



## Legislation Passed May 18, 2021

The Tacoma City Council, at its regular City Council meeting of May 18, 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.

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### **Resolution No. 40784**

A resolution authorizing the execution of an Interlocal Agreement with the Puget Sound Clean Water Alliance, in the amount of \$68,000 for the first year and \$25,000 annually, budgeted from the Wastewater Fund, to create an alliance to jointly address water quality issues in the Puget Sound, through December 31, 2025, with the option to renew for an additional five-year term.

[Daniel C. Thompson, Ph.D., Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

### **Resolution No. 40785**

A resolution authorizing the execution of a grant agreement and any associated term extensions with the Washington State Department of Commerce, in the amount of \$597,558.77; and accepting and depositing said sum into the Capital Fund, and matching funds of \$119,511.75 budgeted from the Power Fund, for a projected total of \$717,070.52, to install public electric vehicle charging infrastructure in eight downtown City facilities by May 25, 2024.

[James G. Parvey, P.E., Environmental Policy and Sustainability Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

### **Resolution No. 40786**

A resolution authorizing the execution of a Collective Bargaining Agreement with the Tacoma Firefighters Union, Local 31, consisting of 422 budgeted full-time equivalent positions, retroactive to January 1, 2021, through December 31, 2022.

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

### **Ordinance No. 28698**

An ordinance vacating a portion of the undeveloped north side of South 62nd Street right-of-way, to be incorporated into the adjacent residential parcel to cure an encroachment by a part of the existing residence.

(Lee Pate; File No. 124.1415)

[Jeff H. Capell, Hearing Examiner]

**Ordinance No. 28759**

An ordinance approving an extension of the Tideflats Interim Regulations, as originally approved by Amended Ordinance No. 28470 and extended by Ordinance Nos. 28542, 28583, 28619, and 28671, and Amended Ordinance No. 28696, for up to six months, and referring proposed permanent regulations to the Infrastructure, Planning, and Sustainability Committee for review and recommendation to the full City Council no later than August 31, 2021.

[Stephen Atkinson, Principal Planner; Peter Huffman, Director, Planning and Development Services]



## RESOLUTION NO. 40784

1 A RESOLUTION relating to water quality; authorizing the execution of the Puget  
2 Sound Clean Water Alliance Interlocal Agreement, in the amount of \$68,000  
3 for the first year and \$25,000 annually thereafter, budgeted from the  
4 Wastewater Fund, through December 31, 2025, with the option to renew for  
5 an additional five-year term, for the purpose of creating an alliance to jointly  
6 address water quality issues in the Puget Sound.

7 WHEREAS the Puget Sound Clean Water Alliance ("Alliance"), which  
8 includes the cities of Tacoma and Everett as originating members, is engaged in  
9 various projects and action items to promote a healthy Puget Sound ecosystem,  
10 and

11 WHEREAS Alliance members have a mutual interest in addressing  
12 present and future Puget Sound water quality issues through a collaborative  
13 approach that will identify, coordinate and fund mutually beneficial projects,  
14 activities and scientific investigation that assess the health of the Puget Sound  
15 ecosystem and the impacts of various factors on water quality, and

16 WHEREAS an administrative, cost-sharing mechanism is needed to identify  
17 mutually beneficial tasks and equitably and predictably spread the expenses of  
18 tasks among Alliance members, and

19 WHEREAS the proposed Interlocal Agreement ("Agreement") provides for  
20 the following: (1) establishing a joint Oversight Board ("Board") for the purpose of  
21 identifying and approving mutually beneficial tasks and related agreements and  
22 carrying out the objectives of the Agreement; (2) designating the City of Tacoma  
23 as treasurer of funds deposited with the Board by the Alliance members and  
24 others; (3) authorizing the City of Tacoma to coordinate, advertise, and host  
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meetings of the Board as necessary to carry out business of the Board;

1 (4) authorizing the City of Tacoma, by and through its Environmental Services  
2 Department, to procure, manage and administer contracts approved by the Board  
3 to carry out approved tasks; and (5) providing for the eventual dissolution of the  
4 Board and agreement, and the distribution of any remaining Board funds on  
5 deposit with the City of Tacoma, and  
6

