQUEST OF COUNCIL MEMBERS BEALE, BLOCKER, AND USHKA
2 AN ORDINANCE relating to public accommodations; amending Chapter 1.29 of
3 the Tacoma Municipal Code by the addition thereto of a new
4 Section 1.29.190, to be known as "Provision of Universal Closed
5 Captioning," to require persons owning or managing a place of public
6 accommodations to activate closed captioning on television receivers
7 located within the City; and declaring an effective date.

8 WHEREAS the purpose of the Tacoma Area Commission on Disabilities
9 ("TACOD") is to remove barriers and promote the rights of all persons with
10 disabilities to make Tacoma accessible for everyone; and to advise, educate,
11 collaborate, and serve as a resource for the City on issues and laws for people
12 with disabilities, and

13 WHEREAS TACOD is authorized to advise, educate, collaborate and
14 advocate for and on behalf of people with disabilities, and provide
15 recommendations to the City Council and the Community, Vitality and Safety
16 ("CVS") Committee, and

17 WHEREAS all televisions broadcasts of programming in the United
18 States include captions, and most television sets are capable of displaying
19 captions, but many businesses commonly do not enable closed captions, and

20 WHEREAS current projections indicate that 35,000, or 4 percent of the
21 regional population of Tacoma and Pierce County residents, are either deaf or
22 hard of hearing; however, the current Tacoma Municipal Code does not
23 specifically encompass the provision of closed captioning for persons in need of
24 accommodations, and
25
26



1 WHEREAS, in addition to benefitting members of the public who are deaf
2 or hard of hearing, closed captioning benefits people with learning disabilities,
3 sensory disabilities, attention deficits, and autism, as well as the elderly and
4 persons learning English as a second language, and

5 WHEREAS, at its meeting of July 11, 2019, the CVS Committee was
6 briefed on TACOD's recommendations relating to closed captioning in public
7 places, and the committee recommended that an ordinance be prepared for
8 its consideration, and

9 WHEREAS, on September 26, 2019, staff from the Office of Equity and
10 Human Rights presented the proposed ordinance to the CVS Committee, and
11 the committee recommended that the ordinance be forwarded to the full City
12 Council for consideration, and

13 WHEREAS, so that the City may conduct outreach and education about this
14 ordinance, staff is recommending an effective date of March 1, 2020; Now,
15
16 Therefore,

17
18 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TACOMA:

19 Section 1. That Chapter 1.29 of the Tacoma Municipal Code is hereby
20 amended by the addition thereto of a new Section 1.29.190, to be known
21 as "Provision of Universal Closed Captioning," as set forth in attached Exhibit "A."
22

23 Section 2. That this ordinance shall become effective on March 1, 2020.

24 Section 3. That the City Manager is hereby directed to support and
25 conduct a broad education and outreach program to secure the full participation
26 of establishments that fall within the ordinance.



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 4. That the City Manager is hereby directed to support and conduct a concurrent education campaign for the general public on the ordinance and the benefits of closed captioning.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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

CHAPTER 1.29 HUMAN RIGHTS COMMISSION

Sections:

- 1.29.010 Findings.
- 1.29.020 Creation of a Human Rights Commission.
- 1.29.030 Commission Responsibilities of the Office of Equity and Human Rights.
- 1.29.040 Definitions.
- 1.29.050 Unlawful discriminatory employment practices.
- 1.29.060 Additional unlawful discriminatory practices.
- 1.29.070 Liberal construction.
- 1.29.080 Severability.
- 1.29.090 Savings clause.
- 1.29.100 Unlawful discriminatory housing practices.
- 1.29.110 Discrimination in residential real estate-related transactions.
- 1.29.120 Prohibition against discrimination because of disability.
- 1.29.130 Housing for older persons.
- 1.29.140 Interference, coercion or intimidation.
- 1.29.150 Adjustment and settlement of complaints.
- 1.29.160 Election for civil action in lieu of hearing for housing cases.
- 1.29.170 Enforcement of fair housing provisions by private persons.
- 1.29.180 Labeling of single-occupant restrooms.
- 1.29.190 Provision of Universal Closed Captioning.

* * *

1.29.190 Provision of Universal Closed Captioning.

A. Definitions.

“Closed captioning” means a transcript or dialog of the audio portion of a television program that is displayed on either the bottom or top portion of a television receiver screen when the user activates the feature.

“Closed-captioned television receiver” means a receiver of television programming that has the ability to display closed captioning, including but not limited to, a television, digital set top box, and other technology capable of displaying closed captioning for television programming.

“Covered entity” means any place of public accommodation in Tacoma.

“Public area” means any part of a place of public accommodation that is open to the general public.

