



## Legislation Passed June 27, 2023

The Tacoma City Council, at its regular City Council meeting of June 27, 2023, 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. 41227**

A resolution authorizing the execution of an Interlocal Agreement with the City of Seattle's Office of Emergency Management, in the amount of \$100,000, budgeted from the General Fund, to merge funding for the purpose of establishing community resilience hubs, a priority identified in the 2030 Climate Action Plan.  
[James G. Parvey, P.E., Environmental Policy and Sustainability Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

### **Resolution No. 41228**

A resolution awarding a contract to Asphalt Patch Systems, Inc., in the amount of \$460,860, plus applicable taxes, plus a 15 percent contingency, for a cumulative total of \$529,989, budgeted from the Transportation Capital Fund, for replacement of unfit or unsafe sidewalks at various locations within the Eastside Neighborhood Council District - Specification No. PW23-0054F.  
[Sandra Guffey, Engineering Technician IV; Josh Diekmann, P.E. PTOE, Interim Director, Public Works]

### **Resolution No. 41229**

A resolution appointing Kashmiri Gavronski to the Board of Ethics.  
[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

### **Resolution No. 41230**

A resolution awarding a contract to Global Contractors, LLC, in the amount of \$2,999,526.00, plus applicable taxes, plus a 15 percent contingency, budgeted from the Transportation Capital Fund, for sidewalk and streetscape improvements from Earnest S Brazill Street to 6th Avenue along Martin Luther King Jr. Way, for a projected contract total of \$3,449,454.90 - Specification No. PW23-0021F.  
[Jon Kulju, Project Manager; Josh Diekmann, P.E. PTOE, Interim Director, Public Works]

### **Resolution No. 41231**

A resolution authorizing the execution of an amendment to the interest-free loan agreement numbered RRB-1269 with Washington State Department of Transportation, to extend the completion date of certain railroad improvement projects from June 30, 2023, to December 31, 2023.  
[Kyle Kellem, Roadmaster; Dale King, Rail Superintendent]

**Resolution No. 41232**

A resolution authorizing the execution of an amendment to the Tacoma Link Joint Operating Agreement with Central Puget Sound Regional Transit Authority d.b.a. Sound Transit, to revise and add certain mutually agreed terms and conditions. [Stephanie Brock, Engineering Manager; Josh Diekmann, P.E. PTOE, Interim Director, Public Works]

**Resolution No. 41233**

A resolution authorizing the execution of an agreement with Pierce County, in an amount not to exceed \$9,600,000, budgeted from the General Fund, for jail services, through December 31, 2028.

[Chris Bacha, Chief Deputy City Attorney; Bill Fosbre, City Attorney; Andy Cherullo, Director, Finance]

**Ordinance No. 28888**

An ordinance amending the non-exclusive 20-year franchise agreement with Rainier Connect North LLC, to transfer the agreement to Alphabooost Purchaser, LLC, to construct, operate, maintain, and provide cable television services in the City.

[Jeff Lueders, Division Manager; Amy Clancy, Director, Media and Communications Office]

**Ordinance No. 28892**

An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented by the International Brotherhood of Electrical Workers, Local 483, Court Clerks Unit.

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

**Ordinance No. 28893**

An ordinance adopting the Six-Year Comprehensive Transportation Improvement Program amended for the years 2023 and 2024-2029.

[Jennifer Kammerzell, Assistant Division Manager; Josh Diekmann, P.E. PTOE, Interim Director, Public Works]



## RESOLUTION NO. 41227

1 A RESOLUTION relating to emergency management; authorizing the execution of  
2 an Interlocal Agreement with the City of Seattle’s Office of Emergency  
3 Management, in the amount of \$100,000, budgeted from the General Fund,  
4 to merge funding for the purpose of establishing community resilience hubs,  
5 a priority identified in the 2030 Climate Action Plan.

6 WHEREAS community resilience hubs (“Hubs”) represent an efficient and  
7 effective way to strengthen communities before, during, and after emergencies like  
8 earthquakes, extreme heat events, wildfire smoke events, water main breaks, or  
9 gas outages while also improving year-round conditions and providing community  
10 benefits, and

11 WHEREAS these Hubs can be owned and managed by public, private, and  
12 nonprofit entities, and use a physical space, such as a building and its surrounding  
13 infrastructure, to meet numerous goals, both physical and social, while also  
14 providing a safe community space that can be used year-round, and

15 WHEREAS the partnership between the City and the City of Seattle’s Office  
16 of Emergency Management (“OEM”) is a multi-faceted and comprehensive effort  
17 that will help build a better, more resilient community and provide dedicated project  
18 management and outreach efforts for the City in coordination with a regional  
19 strategy, and OEM staff and consultants will lead existing and potential site  
20 assessment and prioritization with direct community input, and

21 WHEREAS other Pierce County partners are already engaged in this  
22 regional Federal Emergency Management Agency-funded project, including Pierce  
23 County Emergency Management, Pierce County Sustainability Office, and the  
24 Tacoma-Pierce County Health Department, and



1           WHEREAS the project will focus on strengthening the community’s ability to  
2 prepare for, respond to, and recover from disasters and other significant events,  
3 and includes developing a comprehensive plan to assess risk and vulnerabilities,  
4 identify resources, and develop strategies to reduce risks and improve overall  
5 community resilience, and  
6

7           WHEREAS the project will also collaborate with regional Puget Sound  
8 jurisdictions to create a shared understanding of the risks and vulnerabilities faced  
9 by each jurisdiction, as well as opportunities for collaboration to increase the  
10 resilience of all communities in the region, and will also provide educational  
11 resources and training to help individuals, families, businesses, and organizations  
12 understand their roles in supporting and strengthening community resilience, and  
13

14           WHEREAS the Hub project will support these efforts by providing a  
15 consistent platform for coordination, communication, and collaboration between  
16 the City, the City of Seattle, and other regional Puget Sound jurisdictions, and  
17 community engagement will be a key driver in prioritizing Hub locations, with  
18 targeted representation in underserved neighborhoods, and  
19

20           WHEREAS this one-time General Fund allocation from the City will benefit  
21 our community’s Hub assessment and planning, support our Climate Action Plan  
22 with tangible actions, and contribute to the regional baseline work addressing  
23 climate change impacts; Now, Therefore,  
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to enter into an agreement with the City of Seattle's Office of Emergency Management, in the amount of \$100,000, budgeted from the General Fund, to merge funding for the purpose of establishing community resilience hubs, a priority identified in the 2030 Climate Action Plan, as more specifically set forth in the document on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 41228

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and  
2 the furnishing of services; authorizing the execution of a contract with  
3 Asphalt Patch Systems, Inc., in the amount of \$460,860, plus applicable  
4 taxes, plus a 15 percent contingency, for a cumulative total of \$529,989,  
5 budgeted from the Transportation Capital Fund, for replacement of unfit or  
6 unsafe sidewalks at various locations within the Eastside Neighborhood  
7 Council District, pursuant to Specification No. PW23-0054F.

8 WHEREAS the City has complied with all applicable laws and processes  
9 governing the acquisition of those supplies, and/or the procurement of those  
10 services, inclusive of public works, as is shown by the attached Exhibit "A,"  
11 incorporated herein as though fully set forth, and

12 WHEREAS the Board of Contracts and Awards has concurred with the  
13 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

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

15 Section 1. That the Council of the City of Tacoma concurs with the Board of  
16 Contracts and Awards to adopt the recommendation for award as set forth in the  
17 attached Exhibit "A."

18 Section 2. That the proper officers of the City are hereby authorized to  
19 enter into a contract with Asphalt Patch Systems, Inc., in the amount of \$460,860,  
20 plus applicable taxes, plus a 15 percent contingency, for a cumulative total of  
21 \$529,989, budgeted from the Transportation Capital Fund, for replacement of unfit  
22 or unsafe sidewalks at various locations within the Eastside Neighborhood  
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Council District, pursuant to Specification No. PW23-0054F, consistent with Exhibit "A."

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



# RESOLUTION NO. 41229

1 BY REQUEST OF DEPUTY MAYOR WALKER AND COUNCIL MEMBERS  
2 BUSHNELL, HINES, AND RUMBAUGH

3 A RESOLUTION relating to committees, boards, and commissions; appointing  
4 Kashmiri Gavronski to the Board of Ethics.