7 WHEREAS the cost for Tacoma's participation in the Alliance is \$68,000  
8 for the first year and \$25,000 annually thereafter, budgeted from the Wastewater  
9 Fund, through December 31, 2025, with the option to renew for an additional  
10 five-year term, and  
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12 WHEREAS all Alliance members are public agencies, as that term is  
13 defined by the Interlocal Cooperation Act, Ch. 39.34 RCW, and have authority to  
14 enter into the Agreement for the above-stated purposes and in furtherance of the  
15 public health, safety, and welfare; Now, Therefore,  
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17 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

18 That the proper officers of the City are hereby authorized to execute the  
19 Puget Sound Clean Water Alliance Interlocal Agreement, in the amount of  
20 \$68,000 for the first year and \$25,000 annually thereafter, budgeted from the  
21 Wastewater Fund, through December 31, 2025, with the option to renew for an  
22 additional five-year term, for the purpose of creating an alliance to jointly address  
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1 water quality issues in the Puget Sound, said document to be substantially in the  
2 form of the interlocal agreement on file in the office of the City Clerk.

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4 Adopted \_\_\_\_\_

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Mayor

7 Attest:

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City Clerk

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11 Approved as to form:

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Chief Deputy City Attorney

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## RESOLUTION NO. 40785

1 A RESOLUTION relating to electric vehicle charging infrastructure; authorizing the  
2 execution of a grant agreement and any associated term extensions with  
3 the Washington State Department of Commerce, and accepting the amount  
4 of \$597,558.77 for deposit into the Capital Fund, for the purpose of installing  
5 public electric vehicle charging infrastructure in eight downtown City  
6 facilities by May 25, 2024.

7 WHEREAS transportation is the number one source of carbon pollution for  
8 both the state and the City, and

9 WHEREAS fossil fuel combustion vehicles pollute our local air and  
10 waterways, and electrifying the City's transportation system is crucial to reaching  
11 the City's climate goals, and

12 WHEREAS City staff reached out to the downtown business and tourism  
13 community in May 2020, which expressed excitement about enhancing the City's  
14 existing parking facilities with charging station amenities for downtown businesses,  
15 visitors, and residents, and

16 WHEREAS the City's Parking Services and Tacoma Venues and Events  
17 were part of the grant development team, and are eager to market City-owned  
18 parking garages and lots as "Electric Vehicle Friendly," and

19 WHEREAS, while downtown residents were not engaged directly, most  
20 multifamily and garage orphan residents in and near downtown are not able to  
21 charge at home, limiting their ability to purchase an electric vehicle, and

22 WHEREAS the eight sites where new electric vehicle charging stations will  
23 be installed are: 728 Market Street, 110 South 10th Street, 923 Commerce Street,  
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1 1125 Commerce Street, 1401 Pacific Avenue, 1801 Dock Street, 1500 Commerce  
2 Street, and 2727 East "D" Street, and

3 WHEREAS the City has applied for and been awarded \$597,558.77 in grant  
4 funding from the Washington State Department of Commerce, and

5 WHEREAS the grant award requires a City match of \$119,511.75, which  
6 was provided by Tacoma Power from budgeted funds in the Electric Vehicle  
7 Charging Station Sub-Fund, and

8 WHEREAS, upon completion and activation of the chargers, usage metrics  
9 will be monitored regularly to evaluate against benchmarks and ensure success  
10 and included in quarterly reports submitted to Washington State Department of  
11 Commerce, and

12 WHEREAS, under the grant process guidelines, the City Council must  
13 approve acceptance of grant funding; Now, Therefore,

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

15 Section 1. That the proper officers of the City are hereby authorized to  
16 accept grant funding from the Washington State Department of Commerce in the  
17 amount of \$597,558.77 for deposit into the Capital Fund, for the purpose of  
18 installing public electric vehicle charging infrastructure in eight downtown City  
19 facilities by May 25, 2024, at the following locations: 728 Market Street, 110 South  
20 10th Street, 923 Commerce Street, 1125 Commerce Street, 1401 Pacific Avenue,  
21 1801 Dock Street, 1500 Commerce Street, and 2727 East "D" Street.  
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23 Section 2. That the proper officers of the City are hereby authorized to  
24 execute a grant agreement and any associated term extensions with the  
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Washington State Department of Commerce for the administration of the funding accepted pursuant to Section 1, said document to be substantially in the form of the proposed grant agreement on file in the office of the City Clerk.

Adopted \_\_\_\_\_

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Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Chief Deputy City Attorney





## RESOLUTION NO. 40786

1 A RESOLUTION related to collective bargaining; authorizing the execution of a  
2 two-year Collective Bargaining Agreement between the City and the  
3 International Tacoma Firefighters Union, Local 31, effective retroactive to  
4 January 1, 2021, through December 31, 2022.

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

7  
8 WHEREAS this resolution allows for the execution of a two-year Collective  
9 Bargaining Agreement (“CBA”) between the City and the International Tacoma  
10 Firefighters Union, Local 31 (“Union”), on behalf of the employees represented by  
11 said Union, and

12 WHEREAS the bargaining unit consists of approximately 422 budgeted,  
13 full-time equivalent (“FTE”) positions, and

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15 WHEREAS the CBA provides that, effective retroactive to January 1,  
16 2021, employees shall receive a wage increase of 1.75 percent; and effective  
17 January 1, 2022, employees shall receive a wage increase based on 100 percent  
18 of the increase in the Consumer Price Index for Urban Wage Earners and  
19 Clerical Workers (CPI-W), Seattle-Tacoma-Bellevue Area, all items, measured  
20 from June 2020 to June 2021, with a minimum increase of 1 percent and a  
21 maximum increase of 3 percent, and

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23 WHEREAS other changes include: (1) an application of rate of 5 percent  
24 for employees assigned to Basic Life Support Transport Units; (2) the addition of  
25 indexing language for the classification of Fire Communications Center  
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1 Lieutenant (CSC 4101), which provides for a wage adjustment of approximately  
2 2.5 percent; (3) a change in the method used to calculate the value of unused  
3 sick leave accruals paid to an employee upon separation; (4) effective January 1,  
4 2022, an increase to the amount paid as an employer match to employee  
5 deferred compensation contributions, up to \$211 per pay period; (5) replacement  
6 of language in Article 4 – Union Membership and Dues, in its entirety to reflect  
7 the legal requirements of the *Janus v. AFSCME Council 31* court case; and  
8 (6) changes to Article 26, regarding Disciplinary Procedures, to provide a  
9 chronology for discipline issues and general investigation procedures, and  
10

11 WHEREAS City Council approval of the CBA is contingent upon Union  
12 membership voting to approve/ratify the CBA, and

13 WHEREAS the CBA will become effective on the date the Union provides  
14 formal notification to the City that the CBA has been approved/ratified by Union  
15 membership, and  
16

17 WHEREAS it appears in the best interests of the City that the CBA  
18 negotiated by said Union and the City be approved; Now, Therefore,

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

20 That, following notification of union approval, the proper officers of the City  
21 are hereby authorized to execute the two-year Collective Bargaining Agreement  
22 between the City and the International Tacoma Firefighters Union, Local 31,  
23 effective retroactive to January 1, 2021, through December 31, 2022, said  
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1 document to be substantially in the form of the agreement on file in the office of  
2 the City Clerk.

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4 Adopted \_\_\_\_\_

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Mayor

7 Attest:

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City Clerk

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11 Approved as to form:

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Deputy City Attorney

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## ORDINANCE NO. 28698

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating a  
4 portion of the undeveloped north side of South 62nd Street right-of-  
5 way, for incorporation into the adjacent residential parcel to cure an  
6 encroachment by a part of the existing residence; and adopting the  
7 Hearing Examiner's Findings, Conclusions, and Recommendations  
8 related thereto.

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

12 BE IT ORDAINED BY THE CITY OF TACOMA:

13 Section 1. That the City Council hereby adopts the Hearing Examiner's  
14 Findings, Conclusions, and Recommendations as contained in the Hearing  
15 Examiner's Report and Recommendation to the City Council bearing File  
16 No. 124.1415 and dated October 7, 2020, which Report is on file in the office  
17 of the City Clerk.  
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Section 2. That the portion of the undeveloped north side of South 62nd Street right-of-way, legally described as follows:

A PORTION OF THE NORTH HALF OF SOUTH 62ND STREET SITUATED BETWEEN SOUTH JUNETT STREET AND SOUTH PINE STREET, BEING WITHIN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 20 NORTH, RANGE 03 EAST, WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT A 5/8" REBAR WITH CAP MARKED 'LS 35980' DESIGNATING THE INTERSECTION OF THE EASTERLY MARGIN OF SOUTH JUNETT STREET AND THE NORTHERLY MARGIN OF SOUTH 62ND STREET AS DEPICTED ON RECORD OF SURVEY RECORDED UNDER RECORDING NUMBER 202006045005, RECORDS OF PIERCE COUNTY AUDITOR, SAID INTERSECTION ALSO BEING THE SOUTHWEST CORNER OF LOT 24, BLOCK 20 OF MAP OF MONTICELLO PARK ADDITON TO THE CITY OF TACOMA, WASHINGTON TERRITORY AS PER PLAT RECORDED IN VOLUME 2 OF PLATS, PAGES 122 AND 123, RECORDS OF THE PIERCE COUNTY AUDITOR;

THENCE ALONG SAID NORTHERLY MARGIN SOUTH 88°27'07" EAST AS DEPICTED ON SAID RECORD OF SURVEY, A DISTANCE OF 51.16 FEET TO ANOTHER 5/8" REBAR WITH CAP MARKED 'LS 35980';

THENCE CONTINUING ALONG SAID NORTHERLY MARGIN SOUTH 88°27'07" EAST A DISTANCE OF 0.80 FEET A POINT WHICH IS 1.40 FEET WEST OF AN EXISTING BUILDING FACE AND THE TRUE POINT OF BEGINNING;

THENCE DEPARTING SAID NORTHERLY MARGIN SOUTH 00°52'31" WEST 2.22 FEET;



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THENCE SOUTH 88°05'05" EAST 12.16 FEET PARALLEL WITH AND 1.3 FEET SOUTH OF AN EXISTING BUILDING FACE;

THENCE NORTH 00°52'32" EAST 2.29 FEET TO A POINT ON SAID NORTHERLY MARGIN BEING 1.40 FEET EAST OF AN EXISTING BUILDING FACE;

THENCE NORTH 88°27'07" WEST ALONG SAID NORTHERLY MARGIN 12.16 FEET TO THE POINT OF BEGINNING;

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF 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



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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:  
  
\_\_\_\_\_  
Deputy City Attorney

Property description approved:  
  
\_\_\_\_\_  
Chief Surveyor  
Public Works Department

Location: A portion of the undeveloped north side of South 62nd Street right-of-way.  
Petitioner: Lee Pate  
Vacation Req. No. 124.1415



## ORDINANCE NO. 28759

1 AN ORDINANCE approving an extension of the Tideflats Interim Regulations,  
2 as originally approved by Amended Ordinance No. 28470 and extended  
3 by Ordinance Nos. 28542, 28583, 28619, and 28671, and Amended  
4 Ordinance No. 28696, for up to six months, and referring proposed  
5 permanent regulations to the Infrastructure, Planning, and Sustainability  
6 Committee for review and recommendation to the full City Council no  
7 later than August 31, 2021.

8 WHEREAS, on May 9, 2017, the City Council adopted Amended  
9 Resolution No. 39723, initiating the subarea planning process for the Tideflats  
10 area, and further, requesting that the Planning Commission consider the need for  
11 interim regulations in the Tideflats area while the subarea planning process is  
12 underway, and

13 WHEREAS the Planning Commission (“Commission”) determined that  
14 interim regulations were warranted, and on October 4, 2017, the Commission  
15 forwarded its recommendation to the City Council for consideration, and

16 WHEREAS, in support of these deliberations, the Commission conducted a  
17 public hearing at which 81 people testified, and reviewed over 200 written  
18 comments, and

19 WHEREAS, following its own public hearing and substantial community  
20 input and deliberation, the City Council, on November 21, 2017, passed  
21 Amended Ordinance No. 28470, which included the following elements:

- 22 • Category 1: Expanded public notification of heavy industrial use permits;
- 23 • Category 2: A temporary prohibition of new non-industrial uses in the Port of  
24 Tacoma Manufacturing and Industrial Center;
- 25 • Category 3: A temporary prohibition of new residential development along  
26 Marine View Drive and NE Tacoma slopes; and





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• Category 4: A temporary prohibition on certain types of new heavy industrial uses, and

WHEREAS, on November 13, 2018, following another public hearing, substantial community input, and City Council deliberation, the City Council passed Ordinance No. 28542, extending the Tideflats Interim Regulations for an additional six-month period, and

WHEREAS, on May 21, 2019, following another public hearing and deliberations, the City Council passed Ordinance No. 28583, extending the Tideflats Interim Regulations for an additional six-month period, and

WHEREAS, on November 12, 2019, following another public hearing and deliberations, the City Council passed Ordinance No. 28619, extending the Tideflats Interim Regulations for an additional six-month period, and

WHEREAS, on May 19, 2020, following another public hearing, substantial community input and deliberation, the City Council passed Ordinance No. 28671, which extended the Tideflats Interim Regulations for another six-month period, and

WHEREAS, on October 20, 2020, following another public hearing, substantial community input and deliberation, the City Council passed Amended Ordinance No. 28696, which extended the Tideflats Interim Regulations for another six-month period, and

WHEREAS Amended Ordinance No. 28696 is set to expire on June 2, 2021, and the Tacoma Municipal Code (“TMC”), consistent with state law, allows the City



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Council to consider reauthorization of the interim regulations every six months subsequent to the initial one-year authorization period, and

WHEREAS Amended Ordinance 28696 also directed the Tacoma Planning Commission to review the Interim Regulations, and recommend non-interim regulations to replace them for consideration by the City Council by April of 2021, and

WHEREAS, the Planning Commission fulfilled the City Council's direction by conducting a thorough review of those issues and uses addressed in the Interim Regulations, and the regulatory options reviewed in the public record, and by seeking substantive input from the Port of Tacoma, the Puyallup Tribe of Indians, and other governments and stakeholders of the Tacoma Tideflats, and

WHEREAS, the Planning Commission further sought and received extensive public comment and reviewed lessons learned from permitting in the time since the regulations were put into effect, and changes to baseline conditions, and

WHEREAS, the Planning Commission timely forwarded proposed Non-Interim Regulations for review and consideration by the City Council, which as result of the Commission's work contained a number significant proposed changes from the rules contained in the Interim Regulations, and

WHEREAS, the City Council has determined that it is necessary to extend the Interim Regulations for an additional period not to exceed six-months



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to allow the City Council to thoroughly study the Commission's  
recommendations and their potential impacts and consequences to activities  
within the Tideflats area and the ongoing subarea planning process, and; Now,

Therefore,

**BE IT ORDAINED BY THE CITY OF TACOMA:**

Section 1. That a six-month extension of the Tideflats Interim  
Regulations, as originally approved by Amended Ordinance No. 28470,  
passed November 21, 2017, extended by Ordinance No. 28542, passed on  
November 13, 2018, extended by Ordinance No. 28583, passed on May 21,  
2019, extended by Ordinance No. 28619, passed November 12, 2019,  
extended by Ordinance No. 28671, passed on May 19, 2020, and extended by  
Amended Ordinance No. 28696, passed on October 20, 2020, is hereby  
approved.

Section 2. That the Non-Interim Regulations recommended by the  
Planning Commission are hereby referred to the City Council's Infrastructure  
Planning and Sustainability Committee for further review with recommendations  
back the full City Council by August 31, 2021.



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Section 3. That the City Council may act to adopt Non-Interim  
Regulations prior to expiration of this extension of the Interim Regulations.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney