Legislation Passed February 16, 2021

The Tacoma City Council, at its regular City Council meeting of February 16, 2021, 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. 40748**
A resolution appointing, reappointing, and ratifying individuals and all actions and decisions made by the Citizen Commission on Elected Salaries, for the years 2017 through 2020.
[Gary Buchanan, Director, Human Resources; Bill Fosbre, City Attorney]

**Resolution No. 40749**
A resolution authorizing the execution of an agreement with the City of Ruston, to provide wastewater treatment and disposal services, for an initial period of 20 years, with three automatic renewal periods of ten years, for a total period of 50 years, and replacing and superseding all prior agreements.
[Daniel C. Thompson, Ph.D., Business Operations Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

**Resolution No. 40750**
A resolution declaring surplus and authorizing the sale of approximately 43 acres of Tacoma Water property, located in the Puyallup vicinity of unincorporated Pierce County, to the Puyallup School District No. 3, for the amount of $2,025,000.
[Greg Muller, Real Estate Officer; Scott Dewhirst, Water Superintendent]

**Resolution No. 40751**
A resolution authorizing the one-time use of $6,000, budgeted from the Council Contingency Fund, as the City’s contribution towards a Joint Municipal Action Committee sponsored Request for Proposal to provide consulting services to better align the work of participating organizations.
[Council Member Walker]

**Ordinance No. 28735**
An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement changes to family member definitions when related to the use of paid sick leave and personal time off, retroactive to February 15, 2021.
[Kari L. Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]
RESOLUTION NO. 40748

BY REQUEST OF MAYOR WOODARDS

A RESOLUTION relating to committees, boards, and commissions; appointing, reappointing, and ratifying the appointment of individuals to the Citizen Commission on Elected Salaries; and ratifying all actions and decisions made by the Commission for the years 2017 through 2020.

WHEREAS the Citizen Commission on Elected Salaries ("Commission") must comply with Section 2.3 of the Tacoma City Charter, and

WHEREAS the Commission consists of seven members, appointed as follows: five members, one from each City Council district, selected by lot by the Pierce County Auditor from registered City of Tacoma voters eligible to vote at the time of selection; and two members who are residents of the City of Tacoma, to be appointed by the Mayor and confirmed by the City Council, one with experience in human resource management and the other with experience in the legal profession, and

WHEREAS the Mayor recommends the reappointment of Richard Wilkinson to the Commission, to the position of HR Specialist, for a term to expire September 30, 2022, and

WHEREAS the positions on the Commission need to be confirmed and ratified as appointed and/or reappointed, and further, all actions and decisions made by the Commission for the years 2017 through 2020 must be ratified, and

WHEREAS, by ratifying the members and their terms as set forth on the attached Exhibit "A," the Commission will be current on record, Now, Therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That those nominees to the Citizen Commission on Elected Salaries ("Commission"), listed on Exhibit "A," are hereby confirmed and appointed, reappointed, and ratified as members of such Commission for such terms as are set forth on the attached Exhibit "A."

Section 2. That all actions and decisions made by the Commission for the years 2017 through 2020, are hereby ratified.

Adopted _____________________________

________________________________________
Mayor

Attest:

_______________________________
City Clerk

Approved as to form:

_______________________________
City Attorney
# EXHIBIT “A”

## CITIZEN COMMISSION ON ELECTED SALARIES

### COUNCIL DISTRICT APPOINTMENTS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Commission Position</th>
<th>Term Expiration</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Koenig</td>
<td>Council District No. 3</td>
<td>September 30, 2023</td>
</tr>
<tr>
<td>Amanda Robison</td>
<td>Council District No. 4</td>
<td>September 30, 2023</td>
</tr>
</tbody>
</table>

### RATIFYING THE FOLLOWING APPOINTMENTS AND REAPPOINTMENTS FOR TERMS AND UNEXPIRED TERMS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Commission Position</th>
<th>Term Expiration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Julianna Yust</td>
<td>Council District No. 3</td>
<td>September 30, 2020</td>
</tr>
<tr>
<td>Pandora Schaal</td>
<td>Council District No. 4</td>
<td>September 30, 2020</td>
</tr>
<tr>
<td>Mary Brittany Yaworski</td>
<td>Council District No. 4</td>
<td>September 30, 2020</td>
</tr>
<tr>
<td>Brandon Kindschy</td>
<td>Council District No. 1</td>
<td>September 30, 2022</td>
</tr>
<tr>
<td>Klaus Nalley</td>
<td>Council District No. 2</td>
<td>September 30, 2022</td>
</tr>
<tr>
<td>Richard Wilkinson</td>
<td>HR Specialist - Mayoral</td>
<td>September 30, 2022</td>
</tr>
</tbody>
</table>
RESOLUTION NO. 40749

A RESOLUTION approving a Wastewater Treatment and Disposal Agreement between the City of Tacoma and City of Ruston; replacing and superseding all prior agreements; and establishing an initial term of 20 years, with three automatic renewal terms of ten years, for a total term of 50 years.

WHEREAS the City owns and operates a publicly owned treatment works ("POTW") under authority of RCW 35.21.210, 35.21.215, 35.67.020, and 35.92.020; Article XI, § 11 of the Washington State Constitution; and Section 4.1 of the Tacoma City Charter, which POTW includes the Central Treatment Plant ("CTP"), the North End Treatment Plant ("NETP"), and the sanitary sewer system, and

WHEREAS the City of Ruston ("Ruston") is a non-charter code city which owns and operates a municipal sanitary sewer system that collects and conveys wastewater to the Tacoma POTW under authority of RCW 35A.11.020, 35A.21.150, and 35.67.020; and Article XI, § 11 of the Washington State Constitution, and

WHEREAS, pursuant to RCW 35.67.300, any city or town owning or operating its own sewer system may contract with any other city or town, for the discharge into its sewer system of wastewater from all or any part or parts of such other city or town, upon such terms and conditions and for such periods of time as may be deemed reasonable, and

WHEREAS Tacoma and Ruston entered into a joint use sewer agreement dated April 5, 1966, approved pursuant to Tacoma City Council Resolution No. 18667, providing for the construction and operation by Tacoma of a sanitary sewer interceptor line through Ruston, and establishing the rights, duties, and obligations of Tacoma and Ruston related to the use of the interceptor line and the...
terms and conditions upon which Tacoma would provide wastewater treatment and
disposal services to Ruston, and

   WHEREAS Tacoma and Ruston entered into a construction and extension
agreement dated June 30, 1978, approved pursuant to Tacoma City Council
Resolution No. 25057, providing for construction and dedication to Ruston of a
sewer extension through Ruston to convey wastewater originating from Tacoma
and Ruston to a connection to the Tacoma POTW at the Ruston City limits, and

   WHEREAS Tacoma and Ruston entered into a contract for sewage disposal
commencing January 1, 1979, approved pursuant to Tacoma City Council
Resolution No. 25290, incorporating by reference the above-referenced 1978
construction and extension agreement and certain provisions of the above-
referenced 1966 joint use sewer agreement, and providing for wastewater
treatment and disposal services to Ruston, and

   WHEREAS Tacoma and Ruston entered into an interlocal agreement dated
September 17, 2008, pursuant to which the parties agreed to jointly cooperate and
participate in the Ruston Way Local Improvement District Project, pursuant to
which the parties formed L.I.D. No. 3967, providing for the relocation and
construction of sanitary sewer mains of various diameters, as a joint project of both
jurisdictions, to serve the Point Ruston development within the City of Tacoma and
Ruston, and

   WHEREAS some of the sanitary sewer improvements constructed pursuant
to L.I.D. No. 3967 have been or will be used by Ruston to provide sanitary sewer
service to the Point Ruston properties located within Ruston, and

   -2-
WHEREAS the term of the 1979 agreement has now expired and the City Council has determined that it is in the best interests of the public health, safety, and welfare that the City enter into a new Wastewater Treatment and Disposal Agreement with Ruston, superseding and replacing the prior agreements of the parties and establishing, among other things, the terms and conditions upon which Tacoma will provide wastewater treatment and disposal services to Ruston; 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 Wastewater Treatment and Disposal Agreement between the City of Tacoma and City of Ruston for an initial term of 20 years, with three automatic renewal terms of ten years, for a total term of 50 years, in substantially the form of the document on file in the office of the City Clerk.

Adopted ________________

___________________________
Mayor

Attest:

___________________________
City Clerk

Approved as to form:

___________________________
Chief Deputy City Attorney
RESOLUTION NO. 40750

A RESOLUTION relating to surplus property; declaring certain real property owned by the Department of Public Utilities, Water Division (d.b.a. “Tacoma Water”), consisting of approximately 43 acres of Tacoma Water property located in the Puyallup vicinity of unincorporated Pierce County, Washington, surplus to the needs of the City; and authorizing the negotiated sale and conveyance of said property to the Puyallup School District No. 3 for the amount of $2,025,000.

WHEREAS the City of Tacoma, Department of Public Utilities, Water Division (d.b.a. “Tacoma Water”), owns approximately 43 acres of unimproved real property identified as Pierce County Assessor Tax Parcel Number 0419141088, located at the northwest corner of 134th Avenue East and 144th Street East in the Puyallup vicinity of unincorporated Pierce County, Washington ("Property"), as more fully described in the documents on file in the office of the City Clerk, and

WHEREAS Tacoma Water has determined the Property is no longer essential for continued effective utility service, and

WHEREAS the Puyallup School District No. 3 has offered to purchase the Property for the amount of $2,025,000, an amount based upon a recent appraisal and representing Fair Market Value, which is deemed acceptable by Tacoma Water and the Department of Public Works, Real Property Services Division, and

WHEREAS the Department of Public Works proceeded with the negotiated disposition process pursuant to Tacoma Municipal Code (“TMC”) 1.06.280.F, and

WHEREAS, on January 13, 2021, by adoption of Public Utility Board Resolution No. U-11222, the Property was declared surplus to Tacoma Water’s needs and approved for sale, pending confirmation from the City Council, and
WHEREAS, on February 9, 2021, pursuant to RCW 35.94.040 and
TMC 1.06.280, the City Council conducted a public hearing on the proposed sale
of said Property, and

WHEREAS, there being no foreseeable need for continued City ownership
of the Property, the sale of said Property appears to be in the best interests of the
City, pending final approval from the City Council; Now, Therefore,

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

Section 1. That the City Council does hereby find and concur with the
Tacoma Utility Board’s determination and declaration, pursuant to Public Utility
Board Resolution No. U-11222, that the approximately 43 acres of surplus property
identified as Pierce County Assessor Tax Parcel Number 0419141088, located at
the northwest corner of 134th Avenue East and 144th Street East in the Puyallup
vicinity of unincorporated Pierce County, Washington, owned by the City of
Tacoma, through its Department of Public Utilities, Water Division, is surplus to the
needs of Tacoma Water and Tacoma Public Utilities.

Section 2. That, consistent with RCW 35.94.040, RCW 35.22.020, and
Article I, Section 1.2 and Article IX, Section 9.1 of the City Charter, the City Council
does hereby find and determine that the Property is not required for, and is not
essential to, continued public utility service or continued effective utility service
and, pursuant to applicable law, is properly declared surplus property and excess
to the needs of Tacoma Water, Tacoma Public Utilities, and the City.

Section 3. That the request of Tacoma Water, to sell the Property to the
Puyallup School District No. 3 for the amount of $2,025,000, is hereby approved.
Section 4. That the proper officers of the City are hereby authorized to execute all necessary documents to convey the Property to the Puyallup School District No. 3 for the amount of $2,025,000, said documents to be substantially in the form of those on file in the office of the City Clerk.

Adopted ______________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Chief Deputy City Attorney

Requested by Public Utility Board Resolution No. U-11222
RESOLUTION NO. 40751

BY REQUEST OF MAYOR WOODARDS, DEPUTY MAYOR BLOCKER, AND COUNCIL MEMBER WALKER

A RESOLUTION authorizing the one-time use of funds in the amount of $6,000, budgeted from the Council Contingency Fund, as the City’s contribution towards a Joint Municipal Action Committee sponsored Request for Proposal to provide consulting services to that committee to better align the work of the participating organizations.

WHEREAS policymakers from the Joint Municipal Action Committee (“JMAC”) have discussed the problem of systematic racism being present in governmental systems, and desire to reimagine what a more equitable and anti-racist community looks like, and

WHEREAS, in furtherance of this goal, JMAC desires to issue a Request for Proposal (“RFP) for consultant services to better align the work of its participating organizations, and

WHEREAS the goals for this project are to: (1) solicit outside expertise to facilitate discussions on how to use the COVID-19 pandemic as a catalyst to identify and prioritize collaborative opportunities; (2) develop “common language” and expectations between policymakers and staff to enable JMAC to work more effectively and efficiently; and (3) develop a process that illustrates how multiple public jurisdictions can better serve the same residents by better integrating projects and initiatives for greater collective impact and increased sustainability, and

WHEREAS the City’s Heal the Heart of Tacoma will be used as a guide to leverage and apply the best collective impact approach to the project, and
WHEREAS the work is anticipated to run from January 25, 2021, through June 30, 2021, and deliverables will include the following:

- Development of a new governance doctrine that defines roles and responsibilities, establishes a model for governing, and clarifies the relationship between JMAC and Tacoma area public agencies.

