



Legislation Passed July 28, 2020

The Tacoma City Council, at its regular City Council meeting of July 28, 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. 40631

A resolution setting Tuesday, August 18, 2020, upon completion of Regular Agenda Items, no earlier than 5:15 p.m., as the date for a public hearing by the City Council on the proposed Six-Year Comprehensive Transportation Improvement Program amended for the years 2020 and 2021-2026.

[Jennifer Kammerzell, Principal Engineer; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40632

A resolution authorizing the execution of a grant agreement and accepting \$518,521 Coronavirus Aid, Relief, and Economic Security Act supplemental funding, from the United States Department of Commerce-Minority Business Development Agency, for educating, training, and advising minority business enterprises.

[Linda Womack, Supervisor; Jeff Robinson, Director, Community and Economic Development]

Resolution No. 40633

A resolution authorizing the execution of a Lease Agreement with DAJOBAR, LLC, in the amount of \$466,529.74, budgeted from the Wastewater Fund, for the use of a facility located at 2336 - 2342 Court "E", for the storage of bagged TAGRO products, for a five-year period.

[Susie Rogers, Senior Real Estate Officer; Michael P. Slevin III, P.E., Director, Environmental Services]

Amended Resolution No. 40634

A resolution authorizing the execution of Letters of Agreement with the Tacoma Joint Labor Committee; Professional Public Safety Managers Association; Tacoma Police Management Association, Local 26; and the Tacoma Police Union, I.U.P.A., Local 6; to establish parameters for the implementation of the "Rebound" pilot program, for a period of 12 months.

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

Substitute Ordinance No. 28682

An ordinance declaring the public necessity for and providing for the acquisition by the City of Tacoma by eminent domain of certain properties located along East Portland Avenue, to construct street improvements and related facilities within the City; and declaring an emergency, making necessary the passage of this ordinance and it becoming effective immediately upon passage.

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

Ordinance No. 28683

An ordinance authorizing the execution of an amendment to the agreement with RockTenn, CP LLC, d.b.a. WestRock CP LLC, to extend the agreement for an initial period of one year, with the option to renew for four additional one-year periods.

[Scott Dewhirst, Water Superintendent; Jackie Flowers, Director, Tacoma Public Utilities]



RESOLUTION NO. 40631

1 A RESOLUTION setting Tuesday, August 18, 2020, upon completion of Regular
2 Agenda Items, no earlier than 5:15 p.m., as the date for a public hearing by
3 the City Council on the proposed Six-Year Comprehensive Transportation
Improvement Program amended for the years 2020 and 2021-2026.

4 WHEREAS the Revised Code of Washington, Section 35.77.010 provides
5 that the legislative body of each city and town prepare and adopt a
6 comprehensive transportation program for the ensuing six calendar years, and
7 annually thereafter, and pursuant to one or more public hearings, adopt a revised
8 and extended comprehensive transportation program, and
9

10 WHEREAS in December of 2015, the City adopted the Transportation
11 Master Plan ("TMP") which includes a prioritized list of transportation projects,
12 and
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14 WHEREAS adoption of the TMP included extensive citywide community
15 outreach, including attendance at neighborhood festivals and clean-ups, and two
16 public hearings, and
17

18 WHEREAS the proposed list of projects to be added to the draft Six-Year
19 Comprehensive Transportation Improvement Program supports the goals,
20 policies, and network priorities outlined in the TMP; Now, Therefore,

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

22 Section 1. That Tuesday, August 18, 2020, upon completion of Regular
23 Agenda Items, no earlier than 5:15 p.m., is hereby fixed as the time, and the City
24 Council Chambers on the First Floor of the Tacoma Municipal Building,
25 747 Market Street, Tacoma, Washington, as the place when and where a public
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1 hearing shall be held, unless the Governor's proclamation limiting in-person
2 meetings is still in effect and then a call in option will be provided, by the City
3 Council on the proposed Six-Year Comprehensive Transportation Improvement
4 Program amended for the years 2020 and 2021-2026.
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6 Section 2. That the City Clerk shall give proper notice of the time and place
7 of said hearing.
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9 Adopted _____
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11 Mayor

12 Attest:
13 _____
14 City Clerk

15 Approved as to form:
16 _____
17 City Attorney
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RESOLUTION NO. 40632

1 A RESOLUTION relating to economic growth; authorizing the execution of a grant
2 agreement and accepting \$518,521 Coronavirus Aid, Relief, and Economic
3 Security Act supplemental funding, from the United States Department of
4 Commerce-Minority Business Development Agency, for the purpose of
5 educating, training, and advising minority business enterprises.