“Regular hours” means the hours of any day in which a place of public accommodation is generally open to members of the general public.

B. Requirements for closed captioning in places of public accommodation. Any person owning or managing a place of public accommodation with a receiver of television programming in the City must activate closed captioning. Captions should be displayed using sans serif fonts at the maximum size settings on all televisions. Background and foreground text colors should be displayed using high contrast color schemes. Exceptions include:

- 1. When the only receiver of television programming available in a public area of the place of public accommodation is technically incapable of displaying closed captioning; or



2. If a covered entity is exempt from closed captioning requirements under state or federal law.
C. Enforcement. The requirements of this subsection shall be enforced and violations penalized pursuant to Chapter 1.82 of the Tacoma Municipal Code.

- 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



ORDINANCE NO. 28651

1 AN ORDINANCE relating to the Purchasing Code; amending Chapter 1.06 of
2 the Tacoma Municipal Code, relating to Administration, to update the
3 formal bid and governing body threshold, clarify language related to the
4 authorization to pay recurring software license and maintenance fees,
5 standardize contract amendment authority, clarify parameters for
6 governing body approval of Citywide contracts; and make other minor
7 clarifying updates and changes.

8 WHEREAS Chapter 1.06 of the Tacoma Municipal Code ("TMC")
9 establishes the process for the procurement of goods and services, and

10 WHEREAS the current formal bid and governing body approval threshold,
11 last updated in 2009, is \$200,000; it is estimated that increasing the current
12 threshold from \$200,000 to \$500,000 will reduce the number of contracts going
13 before the City Council and/or Public Utility Board ("PUB") by half, while still
14 preserving governing body discretion for approval of over two-thirds of annual
15 contract dollars awarded, and

16 WHEREAS the City increasingly relies on subscription or cloud-based
17 software, in addition to on-premises software; once the software is purchased
18 and implemented, the City pays recurring license and maintenance costs for
19 continued use of the software, and staff is recommending that TMC 1.06 be
20 amended to clarify that subsequent governing body approval is not required for
21 software license and maintenance costs related to already-approved products or
22 solutions, and

23 WHEREAS the total value of contracts submitted to the City Council
24 and/or PUB are established by careful estimate, but are often not the final value
25

26



of a contract at project close-out; this is especially true on construction projects,
1 and

2 WHEREAS, while the Department of Public Utilities (“TPU”) has routinely
3 included language in its purchase resolutions authorizing the Public Utilities
4 Director to administratively amend contract amounts by up to \$200,000 above
5 the initial award amount, such has not been the case with legislation going before
6 the City Council; as a result, the City Council routinely sees requests to approve
7 small increases to contracts in order to close out existing projects, and
8

9 WHEREAS the standard City Council approval process for these types of
10 small increases may delay final payments to suppliers, and staff is
11 recommending, in the interest of consistency between governing bodies and
12 expediency in contracting, that TMC 1.06.269 be amended to grant the City
13 Manager or Director of Utilities authority to amend contract amounts by up to
14 \$200,000, and
15

16 WHEREAS TMC 1.06.270, “Cooperative Purchasing,” delegates authority
17 to the finance/purchasing manager to enter into interlocal purchase agreements
18 with other agencies and entities, and join cooperative purchasing programs when
19 in the best interests of the City, and staff is recommending that TMC 1.06 be
20 amended to seek governing body approval of Citywide contracts only when the
21 contract award is the outcome of a competitive solicitation or waiver conducted
22 by the City, and
23
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 Chapter 1.06 is in need of additional minor clarifying changes and updates to better reflect current processes and organizational structures; and

WHEREAS these proposed changes will streamline the City's procurement processes while allowing for appropriate oversight of the City Council or PUB, allow for faster procurement of goods and services, allow vendors to have an easier time interacting with the City, and allow City staff to spend less time internal processes, and

WHEREAS, in addition, staff is working to support City Equity in Contracting efforts with proposed changes to administrative practices with the goal of encouraging the award of contracts to MWBE and SBE firms; if the proposed amendments are approved, staff will have greater ability to engage MWBE and SBE firms, and

WHEREAS the proposed amendments were presented to the Government and Finance Performance Committee on November 19, 2019, and were recommended for consideration by the City Council; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 1.06 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Section 2. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not



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

limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

**CHAPTER 1.06
ADMINISTRATION**

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

* * *

GENERAL PURCHASING PROCEDURE

* * *

1.06.251 Definitions.

Unless the context clearly requires otherwise, the terms used in Sections 1.06.250 through 1.06.280 of this Chapter shall have the following meanings:

* * *

F. "Formal Sealed Submittal" means a Sealed Submittal for a Purchase when the estimated cost is more than ~~\$200,000~~ \$500,000, excluding sales tax. Except as otherwise mandated in this Chapter, Formal Sealed Bid solicitation processes shall be governed by the Purchasing Policy Manual.

G. "Informal Submittal" means a Submittal for a Purchase when the estimated cost is ~~\$200,000~~ \$500,000 or less, excluding sales tax. Informal Bid processes shall be governed by the Purchasing Policy Manual.

* * *

M. "Purchasing Policy Manual" means the written document authorized under Section 1.06.253 to establish uniform policies and or procedures consistent with this Chapter.

* * *

1.06.252 General responsibility for purchasing.

The Director of Finance shall be responsible for all City purchasing and procurement and shall appoint a ~~finance/purchasing~~ senior financial manager who shall be head of the Purchasing Procurement and Payables Division of the Finance Department and who shall, subject to the exceptions stated in the Charter and in this Chapter, make all purchases and all sales of personal property for all departments, offices, boards and other agencies of the City.

The duties and responsibilities designated in this Chapter to be performed by the Director of Finance and the ~~finance/purchasing~~ senior financial manager shall be performed with the oversight of the City Manager.

1.06.253 Purchasing Policy Manual.

The Director of Finance, with the approval of the City Manager and the Director of Utilities, is authorized to and shall establish a ~~unified-written~~ Purchasing Policy Manual applicable to all City purchases and to sales of surplus personal property. The Purchasing Policy Manual shall establish ~~processes and standards~~ policies for, but not be limited to, the following:

A. Obtaining competitive solicitations whenever practicable; provided, that the Purchasing Policy Manual may allow for greater flexibility in how solicitations are made, commensurate with the dollar amount involved.

B. Determining the lowest and best responsible bidder in case of supplies, purchased services and public works, and award to the highest and best responsible bidder for surplus sale transactions.

C. Competitive solicitation processes as provided in this Chapter.

D. The procurement of public works by way of the small works roster as provided in this Chapter and allowed by state law.



- 1 E. The procurement of architectural and engineering (A&E) services, including management of an
 - 2 annual A&E roster for citywide use, consistent with this Chapter and as allowed by state law, as the
 - 3 same may hereafter be amended.
 - 4 F. ~~Standards and procedures for~~The use of requests for proposals (competitive negotiation), rather
 - 5 than requests for bids, for acquisition of supplies, purchased services, personal services, professional
 - 6 services, and public works.
 - 7 G. The use of direct solicitation as provided in this Chapter.
 - 8 H. Use of procurement cards.
 - 9 I. Purchase at auctions pursuant to TMC 1.06.277.
 - 10 J. Waivers of competitive solicitations and/or advertising.
 - 11 K. Acceptance of electronic submittals in response to requests for bids, proposals, quotations,
 - 12 qualifications or information.
 - 13 L. Determining if a performance bond and/or bid bond is necessary in the City's best interests when
 - 14 such bond(s) are not required by state law.
 - 15 M. Determining if a noncollusion declaration is necessary in the City's best interests when such
 - 16 declaration is not required by this Chapter or state law.
 - 17 N. Obtaining written contracts, insurance, indemnification, and guarantee requirements, as
 - 18 appropriate.
 - 19 O. ~~Ensuring f~~air and equitable treatment of all potential respondents.
 - 20 P. Obtaining authorization for purchases consistent with this Chapter.
 - 21 Q. ~~Ensuring e~~Compliance with the City's Ethics Code.
 - 22 R. Contract recommendations and award and additional rules for protest and surplus sales.
 - 23 S. Defining purchasing related terms as necessary and consistent with this chapter.
 - 24 T. Reporting purchases, as requested, to the City Council for General Government transactions or to
 - 25 the Public Utility Board for Department of Public Utilities transactions.
 - 26 U. ~~Ensuring t~~The City's specification documents ~~shall to~~, where appropriate, include locality criteria.
 - Localities criteria contained in the specification documents shall be designed to elicit respondents who
 - demonstrate knowledge and understanding of factors unique to the relevant locality. Such factors
 - might include, but are not limited to, culture; customs; history; and the natural, built, and economic
 - environment of the relevant locality. A respondent's ability to satisfy such criteria shall be
 - considered when determining the lowest and best responsible bidder.
 - V. ~~Ensuring t~~The City's specification documents ~~shall to~~, where appropriate, include criteria
 - designed to demonstrate a respondent's ability to advance the City of Tacoma's Sustainable
 - Procurement Policy ~~contained in the Purchasing Policy Manual~~. A respondent's ability to satisfy
 - such criteria shall be considered when determining the lowest and best responsible bidder.
- 1.06.254 General competitive solicitation and award requirements.**
- Except as otherwise provided in this Chapter ~~or the Purchasing Policy Manual~~, all purchases shall be
- by competitive solicitation. For supplies, services (other than professional services) and public
- works, competitive prices shall be obtained by request for bid or, when allowed by state law or the
- Purchasing Policy Manual, by request for proposal; and the purchase made from, or the contract
- awarded to, the lowest and best responsible bidder or respondent. Unless otherwise required by state
- law or in the Purchasing Policy Manual, solicitation of professional services may be by requests for
- bids, requests for proposals, requests for qualifications, or by direct negotiation; and the contract
- awarded based on qualifications and price in the best interests of the City.



* * *

1.06.255 Competitive solicitation requirements for supplies and public works.

Except as otherwise provided in this Chapter, the Purchasing Policy Manual or by other applicable law, all City purchases for supplies and public works shall be made as follows:

A. Contracts for supplies and/or public works, when the estimated cost is \$~~200,000~~500,000 or less (excluding sales tax), shall be made only after solicitation of informal submittals and the contracts shall be awarded to the lowest and best responsible bidder.

B. Contracts for supplies and/or public works, when the estimated cost is over \$~~200,000~~500,000 (excluding sales tax), shall be made only after solicitation of formal sealed submittals and the contracts awarded to the lowest and best responsible bidder.

C. The ~~finance/purchasing~~senior financial manager shall have the authority ~~in limited circumstances~~ to negotiate volume discount supply contracts, convenience contracts and other contracts when bidders have no incentive to respond to a competitive solicitation, and when in the best interests of the City.

D. Use of a request for proposals (competitive negotiation process) may be used, consistent with state law, in lieu of the bid process for purchase of supplies requiring the acquisition of specially tailored or performance criteria-based products, including, but not limited to, such as computer and technological software, firmware, hardware, equipment, and other goods as may be provided for in the Purchasing Policy Manual.

* * *

1.06.256 Competitive solicitation requirements for services.

Except as otherwise provided herein or by other applicable law, all City purchases of services shall be made as follows:

A. Purchased Services. Solicitation of contracts for purchased services shall be made either by request for bid or request for proposal (competitive negotiation) in accordance with the standards and procedures set forth in the Purchasing Policy Manual.

1. Where the ~~finance/purchasing~~senior financial manager determines a request for bid to be the appropriate solicitation method for a purchased service, the contract shall be awarded to the lowest and best responsible bidder only after solicitation of a request for bids in accordance with ~~the standards and procedures set forth~~ the Purchasing Policy Manual.

2. Where a request for proposal is determined by the ~~finance/purchasing~~senior financial manager to be the appropriate solicitation process for a purchased service, the contract shall be awarded after solicitation of a request for proposals in accordance with ~~the standards and procedures set forth~~ the Purchasing Policy Manual.

B. Professional/Personal Services, excluding architectural and engineering services. Solicitation of, and contracts for, professional services and personal services shall be by request for bids or request for proposals except when use of direct solicitation and negotiation is determined by the City Manager, on behalf of General Government, or the Director of Utilities, on behalf of the Department of Public Utilities, to be in the best interests of the City. If so authorized, direct solicitation and negotiation process shall be in accordance with standards and procedures set forth in the Purchasing Policy Manual.

C. Architectural and Engineering (A&E) Services. Solicitation of, and contracts for, architectural and engineering services shall be by request for qualifications, the utilization of an annual A&E roster of qualified firms, or other method consistent with applicable state law and standards and procedures set forth in the Purchasing Policy Manual.



1.06.257 Waiver of competitive solicitation requirements.

1 Except as prohibited by state law, competitive solicitation and/or other public contracting
2 requirements may be waived, in whole or in part, for sole source purchases or in cases where it is not
3 practicable to utilize a competitive solicitation process, or in emergency situations, or when
4 otherwise deemed in the best interests of the City. Waiver of the City’s competitive solicitation
5 requirements shall be accomplished in accordance with ~~the standards and procedures set forth in~~ the
6 Purchasing Policy Manual, and the following definitions and requirements:

7 * * *

8 C. “Emergency Situations” means, but is not limited to:

- 9 1. In case of any breakage or loss of equipment or other circumstances in which any necessary
- 10 service is or is about to be interrupted;
- 11 2. In cases where the City will suffer a substantial loss by following the normal competitive
- 12 solicitation procedures;
- 13 3. In situations where public health or safety may be jeopardized;
- 14 4. When required by a regulatory agency with jurisdiction;
- 15 5. In other cases as allowed by state law.

16 Emergency purchases over ~~\$200,000~~500,000 (excluding sales tax) shall be reported to the City
17 Council or Utility Board, as appropriate, consistent with 39.04.280 (2) (b) RCW, as it may hereafter
18 be amended. With respect to any requirement contained RCW 39.04.280(2)(b) for a written finding
19 of the existence of the emergency to be made by the governing body or designee following the
20 award of a contract without competitive bidding, the designee for the City Council is the City
21 Manager, or designee, and the designee for the Public Utility Board is the Public Utility Director, or
22 designee.

23 * * *

1.06.259 Requests for formal sealed submittals.

24 Except as otherwise provided in this Chapter, all solicitations for formal sealed submittals, when the
25 estimated cost is more than ~~\$200,000~~500,000 (excluding sales tax), shall be advertised and published
26 ~~in the official newspaper of the City, as required by law~~ at least once, but not less than five City
business days before the submittal deadline.

1.06.260 Bid deposits, performance bonds and noncollusion declarations.

A. Bid Deposits. Unless stated otherwise in the specifications, respondents to solicitations for public
works shall make a deposit in the form of a certified check or bid bond from a bonding company
licensed to do business in the state of Washington and in a form as approved by the City Attorney in
an amount equal to not less than five percent of the total bid, which percentage shall be stated in the
specification document; and provided further that bid deposits may be required for supply and
service contracts, in the City’s sole discretion.

- 1. Bid deposits submitted in the form of a certified check may be refunded prior to award as deemed
in the best interests of the City, and in accordance with ~~standards and procedures set forth in~~ the
Purchasing Policy Manual. If the recommended award is not approved, the next lowest responsible
bidder shall upon request of the City promptly resubmit their deposit. The deposit of the successful
bidder, upon failure of such bidder to consummate the contract, shall be forfeited as liquidated
damages.

* * *



1.06.261 Formal sealed submittals opening procedure, tabulations and disclosure.

1 Formal sealed submittals shall be delivered to the designated City office as set forth in the
2 specification documents. If authorized by the specification documents, and if not otherwise required
3 by law, submittals may be delivered in the electronic format set forth in the specification documents.

4 Formal sealed submittals shall be opened in public by the ~~finance/purchasing~~senior financial
5 manager or designee, at the time and place stated in the request for such submittals. The
6 ~~finance/purchasing~~senior financial manager or designee shall forward copies of the submittals to the
7 appropriate department or division for recommendations. A tabulation of all formal sealed bids
8 received shall be made and be available for public inspection at the Purchasing Division during
9 regular office hours.

1.06.262 Evaluation of submittals, qualifications of bidders and respondents.

10 * * *

11 C. Proof of Qualifications for Award. As a condition of accepting a submittal, the City may require
12 respondents to furnish information, sworn or certified to be true, on the requirements of this Section.
13 If the ~~City Manager or Director of Utilities~~senior financial manager is not satisfied with the
14 sufficiency of the information provided, or if the prospective respondent does not meet all of the
15 following requirements, any submittal from such respondent must be disregarded. In order to be
16 considered a responsible bidder, the prospective bidder shall have all of the following qualifications:

- 17 1. Adequate financial resources or the ability to secure such resources;
- 18 2. The necessary experience, stability, organization and technical qualifications to perform the
19 proposed contract;
- 20 3. The ability to comply with the required performance schedule, taking into consideration all
21 existing business commitments;
- 22 4. A satisfactory record of performance, integrity, judgment and skills; and
- 23 5. Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

24 a. Bidder Responsibility. Bidders shall not be in violation of 39.04.350 RCW Bidder Responsibility
25 Criteria - Supplemental Criteria.

26 Minimum criteria for meeting the above qualifications as to any purchase or contract over
\$~~200,000~~500,000 (excluding sales tax) shall be subject to approval by resolution of the City Council
or Public Utility Board.

D. Appeals. The determination of the ~~City Manager for General Government transactions or the~~
~~Director of Utilities for Department of Public Utilities transactions, as appropriate,~~senior financial
manager that a respondent is not qualified pursuant to subsections B. and C. of this Section shall be
conclusive unless appeal is filed in accordance with the ~~standards and procedures set forth in the~~
Purchasing Policy Manual.

E. Financial Information Not Open to Public Inspection. Except as expressly required by applicable
law, the City shall not be required to make available for public inspection and copying confidential
financial information supplied by any person, firm or corporation for the purpose of qualifying to
submit a bid as required by this Section.

* * *

1.06.264 Award in cases of tie bids.

If two or more low bids contain the same information in response to required evaluation criteria,
where all factors are considered and deemed equal, the contract shall be approved for award to the
lowest and best responsible bidder who has a business office within the City's boundaries in
accordance with ~~the standards and procedures set forth in~~ the Purchasing Policy Manual. In all other



cases of tie bids, the award shall be made in the manner determined by the senior financial manager ~~City Council or the Public Utility Board, as appropriate, after an initial hearing before the Board of Contracts and Awards.~~

1.06.265 Board of contracts and awards.

A. Creation and Membership. There is hereby created a board, to be known as the Board of Contracts and Awards, for the purpose of recommending the award or rejection of contracts over ~~\$200,000~~500,000 (excluding sales tax). The Board shall be comprised of five members, as follows: The ~~finance/purchasing~~senior financial manager; two appointees by the City Manager; two appointees by the Director of Utilities. The Board shall meet regularly at such times and places as may be directed by the chair thereof.

B. Powers and Duties.

1. The Board of Contracts and Awards shall recommend award or rejection of the following:

- a. Competitively solicited contracts over ~~\$200,000~~500,000 (excluding sales tax).
- b. Waivers of competitive solicitation over ~~\$200,000~~500,000 (excluding sales tax), except for emergency purchases pursuant to Section 1.06.257.C.
- c. Sales of surplus personal property over ~~\$200,000~~500,000.

2. The Board of Contracts and Awards shall establish rules of procedure for the conduct of its meetings, and for the conduct of hearings.

1.06.266 Award or rejection of submittals.

A. Except as otherwise specified in this Chapter, when the proposed contract amount is over ~~\$200,000~~500,000 (excluding sales tax), the City Manager for General Government transactions and the Director of Utilities for Department of Public Utilities transactions, or their respective designee, together with the division or department requesting the purchase relating to the award thereof, shall submit their award recommendation to the Board of Contracts and Awards, which shall forward its recommendation for approval to the City Council or the Public Utility Board, as appropriate.

B. A protest of any proposed contract award or rejection of submittals over ~~\$200,000~~500,000 (excluding sales tax) shall be submitted to the ~~finance/purchasing~~senior financial manager for hearing by the Board of Contracts and Awards and recommendation to the appropriate final approving authority, all in accordance with ~~the standards and procedures set forth in~~ the Purchasing Policy Manual. Any such protest must be received within two business days after notice of award or rejection is given; and failure to do so shall result in a waiver of such protest right.

C. In the event that there are no protests, appeals or Board member questions pertaining to a proposed award that has been submitted to the Board of Contracts and Awards, said Board may, by one motion (e.g., consent agenda), recommend transactions for approval. Upon approval of such purchases and contracts by the City Council or the Utility Board, the award shall be made by the ~~finance/purchasing~~senior financial manager or designee.

D. Protests of proposed contract award or rejection of submittals of ~~\$200,000~~500,000 and less (excluding sales tax) shall be submitted to the ~~finance/purchasing~~senior financial manager for resolution; such resolution to be in accordance with the ~~standards and procedures set forth in the~~ Purchasing Policy Manual.

E. The City may reject any and all submittals for any transaction for any reason; such rejection to be in accordance with ~~the standards and procedures set forth in~~ the Purchasing Policy Manual.

1.06.267 Award to other than low bidder.

When the award is not given to the lowest bidder in price, the reasons for placing the order elsewhere shall be stated in writing and provided to the City Council or Public Utility Board, as



appropriate, and in accordance with ~~the standards and procedures set forth in~~ the Purchasing Policy Manual.

1 **1.06.268 Contracting authority.**

2 * * *

3 B. All purchases and contracts with a total gross value over ~~\$200,000~~\$500,000 (excluding sales tax),
4 before rebates, trade-ins or credits, and including the value of anticipated renewals, extensions,
5 supplements, or increases, shall be approved by the City Council for General Government
6 transactions, or the Public Utility Board for Department of Public Utilities transactions.

7 ~~C. Citywide purchases and contracts shall be approved as follows:~~

8 1. Citywide purchases and contracts over ~~\$200,000~~\$500,000 (excluding sales tax), before rebates,
9 ~~trade-ins or credits,~~ shall be presented for approval to both the City Council and the Public Utility
10 Board consistent with the Charter. In the event that only the City Council or Public Utility Board
11 approves the award, the contract will be utilized only to the extent authorized.

12 2. Citywide purchases and contracts ~~\$200,000~~\$500,000 and less (excluding sales tax), shall be
13 presented for approval to the ~~finance/purchasing~~senior financial manager.

14 D. Delegations of authority pursuant to this Chapter, except for the City Attorney, shall be in writing
15 and filed with the Purchasing Division. City Attorney approval shall include approval by any Deputy
16 or Assistant City Attorney unless such delegation is expressly excluded or limited by applicable law
17 or policy.

18 **1.06.269 Contract amendments.**

19 A. Administrative Contract Amendments. Except as otherwise provided in this Chapter, or except as
20 otherwise directed by City Council or Public Utility Board resolution or motion, the City Manager or
21 the Director of Utilities, as appropriate, or their respective designees, are authorized to approve when
22 contract provisions for contract amount changesincreases, term extensions, contract renewals, and/or
23 other administrative amendments are expressly identified in a City Council or Public Utility Board
24 resolution or motion, or are specified in the Board of Contracts and Awards letter for such contract,
25 administrative authority to exercise such contract provisions will be deemed granted upon approval
26 of the contract by the City Council or Public Utility Board, as appropriate. Exercise of said
administrative authority shall be as described in subsections B. through H. below, and in accordance
with the standards and procedures set forth in the Purchasing Policy Manual.

B. Contract Amount Amendments.

1. Contracts not requiring initial authorization by the City Council or Public Utility Board may be
amended to increase the contract amount up to an aggregate total of ~~\$200,000~~\$500,000 by the City
Manager or Director of Utilities, as appropriate, or their respective designees, and in accordance
with the ~~standards and procedures set forth in the~~ Purchasing Policy Manual.

2. When authorized pursuant to subsection A. above, contract amount change amendments in an
amount of up to \$200,000 over the contract amount initially authorized by the City Council or Public
Utility Board may be administratively approved by the City Manager or Director of Utilities, as
appropriate, or their respective designees.

3. Except as otherwise specified in this Section, the City Manager or Director of Utilities, as
appropriate, or their respective designees, may authorize by change order, letter of instruction or
other legally appropriate form, a decrease in the cost of any contract.

C. Contract Term Amendments. Except as otherwise authorized by City Council or Public Utility
Board resolution or motion, contracts may be amended to shorten or extend the term thereof by a
change order, letter of instruction or other legally appropriate form authorized by the City Manager
or Director of Utilities, as appropriate, or their respective designees; provided, however, that a



contract's term may not be so administratively extended more than three years without the further authorization of the City Council or Public Utility Board, as appropriate.

1 D. Software Contract Renewals. ~~When authorized pursuant to subsection A. above, contract renewal~~
2 ~~amendments may be administratively approved by the City Manager or Director of Utilities, as~~
3 ~~appropriate, or their respective designees.~~

4 ~~1. Renewals of software maintenance and support~~For software contracts initially authorized by City
5 Council or Public Utility Board resolution or motion, ongoing maintenance, support and purchases
6 ~~of software~~ licensing(s) required by such renewals, for such software shall not require further
7 competitive solicitation or further City Council or Public Utility Board approval; provided, however,
8 that said ~~renewals and~~ purchases shall be made in accordance with ~~the standards and procedures set~~
9 ~~forth in~~ the Purchasing Policy Manual.

10 * * *

11 **1.06.270 Cooperative purchasing.**

12 The ~~finance/purchasing~~ senior financial manager is hereby delegated the express authority, without
13 further City Council or Utility Board approval, to enter into interlocal purchase agreements with
14 other agencies and entities, and to join cooperative purchasing programs, when approved by the
15 Director of Finance, when the best interests of the City would be served. Authorization to purchase
16 using an interlocal purchase agreement with another public agency or cooperative shall be in
17 accordance with the ~~standards and procedures set forth in the~~ Purchasing Policy Manual; provided
18 that approval for purchases in excess of ~~\$200,000~~ 500,000 (excluding sales tax) shall be obtained
19 from the City Council, or Public Utility Board, as appropriate.

20 The Director of Finance is authorized to and ~~shall~~ may establish further policies and procedures to
21 ensure all such interlocal purchases are consistent with the standards of competitive solicitation set
22 forth in this Chapter, the Purchasing Policy Manual and applicable state law; provided, however, that
23 such purchases, regardless of value, made by the City under a purchasing contract executed by a
24 state, or agency or subdivision thereof, or by another governmental unit or public benefit nonprofit
25 corporation shall be exempt from such competitive solicitation requirements.

26 * * *

SALE OF SURPLUS PERSONAL PROPERTY

1.06.272 Certification of surplus personal properties to be sold or disposed.

The City Manager or Director of Utilities, as appropriate, or their respective designees, shall certify
in writing that certain personal property belonging to the City is surplus and has no further public
use, or that the sale or disposition thereof would be in the best interests of the City. Original
documentation for all surplus personal property sales shall be maintained in the Purchasing Division.

1.06.273 Competitive bidding required for surplus personal property sales.

City sales of surplus personal property shall be made in accordance with ~~the standards and~~
~~procedures set forth in~~ the Purchasing Policy Manual, except as otherwise provided in this Chapter
or by other applicable law.

A. The sale of surplus personal property shall be accomplished by bid, unless a negotiated
disposition process is approved. Use of a negotiated disposition process for surplus personal property
with a value over ~~\$200,000~~ 500,000 may be approved only by the City Council, for property held by
General Government, or by the Public Utility Board, for property held by the Department of Public
Utilities. Use of a negotiated disposition process for surplus personal property with a value under
~~\$200,000~~ 500,000 may be approved by the Director of Finance. The negotiated disposition process
may be used for surplus sales to other governmental entities, surplus sales of specialized or sensitive



police and fire surplus personal property, sales of utility equipment to Department of Public Utilities customers, or when otherwise determined to be in the best interests of the City.

1 B. Trade-ins, when part of a purchase, do not need to be declared surplus.

2 **1.06.274 Good faith deposit for surplus personal property sales.**

3 Each bid for surplus personal property with an estimated value over ~~\$200,000~~\$500,000 shall be
4 accompanied by a deposit in the form of a cashier's check or bid bond in an amount not less than five
5 percent of the amount bid. Other governmental or public agencies may be exempted from the deposit
6 requirement. All such deposits so made shall be returned to the unsuccessful bidders depositing the
7 same after the City has determined the successful bidder(s). The deposit of the successful bidder
8 shall be applied to the purchase price, or, upon failure of such bidder to consummate the purchase,
9 such deposit shall be forfeited as liquidated damages.

7 **1.06.275 Surplus personal property sales bid opening.**

8 Sealed bids for the sale of surplus personal property shall be opened in public by the City's
9 ~~finance/purchasingsenior financial~~ manager or designee at the time and place specified in the request
10 for bids. The ~~finance/purchasingsenior financial~~ manager or designee shall make a tabulation of all
11 bids that shall be available for public inspection during regular City business hours.

10 **1.06.276 Award or rejection of surplus personal property sales.**

11 The award or rejection authority and procedure shall be as follows:

12 A. The City Manager or designee, for transactions involving the sale of surplus personal property
13 held by General Government and valued over ~~\$200,000~~\$500,000, shall forward all bids or negotiated
14 offers received, or a summary of such bids or offers, together with the recommendations relating to
15 the award thereof, to the City Council for approval or rejection.

16 1. The City Manager or designee shall have the authority to approve the sale of surplus personal
17 property held by General Government valued at ~~\$200,000~~\$500,000 or less.

18 B. The Director of Utilities, for transactions involving the sale of surplus utility personal property held
19 by the Department of Public Utilities and valued over ~~\$200,000~~\$500,000, shall forward all bids or
20 negotiated offers received, or a summary of such bids or offers, together with the recommendations
21 relating to the award thereof, to the Public Utility Board for approval or rejection. Upon approval of
22 such sale by the Public Utility Board, the award shall be made by the ~~finance/purchasingsenior~~
23 ~~financial~~ manager. For purposes of this Section and RCW 35.94.040, the Public Utility Board is hereby
24 authorized to approve, in a legislative authority capacity and after public hearing, all sales of surplus
25 utility personal property without further City Council approval.

26 1. The Director of Utilities or designee shall have the authority to approve the sale of surplus utility
personal property valued at ~~\$200,000~~\$500,000 or less.

1.06.277 Purchase or sale at auctions.

21 A. Sale at Auction.

22 1. When deemed to be in the best interests of the City, the ~~finance/purchasingsenior financial~~
23 manager or designee, may authorize the sale of surplus personal property by public auction;
24 provided, however, that surplus personal property with an estimated value over
~~\$200,000~~\$500,000, must first be approved as surplus personal property by the City Council or Utility
25 Board, as appropriate. Upon completion of an approved auction sale, further governing body
26 approval is not required.

2. Surplus personal property that will be sold by third-party auctioneers does not require prior
approval by the City Council or Utility Board, even when the estimated value is over
~~\$200,000~~\$500,000; provided, however, that the auctioneering services contract is approved by the



City Council and/or Utility Board, as appropriate, and the intent is disclosed at time of contract approval.

- 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

B. Purchase at Auction. Pursuant to 39.30.045 RCW, the City may purchase supplies, equipment, or materials at auctions conducted by the United States or any agency thereof, or any other government agency or private party without being subject to public bidding requirements if the items can be obtained at a competitive price; provided, however, that in the event the bid price is anticipated to be over ~~\$200,000~~ \$500,000, prior authorization shall be obtained from the City Council or the Public Utility Board, as appropriate.

* * *