- Development and implementation of a pilot project that bolsters the collective JMAC capacity, aligns existing resources, and demonstrates an equitable approach.

- An asset map of community reform efforts and COVID-19 opportunities and constraints.

- The convening of an event among regional leaders to consolidate knowledge from the assessment and take stock of what it reveals, and

WHEREAS, at the February 9, 2021, Study Session, a Council Consideration Request was shared to authorize the one-time use of $6,000 from the Council Contingency Fund as the City’s contribution towards a JMAC-sponsored RFP to provide consulting services to better align the work of JMAC participating organizations, and

WHEREAS the total cost of the RFP, $30,000, will be shared among its participating organizations, which include the City of Tacoma, Pierce County, Metro Parks, Tacoma Public Schools, and the Port of Tacoma, and

WHEREAS RCW 35.33.145 and 35.34.250 authorize a withdrawal from the Council Contingency Fund for any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the budget, and

WHEREAS the need for consultant services for JMAC could not have been foreseen or reasonably evaluated at the time the City adopted its biennial budget, and
WHEREAS Ordinance No. 22569 requires an affirmative vote of not less than six members of the Council in order to withdraw moneys from this fund; Now, Therefore,

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

Section 1. That one-time funding in the amount of $6,000, budgeted from the Council Contingency Fund, is hereby approved as the City’s contribution towards a Joint Municipal Action Committee (“JMAC”) sponsored Request for Proposal to provide consulting services to better align the work of its participating organizations, for the period of January 25, 2021, through June 30, 2021.

Section 2. That the proper officers of the City are hereby authorized to confirm deliverables with JMAC for the purposes hereinabove enumerated, and document as appropriate.

Adopted ________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
ORDINANCE NO. 28735

AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of the Tacoma Municipal Code by amending Sections 1.12.230, 1.12.232, and 1.12.248 thereof to implement changes to family member definitions when related to the use of paid sick leave and personal time off, to become effective retroactive to February 15, 2021.

WHEREAS Washington State’s Paid Family Medical Leave (“PFML”) program includes a child’s spouse in the definition of qualified family members, and

WHEREAS the City’s Family and Medical Leave Act and Mandatory Paid Sick Leave policies, and applicable sick leave and personal time off Code provisions need to be updated in order to be consistent with the PFML, and

WHEREAS the proposed amendments to Chapter 1.12 of the Tacoma Municipal Code will become effective retroactive to February 15, 2021; Now,

Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.230 of the Tacoma Municipal Code (“TMC”) is hereby amended, effective retroactive to February 15, 2021, to read as follows:

1.12.230 Sick allowance with pay.

* * *

j. Sick leave may be used to allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care. For purposes of this section, “family member” means any of the following:

(1) A child, including a biological, adopted, or foster child, a stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(2) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis to an employee when the employee was a minor child.

(3) A spouse.

(4) A registered domestic partner.
Section 2. That Section 1.12.232 of the TMC is hereby amended, effective retroactive to February 15, 2021, to read as follows:


2. Use of Paid Sick Leave.

   d. Sick leave may be used to allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care. For purposes of this section, “family member” means any of the following:

   (1) A child, including a biological, adopted, or foster child, a stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

   (2) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis to an employee when the employee was a minor child.

   (3) A spouse.

   (4) A registered domestic partner.

   (5) A grandparent.

   (6) A grandchild.

   (7) A sibling.

   (8) A daughter-in-law or son-in-law.

Section 3. That Section 1.12.248 of the TMC is hereby amended, effective retroactive to February 15, 2021, to read as follows:

1.12.248 Personal Time Off plan.

B. Permissible use of PTO accruals.
4. An employee is allowed to use any or all of the employee’s choice of paid sick leave or PTO to allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; or to care for a family member who needs preventive medical care. For purposes of this section, “family member” means any of the following:

(1) A child, including a biological, adopted, or foster child, a stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(2) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis to an employee when the employee was a minor child.

(3) A spouse.

(4) A registered domestic partner.

(5) A grandparent.

(6) A grandchild.

(7) A sibling.

(8) A daughter-in-law or son-in-law.

Section 4. That the effective date for Sections 1, 2, and 3 is retroactive to February 15, 2021.

Passed ________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney