



## Legislation Passed February 15, 2022

The Tacoma City Council, at its regular City Council meeting of February 15, 2022, 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. 40915**

A resolution setting Thursday, March 24, 2022, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate the air rights over a portion of South 15th Street, lying between South Court "E" and South Fawcett Avenue, and a westerly portion of South Fawcett Avenue, lying south of South 15th Street, to facilitate building design variability on a residential building project.

(Fawcett Avenue Owner, LLC; File No. 124.1431)

[Troy Stevens, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

### **Resolution No. 40916**

A resolution authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with Broadway I LLC through Broadway V LLC, for the development of 53 multi-family market-rate rental housing units, located at 23 North Broadway, in the Downtown Regional Growth Center.

[Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

### **Resolution No. 40917**

A resolution authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with The Walker Holding I LLC and The Walker Holding II LLC, for the development of 42 multi-family market-rate rental housing units, located at 444 St. Helens Avenue, in the Downtown Regional Growth Center.

[Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

### **Ordinance No. 28803**

An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, by amending Section 1.12.210, entitled "Holidays - Belt Line Railway", to provide for the addition of June 19th "Juneteenth" as a paid holiday for Tacoma Rail employees, beginning in calendar year 2022; and by amending Section 1.12.248, entitled "Personal Time Off plan", regarding criteria for a permissible cash-out of accrued personal time off for represented employees.

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



## RESOLUTION NO. 40915

1 A RESOLUTION relating to the vacation of City right-of-way; setting Thursday,  
2 March 24, 2022, at 9:00 a.m., as the date for a hearing before the City of  
3 Tacoma Hearing Examiner on the petition of Fawcett Avenue Owner, LLC,  
4 to vacate the air rights over a portion of South 15th Street, lying between  
5 South Court "E" and South Fawcett Avenue, and a westerly portion of  
6 South Fawcett Avenue, lying southerly of South 15th Street, to facilitate  
7 building design variability on a residential building project.

8 WHEREAS Fawcett Avenue Owner, LLC, having received the consent of  
9 the owners of more than two-thirds of the properties abutting a portion of  
10 South 15th Street, lying between South Court "E" and South Fawcett Avenue,  
11 and a westerly portion of South Fawcett Avenue, lying southerly of South 15th  
12 Street, to facilitate building design variability on a residential building project,  
13 has petitioned for the vacation of air rights within the following legally described  
14 right-of-way area:

### SOUTH FAWCETT AVENUE AIR SPACE VACATION

15 THE WESTERLY 3.00 FEET OF THE WESTERLY 40.00 FEET  
16 OF SOUTH FAWCETT AVENUE LYING ADJACENT TO LOTS 1  
17 THROUGH 19, INCLUSIVE, BLOCK 1510, MAP OF NEW  
18 TACOMA, WASHINGTON TERRITORY, ACCORDING TO THE  
19 PLAT THEREOF RECORDED FEBRUARY 3, 1875, RECORDS  
20 OF THE PIERCE COUNTY AUDITOR; SITUATE IN THE CITY OF  
21 TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON;  
22 AND LYING BETWEEN THE ELEVATIONS OF 177.00 FEET  
23 AND 272.50 FEET AT THE SOUTHEAST CORNER AND  
24 210.67 FEET AND 272.50 FEET AT THE NORTHEAST CORNER,  
25 CITY OF TACOMA PUBLISHED NGVD 29 VERTICAL DATUM.

26 and

### SOUTH 15TH STREET AIR SPACE VACATION

THE SOUTH 3.00 FEET OF THE SOUTHERLY 40.00 FEET OF  
SOUTH 15TH STREET LYING ADJACENT TO LOT 1,  
BLOCK 1510, MAP OF NEW TACOMA, WASHINGTON



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TERRITORY, ACCORDING TO THE PLAT THEREOF  
RECORDED FEBRUARY 3, 1875, RECORDS OF THE PIERCE  
COUNTY AUDITOR; SITUATE IN THE CITY OF TACOMA,  
COUNTY OF PIERCE, STATE OF WASHINGTON; AND LYING  
BETWEEN THE ELEVATIONS OF 204.00 FEET AND  
272.50 FEET AT THE NORTHEAST CORNER AND 220.50 FEET  
AND 272.50 FEET AT THE NORTHWEST CORNER, CITY OF  
TACOMA PUBLISHED NGVD 29 VERTICAL DATUM;

Now, Therefore,

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

Section 1. That Thursday, March 24, 2022, at 9:00 a.m., is hereby fixed  
as the date and time, and the Council Chambers on the first floor of the  
Tacoma Municipal Building, 747 Market Street, in the City of Tacoma,  
Washington, or alternatively, a call-in option will be provided until the end of the  
COVID-19 emergency, as the place when and where the request of Fawcett  
Avenue Owner, LLC, to vacate the air rights over a portion of South 15th Street,  
lying between South Court "E" and South Fawcett Avenue, and a westerly  
portion of South Fawcett Avenue, lying southerly of South 15th Street, to  
facilitate building design variability on a residential building project, will be  
heard by the Hearing Examiner and his recommendations thereafter  
transmitted to the Council of the City of Tacoma.



