



## Legislation Passed April 21, 2020

The Tacoma City Council, at its regular City Council meeting of April 21, 2020, 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.

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### **Resolution No. 40587**

A resolution setting Thursday, May 28, 2020, at 1:30 p.m., as the date for a hearing by the Hearing Examiner on the request to vacate a portion of the dead-end South Oregon Street, also referenced as South Oregon Avenue, lying between the Titus-Will Enterprises, Inc. and Costco Wholesale Corporation properties.

(Titus-Will Enterprises, Inc.; File No. 124.1411)

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

### **Resolution No. 40588**

A resolution authorizing the execution of a Collective Bargaining Agreement with the International Brotherhood of Electrical Workers, Local 483, Custodial and Building Maintenance Unit, consisting of 26 budgeted full-time equivalent positions, retroactive to January 1, 2020, through December 31, 2022.

[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

### **Resolution No. 40589**

A resolution authorizing the execution of a Letter of Agreement with the Tacoma Police Management Association, Local 26, consisting of 18 budgeted full-time equivalent positions, to address wage compression and proposed changes to the Family and Medical Leave Act policy.

[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

### **Resolution No. 40590**

A resolution authorizing the execution of amendments to the contracts processed through the Tacoma Arts Commission and authorizing the execution of contracts for Tacoma Creates funding, which will allow cultural arts work to continue during the COVID-19 emergency and recovery period.

[Amy McBride, Arts Administrator; Kim Bedier, Director, Tacoma Venues and Events]



## RESOLUTION NO. 40587

1 A RESOLUTION relating to the vacation of City right-of-way; setting Thursday,  
2 May 28, 2020, at 1:30 p.m., as the date for a hearing by the Hearing  
3 Examiner on the request to vacate a portion of the dead-end South  
4 Oregon Street, also referenced as South Oregon Avenue, lying between  
the Titus-Will Enterprises, Inc. and Costco Wholesale Corporation  
properties.

5 WHEREAS Titus-Will Enterprises, Inc., having received the consent of  
6 the owners of more than two-thirds of the properties abutting the portion of the  
7 dead-end South Oregon Street, lying between the Titus-Will Enterprises, Inc.  
8 and Costco Wholesale Corporation properties, has petitioned for the vacation of  
9 the following legally described right-of-way area:  
10

11 THAT PORTION OF OREGON AVENUE ACCORDING TO THE PLAT  
12 OF LINCOLN HEIGHTS, RECORDED IN VOLUME 14, PAGE 61,  
13 RECORDS OF THE PIERCE COUNTY AUDITOR, PIERCE COUNTY,  
WASHINGTON BEING IN THE NORTHEAST QUARTER OF THE  
14 NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 20 NORTH,  
RANGE 03 EAST, WILLAMETTE MEDIAN, MORE PARTICULARLY  
15 DESCRIBED AS FOLLOWS:

16 BEGINNING AT THE SOUTHWESTERLY CORNER OF PARCEL 'A',  
17 BEING ON THE EASTERLY MARGIN OF SAID OREGON AVENUE,  
18 ACCORDING TO CITY OF TACOMA BOUNDARY LINE ADJUSTMENT  
MPD2013-40000210143, RECORDED UNDER RECORDING NUMBER  
19 201401225002, RECORDS OF PIERCE COUNTY AUDITOR,  
WASHINGTON, FROM WHICH THE SOUTHEASTERLY CORNER OF  
20 SAID PARCEL BEARS NORTH 88°49'48" EAST 56.01 FEET;

