



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

1 A RESOLUTION relating to the Department of Public Utilities, Beltline Division
2 (d.b.a. "Tacoma Rail"); authorizing the execution of an interest-free loan
3 agreement with the Washington State Department of Transportation, in the
4 amount of \$606,000; accepting and depositing said sum into the Tacoma
5 Rail Fund; and further authorizing matching funds in the amount of
6 \$261,081, to partially fund a railroad track rehabilitation project.

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

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

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

20 WHEREAS, under Article IV, Section 4.11 of the Tacoma City Charter, all
21 matters relating to incurring of indebtedness are initiated by the Board subject to
22 approval by the City Council, and

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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

1 A RESOLUTION relating to affordable housing and supportive services; authorizing
2 the execution of an amendment to the Tacoma-Lakewood HOME
3 Consortium's 2021-2022 Annual Action Plan, to incorporate \$5,110,825 in
4 funds received through the HOME Investment Partnerships American
5 Rescue Plan Program, to increase housing opportunities and provide
6 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.

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

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

20 WHEREAS, as the lead jurisdiction for the Consortium, the City convenes
21 planning and reporting for the cities' HOME-funded activities and assumes
22 overall responsibility for compliance with the requirements of the program for
23 both cities, and

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1 WHEREAS of the total \$5,110,825 assigned to the Consortium, a portion will
2 be dedicated to administration and planning for HOME ARP activities; Lakewood
3 will receive the HUD-recommended amount of 23 percent, and
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5 WHEREAS the Consortium proposes to fund the following amounts using
6 its HOME ARP allocation: 1) Administration, in the amount of \$500,000,
7 2) Supportive Services (Tacoma), in the amount of \$555,000, 3) Production of
8 Affordable Rental Housing, in the amount of \$3,468,081, and 4) Tenant Based
9 Rental Assistance (Lakewood), in the amount of \$587,744, and
10

11 WHEREAS on July 26, 2022, the City Council will receive a request to
12 authorize submission of the plan to HUD, and to execute two subrecipient
13 agreements: 1) Between the City and the Tacoma Community Redevelopment
14 Authority (“TCRA”) to support the production of affordable rental housing and
15 supportive services, and 2) Between the City, the TCRA, and the City of
16 Lakewood to support the production of affordable rental housing and tenant
17 based rental assistance, and
18

19 WHEREAS beginning on July 8, and ending on July 25, 2022, the public
20 was invited to submit comments in writing or in person at a public hearing before
21 the City Council; notification of this comment opportunity was published in The
22 News Tribune and the Tacoma Daily Index, which summarized the contents of
23 the draft allocation plan and outlined instructions for submitting written or verbal
24 comments; Now, Therefore,
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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

1 AN ORDINANCE relating to pay and compensation; amending Section 1.12.110
2 of the Tacoma Municipal Code, entitled “Other official expenditures,” to
3 provide additional compensation authorization to the City Manager and/or
4 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.

5 WHEREAS the City of Tacoma, like many employers, is being impacted
6 by a tight labor market and is competing for talent from both a recruitment and
7 retention standpoint, both in its General Government and Tacoma Public Utilities
8 departments, and
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10 WHEREAS the labor market has been influenced by the special
11 circumstances of our current economy and post COVID-19 emergency, and
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13 WHEREAS Subsection 1.12.110.H of the Tacoma Municipal Code (“TMC”),
14 entitled “Other official expenditures,” provides compensation authority to the City
15 Manager and/or Director of Utilities of up to \$15,000 per employee, per year, for
16 an annual total of up to \$100,000, for the purpose of securing or retaining key
17 qualified personnel possessing specialized technical or professional skills for
18 unrepresented positions, and
19

20 WHEREAS a report is provided to the City Council in December of each
21 year, showing the recipients of such compensation and benefits provided, and
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23 WHEREAS Human Resources staff is proposing an amendment to
24 Subsection 1.12.110.H of the TMC to provide additional compensation
25 authorization to the City Manager and/or Director of Utilities through the end of
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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



1 limited to, the correction of scrivener's/clerical errors, references, ordinance
2 numbering, section/subsection numbers, and any references thereto.

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4 Passed _____

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7 Mayor

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9 Attest:

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12 _____
13 City Clerk

14 Approved as to form:

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17 Deputy City Attorney

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EXHIBIT "A"

**CHAPTER 1.12
COMPENSATION PLAN**

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1.12.110 Other official expenditures.

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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 \$1200,000 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.

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