



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

1 BY REQUEST OF MAYOR WOODARDS

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

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

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

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

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

21 WHEREAS, by ratifying the members and their terms as set forth on the
22 attached Exhibit "A," the Commission will be current on record, Now, Therefore,

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

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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"

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CITIZEN COMMISSION ON ELECTED SALARIES

COUNCIL DISTRICT APPOINTMENTS:

Name	Commission Position	Term Expiration
David Koenig	Council District No. 3	September 30, 2023
Amanda Robison	Council District No. 4	September 30, 2023

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

Name	Commission Position	Term Expiration
Julianna Yust	Council District No. 3	September 30, 2020
Pandora Schaal	Council District No. 4	September 30, 2020
Mary Brittany Yaworski	Council District No. 4	September 30, 2020
Brandon Kindschy	Council District No. 1	September 30, 2022
Klaus Nalley	Council District No. 2	September 30, 2022
Richard Wilkinson	HR Specialist - Mayoral	September 30, 2022



RESOLUTION NO. 40749

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

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

10 WHEREAS the City of Ruston ("Ruston") is a non-charter code city which
11 owns and operates a municipal sanitary sewer system that collects and conveys
12 wastewater to the Tacoma POTW under authority of RCW 35A.11.020,
13 35A.21.150, and 35.67.020; and Article XI, § 11 of the Washington State
14 Constitution, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 Section 1. That the City Council does hereby find and concur with the
9 Tacoma Utility Board's determination and declaration, pursuant to Public Utility
10 Board Resolution No. U-11222, that the approximately 43 acres of surplus property
11 identified as Pierce County Assessor Tax Parcel Number 0419141088, located at
12 the northwest corner of 134th Avenue East and 144th Street East in the Puyallup
13 vicinity of unincorporated Pierce County, Washington, owned by the City of
14 Tacoma, through its Department of Public Utilities, Water Division, is surplus to the
15 needs of Tacoma Water and Tacoma Public Utilities.
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18 Section 2. That, consistent with RCW 35.94.040, RCW 35.22.020, and
19 Article I, Section 1.2 and Article IX, Section 9.1 of the City Charter, the City Council
20 does hereby find and determine that the Property is not required for, and is not
21 essential to, continued public utility service or continued effective utility service
22 and, pursuant to applicable law, is properly declared surplus property and excess
23 to the needs of Tacoma Water, Tacoma Public Utilities, and the City.
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25 Section 3. That the request of Tacoma Water, to sell the Property to the
26 Puyallup School District No. 3 for the amount of \$2,025,000, is hereby approved.



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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

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

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

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

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

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

22 WHEREAS the City's Heal the Heart of Tacoma will be used as a guide to
23 leverage and apply the best collective impact approach to the project, and
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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



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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

1 AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of
 2 the Tacoma Municipal Code by amending Sections 1.12.230, 1.12.232,
 3 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.

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

6 WHEREAS the City’s Family and Medical Leave Act and Mandatory Paid
 7 Sick Leave policies, and applicable sick leave and personal time off Code
 8 provisions need to be updated in order to be consistent with the PFML, and
 9

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

12 Therefore,

13 BE IT ORDAINED BY THE CITY OF TACOMA:

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

16 **1.12.230 Sick allowance with pay.**

17 * * *

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

22 (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.

23 (2) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee
 24 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.

25 (3) A spouse.

26 (4) A registered domestic partner.



1 (5) A grandparent.

2 (6) A grandchild.

3 (7) A sibling.

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

5 * * *

6 Section 2. That Section 1.12.232 of the TMC is hereby amended, effective
7 retroactive to February 15, 2021, to read as follows:

8 **1.12.232 Sick allowance with pay – LEOFF I Police and Fire personnel.**

9 * * *

10 2. Use of Paid Sick Leave.

11 * * *

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

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

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

21 (3) A spouse.

22 (4) A registered domestic partner.

23 (5) A grandparent.

24 (6) A grandchild.

25 (7) A sibling.

26 (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.

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B. Permissible use of PTO accruals.

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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