



Legislation Passed May 17, 2022

The Tacoma City Council, at its regular City Council meeting of May 17, 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.

Resolution No. 40971

A resolution setting Tuesday, June 7, 2022, upon completion of Regular Agenda Items, no earlier than 5:15 p.m., as the date for a public hearing by the City Council on the 2022 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code, as recommended by the Planning Commission.

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

Resolution No. 40972

A resolution authorizing the execution of an amendment to the grant agreement with the Washington State Department of Ecology, accepting an additional \$1,399,488 and any associated term extensions, for a cumulative total of \$4,810,488; and accepting and depositing said sum into the Stormwater Fund, to replace a stormwater main and construct a stormwater treatment facility in the vicinity of North 16th and Junett Streets, at the upper end of Buckley Gulch.

[John Burk, P.E., Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 40973

A resolution declaring surplus and authorizing the sale of approximately 2.74 acres of Tacoma Power property, located in the Vader vicinity of unincorporated Cowlitz County, to the BNSF Railway Company, for the amount of \$81,200.

[Greg Muller, Real Estate Officer; Chris Robinson, Power Superintendent]

Resolution No. 40974

A resolution amending the income eligibility for the Emergency Assistance Program to allow more households to qualify for assistance, and the reallocation of funds from the Bill Credit Assistance Plan to the Emergency Assistance Program.

[Francine Artis, Interim Customer Services Manager, Tacoma Public Utilities; Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 40975

A resolution affirming the City's commitment to ensuring all residents have a safe and affordable place to live by joining House America.

[Mayor Woodards]



RESOLUTION NO. 40971

1 A RESOLUTION setting Tuesday, June 7, 2022, upon completion of Regular
2 Agenda Items, no earlier than 5:15 p.m., as the date for a public hearing by
3 the City Council on the 2022 Annual Amendment to the Comprehensive Plan
4 and Land Use Regulatory Code, as recommended by the Planning
5 Commission.

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

10 WHEREAS the Planning Commission is scheduled to forward its
11 recommendations on the 2022 Amendment to the Plan ("Amendment") in May
12 2022, and completing the Amendment process by the end of June would allow
13 the City the flexibility to consider 2023 Amendments next year, while complying
14 with the requirement of the Act, and

15 WHEREAS the Amendment includes four applications: (1) NewCold Land
16 Use Designation Change; (2) South Sound Christian Schools Land Use
17 Designation Changes; (3) Work Plan for South Tacoma Groundwater Protection
18 District Code Amendments; and (4) Minor Plan and Code Amendments, and

19 WHEREAS, pursuant to TMC 13.02, the City Council is required to conduct
20 a public hearing before enacting any amendments to the Land Use Regulatory
21 Code; Now, Therefore,
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Tuesday, June 7, 2022, upon completion of Regular Agenda Items, no earlier than 5:15 p.m., is hereby fixed as the time, and the City Council Chambers on the First Floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, or alternatively, a call in option will be provided, as the place when and where a public hearing shall be held on the Comprehensive Plan and the Land Use Regulatory Code for 2022 as recommended by the Planning Commission.

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

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 40972

1 A RESOLUTION relating to stormwater; authorizing the execution of an amendment
2 to Grant Agreement WQC-2019-TacoES-00130 with the Washington State
3 Department of Ecology, to authorize the acceptance of an additional
4 \$1,399,488 and any associated term extensions, for a cumulative total of
5 \$4,810,488; and accepting the amount of \$1,399,488 for deposit into the
6 ES Stormwater Fund, for the purpose of replacing a stormwater main and
7 the construction of a stormwater treatment facility in the vicinity of North 16th
8 and Junett Streets, at the upper end of the Buckley Gulch.

9 WHEREAS, on April 2, 2019, the City Council adopted Resolution
10 No. 40278, authorizing the execution of Grant Agreement WQC-2019-TacoES-
11 00130 ("Grant Agreement") and any associated term extensions with the
12 Washington State Department of Ecology ("DOE"), for the purpose of replacing a
13 stormwater main and the construction of a stormwater treatment facility in the
14 vicinity of North 16th and Junett Streets, at the upper end of the Buckley Gulch, and

15 WHEREAS the Grant Agreement provided \$3,411,000 in DOE funding
16 based on a pre-design estimate of \$4,548,000, and

17 WHEREAS, after subsequent design, a pre-bid estimate of \$6,641,320.41
18 was developed and the project was advertised, and

19 WHEREAS the awarded bid was \$8,135,684.00, which is \$1,494,363.59,
20 or 22.5 percent higher than the pre-bid estimate, and

21 WHEREAS, based on the price escalation of the project, the Environmental
22 Services Department petitioned the DOE for additional grant funding to help offset
23 the additional cost, and the DOE graciously agreed to increase its contribution by
24 \$1,399,488, for a cumulative total of \$4,810,488 in grant funding for this project,
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WHEREAS, under the grant process guidelines, the City Council must approve acceptance of additional grant funding in the amount of \$1,399,488; Now, Therefore,

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

Section 1. That the proper officers of the City are hereby authorized to accept additional grant funding from the Washington State Department of Ecology in the amount of \$1,399,488, for a cumulative total of \$4,810,488, for deposit into the ES Stormwater Fund, for the purpose of replacing a stormwater main and construction of a stormwater treatment facility in the vicinity of North 16th and Junett Streets, at the upper end of the Buckley Gulch.

Section 2. That the proper officers of the City are hereby authorized to execute an amendment to Grant Agreement WQC-2019-TacoES-00130 and any associated term extensions with the Washington State Department of Ecology for the administration of the funding accepted pursuant to Section 1, said document to be substantially in the form of the proposed amendment on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney



RESOLUTION NO. 40973

1 A RESOLUTION relating to surplus property; declaring certain real property owned
2 by the Department of Public Utilities, Light Division (d.b.a. "Tacoma Power"),
3 consisting of approximately 2.74 acres of unimproved property, located in
4 the Vader vicinity of unincorporated Cowlitz County, Washington, surplus to
the needs of the City; and authorizing the negotiated sale and conveyance
of said property to BNSF Railway Company for the amount of \$81,200.

5 WHEREAS the City of Tacoma, Department of Public Utilities, Light
6 Division (d.b.a. "Tacoma Power"), owns approximately 2.74 acres of unimproved
7 property ("Property") located in a rural location in unincorporated Cowlitz County,
8 Washington, near the town of Vader, identified under Cowlitz County Assessor
9 Tax Parcel No. WK1601006, and
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11 WHEREAS the Property was originally acquired by Tacoma Power in 2013
12 for the amount of \$11,362, utilizing Fish Habitat Funds targeted for fish habitat
13 protection, restoration, and enhancement consistent with the Cowlitz Hydroelectric
14 Project obligations under Federal Energy Regulatory Commission ("FERC")
15 License No. 2016, and
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17 WHEREAS, given its land-locked status and small size, together with its
18 location adjacent to an operating rail line, there is limited opportunity to improve
19 habitat functions and values on the Property, and
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21 WHEREAS Tacoma Power has determined the Property is no longer
22 essential for continued effective utility service, and

23 WHEREAS BNSF Railway Company, which operates the adjacent rail line
24 and would like to acquire the Property for a bridge replacement project across the
25 Cowlitz River, has offered to purchase the Property for \$81,200, which is deemed
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1 to represent fair market value and deemed acceptable by Tacoma Power and the
2 Department of Public Works, Real Property Services Division, and

3 WHEREAS the net sale proceeds will be returned to the Fish Habitat Fund
4 to be reinvested for fish habitat purposes, consistent with the guidelines of the
5 Habitat Advisory Group ("HAG") oversight committee established by the FERC
6 License Settlement Agreement, Article 11, and

7 WHEREAS Real Property Services has worked with Tacoma Power's
8 Natural Resources Division on this request, and the HAG committee has given its
9 approval, and

10 WHEREAS, on April 13, 2022, by adoption of Public Utility Board Resolution
11 No. U-11315, the Property was declared surplus to the needs of Tacoma Power
12 and Tacoma Public Utilities and approved for sale, pending confirmation from the
13 City Council, and

14 WHEREAS, on May 10, 2022, pursuant to RCW 35.94.040 and
15 TMC 1.06.280, the City Council conducted a public hearing on the proposed
16 sale of said Property, and