6 WHEREAS on March 27, 2020, the United States Congress (“Congress”)
7 passed the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act in
8 response to the outbreak of coronavirus disease 2019 (“COVID-19”), and its
9 resulting impact on the economy and public health across the nation, and

10 WHEREAS, the COVID-19 pandemic has impacted all lines of businesses,
11 particularly small and minority-owned businesses which have historically
12 experienced discrimination in lending practices, and this inequity has been
13 highlighted and exposed during COVID-19, and

14 WHEREAS, Congress acted to address specific needs by appropriating
15 funds to the Minority Business Development Agency (“MBDA”) of the United States
16 Department of Commerce to award grants to minority business centers and
17 minority chambers of commerce for the purpose of educating, training, and
18 advising minority business enterprises, and

19 WHEREAS on May 7, 2020, the MBDA-Tacoma Business Center submitted
20 a proposal outlining the need to support underrepresented minority-owned
21 business enterprises, especially those owned or led by women, minorities, and
22 veterans, and other small businesses in the City and region for recovery from the
23 devastating effects of COVID-19, and
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WHEREAS the proposal was accepted, and to execute and implement the CARES Act Program, the City will dedicate separate staff who will spend their time coordinating this program, as well as performing any and all reporting requirements for compliance during the award period, and

WHEREAS Council approval is necessary to execute the grant agreement and accept the CARES funding in the amount of \$518,521, and to allocate staff to support the required work plan; 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 a grant agreement and accept \$518,521 Coronavirus Aid, Relief, and Economic Security (“CARES”) Act supplemental funding, from the United States Department of Commerce-Minority Business Development Agency, for the purpose of educating, training, and advising minority business enterprises.



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Section 2. That the City Manager, or designee, is hereby authorized to take and execute any additional measures or documents that may be necessary to complete this transaction which are consistent with the approved form of documents referenced by this Resolution, and the intent of this Resolution.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 40633

1 A RESOLUTION relating to environmental services; authorizing the execution
2 of a Lease Agreement with DAJOBAR, LLC, for a projected total of
3 \$466,529.74, budgeted from the Wastewater Fund, for the use of a
4 facility located at 2336-2342 Court "E," for the storage of bagged
5 TAGRO products, for a five-year period.

6 WHEREAS, the City has a need for additional warehouse space to
7 accommodate expanding operations, and to have warehouse facilities in a
8 centralized location in close proximity to the Central Wastewater Treatment Plant
9 so that the product is more readily available for City operational efficiency, allowing
10 for better allocation of employee resources and time as well as a reduction in
11 carbon emissions resulting from less transportation, and

12 WHEREAS, City staff has identified that the use of the facility located at
13 2336-2342 Court "E," ("Property") would be appropriate to meet the additional need
14 for the warehousing and storage of TAGRO bagged products, and

15 WHEREAS, the use of this facility would provide the opportunity to decrease
16 the number of vacant downtown/neighborhood business district properties by filling
17 space that is currently unoccupied, and

18 WHEREAS, City staff is recommending that the City Council approve the
19 execution of a new five-year Lease Agreement with DAJOBAR, LLC, for the
20 Property, which will provide for a base monthly rent amount of \$4,895.00 for
21 August 1, 2020 to July 31, 2021, \$4,993.00 for August 1, 2021 to July 31, 2022,
22 \$5,093.00 for August 1, 2022 to July 31, 2023, \$5,195.00 for August 1, 2023 to
23 July 31, 2024, and \$5,299.00 for August 2024 to July 31, 2025, for a projected
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1 total of \$466,529.74, budgeted from the Wastewater Fund, with an effective date of
 2 August 1, 2020; Now, Therefore,

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

4 Section 1. That the proper officers of the City are hereby authorized to
 5 execute a new five-year Lease Agreement with DAJOBAR, LLC, for the purpose of
 6 the storing of bagged TAGRO products, said agreement to be substantially in the
 7 form of the document on file in the office of the City Clerk.
 8

9 Section 2. That the City Manager, or designee, is hereby authorized to take
 10 and execute any additional measures or documents that may be necessary to
 11 complete this transaction which are consistent with the approved form of
 12 documents referenced by this Resolution, and the intent of this Resolution.
 13

14 Adopted _____
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16 _____
 17 Mayor

18 Attest:
 19 _____
 20 City Clerk

21 Approved as to form:
 22 _____
 23 City Attorney
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RESOLUTION NO. 40634

1 A RESOLUTION relating to collective bargaining; authorizing the execution of a
2 series of Letters of Agreement negotiated between the City of Tacoma and
3 the Tacoma Joint Labor Committee, Professional Public Safety Managers
4 Association, Tacoma Police Management Association, Local 26, and the
5 Tacoma Police Union, I.U.P.A., Local 6.

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

9 WHEREAS the City has existing Collective Bargaining Agreements (“CBAs”)
10 with the Tacoma Joint Labor Committee, the Professional Public Safety Managers
11 Association, Tacoma Police Management Association, Local 26, and the Tacoma
12 Police Union, I.U.P.A., Local 6 (“said Unions”), and

13 WHEREAS the City and said Unions have negotiated a series of Letters of
14 Agreement (“LOAs”) to the CBAs which provide for the implementation of the
15 “Rebound” pilot program (formerly known as “Tactical Athlete”) for a period of
16 twelve months, and

17 WHEREAS Rebound is a service that assists employees in getting more
18 expeditious medical care for occupational musculoskeletal injuries, with the goal of
19 faster recovery and reduced lost work time, and

20 WHEREAS the City intends to provide a one-year pilot program of the
21 Rebound service beginning in 2020, for certain positions identified by City
22 management within the Tacoma Fire Department, the Tacoma Police Department,
23 and Tacoma Power, based on identified risk of occupational injury, with
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management assessing the efficacy of the program upon conclusion of the pilot
1 period and determining whether to extend the program, and

2 WHEREAS this Resolution was considered and approved by the Public
3 Utility Board at its meeting of July 22, 2020, and

4 WHEREAS it appears in the best interest of the City that the LOAs
5 negotiated by said Unions and the City be approved; Now, Therefore,

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

7 That the proper officers of the City are hereby authorized to execute the
8 Letters of Agreement negotiated between the City of Tacoma and the Tacoma Joint
9 Labor Committee, the Professional Public Safety Managers Association, Tacoma
10 Police Management Association, Local 26, and the Tacoma Police Union, I.U.P.A.,
11 Local 6, said documents to be substantially in the form of the documents on file in
12 the office of the City Clerk.
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14 Adopted _____
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16 _____
17 Mayor

18 Attest:
19 _____
20 City Clerk

21 Approved as to form:
22 _____
23 City Attorney

24 Requested by Public Utility Board
25 Resolution No. U-11178
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**SUBSTITUTE
ORDINANCE NO. 28682**

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3 AN ORDINANCE relating to transportation and streets and sidewalks;
4 declaring the public necessity for and providing for the acquisition by
5 the City of Tacoma by eminent domain of certain property described
6 herein located along East Portland Avenue, to construct street
7 improvements and related facilities within the City of Tacoma,
8 Washington; authorizing the City Attorney to prosecute eminent domain
9 proceedings and to stipulate in mitigation of damages; providing for
10 payment for such property; and providing for an immediate effective
11 date.

12 WHEREAS the City of Tacoma Public Works Department has
13 developed right-of-way plans which indicate the portions of parcels which are
14 necessary to be acquired for the East Portland Avenue Safety Improvements
15 Project, and

16 WHEREAS the City has negotiated in good faith as to the amount of
17 compensation due to the property owners, and
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19



1 WHEREAS written notice has been provided to the property owners of
2 the City's intent to commence eminent domain proceedings as required by
3 law, and
4

5 WHEREAS the City Council is exercising its independent discretion to
6 proceed with an eminent domain case to establish the right to take such
7 property for a public purpose and to settle the amount of compensation
8 owing to the property owners; Now, Therefore,
9

10 BE IT ORDAINED BY THE CITY OF TACOMA:

11 Section 1. Findings

12 A. The City Council finds that the public use, necessity and
13 convenience now require the acquisition of right-of-way and easements of
14 certain portions of parcels of real property located within and adjacent to the
15 right-of-way of East Portland Avenue, for the construction of transportation
16 improvements and related facilities ("Project").
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19 B. The property ("Subject Property") to be taken pursuant to this
20 Ordinance includes the fee interest in portions of two parcels depicted on the
21 maps attached at Exhibit "A," as well as certain temporary easement interest.
22
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1 C. The City of Tacoma, by and through its Public Works Department,
2 has actively worked in good faith to acquire the Subject Property by negotiated
3 sale.
4

5 D. Honest differences of opinion exist between the City of Tacoma and
6 the owners of the Subject Property.
7

8 E. The City of Tacoma's Public Works Department has a Six-Year
9 Transportation Improvement Program, which indicates that the Subject
10 Property is necessary in the public interest and convenience to be acquired for
11 the East Portland Avenue Safety Improvements Project.
12

13 F. Due to the public need for safety improvements to accommodate
14 present growth, development and traffic needs, the public necessity and
15 convenience requires the City to initiate the acquisition of the Subject Property
16 by exercise of the power of eminent domain.
17

18 G. The Subject Property acquired by negotiated sale or by eminent
19 domain proceedings authorized by this Ordinance are within the city limits of
20 the City of Tacoma, Pierce County, Washington and are necessary for the
21 Project.
22
23



1 Section 2. The Subject Property to be acquired by eminent domain
2 proceedings, shall be acquired only after just compensation has been made or
3 paid into the Pierce County Superior Court registry or special account for the
4 benefit of the owner or owners in a manner provided by law.
5