21 THENCE RADIALLY SOUTH 89°18'01" WEST 50.00 FEET ALONG  
22 THE NORTHERLY MARGIN OF VACATED OREGON AVENUE,  
23 ACCORDING TO THE CITY OF TACOMA ORDINANCE NO. 26595,  
RECORDED UNDER RECORDING NUMBER 200003310165,  
24 RECORDS OF PIERCE COUNTY, ALSO BEING A PORTION OF LOT  
'A', ACCORDING TO CITY OF TACOMA BOUNDARY LINE  
25 ADJUSTMENT MPD2000-00018, RECORDED UNDER RECORDING  
NUMBER 200010175001, RECORDS OF PIERCE COUNTY AUDITOR,  
26 WASHINGTON, TO A POINT ON A NON-TANGENT CURVE TO THE



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RIGHT HAVING A RADIUS OF 1935.00 FEET, FROM WHICH THE CENTER BEARS NORTH 89°18'01" EAST;

THENCE NORTHERLY ALONG THE CURVED WESTERLY MARGIN OF SAID OREGON AVENUE THROUGH A CENTRAL ANGLE OF 01°20'53" AN ARC DISTANCE OF 45.53 FEET TO AN ANGLE POINT, BEING THE SOUTHEASTERLY CORNER OF THAT ADDITIONAL RIGHT-OF-WAY DEDICATION FOR OREGON AVENUE PER QUIT CLAIM DEED RECORDED UNDER RECORDING NUMBER 200003280346;

THENCE CONTINUING ALONG SAID WESTERLY MARGIN NORTH 89°18'25" WEST 18.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1953.00 FEET, FROM WHICH THE CENTER BEARS SOUTH 89°21'04" EAST;

THENCE NORTHERLY ALONG SAID WESTERLY CURVED MARGIN THROUGH A CENTRAL ANGLE OF 00°52'48" AN ARC DISTANCE OF 30.00 FEET TO AN ANGLE POINT;

THENCE ALONG SAID WESTERLY MARGIN SOUTH 89°18'25" EAST 18.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1935.00 FEET, FROM WHICH THE CENTER BEARS SOUTH 88°27'48" EAST;

THENCE NORTHERLY ALONG SAID CURVED WESTERLY MARGIN THROUGH A CENTRAL ANGLE OF 00°32'56" AN ARC DISTANCE OF 18.53 FEET;

THENCE ALONG SAID WESTERLY MARGIN NORTH 02°05'08" EAST 71.27 FEET TO A POINT OF TANGENCY WITH A 196.49 FEET RADIUS CURVE TO THE LEFT;

THENCE NORTHWESTERLY ALONG SAID CURVED WESTERLY MARGIN THROUGH A CENTRAL ANGLE OF 04°25'56" AN ARC DISTANCE OF 15.20 FEET TO THE MOST NORTHERLY POINT OF SAID LOT 'A';

THENCE DEPARTING SAID WESTERLY MARGIN SOUTH 85°55'47" EAST 50.25 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL 'A', BEING ON SAID EASTERLY MARGIN OF OREGON AVENUE AND A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS 246.49 FEET, FROM WHICH THE CENTER BEARS SOUTH 88°57'32" WEST;



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THENCE SOUTHERLY ALONG SAID CURVED EASTERLY MARGIN THROUGH AN ANGLE OF 03°07'36" AN ARC DISTANCE OF 13.45 FEET;

THENCE SOUTH 02°05'08" WESTERLY ALONG SAID EASTERLY MARGIN 71.27 FEET TO A POINT OF TANGENCY WITH A 1885.00 FOOT RADIUS CURVE TO THE LEFT;

THENCE SOUTHERLY ALONG SAID CURVED EASTERLY MARGIN THROUGH A CENTRAL ANGLE 02°47'07" AN ARC DISTANCE OF 91.63 FEET TO THE POINT OF BEGINNING.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON;

Now, Therefore,

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

Section 1. That Thursday, May 28, 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.



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Section 3. That the City Council finds that this Resolution is necessary,  
routine, and consistent with Governor Inslee's emergency proclamation issued  
March 24, 2020, suspending portions of the Open Public Meetings Act for  
30 days.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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

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

Location: A portion of the dead-end South Oregon Street, lying between the  
Titus-Will Enterprises, Inc. and Costco Wholesale Corporation  
properties.

Petitioner: Titus-Will Enterprises, Inc.

File No.: 124.1411



## RESOLUTION NO. 40588

1 A RESOLUTION related to collective bargaining; authorizing the execution of a  
2 three-year Collective Bargaining Agreement between the City and  
3 International Brotherhood of Electrical Workers, Local 483, Custodial and  
4 Building Maintenance Unit, effective retroactive to January 1, 2020, through  
5 December 31, 2022.

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

9 WHEREAS this resolution allows for the execution of a three-year Collective  
10 Bargaining Agreement (“CBA”) between the City and International Brotherhood of  
11 Electrical Workers, Local 483, Custodial and Building Maintenance Unit (“Union”),  
12 on behalf of the employees represented by said Union, and

13 WHEREAS the bargaining unit consists of approximately 26 budgeted,  
14 full-time equivalent (“FTE”) positions, with all 26 FTEs assigned to Tacoma Public  
15 Utilities, and

16 WHEREAS the CBA will provide for a wage increase in each year of the  
17 agreement; retroactive to January 1, 2020, wages will increase by 3 percent, and  
18 the classification of Custodian will receive a market adjustment of 2 percent;  
19 effective January 1, 2021, wages will increase by 2.5 percent; and effective  
20 January 1, 2022, wages will increase by 2.25 percent, and

21 WHEREAS other changes include: (1) an increase from \$175 to \$185 for  
22 the annual footwear allowance for employees not required to wear safety-toed  
23 boots, or an annual allowance of \$225 for employees required to wear safety-toed  
24 boots; (2) an increase from \$300 to \$325 in the annual clothing allowance for  
25 boots; (2) an increase from \$300 to \$325 in the annual clothing allowance for  
26 boots;



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employees to purchase suitable work clothing; (3) clarification of language in Article 2, Union Recognition, regarding the employment status of City Employees who are part of the Union, and may desire to act as the Union Business Manager/Representative, and to reflect legal requirements based on the *Janus v. AFSCME Council 31* court case; and (4) make changes in Article 8 - Grievance Procedure, and Article 12 – Hours of Work regarding the Building Maintenance “on call” shift, and Custodial overtime opportunities, and

WHEREAS the CBA was considered and approved by the Public Utility Board at its meeting of April 8, 2020, and

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

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

Section 1. That the proper officers of the City are hereby authorized to execute the three-year Collective Bargaining Agreement between the City and International Brotherhood of Electrical Workers, Local 483, Custodial and Building Maintenance Unit, effective retroactive to January 1, 2020, through December 31, 2022, said document to be substantially in the form of the agreement on file in the office of the City Clerk.



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Section 2. That the City Council finds that this Resolution is necessary,  
routine, and consistent with Governor Inslee's emergency proclamation issued  
March 24, 2020, suspending portions of the Open Public Meetings Act for 30  
days.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

Requested by Public Utility Board  
Resolution No. U-11154





## RESOLUTION NO. 40589

1 A RESOLUTION relating to collective bargaining; authorizing the execution of a  
2 Letter of Agreement negotiated between the City of Tacoma and Tacoma  
Police Management Association, Local 26.

3 WHEREAS the City has, for years, adopted the policy of collective  
4 bargaining between the various labor organizations representing employees and  
5 the administration, and  
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7 WHEREAS Resolution No. 40040, adopted June 19, 2018, authorized the  
8 execution of the three-year Collective Bargaining Agreement ("CBA") between the  
9 City of Tacoma and Tacoma Police Management Association, Local 26 ("Union"),  
10 on behalf of the employees represented by said Union, and  
11

12 WHEREAS the City and Union have negotiated a Letter of Agreement  
13 ("LOA") to the CBA which provides for the following: (1) proposed changes to the  
14 Family and Medical Leave Act ("FMLA") policy, including movement from a  
15 calendar year, to a rolling 12-month period for eligibility, and agreement that the  
16 Union will withdraw any outstanding demand to bargain over the City's proposed  
17 FMLA policy changes; and (2) a one-time, lump sum payment of \$500 to each unit  
18 member represented by Local 26, as of February 20, 2020, to address salary  
19 compression issues identified by Local 26 during the term of the collective  
20 bargaining agreement, and  
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22 WHEREAS it appears in the best interest of the City that the LOA negotiated  
23 by said Union and the City be approved; Now, Therefore,  
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the proper officers of the City are hereby authorized to execute the Letter of Agreement negotiated between the City of Tacoma and Tacoma Police Management Association, Local 26, said document to be substantially in the form of the document on file in the office of the City Clerk.

Section 2. That the City Council finds that this Resolution is necessary, routine, and consistent with Governor Inslee’s emergency proclamation issued March 24, 2020, suspending portions of the Open Public Meetings Act for 30 days.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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



## RESOLUTION NO. 40590

1 A RESOLUTION relating to Tacoma’s Cultural Sector; authorizing amendments to  
2 contracts let through the Tacoma Arts Commission process, and authorizing  
3 contracts for Tacoma Creates funding which will allow cultural arts work to  
4 continue in Tacoma during the COVID-19 emergency and recovery period.

5 WHEREAS Tacoma’s Cultural Sector has a significant impact on  
6 Tacoma’s economy and employs thousands of people, with an economic impact  
7 to the community of over \$75 million dollars annually, and

8 WHEREAS the Cultural Sector is particularly challenged by the impact of  
9 the COVID-19 pandemic and the directives to cancel events that have resulted in  
10 layoffs, lost income, and instability, and

11 WHEREAS the COVID-19 pandemic offers an unprecedented opportunity  
12 for the Cultural Sector to serve the community in creative ways that are needed  
13 now more than ever, because the pandemic response does not change what  
14 Tacoma Creates was designed to do, it enhances the opportunity, and

15 WHEREAS the National Endowment for the Arts, the Washington State  
16 Arts Commission, and the City of Seattle’s Office of Arts and Culture, and King  
17 County’s 4Culture Public Development Authority have all announced economic  
18 relief packages that redirect project/programming funding to immediate  
19 operational support to sustain the Cultural Sector, and

20 WHEREAS the Office of Arts and Cultural Vitality (“OAVC”) has prepared  
21 a proposal following national and regional guidance that is intended to transition  
22 current cultural contracts to work that is feasible during the COVID-19  
23 emergency, and afford Tacoma Cultural Sector organizations the opportunity to  
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1 contract for work during the COVID-19 emergency and the anticipated social and  
2 economic recovery to follow, and

3 WHEREAS OACV is proposing to amend all existing contracts issued  
4 through the Tacoma Arts Commission and Tacoma Creates Expanded Learning  
5 Opportunity (“ELO”) program to revised scopes of work to include work that is  
6 feasible during the COVID-10 emergency and recovery period, and

7 WHEREAS the Tacoma Arts Commission’s contracts with small arts  
8 organizations, creative businesses, and working artists support many freelance  
9 artists and creative businesses that do not meet the criteria for Tacoma Creates  
10 funding, and the ELO program was suspended when schools were directed to  
11 close, and

12 WHEREAS OACV is also proposing to contract for and fund through  
13 Tacoma Creates work that is feasible during the COVID-19 emergency and  
14 future recovery which can assist in sustaining Tacoma’s Cultural Sector  
15 organizations during this very challenging time, and

16 WHEREAS applications for Tacoma Creates funding have been received  
17 from 58 eligible organizations, and are being reviewed by independent panels  
18 according to eligibility criteria established in the Tacoma Municipal Code and the  
19 review criteria published in application guidelines, and