5 WHEREAS a vacancy exists on the Board of Ethics, and

6 WHEREAS, at its meeting of June 6, 2023, the Government Performance  
7 and Finance Committee (“Committee”) conducted interviews, and at the June 20,  
8 2023 meeting, the Committee conducted an additional interview and recommended  
9 the appointment of Kashmiri Gavronski to said board, and

10 WHEREAS, pursuant to City Charter 2.4, Kashmiri Gavronski has been  
11 nominated to serve on the Board of Ethics; Now, Therefore,

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

13 That Kashmiri Gavronski is hereby confirmed and appointed as a member of  
14 the Board of Ethics to fill an unexpired term, to expire December 31, 2024, followed  
15 by a three-year term to expire December 31, 2027.  
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18 Adopted \_\_\_\_\_

19 \_\_\_\_\_  
20 Mayor

21 Attest:  
22 \_\_\_\_\_  
23 City Clerk

24 Approved as to form:  
25 \_\_\_\_\_  
26 City Attorney





## RESOLUTION NO. 41230

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and  
2 the furnishing of services; authorizing the execution of a contract with  
3 Global Contractors, LLC, in the amount of \$2,999,526.00, plus applicable  
4 taxes, plus a 15 percent contingency, budgeted from the Transportation  
5 Capital Fund, for sidewalk and streetscape improvements from  
6 Earnest S. Brazill Street to 6th Avenue along Martin Luther King Jr. Way, for  
7 a projected contract total of \$3,449,454.90, pursuant to  
8 Specification No. PW23-0021F.

9 WHEREAS the City has complied with all applicable laws and processes  
10 governing the acquisition of those supplies, and/or the procurement of those  
11 services, inclusive of public works, as is shown by the attached Exhibit "A,"  
12 incorporated herein as though fully set forth, and

13 WHEREAS the Board of Contracts and Awards has concurred with the  
14 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

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

16 Section 1. That the Council of the City of Tacoma concurs with the Board of  
17 Contracts and Awards to adopt the recommendation for award as set forth in the  
18 attached Exhibit "A."

19 Section 2. That the proper officers of the City are hereby authorized to  
20 enter into a contract with Global Contractors, LLC, in the amount of  
21 \$2,999,526.00, plus applicable taxes, plus a 15 percent contingency, budgeted  
22 from the Transportation Capital Fund, for sidewalk and streetscape improvements  
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1 from Earnest S. Brazill Street to 6th Avenue along Martin Luther King Jr. Way, for  
2 a projected contract total of \$3,449,454.90, pursuant to  
3 Specification No. PW23-021F, consistent with Exhibit "A."  
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5 Adopted \_\_\_\_\_  
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9 Mayor

10 Attest: \_\_\_\_\_  
11 City Clerk

12 Approved as to form:  
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14 City Attorney

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## RESOLUTION NO. 41231

1 A RESOLUTION relating to the Department of Public Utilities, Rail Division (d.b.a.  
2 “Tacoma Rail”); authorizing the execution of an amendment to an interest  
3 free loan agreement with the Washington State Department of  
4 Transportation numbered RRB-1269, to extend the completion date for  
5 certain railroad improvement projects from June 30, 2023, to December 31,  
6 2023.

7 WHEREAS the Department of Public Utilities, Rail Division (d.b.a. “Tacoma  
8 Rail”) requests approval to execute Amendment No. 1 (“Amendment”) to the  
9 Washington State Department of Transportation Rail bank Loan numbered RRB-  
10 1269 (“Loan”), and

11 WHEREAS the Loan was previously approved through Resolution  
12 Nos. U-11280 and 40841, and the Amendment extends the required project  
13 completion date from June 30, 2023, to December 31, 2023, and revises the  
14 repayment schedule, and

15 WHEREAS Tacoma Rail’s freight infrastructures in the Tideflats area are  
16 heavily used and in need of periodic upgrades in order to facilitate the switching of  
17 railcars destined for customers in the Port of Tacoma and other outlying areas, and

18 WHEREAS the existing Loan is partially financing the upgrade of an existing  
19 locomotive fueling and servicing facility, by replicating features on an additional  
20 track, increasing the fuel storage capacity in support of two value added service  
21 contracts, and associated work to enhance operational efficiencies and systems  
22 resilience, and  
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WHEREAS, by adoption of Public Utility Board Resolution No. U-11390 on June 14, 2023, the proposed Amendment No. 1 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, Rail Division (d.b.a. "Tacoma Rail"), authorizing the execution of Amendment No. 1 to Loan RRB-1269, an interest free loan agreement with the Washington State Department of Transportation, to extend the completion date for certain railroad improvement projects from June 30, 2023, to December 31, 2023, is hereby approved.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

Requested by Public Utility Board  
Resolution No. U-11390



## RESOLUTION NO. 41232

1 A RESOLUTION relating to public transportation; authorizing the execution of  
2 an amendment to the Tacoma Link Joint Operating Agreement with  
3 Central Puget Sound Regional Transit Authority d.b.a. Sound Transit, to  
revise and add certain mutually agreed terms and conditions.

4 WHEREAS, in April 2001, the Central Puget Sound Regional Transit  
5 Authority ("Sound Transit") accepted the terms and conditions of a Right of Use  
6 Agreement pursuant to Ordinance No. 26749, passed January 2, 2001,  
7 authorizing Sound Transit to construct, operate, and own the LINK passenger  
8 rail system ("T-Line") in, upon, and along the public right-of-way of the City, and  
9

10 WHEREAS, in August 2003, an Interim Operating Procedures  
11 Memorandum of Understanding was executed to supplement said Right of Use  
12 Agreement, with additional terms and conditions related to joint operation and  
13 use of the T-Line, including certain terms and conditions related to power usage  
14 for power provided by Tacoma Power, and  
15

16 WHEREAS, pursuant to Resolution No. 38342, Sound Transit and the  
17 City entered into a First Amended Right of Use Agreement in recognition of,  
18 among other items, the addition of the City-owned Commerce Street Link  
19 Station, and  
20

21 WHEREAS, on December 9, 2011, Sound Transit and the City  
22 ("Parties") entered into the Tacoma Link Joint Operating Agreement  
23 ("Agreement") regarding joint operations and use of and within the portion of  
24 the public right-of-way of the City in which the T-Line is authorized to operate,  
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WHEREAS the Parties now desire to amend the Agreement to revise and add certain terms and conditions mutually agreed to by the Parties, and

WHEREAS the T-Line opened in 2003 and runs 1.6 miles between the Tacoma Dome Station and downtown Tacoma with six stops, serving the University of Washington’s Tacoma campus, the Washington State History Museum, the Museum of Glass, the Greater Tacoma Convention Center, and the Theater District. Construction of the 2.4-mile T-Line extension began in 2018 and is set to open in August/September 2023, and

WHEREAS the six new stations connect to popular destinations such as Old City Hall, the Stadium District, Wright Park, and major medical facilities before reaching its new Hilltop terminus at St. Joseph Station, and

WHEREAS Sound Transit will maintain the T-Line, as well as provide street sweeping along the track line and compliant tree pruning or removal to ensure safe operation of the Passenger Rail System Overhead Catenary System, and

WHEREAS Sound Transit will also continue to operate and maintain the Theater District Station, and

WHEREAS the City will operate and maintain streetlights, beacons, and traffic signals and provide snow and ice removal services on the shared drive surfaces of the right of way with the T-Line and automobiles along the T-Line Route, and

WHEREAS the sections of the Agreement revised by this resolution include: (1) City provided train signal operation and maintenance; (2) traffic



control, maintenance and services; (3) solid waste services; (4) street lighting;  
1 (5) street sweeping, snow removal and deicing; (6) tree trimming; (7) signal  
2 timing; and (8) Theater District Station maintenance, and

3 WHEREAS the City will provide operations and maintenance for the  
4 Sound Transit train signals, and

5  
6 WHEREAS Sound Transit agrees to compensate for the operations and  
7 maintenance costs annually according to the Fixed Fee Schedule (which will be  
8 adjusted upward annually) and has budgeted approximately \$103,206, and

9  
10 WHEREAS the City will reimburse Sound Transit, approximately  
11 \$31,000, annually, for the maintenance and operations expenses for the  
12 Theater District Station; Now, Therefore,

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

14 That the proper officers of the City are hereby authorized to execute an  
15 amendment to the Tacoma Link Joint Operating Agreement between the Central  
16 Puget Sound Regional Transit Authority d.b.a. Sound Transit, and the City of  
17 Tacoma, to revise and add certain mutually agreed terms and conditions,  
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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:

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





## RESOLUTION NO. 41233

1 A RESOLUTION relating to Public Safety; authorizing the execution of an  
2 agreement with Pierce County, in an amount not to exceed \$9,600,000,  
3 budgeted from the General Fund, for jail services, through December 31,  
4 2028.

4 WHEREAS on June 16, 2015, the City Council adopted Resolution  
5 No. 39216 authorizing the execution of an agreement with Pierce County to provide  
6 jail services for the City effective July 1, 2015, through December 31, 2020, and  
7

8 WHEREAS on March 12, 2020, in response to confirmed cases of  
9 Coronavirus ("COVID-19") in Pierce County ("County") and the potential impact of  
10 the virus upon the inmate populations, the Pierce County Sheriff's Department  
11 Corrections Bureau implemented new booking policies limiting bookings of  
12 misdemeanor offenders in an effort to reduce the risk of transmission of COVID-19,  
13 and  
14

15 WHEREAS the impact of the pandemic upon misdemeanor bookings has  
16 made it difficult to develop data that will inform discussions of a new jail services  
17 contract ("Contract"), and as a result, the County requested that the City agree to  
18 extend the current Contract upon the same terms and conditions for a period of  
19 one-year, through December 31, 2021, and  
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21 WHEREAS in January 2022, for the same reasons, the City and County  
22 agreed to a one-year extension from January 2022, through December 31, 2022,  
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WHEREAS in January of 2023, the City Manager authorized a six month extension of the Contract to allow the City and County additional time to develop a Contract, and

WHEREAS the proposed five-year contract from July 1, 2023, through December 31, 2028, is necessary for the City to book and house misdemeanor offenders for violations of the Tacoma Municipal Code (“TMC”), and if the Contract is not approved prior to its July 1, 2023, expiration, the City will not have a jail service agreement in place in the County to book or sentence misdemeanor offenders, and

WHEREAS the proposed Contract ensures the continued availability of bed space for misdemeanor offenders arrested for violation of the TMC, further strengthening and supporting a safe and healthy city for residents; 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 enter into an agreement with Pierce County (“County”), in an amount not to exceed \$9,600,000, budgeted from the General Fund, for jail services, through December 31, 2028, as more specifically set forth in the document on file in the office of the City Clerk.



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Section 2. That the City Manager, or designee, is hereby directed to execute an agreement with the County, outlining the scope of work and deliverables outlined in Section 1.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## ORDINANCE NO. 28888

1 AN ORDINANCE relating to a cable system that provides cable service to the  
2 City; authorizing the Mayor or the Mayor's designee to approve the  
transfer of control of the cable franchise.

3 WHEREAS, Rainier Connect North, LLC ("Franchisee") currently holds a  
4 cable franchise ("Franchise") granted by the City, and

5  
6 WHEREAS, the Franchisee owns, operates and maintains a cable system  
7 in the City ("System") pursuant to the terms of the Franchise, and

8 WHEREAS, the City received from Mashell, Inc. ("Transferor") and  
9 Alphaboost Purchaser, LLC ("Transferee") a Federal Communications Commission  
10 Form 394 - Application for Franchise Authority Consent to Assignment or Transfer  
11 of Control of Cable Television Franchise, ("Application") dated January 19, 2023,  
12 and  
13

14 WHEREAS, on February 7, 2023, the City received new attachments to  
15 the Application, replacing attachments A, B and C originally filed with the  
16 Application, and  
17

18 WHEREAS, on February 13, 2023, the City sent a request for supplemental  
19 information to the Application and on February 23, 2023, the City received a  
20 response from the Transferor, and

21 WHEREAS, on February 28, 2023, the City sent a request for supplemental  
22 financial information to the Transferor and on March 10, 2023, the City received a  
23 response from the Transferor and the Transferee, and  
24

25 WHEREAS, federal law and the Tacoma Municipal Code ("TMC") at Section  
26 16A.03.060 require that the City shall have one hundred twenty (120) days upon



receipt of a completed Application to act upon such transfer request unless  
1 agreement is reached to extend the date, and

2 WHEREAS, the City has determined that the Application was complete on  
3 March 10, 2023, and the 120 day deadline for City action on the Application is  
4 July 8, 2023, and  
5

6 WHEREAS, Section 2.8 of the Franchise and Section 16A.03.060 of the  
7 TMC require the City's advance written consent prior to a transfer of the Franchise,  
8 and

9 WHEREAS, the Application includes a copy of an Agreement and Plan of  
10 Merger, dated December 6, 2022, ("Agreement") seeking the City's consent to the  
11 proposed transfer of the Franchise, and  
12

13 WHEREAS, under the Agreement Transferor will remain the direct owner  
14 of Franchisee, and the Transferee will be the direct owner of the Transferor  
15 ("Transaction"), and  
16

17 WHEREAS, as a result of the Transaction, the Transferor and the Transferee  
18 have requested consent from the City to the transfer of the Franchise, and

19 WHEREAS, the City has reviewed the Transaction and the requested  
20 transfer as well as: a) the legal, technical, and financial qualifications of the  
21 Transferor and the Transferee; b) the potential impact of the Transaction on cable  
22 services in the City; c) the Franchisee's compliance with the Franchise and the  
23 TMC; d) whether approval of the Transaction would adversely affect cable  
24 subscribers, the public, or the City's interest under the Franchise, the TMC or other  
25 applicable law, and  
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WHEREAS, based on information provided by the Transferor and the Transferee, and on the information received by the City, the City has elected to approve the Transaction subject to certain conditions as set forth herein; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. All of the above recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The Franchise is in full force and effect and the Franchisee is the lawful holder of the Franchise.

Section 3. The City is not presently aware of any default by the Franchisee to comply with the terms, conditions, requirements, and obligations set forth in the Franchise, notwithstanding such, the City's approval of the Transaction shall in no way be deemed a representation by the City that the Franchisee, or its successors in interest are in compliance with the obligations under the Franchise. The City does not waive its rights with respect to the Franchisee's compliance with the terms, conditions, requirements, and obligations set forth in the Franchise and other applicable law, including the City's right to compel the Franchisee, or its successors in interest, to comply with the provisions of the Franchise.

Section 4. The Franchisee will remain the lawful holder of the Franchise after completion of the Transaction.

Section 5. The City hereby consents and approves of the Transaction subject to:



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a. Within sixty (60) Days of the closing date of the Transaction the Franchisee shall file with the City Clerk a copy of the agreement or other written instrument evidencing such transfer has been completed, certified and sworn to as correct by the Franchisee.

b. The Transferor or the Transferee shall, within thirty (30) days of the date of adoption of this Ordinance, fully reimburse City for all of City's reasonable costs and expenses in connection with the City's review of the Transaction, including without limitation, all costs incurred by the City for attorneys retained by City to assist in the review as well as any applicable notice and publication costs ("Reimbursement").

i. The Reimbursement shall not be deemed to be "Franchise Fees" within the meaning of Section 622 of the Cable Act (47 U.S.C. § 542), nor shall the Reimbursement be deemed to be (i) "payments in kind" or any involuntary payments chargeable against the Franchise Fees to be paid to the City by the Franchisee pursuant to the Franchise.

Section 6. In the event the Transaction contemplated by the foregoing ordinance is not completed, for any reason, the City's consent shall not be effective. If any of the conditions set forth herein are not met, the City's consent to the proposed Transaction shall be null and void and of no effect.

Section 7. This Ordinance may be executed in counterparts, each of which is deemed an original, but all of which together are deemed to be one and the same agreement. A signed copy of this Ordinance delivered by e-mail



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or other means of electronic transmission is deemed to have the same legal effect as delivery of an original signed copy of this Ordinance.

Section 8. This Ordinance shall take effect and continue and remain in effect from and after the date of its passage, approval, and adoption.

Section 9. 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





**AGREEMENT AND ACCEPTANCE**

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Mashell, Inc. and Alphaboost Purchaser, LLC hereby accept Ordinance No. \_\_\_\_\_ (“Ordinance”), agree to be bound by the terms and conditions of the ordinance and the terms and conditions of the Franchise referenced within the Ordinance (“Franchise”), abide by and accept all lawful terms of Title 16A of the Tacoma Municipal Code, and assume the obligations, liabilities, and responsibility for all acts and omissions, known and unknown, of the Franchisee under Title 16A of the Tacoma Municipal Code and the Franchise for all purposes, including renewal.

Dated this \_\_\_ day of \_\_\_\_\_ 2023.

**MASHELL, INC.**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated this \_\_\_ day of \_\_\_\_\_ 2023.

**ALPHABOOST PURCHASER, LLC**

By: \_\_\_\_\_

Its: \_\_\_\_\_



# ORDINANCE NO. 28892

1 AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of the  
 2 Tacoma Municipal Code to implement rates of pay and compensation for  
 3 employees represented by the International Brotherhood of Electrical  
 4 Workers, Local 483, Court Clerks Unit, and declaring the effective dates  
 5 thereof.

6 BE IT ORDAINED BY THE CITY OF TACOMA:

7 Section 1. That Section 1.12.640 of the Tacoma Municipal Code is hereby  
 8 amended, effective as provided by law, to read as follows:

9 **1.12.640 Application of additional rates.**

10 \* \* \*

11 4321 An employee in the classification of Court Clerk (CSC 4321) assigned to work as a bailiff  
 12 in an assigned court room, shall receive an application of rate of 5 percent above their regular  
 13 rate of pay for hours worked while assigned. The application of rate shall not apply to any paid  
 14 leave time.

15 \* \* \*

16 4324 An employee in the classification of Court Financial Clerk (CSC 4324) assigned to work as  
 17 a bailiff in an assigned court room, shall receive an application of rate of 5 percent above their  
 18 regular rate of pay for hours worked while assigned. The application of rate shall not apply to  
 19 any paid leave time.

20 \* \* \*

21 Section 2. That Section 1 is effective as provided by law.

22 Passed \_\_\_\_\_

23 \_\_\_\_\_  
24 Mayor

25 Attest:

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

Approved as to form:

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



## ORDINANCE NO. 28893

1 AN ORDINANCE relating to the Six-Year Comprehensive Transportation Program;  
2 adopting the Six-Year Comprehensive Transportation Improvement  
Program amended for the years 2023 and 2024-2029.

3 WHEREAS RCW 35.77.010 provides that the legislative body of each city  
4 and town shall: (1) prepare and adopt a comprehensive transportation program for  
5 the ensuing six calendar years and annually thereafter, pursuant to one or more  
6 public hearings; (2) prepare and adopt a revised and extended comprehensive  
7 transportation program; and (3) file with the Secretary of Transportation of the  
8 State of Washington each one-year extension and revision thereof, and  
9

10 WHEREAS RCW 35.77.010 further provides that each city shall include in its  
11 comprehensive transportation program the intended expenditure of revenues for  
12 non-motorized transportation purposes, and  
13

14 WHEREAS the City adopted the Transportation Master Plan ("TMP") in  
15 December 2015, with amendments adopted in June 2018, which included a  
16 prioritized list of transportation projects, and  
17

18 WHEREAS adoption of the TMP included extensive Citywide community  
19 outreach, including attendance at neighborhood festivals and cleanups and two  
20 public hearings, and  
21

22 WHEREAS the proposed list of projects to be added to the Six-Year  
23 Comprehensive Transportation Improvement Program ("Program") supports the  
24 goals, policies, and network priorities outlined in the TMP, and  
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26 WHEREAS the proposed Program was presented to the Transportation  
Commission on March 15 and May 17, 2023, and



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WHEREAS the proposed Program was presented to the Infrastructure, Planning, and Sustainability Committee on April 12 and May 10, 2023, and

WHEREAS the proposed Program was presented to the City Council at its May 23, 2023, Study Session, and on June 6, 2023, a public hearing was held by the City Council to receive citizen comments on the proposed Program;

Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council has considered the testimony presented at the June 6, 2023, public hearing on the Six-Year Comprehensive Transportation Improvement Program amended for the years 2023 and 2024-2029.

Section 2. That the Six-Year Comprehensive Transportation Improvement Program amended for the years 2023 and 2024-2029 is hereby adopted, said document to be substantially in the form of the proposed document on file in the office of the City Clerk.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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