Legislation Passed July 26, 2022

The Tacoma City Council, at its regular City Council meeting of July 26, 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. 41005**

A resolution authorizing the execution of an interest-free loan agreement with the Washington State Department of Transportation, in the amount of $606,000, accepting and depositing said sum into the Tacoma Rail Fund, and further authorizing matching funds in the amount of $261,081, to partially fund a railroad track rehabilitation project.

[Alan Matheson, Assistant Rail Superintendent; Dale King, Rail Superintendent]

**Resolution No. 41006**

A resolution authorizing the execution of an amendment to the Tacoma-Lakewood HOME Consortium’s 2021-2022 Annual Action Plan, to incorporate $5,110,825 in funds received through the HOME Investment Partnerships American Rescue Plan Program, to increase housing opportunities and provide services for people experiencing homelessness or who are at risk of homelessness; and further authorizing the execution of two subrecipient agreements with the Tacoma Community Redevelopment Authority and the City of Lakewood.

[Felicia Medlen, Housing Division Manager; Jeff Robinson, Director, Community and Economic Development]

**Ordinance No. 28824**

An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, by amending Section 1.12.110, entitled “Other official expenditures”, to provide additional compensation authorization to the City Manager and/or Director of Utilities to facilitate the successful recruitment and retention of key unrepresented employees; and to sunset on December 31, 2023.

[Kari L. Louie, Assistant Director; Shelby Fritz, Director; Human Resources]
RESOLUTION NO. 41005

A RESOLUTION relating to the Department of Public Utilities, Beltline Division (d.b.a. "Tacoma Rail"); authorizing the execution of an interest-free loan agreement with the Washington State Department of Transportation, in the amount of $606,000; accepting and depositing said sum into the Tacoma Rail Fund; and further authorizing matching funds in the amount of $261,081, to partially fund a railroad track rehabilitation project.

WHEREAS the City of Tacoma, Department of Public Utilities, Beltline Division (d.b.a. "Tacoma Rail") track infrastructure in the Tidelands area is heavily used and in need of periodic upgrades in order to safely enable the switching of railcars destined for, or originating from, the Port of Tacoma and other industrial customers, and

WHEREAS Tacoma Rail was awarded interest-free Loan Agreement RRB-1286 by the Washington State Department of Transportation, in the amount of $606,000, for the purpose of upgrading 770 feet of railroad tracks along the Alexander Wye and Storage Tracks, located in the vicinity of Alexander Avenue and Lincoln Avenue in the Port of Tacoma/Tidelands area, and

WHEREAS the Loan Agreement is for a ten-year term, with annual payments of $60,600 beginning July 1, 2023, and requires Tacoma Rail to contribute $261,081 in matching funds towards the completion of the project, and

WHEREAS, under Article IV, Section 4.11 of the Tacoma City Charter, all matters relating to incurring of indebtedness are initiated by the Board subject to approval by the City Council, and
WHEREAS, by adoption of Public Utility Board Resolution No. U-11333 on July 13, 2022, the proposed Loan Agreement was approved, pending confirmation from the City Council; Now, Therefore,

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

That the request of the Department of Public Utilities, Beltline Division (d.b.a. “Tacoma Rail”), to enter into interest-free Loan Agreement RRB-1286 with the Washington State Department of Transportation, in the amount of $606,000, for deposit into the Tacoma Rail Fund, and further, to authorize matching funds in the amount of $261,081, to partially fund a railroad track rehabilitation project, is hereby approved, and the proper officers are authorized to execute said agreements substantially in a form as approved by the City Attorney.

Adopted ___________________  

____________________________  
Mayor

Attest:

____________________________  
City Clerk

Approved as to form:

____________________________  
Chief Deputy City Attorney

Requested by Public Utility Board Resolution No. U-11333
RESOLUTION NO. 41006

A RESOLUTION relating to affordable housing and supportive services; authorizing the execution of an amendment to the Tacoma-Lakewood HOME Consortium’s 2021-2022 Annual Action Plan, to incorporate $5,110,825 in funds received through the HOME Investment Partnerships American Rescue Plan Program, to increase housing opportunities and provide services for people experiencing homelessness or who are at risk of homelessness; and further authorizing the execution of two subrecipient agreements with the Tacoma Community Redevelopment Authority and the City of Lakewood.

WHEREAS the City and the City of Lakewood participate as a consortium in the HOME Investment Partnership Program ("Consortium"), which allows contiguous local governments to take a regional approach to meeting affordable housing needs when individual formula allocations do not meet the United States Department of Housing and Urban Development ("HUD")'s minimum threshold for funding, and

WHEREAS in September 2021, HUD issued a final notice establishing the requirements for the HOME Investment Partnerships American Rescue Plan ("HOME ARP") program, with supplemental funding to be allocated as a substantial amendment to the Consortium's 2021-2022 Annual Action Plan ("AAP"), and

WHEREAS, as the lead jurisdiction for the Consortium, the City convenes planning and reporting for the cities’ HOME-funded activities and assumes overall responsibility for compliance with the requirements of the program for both cities, and
WHEREAS of the total $5,110,825 assigned to the Consortium, a portion will be dedicated to administration and planning for HOME ARP activities; Lakewood will receive the HUD-recommended amount of 23 percent, and

WHEREAS the Consortium proposes to fund the following amounts using its HOME ARP allocation: 1) Administration, in the amount of $500,000, 2) Supportive Services (Tacoma), in the amount of $555,000, 3) Production of Affordable Rental Housing, in the amount of $3,468,081, and 4) Tenant Based Rental Assistance (Lakewood), in the amount of $587,744, and

WHEREAS on July 26, 2022, the City Council will receive a request to authorize submission of the plan to HUD, and to execute two subrecipient agreements: 1) Between the City and the Tacoma Community Redevelopment Authority (“TCRA”) to support the production of affordable rental housing and supportive services, and 2) Between the City, the TCRA, and the City of Lakewood to support the production of affordable rental housing and tenant based rental assistance, and

WHEREAS beginning on July 8, and ending on July 25, 2022, the public was invited to submit comments in writing or in person at a public hearing before the City Council; notification of this comment opportunity was published in The News Tribune and the Tacoma Daily Index, which summarized the contents of the draft allocation plan and outlined instructions for submitting written or verbal comments; 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 execute an amendment to the Tacoma-Lakewood HOME Consortium’s 2021-2022 Annual Action Plan, to incorporate $5,110,825 in HOME Investment Partnerships American Rescue Plan Program funds, to increase housing opportunities and provide services for people experiencing homelessness or who are at risk of homelessness, as more specifically set forth in the document on file in the office of the City Clerk.

Section 2. That the City Manager, or designee, is hereby directed to negotiate and execute two subrecipient agreements: one subrecipient agreement with the Tacoma Community Redevelopment Authority (“TCRA”), and one subrecipient agreement with the TCRA and the City of Lakewood, outlining the scope of work and deliverables outlined in Section 1.

Adopted ____________________

__________________________________________
Mayor

Attest:

__________________________________________
City Clerk

Approved as to form:

__________________________________________
Deputy City Attorney
ORDINANCE NO. 28824

AN ORDINANCE relating to pay and compensation; amending Section 1.12.110 of the Tacoma Municipal Code, entitled “Other official expenditures,” to provide additional compensation authorization to the City Manager and/or Director of Utilities to facilitate the successful recruitment and retention of key unrepresented employees; and providing for the sunset of the force and effect of this ordinance.

WHEREAS the City of Tacoma, like many employers, is being impacted by a tight labor market and is competing for talent from both a recruitment and retention standpoint, both in its General Government and Tacoma Public Utilities departments, and

WHEREAS the labor market has been influenced by the special circumstances of our current economy and post COVID-19 emergency, and

WHEREAS Subsection 1.12.110.H of the Tacoma Municipal Code (“TMC”), entitled “Other official expenditures,” provides compensation authority to the City Manager and/or Director of Utilities of up to $15,000 per employee, per year, for an annual total of up to $100,000, for the purpose of securing or retaining key qualified personnel possessing specialized technical or professional skills for unrepresented positions, and

WHEREAS a report is provided to the City Council in December of each year, showing the recipients of such compensation and benefits provided, and

WHEREAS Human Resources staff is proposing an amendment to Subsection 1.12.110.H of the TMC to provide additional compensation authorization to the City Manager and/or Director of Utilities through the end of
2023, to facilitate the successful recruitment and retention of key unrepresented employees, and

    WHEREAS the proposed TMC amendment would increase the total authorization of the City Manager and/or Director of Utilities from $100,000 to $200,000 each, to allow for additional compensation, benefits, or both, to secure or retain key qualified personnel possessing specialized technical or professional skills in an unrepresented position, and

    WHEREAS payments are limited to a maximum of $15,000 per employee, per year; provided that payment can lawfully be made from funds appropriated in the current biennial budget of the employing department, and

    WHEREAS the increased maximum allowed amount of $200,000 will be reviewed in the last quarter of 2023 to determine if there is a need to renew this provision; otherwise, the proposed increase will sunset on December 31, 2023;

Now, Therefore,

    BE IT ORDAINED BY THE CITY OF TACOMA:

    Section 1. That Section 1.12.110 of the Tacoma Municipal Code, entitled “Other official expenditures,” is hereby amended as set forth in the attached Exhibit “A.”

    Section 2. That this ordinance shall sunset and no longer be in force or effect at 11:59 p.m. on December 31, 2023.

    Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not
limited to, the correction of scrivener’s/clerical errors, references, ordinance
numbering, section/subsection numbers, and any references thereto.

Passed ____________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
EXHIBIT “A”

CHAPTER 1.12
COMPENSATION PLAN

* * *

1.12.110 Other official expenditures.

* * *

H. Whenever the City Manager, the Director of Utilities, or the Public Utility Board determines that, in order to secure or retain key qualified personnel possessing specialized technical or professional skills for unrepresented positions, it is necessary to offer said individuals additional compensation, benefits, or both, then the City Manager, the Director of Utilities, and the Public Utility Board shall each have discretion to authorize the payment of up to an annual total of $1,200,000 in additional compensation, benefits, or both. Such compensation, benefits, or both under this provision of this paragraph shall be limited to a maximum of $15,000 per employee per year; provided, that payment can lawfully be made from funds appropriated in the current biennial budget of the employing department. In addition, the City Council and Public Utility Board shall each have discretion to authorize the payment of severance benefits associated with an employment agreement in the event of termination without cause, in order to secure or retain the City Manager and Director of Utilities positions up to an amount corresponding to one year of salary. If the Public Utility Board determines that payment of severance benefits should be authorized as part of an agreement to secure or retain the services of the Director of Utilities, then such agreement shall be initiated by the Public Utility Board, subject to approval by the City Council. All agreements authorizing severance benefits shall include, at a minimum, language that prohibits payment of such benefits when the event of termination is the result of gross negligence, intentional acts which are not in the best interests of the City or interfere with the employee’s ability to perform the duties of the position, acceptance of another position while still employed with the City, or conviction of a gross misdemeanor or felony offense. An annual report showing the recipients of all severance, compensation, and benefits granted under this provision shall be submitted to the City Council in the month of December of each year.

* * *