20 WHEREAS the 58 organizations in consideration at this time applied for  
21 inaugural Tacoma Creates funding programs that were already launched in  
22 advance of the pandemic, and to solicit applications for this funding, OACV staff  
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1 conducted extensive outreach, held workshops throughout the community, online  
2 webinars, and one-on-one meetings, and

3 WHEREAS these organizations will be required to submit a supplemental  
4 form to address current financial and staffing impacts of the current pandemic,  
5 and detail the deliverables achievable during and after the COVID-19 emergency  
6 which will provide the accountability measures and will be required for payment,  
7 and

8 WHEREAS the City will contract with the organizations, with a measured  
9 approach that honors the independent panel review process, allows  
10 organizations to adapt and adjust to changed circumstances to provide public  
11 benefit in ways that best serve the community during the COVID pandemic and  
12 social distancing, and allows planning for recovery and programming later in the  
13 year, and

14 WHEREAS City contracts will tie deliverables to phases of payments that  
15 are disbursed over the course of the year and will track activities through  
16 reporting while allowing organizations to adapt to current circumstances, produce  
17 public benefit appropriate to social distancing in the near term, collaboratively  
18 plan how to meet emergent needs of the community and the sector, and  
19 implement programming appropriate to recovery, and

20 WHEREAS OACV proposal recommends a three-part strategy for  
21 supporting cultural arts work in Tacoma during the COVID-19 emergency and  
22 recovery period, and  
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WHEREAS the first strategy is to amend existing contracts for Tacoma Arts Commission funding to work that is feasible during the COVID-19 emergency and future recovery, and

WHEREAS the second strategy is to amend existing Tacoma Creates ELO contracts to work that is feasible during the COVID-19 emergency and future recovery, and

WHEREAS the third strategy is to designate up to \$1 million of Tacoma Creates funds for new contracts with eligible Tacoma Cultural Sector organizations for deliverables that are feasible and achievable during the COVID-19 emergency and anticipated recovery period, and

WHEREAS this third strategy will be implemented by reviewing proposals received from 58 organizations that applied to provide cultural services throughout Tacoma, with an emphasis on equity, access, and community engagement, and

WHEREAS these organizations proposing to receive Tacoma Creates funding will be required to complete a supplemental form that describes the shift in deliverables that are achievable during and after the COVID-19 emergency, and

WHEREAS the 58 eligible organizations reach all neighborhoods of the City and intentionally focus on equity and outreach to underserved communities;  
Now, Therefore,



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

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Section 1. That the City Council finds that Cultural Sector organizations and independent workers in Tacoma are experiencing severe negative impacts related to the COVID-19 pandemic. Most of the sector’s work is based in events and classes, all of which have been cancelled or postponed, creating significant risk of loss of cultural organizations and artists. Individuals in the Cultural Sector are often self-employed or have additional employment in the service sector, which is also largely shut down. Most Tacoma non-profit cultural organizations operate on thin margins, and most do not have endowments or other safety nets to sustain them. The Cultural Sector has significant economic impact in the City of Tacoma, and will play an important role in bringing the community together when that becomes possible; therefore, it is critical to sustain the Tacoma Cultural Sector so it is able to help sustain the Tacoma community overall.

Section 2. That the City Council finds that the three-part strategy proposed by the City’s Office of Arts and Cultural Vitality to sustain Tacoma’s cultural sector through operational support, which will allow the sector to engage in cultural arts work that supports Tacoma's social cohesion during the COVID-19 emergency and recovery is consistent with the intent, purposes, and regulations of the Tacoma Creates program, will serve an important public purpose, and will provide public benefits commensurate to the proposed expenditures.

Section 3. That the City Manager or designee is hereby authorized to take any additional actions and execute any documents necessary to effectuate this Resolution consistent with its terms.



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Section 4. That the City Council finds that this Resolution is directly related to the COVID-19 emergency, and therefore, consistent with Governor Inslee’s emergency proclamation issued March 24, 2020, suspending portions of the Open Public Meetings Act for 30 days.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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