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

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Deputy City Attorney

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

Location: Air rights over a portion of South 15th Street, lying between South Court "E" and South Fawcett Avenue, and a westerly portion of Fawcett Avenue, lying southerly of South 15th Street  
Petitioner: Fawcett Avenue Owner, LLC  
File No.: 124.1431



## RESOLUTION NO. 40916

1 A RESOLUTION relating to the multi-family property tax exemption program;  
 2 authorizing the execution of a Multi-Family Housing Eight-Year Limited  
 3 Property Tax Exemption Agreement with Broadway I-V LLC, for the  
 4 development of 53 multi-family market-rate rental housing units to be located  
 5 at 23 North Broadway in the Downtown Regional Growth Center.

6 WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of  
 7 Washington, designated several Residential Target Areas for the allowance of a  
 8 limited property tax exemption for new multi-family residential housing, and

9 WHEREAS the City has, through Ordinance No. 25789, enacted a program  
 10 whereby property owners in Residential Target Areas may qualify for a Final  
 11 Certificate of Tax Exemption which certifies to the Pierce County  
 12 Assessor-Treasurer that the owner is eligible to receive a limited property tax  
 13 exemption, and

14 WHEREAS Broadway I-V LLC, is proposing to develop 53 new market-rate  
 15 rental housing units to consist of:

Number of Units	Type of Unit	Average Size	Expected Rental Rate
Market Rate			
53	One bedroom, one bath	518 Square Feet	\$1,500

16 as well as 32 on-site residential parking stalls, and

17 WHEREAS the Director of Community and Economic Development has  
 18 reviewed the proposed property tax exemption and recommends that a conditional  
 19 property tax exemption be awarded for the property located at 23 North Broadway  
 20 in the Downtown Regional Growth Center, as more particularly described in the  
 21 attached Exhibit "A"; Now, Therefore,  
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

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Section 1. That the City Council does hereby approve and authorize a conditional property tax exemption, for a period of eight years, to Broadway I-V LLC, for the property located at 23 North Broadway in the Downtown Regional Growth Center, as more particularly described in the attached Exhibit "A."

Section 2. That the proper officers of the City are authorized to execute a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with Broadway I-V LLC, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

Legal description approved:

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

\_\_\_\_\_  
Chief Surveyor  
Public Works Department



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

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Tax Parcel: 2030100031

Legal Description:

That portion of the Northwest Quarter of the Southeast Quarter of Section 32, Township 21 North, Range 03 East of the Willamette Meridian, more particularly described as follows:

Lots 8 and 9, Block 3010, Map of New Tacoma, Washington Territory, according to the Plat filed for record February 3, 1875, in the Office of the County Auditor, Pierce County, Washington,

Situate in the City of Tacoma, County of Pierce, State of Washington.



## RESOLUTION NO. 40917

1 A RESOLUTION relating to the multi-family property tax exemption program;  
 2 authorizing the execution of a Multi-Family Housing Eight-Year Limited  
 3 Property Tax Exemption Agreement with The Walker Holding I LLC and The  
 4 Walker Holding II LLC, for the development of 42 multi-family market-rate  
 rental housing units to be located at 444 St. Helens Avenue in the Downtown  
 Regional Growth Center.

5 WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of  
 6 Washington, designated several Residential Target Areas for the allowance of a  
 7 limited property tax exemption for new multi-family residential housing, and

8 WHEREAS the City has, through Ordinance No. 25789, enacted a program  
 9 whereby property owners in Residential Target Areas may qualify for a Final  
 10 Certificate of Tax Exemption which certifies to the Pierce County  
 11 Assessor-Treasurer that the owner is eligible to receive a limited property tax  
 12 exemption, and

13 WHEREAS The Walker Holding I LLC and The Walker Holding II LLC, is  
 14 proposing to develop 42 new market-rate rental housing units to consist of:

Number of Units	Type of Unit	Average Size	Expected Rental Rate
Market Rate			
42	One bedroom, one bath	584 Square Feet	\$1,650

15 as well as 52 on-site residential parking stalls, and

16 WHEREAS the Director of Community and Economic Development has  
 17 reviewed the proposed property tax exemption and recommends that a conditional  
 18 property tax exemption be awarded for the property located at 444 St. Helens  
 19 Avenue in the Downtown Regional Growth Center, as more particularly described in  
 20 the attached Exhibit "A"; Now, Therefore,

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

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Section 1. That the City Council does hereby approve and authorize a conditional property tax exemption, for a period of eight years, to The Walker Holding I LLC and The Walker Holding II LLC, for the property located at 444 St. Helens Avenue in the Downtown Regional Growth Center, as more particularly described in the attached Exhibit "A."

Section 2. That the proper officers of the City are authorized to execute a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with The Walker Holding I LLC and The Walker Holding II LLC, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

Legal description approved:

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

\_\_\_\_\_  
Chief Surveyor  
Public Works Department



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

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Tax Parcel: 2004080083

Legal Description:

That portion of the Southeast Quarter of the Southeast Quarter of Section 32, Township 21 North, Range 03 East of the Willamette Meridian, more particularly described as follows:

Lots 21, 22 and 23, Block 408, Map of New Tacoma, Washington Territory, according to the Plat filed for record February 3, 1875, records of Pierce County Auditor; Together with the Easterly 10 feet of alley at abutting thereon vacated by Ordinance No. 1773 of the City of Tacoma, situate in the City of Tacoma, County of Pierce, State of Washington, formerly described as:

Units 1 through 4, 444 St. Helen's Condominiums, Survey Map and Plans recorded August 19, 1980, under Pierce County recording number 8008190298, and according to the Declarations thereof, recorded under Pierce County recording number 8008190297, and any Amendments thereto.

Situate in the City of Tacoma, County of Pierce, State of Washington.



# ORDINANCE NO. 28803

1 AN ORDINANCE amending Chapter 1.12 of the Tacoma Municipal Code, relating  
 2 to the Compensation Plan, by amending Section 1.12.210, entitled  
 3 "Holidays – Belt Line Railway", to provide for the addition of June 19th  
 4 "Juneteenth" as a paid holiday for Tacoma Rail employees, beginning in  
 5 calendar year 2022, and by amending Section 1.12.248, entitled "Personal  
 6 Time Off plan", regarding criteria for a permissible cash-out of accrued  
 7 personal time off for employees represented by member unions.

BE IT ORDAINED BY THE CITY OF TACOMA:

8 Section 1. That Section 1.12.210 of the Tacoma Municipal Code ("TMC") is  
 9 hereby amended, effective as provided by law, set forth in the attached Exhibit "A."

10 Section 2. That Section 1.12.248 of the TMC is hereby amended, effective  
 11 as provided by law, set forth in the attached Exhibit "B."

12 Section 3. That Sections 1 and 2 are both effective as provided by law.

13 Passed \_\_\_\_\_

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17 Mayor

18 Attest:  
 19 \_\_\_\_\_  
 20 City Clerk

21 Approved as to form:  
 22 \_\_\_\_\_  
 23 Deputy City Attorney

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## EXHIBIT "A"

### 1.12.210 Holidays – Belt Line Railway.

Employees in the classifications of Railway ~~Switch Operator, Railway Switching Supervisor~~Conductor, Locomotive Engineer, ~~Senior Locomotive Mechanic, Locomotive Mechanic, Railway Shop Maintenance Worker, Railway Yard Clerk,~~ Railway Yardmaster, Railway Track Maintenance Worker, Railway Track Maintenance Supervisor, ~~Railway Track Equipment Mechanic-Welder,~~ and Railway Track Maintenance Inspector shall be entitled to holiday provisions as specified in this section.

A. Holidays – Railway ~~Switch Operator, Railway Switching Supervisor~~Conductor, Locomotive Engineer, ~~Senior Locomotive Mechanic, Locomotive Mechanic, Railway Shop Maintenance Worker, Railway Yard Clerk,~~ Railway Yardmaster, Railway Track Maintenance Worker, Railway Track Maintenance Supervisor, ~~Railway Track Equipment Mechanic-Welder,~~ and Railway Track Maintenance Inspector. Employees in the foregoing classifications shall be paid for the following holidays in accordance with the provisions of this section:

New Year's Day (January 1st)

Washington's Birthday (3rd Monday in February)

Memorial Day (last Monday in May)

Juneteenth (June 19th)

Fourth of July (July 4th)

Labor Day (1st Monday in September)

Veterans Day (November 11th)

Thanksgiving Day (4th Thursday in November)

The Day Immediately Following Thanksgiving Day

Christmas Eve Day (December 24th)

Christmas Day (December 25th)

Employees as specified above shall have two paid holidays per calendar year in addition to those above specified and for which time off shall be mandatory, these days to be mutually agreed upon by both employee and employer. To be eligible for these holidays, employees must have been or be scheduled to be continuously employed by the City for more than four months as a regular, probationary or appointive full-time employee during the calendar year of entitlement.

When any of the above-listed holidays falls on Saturday or Sunday, the day observed by Class I railroads in the area shall be considered the holiday. Employees entitled to holiday pay will be paid for such holiday whether or not it falls on an assigned rest day or vacation day of the individual involved.

B. All regularly assigned employees shall be entitled to holiday pay and paid for holidays at the rate of their regular classification except in those instances where they are working in higher or lower positions, either on temporary appointments or by assignment to Extra Board, in which case they shall be paid at the rate appropriate to the appointment in effect at the time of the holiday. If the employee's rate of pay is different on the last day of regular work prior to the holiday and the first day of regular work after the holiday, the lower rate of the two shall apply for holiday pay. If an employee works on the holiday, the class in which **he or she** is working will determine the rate of holiday pay. To qualify, unless it is determined by the Belt Line Superintendent that sufficient employees are otherwise available to perform service and no additional expense will accrue to the Division, a regularly assigned employee must be in a paid status on the regular workdays immediately preceding and following such holiday, and if his or her assignment works on a holiday the employee must fulfill such assignment. A regularly assigned employee who is displaced while on vacation or paid sick leave by reason of quarterly choice of position provisions or seniority provisions of the Railway Labor Agreements will be considered an extra employee until he or she returns or exercises seniority to a regular position.

## EXHIBIT "A"

C. An Extra Board employee, in order to qualify for the prescribed paid holiday, must:

1. Be in a paid status on the regular work days immediately preceding and following the holiday, or
2. Be available for service on the full calendar days immediately preceding and immediately following the holiday and perform service on such holiday.
3. If such employee cannot qualify under (1) or (2) above, then in order to qualify, **he or she** must be available for service on the full calendar days immediately preceding and immediately following the holiday or perform service on any one of such days and be available on the other day or days, and, additionally, must have been in paid status on 11 or more of the 30 calendar days immediately preceding the holiday.

The rate of pay for employees qualifying under Extra Board conditions shall be the pay for the class in which they have their Extra Board appointment. In cases where an employee may have rights to more than one Extra Board class, without being regularly assigned to any class, if the rate of pay for the Extra Board class is different on the last day of regular work prior to the holiday and the first day of regular work after the holiday, the lower rate of the two shall apply for holiday pay. If an employee works on the holiday, the class in which he or she is working will determine the rate of holiday pay.

D. Except when exercising seniority rights from one assignment to another, all time worked on the holidays listed in this paragraph shall be paid for as overtime on a minute basis at one and one-half times the hourly rate.

## EXHIBIT "B"

### 1.12.248 Personal Time Off plan.

\* \* \*

#### 5. Permissible Cash-out of Accrued PTO.

a. A represented employee must have been enrolled in the Personal Time Off (PTO) plan for the entire calendar year (January 1 to December 31) prior to requesting a cash-out payment of PTO pursuant to ~~this~~ sections b., c., and d. Effective January 1, 2022, only represented employees whose collective bargaining agreements permit a PTO cash out but do not expressly provide the PTO cash out process set forth in subsection e. may apply for a PTO cash out pursuant to subsections b., and c., and d. below; nonrepresented employees and employees whose collective bargaining agreements expressly provide may only apply for a PTO cash out pursuant to subsection e. below.

b. A represented employee who uses no more than the equivalent of two work days (regardless of length of scheduled shift) of unplanned PTO in any one calendar year (January 1 to December 31), but who has used less than 80 hours of planned PTO during the same calendar year, may, in January of the following year, submit in writing, on the form provided by and available in the Human Resources Department, a request for a payment equal to 90 percent of the cash value of up to 40 hours of accrued PTO.

c. A represented employee who uses no more than the equivalent of two work days (regardless of length of scheduled shift) of unplanned PTO in any one calendar year (January 1 to December 31) and who uses at least 80 hours of planned PTO during the same calendar year may, in January of the following year, submit in writing, on the form provided by and available in the Human Resources Department, a request for a payment equal to 90 percent of the cash value of up to 80 hours of accrued PTO.

d. For any request submitted pursuant to subsections b. or c. above, the cash value of the PTO shall be based on the rate for the classification in which the employee is working at the time the request is made. The 10 percent balance of the cash value not so paid under subsection b. or c. set forth above shall be paid into the Employee Benefit Trust Fund.

e. A nonrepresented employee, or an employee whose collective bargaining agreement expressly provides, may, no later than January 31 of each year, submit in writing, on the form provided by and available from the Human Resources Department, a commitment to cash out up to 100 hours of available accrued PTO in February of the following year. The cash value of the PTO shall be based on the rate for the classification in which the employee is working at the time the cash out payment occurs.

6. An employee shall be paid for PTO leave at the rate of pay they were~~he or she was~~ receiving the day before the PTO leave is taken.

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