17 WHEREAS, there being no foreseeable need for continued City ownership
18 of the Property, the sale of said Property appears to be in the best interests of the
19 City; Now, Therefore,

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

21 Section 1. That the City Council does hereby find and concur with the
22 Tacoma Public Utility Board's determination and declaration, pursuant to Public
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Utility Board Resolution No. U-11315, that the approximately 2.74 acres of unimproved property located in a rural location in unincorporated Cowlitz County, Washington, near the town of Vader, identified under Cowlitz County Assessor Tax Parcel No. WK1601006 ("Property"), owned by the City of Tacoma, through its Department of Public Utilities, Light Division (d.b.a. "Tacoma Power"), is surplus to the needs of Tacoma Power 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 Power, Tacoma Public Utilities, and the City.

Section 3. That the request of Tacoma Power, to sell the Property to BNSF Railway Company for the amount of \$81,200, 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 BNSF Railway



1 Company for the amount of \$81,200, said documents to be substantially in the
2 form of those on file in the office of the City Clerk.

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4 Adopted _____

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Mayor

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Attest:

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City Clerk

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Approved as to form:

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Chief Deputy City Attorney

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Requested by Public Utility Board
Resolution No. U-11315

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RESOLUTION NO. 40974

1 A RESOLUTION relating to utility bill payment assistance; amending the
2 income eligibility for the Emergency Assistance Program to allow more
3 households to qualify for assistance, and the reallocation of funds from
4 the Bill Credit Assistance Plan to the Emergency Assistance Program.

5 WHEREAS the City Council and the Public Utility Board (“Board”) have
6 consistently budgeted funds for the Bill Credit Assistance Plan (“BCAP”),
7 through moneys from Tacoma Public Utilities (“TPU”) and Environmental
8 Services (“ES”) funds, and

9 WHEREAS BCAP is available to eligible electricity, drinking water,
10 sanitary sewer, stormwater and solid waste utilities customers, and provides
11 assistance in the form of a utility bill credit up to \$564 annually, and

12 WHEREAS households eligible to receive BCAP assistance previously
13 needed to meet applicable household income guidelines of not more than 150
14 percent of the poverty guidelines established by the U.S. Department of Health
15 and Human Services, and

16 WHEREAS as a result of the impacts of COVID-19 and the state of
17 emergency that has been declared to respond to COVID-19, it was determined
18 that more TPU and ES customers may be in need of utility bill payment
19 assistance than was available through BCAP, and a new Emergency
20 Assistance Program (“EAP”) was created on March 17, 2020, pursuant to
21 Second Amended Resolution No. U-11149 and Resolution No. 40575, with up
22 to one million dollars of the fund used for Power low-income assistance and the
23 fund used for Water Utility operations to be used for the EAP, and
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1 WHEREAS the number of requests for assistance through the EAP that
2 was created on March 17, 2020, demonstrated a need for expansion and
3 additional funding of the Program, and

4 WHEREAS on April 22, 2020, the Board recommended by Resolution
5 No. U-11159, additional funding for the EAP from TPU funds and from
6 Environmental Services Department funds, and

7 WHEREAS on April 28, 2020, the City Council approved by Resolution
8 No. 40596, the establishment of an EAP within the Environmental Services
9 Department sanitary sewer, stormwater and solid waste utilities and approved
10 allocations from rate stabilization reserves and from funds established for low-
11 income assistance to support the Environmental Services portion of the
12 Program and to further increase the overall funding of the Program with funds
13 used for low income assistance and the fund used for Water Utility operations,
14 and
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16 WHEREAS the Director of Utilities and the City Manager were delegated
17 authority to establish criteria for the EAP, except that the income eligibility
18 criteria was set by the Board and the City Council at not more than 200 percent
19 of the poverty guidelines established by the U.S. Department of Health and
20 Human Services, and
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22 WHEREAS in January of 2021, as part of the 2021-2022 budget
23 process, the Public Utility Board and the City Council approved a change of
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1 income levels for BCAP eligibility to 60 percent of the area median income
2 ("AMI"), and

3 WHEREAS the requests for customer assistance through the existing
4 EAP have demonstrated the need to serve additional households beyond those
5 currently eligible for assistance under the Program or under BCAP and have
6 also demonstrated a need for additional funding of the EAP, and
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8 WHEREAS TPU recommends changing the income eligibility criteria for
9 the EAP from not more than 200 percent of the poverty guidelines established
10 by the U.S. Department of Health and Human Services to 80 percent of the
11 AMI, and
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13 WHEREAS TPU requests that the Board recommend the City Council
14 approve the use of funds currently budgeted to BCAP for low-income
15 assistance to the EAP, and that the Council give the City Manager and the
16 Utilities Director authority to determine the appropriate reallocation of existing
17 BCAP funds where such reallocation will result in additional households
18 becoming potentially eligible to be assisted in response to the state of
19 emergency, and
20

21 WHEREAS TPU requests that in addition to amending the income
22 eligibility requirements for funds in the EAP that were contributed by TPU, the
23 Board recommends by Resolution No. U-11319 that the City Council approve a
24 similar amendment to the eligibility requirements for funds in the EAP that were
25 contributed by Environmental Services; Now, therefore,
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That to allow for more households to qualify for assistance in this time of emergency, the City Council hereby concurs and approves the recommendation for changing the income eligibility requirement for Tacoma Public Utility and Environmental Services funds in the Emergency Assistance Program ("EAP") from not more than 200 percent of the poverty guidelines established by the U.S. Department of Health and Human Services to 80 percent of the area median income.

Section 2. That the City Council approves the same change in income eligibility requirements for all funds in the EAP.



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Section 3. That the City Council approves the use of the funds currently budgeted to Bill Credit Assistance Plan (“BCAP”) for low-income assistance for the EAP, and that the Council delegate to the City Manager and the Utilities Director authority to determine the appropriate reallocation of the existing BCAP funds in order for additional households to be potentially eligible for assistance in response to the state of emergency.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 40975

1 BY REQUEST OF MAYOR WOODARDS, AND COUNCIL MEMBERS
2 BLOCKER AND DANIELS

3 A RESOLUTION relating to affordable housing; affirming the City's commitment
4 to ensuring all residents have a safe and affordable place to live by
5 joining House America.

6 WHEREAS affordable housing and supportive housing for our
7 community experiencing homelessness continues to be a priority of the City
8 Council and the City, and there is still a need to develop more affordable
9 housing options that can support individuals experiencing homelessness to find
10 the resources they need to stabilize themselves and find permanent housing
11 stability, and

12 WHEREAS House America is a federal initiative, led by Housing and
13 Urban Development ("HUD") Secretary Marcia L. Fudge; as Secretary of HUD
14 and Chair of the United States Interagency Council on Homelessness
15 ("USICH"), Secretary Fudge invites mayors, county leaders, tribal nation
16 leaders, and governors into a national partnership to use the historic
17 investments provided through the American Rescue Plan ("ARP") to address
18 the crisis of homelessness through a Housing First approach, and

19 WHEREAS through the ARP, communities now have historic resources
20 to help more Americans obtain the safety of a stable home, including 70,000
21 emergency housing vouchers, \$5 billion in HOME grants, \$350 billion in state
22 and local recovery funds through the Department of the Treasury, and
23 significant investments to preserve and protect housing on tribal lands, and
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WHEREAS communities also have resources through the Coronavirus Aid, Relief, and Economic Security Act, the Consolidated Appropriations Act of 2021, and other state, tribal, and local resources to re-house people experiencing homelessness and create additional dedicated housing units to address homelessness; House America provides communities with the focus, resolve, and technical know-how needed to deploy these resources to maximize impact, and

WHEREAS the City will partner with HUD to use ARP resources, alongside other federal, tribal, state, and local resources to re-house households experiencing homelessness through a Housing First approach, and to add new units of affordable housing into the development pipeline by December 31, 2022, and the City will set a goal of 96 units of new, permanent supportive housing in the pipeline by the end of 2022, and

WHEREAS this initiative and the affordable housing goal will be monitored by the City's Community and Economic Development Department; Now, Therefore,



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

That the City Council affirms the City's commitment to ensuring all residents have a safe and affordable place to live by joining House America.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney