Legislation Passed November 10, 2020

The Tacoma City Council, at its regular City Council meeting of November 10, 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. 40681
A resolution setting Tuesday, November 24, 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 2020 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code, as recommended by the Planning Commission.
[Stephen Atkinson, Principal Planner; Peter Huffman, Director, Planning and Development Services]

Resolution No. 40682
A resolution appointing Chelsea McElroy to the Board of Ethics.
[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

Resolution No. 40683
A resolution reappointing individuals to the Planning Commission.
[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

Resolution No. 40684
A resolution authorizing the execution of amendments to the South Intermodal Yard Lease Agreement and Operating Agreement with the Port of Tacoma, to allow for the option of a lower lease payment in exchange for extending the Operating Agreement.
[Dale King, Rail Superintendent; Jackie Flowers, Director, Tacoma Public Utilities]

Amended Resolution No. 40685
A resolution directing the City Manager to further study and implement collection and reporting of data that allows the City to effectively identify and address racial disparities in policing, including broader categories such a traffic stops and public calls for service.
[Deputy Mayor Blocker]

Ordinance No. 28686
An ordinance vacating a portion of South 4th Street, lying between Broadway and Court C, to facilitate development of an affordable family housing project. (YWCA Home at Last LLC; File No. 124.1399)
[Jeff H. Capell, Hearing Examiner]
Ordinance No. 28697
An ordinance reclassifying approximately 28.4 acres of real property by adding a Planned Residential Development ("PRD") Overlay District onto the existing "R-2" Single-Family Dwelling District to enable a PRD of 73 single-family residences concentrated on the southeasterly portion of the site located in the South End neighborhood of Tacoma at 7432 East "D" Street.
(Green Harbor Communities, Inc.; File No. LU19-0100)
[Jeff H. Capell, Hearing Examiner]
RESOLUTION NO. 40681

A RESOLUTION setting Tuesday, November 24, 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 2020 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code, as recommended by the Planning Commission.

WHEREAS, each year, the City Council considers revisions to the Comprehensive Plan ("Plan") and development regulations contained in the Land Use Regulatory Code ("Code"), pursuant to the Growth Management Act ("Act"), and

WHEREAS the Planning Commission is scheduled to forward its recommendations on the 2020 Amendment to the Plan ("Amendment") in early November, and completing the Amendment process by the end of 2020 would allow the City the flexibility to consider 2021 Amendments next year, while complying with the requirement of the Act, and

WHEREAS the Amendment includes three subjects: (1) Heidelberg-Davis Site – Land Use Designation Change; (2) View Sensitive Overlay District – Height Limit Change; and (3) Minor Plan and Code Amendments, and

WHEREAS, pursuant to TMC 13.02, the City Council is required to conduct a public hearing before enacting any amendments to the Land Use Regulatory Code; Now, Therefore,

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

Section 1. That Tuesday, November 24, 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, unless the Governor's proclamation limiting in-person meetings is still in effect and then a call in option will be provided, as the place when and where a public hearing shall be held on the Comprehensive Plan and the Land Use Regulatory Code for 2020 as recommended by the Planning Commission.

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

Adopted __________________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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Deputy City Attorney
RESOLUTION NO. 40682

BY REQUEST OF COUNCIL MEMBERS HINES, HUNTER, THOMS, AND WALKER

A RESOLUTION relating to committees, boards, and commissions; appointing an individual to the Board of Ethics.

WHEREAS a vacancy exists on the Board of Ethics, and

WHEREAS, at its meeting of November 3, 2020, the Government Performance and Finance Committee conducted interviews and recommended the appointment of Chelsea McElroy to said board, and

WHEREAS, pursuant to City Charter 2.4 and the Rules, Regulations, and Procedures of the City Council, Chelsea McElroy has been nominated to serve on the Board of Ethics; Now, Therefore,

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

That Chelsea McElroy is hereby confirmed and appointed as a member of the Board of Ethics, to serve a three-year term, effective January 1, 2021, to expire December 31, 2023.

Adopted __________________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney
BY REQUEST OF COUNCIL MEMBERS BEALE, HUNTER, AND WALKER

A RESOLUTION relating to committees, boards, and commissions; reappointing individuals to the Planning Commission.

WHEREAS vacancies exist on the Planning Commission, and

WHEREAS, at its meeting of October 28, 2020, the Infrastructure, Planning, and Sustainability Committee conducted interviews and recommended the reappointment of individuals to said commission, 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 Planning Commission; Now, Therefore,

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

That those nominees to the Planning Commission, listed on Exhibit “A,” are hereby confirmed and reappointed as members of such commission for such terms as are set forth on the attached Exhibit “A.”

Adopted __________________

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Mayor

Attest:

________________________________________
City Clerk

Approved as to form:

________________________________________
City Attorney

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EXHIBIT “A”

PLANNING COMMISSION

Reappointing Jeff McInnis to the “Development Community” position to fill an unexpired term to expire June 30, 2023.

Reappointing Andrew Strobel to the “Council District No. 1” position to fill an unexpired term to expire June 30, 2023.
RESOLUTION NO. 40684

A RESOLUTION relating to the Department of Public Utilities, Beltline Division (d.b.a. “Tacoma Rail”); authorizing the execution of amendments to the South Intermodal Yard Lease Agreement and the Operating Agreement with the Port of Tacoma, to allow for the option of a lower lease payment in exchange for extending the Operating Agreement.

WHEREAS, in 1984, the Department of Public Utilities, Beltline Division (d.b.a. “Tacoma Rail”) and the Port of Tacoma (“Port”) entered into a 31-year lease agreement for property located at 1123 Milwaukee Way, which the Port uses for the handling of domestic intermodal shipments, and

WHEREAS the lease agreement provides for two optional five-year extensions, subject to rent review, with the final five-year extension starting in 2020, and

WHEREAS Tacoma Rail entered into a 20-year Operating Agreement with the Port in 2013, granting Tacoma Rail rights as the sole operator of Port-owned rail infrastructure in the Tideflats area, and

WHEREAS the operating agreement also established an annual volume incentive allowance paid to the Port for the first nine years to attract the Grand Alliance shipping lines to Tacoma, and

WHEREAS the volume incentive allowance ends in 2021 and is anticipated to be valued at zero, due to declines in intermodal traffic volumes, and

WHEREAS, although the Grand Alliance has been replaced and has changed over time, the Port continues to rely on the volume incentive allowance to attract new intermodal business and invest in rail infrastructure, and

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WHEREAS, rather than extend the volume incentive allowance program, Tacoma Rail and the Port propose to amend both the South Intermodal Yard Lease Agreement and the Operating Agreement to allow for the option of a lower lease payment in exchange for extending the Operating Agreement, and

WHEREAS, if the Port selects the option of extending the Operating Agreement and making lower lease payments, then an amount equal to the difference between the lower lease payments and the higher lease payments due under the alternative option will be used by the Port to attract new intermodal business and invest in rail infrastructure, and

WHEREAS the Port will report on how the money used to attract new intermodal business and invest in rail infrastructure is spent, and

WHEREAS the proposed amendments will allow the Port to make additional investments to its intermodal incentive programs while providing stability to future Tacoma Rail operations, and

WHEREAS intermodal traffic incented by the Port also adds to Tacoma Rail’s revenue base, and

WHEREAS, by adoption of Public Utility Board Resolution No. U-11216 on October 28, 2020, the proposed amendments were approved, pending confirmation from the City Council; Now, Therefore,

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

That the request of the Department of Public Utilities, Beltline Division (d.b.a. “Tacoma Rail”), to enter into amendments to the South Intermodal Yard Lease Agreement and the Operating Agreement with the Port of Tacoma, to allow
for the option of a lower lease payment in exchange for extending the Operating
Agreement, is hereby approved, and the proper officers of the City are authorized
to execute and implement said documents in substantially the form of the proposed
amendments on file in the office of the City Clerk.

Adopted __________________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-11216
RESOLUTION NO. 40685

BY REQUEST OF MAYOR WOODARDS AND DEPUTY MAYOR BLOCKER,
AND COUNCIL MEMBERS BEALE AND WALKER

A RESOLUTION relating to policing and equity in enforcement; directing the City Manager to take certain actions related to the Tacoma Police Department’s current assessment, and the collection and reporting of data, including traffic enforcement and the origins of calls that result in use of force, in support of transformation efforts to address racial disparities in policing and eliminate racially disparate outcomes, by the end of first quarter 2021.

WHEREAS the City Council, pursuant to Resolution No. 40622, affirmed the City Council’s dedication and commitment to comprehensive and sustained transformation of all institutions, systems, policies, practices, and contracts impacted by systemic racism, with initial priority being given to policing in the City of Tacoma, and

WHEREAS the Tacoma Police Department (“TPD”) data and national studies, such as those by the Center for Policing Equity, show disparities in policing by race, including use of force, particularly for Black community members, and

WHEREAS in furtherance of Resolution No. 40622, while seeking to better understand when and how these disparities originate, the City Council finds it is reasonable and necessary to take action to reduce the potential number of police engagements which might result in inequitable outcomes while continuing to uphold public safety, and

WHEREAS the Community’s Police Advisory Committee is a long-standing public body that periodically reviews use of force and other data to identify trends and provide recommendations on TPD Policy, and
WHEREAS, according to the Bureau of Justice Statistics, being a driver in a traffic stop is nationally the most common interaction that the public has with police, and

WHEREAS traffic stops can result in additional investigation and/or a search, and

WHEREAS in a study of over 100 million traffic stops published May of 2020 in peer-reviewed journal “Nature Human Behaviour,” the authors found that Black drivers were 20 percent more likely to be stopped than White drivers relative to their share of the residential population, and that Black drivers were searched about 1.5 to 2 times as often as White drivers in the United States, and

WHEREAS the authors of this national study concluded that “police stops and search decisions suffer from persistent racial bias and point to the value of policy interventions to mitigate these disparities,” and

WHEREAS ongoing, strategic work related to data collection and review that promote overall understanding of the origin and prevention of existing disparities will be a part of the anti-racist systems transformation work, and

WHEREAS Resolution No. 40622 calls for comprehensive, community-led, anti-racist systems transformation with first priority placed on policing, yet, simultaneously, there are interim policy changes and process improvements which can be implemented immediately to prevent or reduce inequitable outcomes in community services; Now, Therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the City Manager is directed to further study and implement collection and reporting of data that allows the City to effectively identify and address racial disparities in policing, including broader categories such as traffic stops and public calls for service, by the end of first quarter 2021.

Section 2. That the City Manager is directed to ensure that the Tacoma Police Department’s current state assessment that is currently underway will provide initial recommendations on data analysis, including the disaggregation of data by race, in addition to a number of areas critical for advancing equity, including use of force policy, investigation, transparency and accountability.
Section 3. That once data standards are developed, the City Manager be
directed to, in collaboration with the Tacoma Police Chief, report on a quarterly
basis to the Community’s Police Advisory Committee (“CPAC”) on all data and
statistics identified as most relevant to forwarding equity in policing; and CPAC will
review such data, look for trends, and provide recommendations on future policy
changes to eliminate racially disparate outcomes.

Adopted ____________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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Chief Deputy City Attorney
ORDINANCE NO. 28686

AN ORDINANCE related to the vacation of City right-of-way; vacating a portion of South 4th Street, lying between Broadway and Court C, to facilitate development of an affordable family housing project; and adopting the Hearing Examiner’s Findings, Conclusions, and Recommendations related thereto.

WHEREAS all steps and proceedings required by law and by resolution of the City Council to vacate the portion of the right-of-way hereinafter described have been duly taken and performed; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner’s Findings, Conclusions, and Recommendations as contained in the Hearing Examiner’s Report and Recommendation to the City Council bearing File No. 124.1399 and dated July 28, 2020, which Report is on file in the office of the City Clerk.
Section 2. That the portion of South 4th Street, lying between Broadway and Court C, legally described as follows:

A 3.00 FOOT STRIP OF LAND WITHIN THE RIGHT-OF-WAY FOR SOUTH 4TH STREET, BETWEEN BROADWAY AND COURT C, BEING ADJACENT TO AND NORTHWesterLY OF THE NORTHERLY LINE OF LOT 1, BLOCK 406, MAP OF NEW TACOMA, WASHINGTON TERRITORY, ACCORDING TO PLAT FILED FOR RECORD FEBRUARY 3, 1875 IN THE OFFICE OF THE COUNTY AUDITOR;

SAID STRIP BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 21 NORTH, RANGE 03 EAST, WILLAMETTE MERIDIAN, IN TACOMA, PIERCE COUNTY, WASHINGTON;

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, as a part thereof, and all right or title of the City in and to the portion of the right-of-way so vacated does
hereby vest in the owners of the property abutting thereon, all in the manner
provided by law.

Passed _______________________

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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 South 4th Street, lying between Broadway and Court C.
Petitioner: YWCA Home at Last LLC
Vacation Req. No. 124.1399

Req. #20-0489
ORDINANCE NO. 28697

AN ORDINANCE relating to zoning; changing the zoning classification of approximately 28.4 acres of real property by adding a Planned Residential Development ("PRD") Overlay District onto the existing "R-2" Single-Family Dwelling District to enable a PRD of 73 single-family residences concentrated on the southeasterly portion of the site located in the South End neighborhood of Tacoma at 7432 East "D" Street.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner’s Findings, Conclusions, and Recommendations contained in the Hearing Examiner’s Report dated September 30, 2020, bearing File No. LU19-0100, which Report is on file in the office of the City Clerk.

Section 2. That the approximately 28.4 acres of real property located in the South End neighborhood of Tacoma, currently addressed as 7432 East “D” Street, shall be hereafter included in the Overlay Districts governed by Tacoma Municipal Code 13.06.070.C:

Req. #20-0707
THAT PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 3 EAST OF THE W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28;

THENCE SOUTH 00°00'00" WEST ALONG THE WEST LINE OF SAID SUBDIVISION A DISTANCE OF 251.38 FEET, TO THE SOUTHWEST CORNER OF THE NORTH 7.5 ACRES OF SAID WEST HALF OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°38'06" EAST PARALLEL WITH THE NORTH LINE OF SAID SUBDIVISION AND ALONG THE SOUTH LINE OF SAID NORTH 7.5 ACRES, A DISTANCE OF 338.78 FEET TO THE NORTHWEST CORNER OF THE EAST 960.65 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 28 AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89°38'06" EAST ON SAID PARALLEL LINE AND THE SOUTH LINE OF SAID NORTH 7.5 ACRES A DISTANCE OF 197.53 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE METROPOLITAN PARK DISTRICT OF TACOMA BY DEED RECORDED OCTOBER 13, 1994, UNDER AUDITOR'S NO. 9410130147;

THENCE SOUTH 00°01'53" EAST ALONG THE WEST LINE OF SAID PARK DISTRICT PREMISES AND PARALLEL WITH THE WEST LINE OF THE EAST 960.95 FEET OF SAID WEST HALF OF THE SOUTHEAST QUARTER, A DISTANCE OF 1166.18 FEET TO THE SOUTHWEST
CORNER OF SAID PARK DISTRICT PREMISES, BEING
ALSO THE SOUTH LINE OF A TRACT OF LAND
CONVEYED TO THE TACOMA SCHOOL DISTRICT NO. 10
BY DEED RECORDED JUNE 29, 1967, UNDER AUDITOR'S
NO. 2195583;

THENCE SOUTH 89°38'06" EAST A DISTANCE OF 742.76
FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF
EAST "D" STREET AS CONVEYED TO THE CITY OF
TACOMA BY QUIT CLAIM DEED RECORDED MARCH 10,
1970, UNDER AUDITOR'S NO. 2335861;

THENCE SOUTHERLY ALONG THE WEST LINE OF SAID
CITY OF TACOMA TRACT 1220 FEET, MORE OR LESS, TO
A POINT 30 FEET NORTH OF THE SOUTH LINE OF SAID
WEST HALF OF THE SOUTHEAST QUARTER, BEING THE
NORTH LINE OF THE FIRST DESCRIBED PARCEL IN SAID
QUIT CLAIM DEED IN FAVOR OF THE CITY OF TACOMA;
THENCE WEST ALONG SAID NORTH LINE A DISTANCE
OF 920 FEET, MORE OR LESS, TO THE WEST LINE OF
THAT CERTAIN TRACT OF LAND AWARDED TO THE
TACOMA SCHOOL DISTRICT NO. 10, DESCRIBED AS
PARCEL NO. 1 IN DECREES OF APPROPRIATION
ENTERED NOVEMBER 24, 1964 IN PIERCE COUNTY
SUPERIOR COURT CAUSE NO. 157307 (SAID DECREES AS
TO PARCEL NO. 1, ALSO RECORDED UNDER AUDITOR'S
NO. 2054427);

THENCE NORTH ALONG THE WEST LINES OF SAID
PARCEL NO. 1, THAT STREET CONVEYED TO THE
TACOMA SCHOOL DISTRICT NO. 10, RECORDED MAY 14,
1963, UNDER AUDITOR'S NO. 2009232, PARCEL 3 OF
SAID DEGREE, WHICH WAS RECORDED UNDER

Req. #20-0707 - 3 -
AUDITOR'S NO. 2054429, AND PARCEL 4 OF SAID DECREE, WHICH WAS RECORDED UNDER AUDITOR'S NO. 2079599, TO THE NORTHWEST CORNER OF SAID PARCEL 4, A DISTANCE OF 1050 FEET, MORE OR LESS;

THENCE CONTINUING NORTH ON A LINE PARALLEL WITH AND 960.95 FEET WEST OF THE EAST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 1320 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

EXCEPT ANY PORTION LYING NORTH OF THE FOLLOWING DESCRIBED LINE:


SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.
Section 3. That the above-described property shall hereafter be

Passed __________________________

Attest: __________________________

Mayor

City Clerk

Approved as to form: Property description approved:

Deputy City Attorney Chief Surveyor

Public Works Department

Location: Approximately 28.4 acres of real property located in the
South End neighborhood of Tacoma currently addressed as
7432 East “D” Street.

Petitioner: Green Harbor Communities, Inc.

Request No.: LU19-0100

Req. #20-0707 -5-