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.

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

A RESOLUTION relating to the vacation of City right-of-way; 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.

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

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

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

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

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City Clerk

Approved as to form:     Property description approved:

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Deputy City Attorney     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

A RESOLUTION related to collective bargaining; authorizing the execution of a 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.

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

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

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

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

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

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney

Requested by Public Utility Board
Resolution No. U-11154
RESOLUTION NO. 40589

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

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

WHEREAS Resolution No. 40040, adopted June 19, 2018, authorized the execution of the three-year Collective Bargaining Agreement ("CBA") between the City of Tacoma and Tacoma Police Management Association, Local 26 ("Union"), on behalf of the employees represented by said Union, and

WHEREAS the City and Union have negotiated a Letter of Agreement ("LOA") to the CBA which provides for the following: (1) proposed changes to the Family and Medical Leave Act ("FMLA") policy, including movement from a calendar year, to a rolling 12-month period for eligibility, and agreement that the Union will withdraw any outstanding demand to bargain over the City’s proposed FMLA policy changes; and (2) a one-time, lump sum payment of $500 to each unit member represented by Local 26, as of February 20, 2020, to address salary compression issues identified by Local 26 during the term of the collective bargaining agreement, and

WHEREAS it appears in the best interest of the City that the LOA 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 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 _______________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney
RESOLUTION NO. 40590

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS OACV proposal recommends a three-part strategy for supporting cultural arts work in Tacoma during the COVID-19 emergency and recovery period, and
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:

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.
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 ____________________

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Mayor

Attest:

______________________________
City Clerk

Approved as to form:

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Deputy City Attorney