6 Section 3. All just compensation, fees, and costs associated with the
7 acquisition by eminent domain proceedings of the Subject Property, shall be
8 paid from the East Portland Avenue Safety Improvements Project fund,
9 and if this fund were insufficient, from the City's general fund or other funds
10 then available for such purposes.
11

12 Section 4. The City Attorney is hereby authorized to begin and prosecute
13 the actions and proceedings in the manner provided by law to condemn, take
14 and appropriate all lands and other properties as necessary to carry out the
15 provisions of this Ordinance. The City Attorney is also authorized to enter into
16 stipulations for the purpose of minimizing damages, including all stipulations
17 authorized by Washington State law.
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1 Section 5. There is an immediate need to initiate eminent domain
2 proceedings to acquire the Subject Property to accommodate the Project; an
3 emergency is hereby declared; and this Ordinance shall go into effect
4 immediately upon final passage.
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6 Passed _____
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8 _____
9 Mayor

10 Attest:
11 _____
12 City Clerk

13 Approved as to form:
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15 _____
16 City Attorney



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ORDINANCE 28682

EXHIBIT "A"

SUBJECT PARCELS

Parcel No. 032015-500-7

Dimension Townhouses, LLC

Site Address: 1521 East 38th Street, Tacoma 98404

Parcel No. 296500-018-0

R&R Associates

Site Address: 5516 East Portland Avenue, Tacoma 98404



ORDINANCE NO. 28683

1 AN ORDINANCE relating to the Department of Public Utilities, Water Division
2 (d.b.a. "Tacoma Water"); authorizing an amendment to the agreement with
3 RockTenn, CP LLC, now doing business as WestRock CP, LLC, to extend
4 the agreement for an initial period of one year, with the option to renew for
5 four additional one-year periods.

6 WHEREAS the City of Tacoma, through its Department of Public Utilities,
7 Water Division (d.b.a. "Tacoma Water") entered into a ten-year Water Supply
8 Agreement ("Agreement") with the Simpson Tacoma Kraft Company (under Public
9 Utility Board Resolution No. U-10006), commencing on January 1, 2006, and
10 ending on July 31, 2015, that included two optional five-year extensions, subject to
11 mutual agreement of the parties, and

12 WHEREAS RockTenn, CP LLC, ("RockTenn") a wholly owned subsidiary of
13 WestRock CP, LLC, ("Westrock"), acquired substantially all of Simpson's Tacoma
14 assets in 2014, and the Public Utility Board ("Board") through Board Resolution
15 No. U-10686, consented to the assignment of the Contract from Simpson to
16 RockTenn, and

17 WHEREAS the City and RockTenn agreed to extend the initial 10-year term
18 with the first of the five-year extensions commencing August 1, 2015, through
19 July 31, 2020, and such agreement was authorized through Board Resolution
20 No. U-10784, and

21 WHEREAS RockTenn, now doing business as WestRock, does not require
22 treated potable water for process use and is seeking alternative water source(s) to
23 reduce operating expenses to remain cost-competitive, and
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WHEREAS a Memorandum of Agreement (“MOA”) between the City’s Environmental Services Division, Tacoma Public Utilities Water Division, and WestRock, provides that the parties will conduct a Preliminary Evaluation to study the potential of reclaimed water as an alternate source of supply, and

WHEREAS WestRock is unwilling to agree to the second five-year extension in the original Agreement due to business challenges and the economic uncertainty of the COVID-19 pandemic, amongst other factors, and

WHEREAS amending the Agreement by approving a one-year extension and allowing for the potential of four additional one-year extensions, affords WestRock the ability to align with the expiration of the Tacoma Power Supply Agreement in 2021, to have preliminary results of the reclaimed water supply study, and to evaluate other alternative supply options and/or alternative rate structures, and

WHEREAS Tacoma Water is requesting that the Director of Utilities be authorized to sign the first one-year extension, but if the City and WestRock want to exercise any of the allowed additional one-year extensions, such extension requests will be brought to the Board, and

WHEREAS the Agreement sets the rate to be paid by WestRock for the water supplied by Tacoma Water, and pursuant to City Charter Section 4.11, all matters relating to rates shall be initiated by the Board, subject to approval by the City Council; Now, Therefore,



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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 the request of the Department of Public Utilities, Water Division (d.b.a. "Tacoma Water"), to authorize an amendment to the agreement with RockTenn, CP LLC, now doing business as WestRock CP, LLC, to extend the agreement for an initial period of one year, with the option to extend for up to four additional one-year periods, is hereby approved, the Director of Utilities is authorized to sign the initial one year extension, and any other extension requests will be brought to the Board.

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

City Attorney