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

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.

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

WHEREAS in December of 2015, the City adopted the Transportation Master Plan (“TMP”) which includes a prioritized list of transportation projects, and

WHEREAS adoption of the TMP included extensive citywide community outreach, including attendance at neighborhood festivals and clean-ups, and two public hearings, and

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

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

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

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

Adopted __________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
City Attorney
RESOLUTION NO. 40632

A RESOLUTION relating to economic growth; 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 the purpose of educating, training, and advising minority business enterprises.

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

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

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

WHEREAS on May 7, 2020, the MBDA-Tacoma Business Center submitted a proposal outlining the need to support underrepresented minority-owned business enterprises, especially those owned or led by women, minorities, and veterans, and other small businesses in the City and region for recovery from the devastating effects of COVID-19, and
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.
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

A RESOLUTION relating to environmental services; authorizing the execution of a Lease Agreement with DAJOBAR, LLC, for a projected total 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.

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

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

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

WHEREAS, City staff is recommending that the City Council approve the execution of a new five-year Lease Agreement with DAJOBAR, LLC, for the Property, which will provide for a base monthly rent amount of $4,895.00 for August 1, 2020 to July 31, 2021, $4,993.00 for August 1, 2021 to July 31, 2022, $5,093.00 for August 1, 2022 to July 31, 2023, $5,195.00 for August 1, 2023 to July 31, 2024, and $5,299.00 for August 2024 to July 31, 2025, for a projected
total of $466,529.74, budgeted from the Wastewater Fund, with an effective date of
August 1, 2020; 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 new five-year Lease Agreement with DAJOBAR, LLC, for the purpose of
the storing of bagged TAGRO products, said agreement to be substantially in the
form of the document on file in the office of the City Clerk.

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. 40634


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

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

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

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

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

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

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

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

    That the proper officers of the City are hereby authorized to execute the Letters of Agreement negotiated between the City of Tacoma and the Tacoma Joint Labor Committee, the Professional Public Safety Managers Association, Tacoma Police Management Association, Local 26, and the Tacoma Police Union, I.U.P.A., Local 6, said documents to be substantially in the form of the documents on file in the office of the City Clerk.

Adopted __________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
City Attorney

Requested by Public Utility Board
Resolution No. U-11178
AN ORDINANCE relating to transportation and streets and sidewalks;
declaring the public necessity for and providing for the acquisition by
the City of Tacoma by eminent domain of certain property described
herein located along East Portland Avenue, to construct street
improvements and related facilities within the City of Tacoma,
Washington; authorizing the City Attorney to prosecute eminent domain
proceedings and to stipulate in mitigation of damages; providing for
payment for such property; and providing for an immediate effective
date.

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

WHEREAS the City has negotiated in good faith as to the amount of
compensation due to the property owners, and
WHEREAS written notice has been provided to the property owners of the City’s intent to commence eminent domain proceedings as required by law, and

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

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. Findings

A. The City Council finds that the public use, necessity and convenience now require the acquisition of right-of-way and easements of certain portions of parcels of real property located within and adjacent to the right-of-way of East Portland Avenue, for the construction of transportation improvements and related facilities (“Project”).

B. The property (“Subject Property”) to be taken pursuant to this Ordinance includes the fee interest in portions of two parcels depicted on the maps attached at Exhibit “A,” as well as certain temporary easement interest.
C. The City of Tacoma, by and through its Public Works Department, has actively worked in good faith to acquire the Subject Property by negotiated sale.

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

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

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

G. The Subject Property acquired by negotiated sale or by eminent domain proceedings authorized by this Ordinance are within the city limits of the City of Tacoma, Pierce County, Washington and are necessary for the Project.
Section 2. The Subject Property to be acquired by eminent domain proceedings, shall be acquired only after just compensation has been made or paid into the Pierce County Superior Court registry or special account for the benefit of the owner or owners in a manner provided by law.

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

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

Passed __________________________

_____________________________
Mayor

Attest:

_____________________________
City Clerk

Approved as to form:

_____________________________
City Attorney
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

AN ORDINANCE relating to the Department of Public Utilities, Water Division (d.b.a. “Tacoma Water”); authorizing 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 renew for four additional one-year periods.

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

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

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

WHEREAS RockTenn, now doing business as WestRock, does not require treated potable water for process use and is seeking alternative water source(s) to reduce operating expenses to remain cost-competitive, and
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,
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 ____________________

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Mayor

Attest:

____________________________
City Clerk

Approved as to form:

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City Attorney