CALL TO ORDER

ROLL CALL

FLAG SALUTE

MOMENT OF SILENCE

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

   
   **Attachments:** CVSMin20201008

   
   **Attachments:** CVSMin20201112

   
   **Attachments:** CVSMin20201119SpMtg

   
   **Attachments:** CVSMin20201123SpMtg

CONSENT AGENDA

5. **21-0010** Minutes of the City Council study session, November 24, 2020.
   
   **Attachments:** SSMin20201124

   
   **Attachments:** SSMin20201201JntMtg
7. **21-0023** Minutes of the City Council study session, December 8, 2020.
   
   **Attachments:** SSMin20201208

   
   **Attachments:** SSMin20201215

9. **21-0017** Minutes of the City Council meeting, November 24, 2020.
   
   **Attachments:** CCMin20201124

10. **21-0016** Minutes of the City Council meeting, December 1, 2020.
    
    **Attachments:** CCMin20201201

11. **21-0018** Minutes of the City Council meeting, December 8, 2020.
    
    **Attachments:** CCMin20201208

12. **21-0021** Minutes of the City Council special meeting, December 14, 2020.
    
    **Attachments:** CCMin20201214SpMtg

    
    **Attachments:** CCMin20201215

    
    **Attachments:** CCMin20201124VF

**RESOLUTIONS**

15. **RES40719** A resolution setting Thursday, January 21, 2021, 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 westerly portion of Tacoma Avenue South, lying southerly of South 14th Street, to facilitate design variability on a residential building project.
    (1402 Tacoma, LLC; File No. 124.1422)
    [Troy Stevens, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]
    
    **Attachments:** Resolution No. 40719
    City Council Action Memorandum
    Maps
16. **RES40720** A resolution setting Tuesday, January 26, 2021, 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 declaration of surplus and sale of approximately 1.19 acres of Tacoma Power property, located in central unincorporated Lewis County near Mossyrock, adjacent to Mayfield Lake, to Michael and Cheryl Jensen, for the amount of $125,500. [Greg Muller, Real Estate Officer; Chris Robinson, Power Superintendent]

**Attachments:**  
- [Resolution No. 40720](#)  
- [City Council Action Memorandum](#)  
- [Board Action Memorandum](#)

**FINAL READING OF ORDINANCES**

17. **ORD28656** An ordinance vacating a portion of South 66th Street right-of-way, lying between South Adams Street and the Central Puget Sound Regional Transit Authority (Sound Transit) railroad corridor lying westerly of South Tacoma Way, to be incorporated into the southerly abutting two parcels for business expansion and related commercial use.  
(Steve and Darlene Guiberson; File No. 124.1404)  
[Jeff H. Capell, Hearing Examiner]

**Attachments:**  
- [Ordinance No. 28656](#)  
- [City Council Action Memorandum](#)  
- [Hearing Examiner’s Report and Recommendation](#)  
- [Exhibits](#)

18. **ORD28684** An ordinance vacating a dead-end segment of East “T” Street, also referenced as East “R” Street and formerly known as Dayton Street, south of the existing driveway to Lister Elementary School, to be incorporated into the adjacent park property as a private entrance and for other use with park enhancements and improvements.  
(Metropolitan Park District of Tacoma; File No. 124.1412)  
[Jeff H. Capell, Hearing Examiner]

**Attachments:**  
- [Ordinance No. 28684](#)  
- [City Council Action Memorandum](#)  
- [Hearing Examiner’s Report and Recommendation](#)  
- [Exhibits](#)  
- [Verbatim Recording of Public Hearing](#)
PROCLAMATIONS/RECOGNITIONS/PRESENTATIONS/ANNOUNCEMENTS

19. 21-0013  Proclaiming January 2021 as Whole Child Month.

20. 21-0014  Recognizing the Foss Waterway Development Authority.

PUBLIC COMMENT

This is the time set aside for public comment on Resolutions and first and final reading of Ordinances. Speakers are asked to identify the specific legislation they wish to address. To request to speak during Public Comment, please press the Raise Hand button near the bottom of your Zoom window or *9 on your phone. Your name or the last four digits of your phone number will be called out when it is your turn to speak.

The City Council meeting can be heard by dialing 253-215-8782 or through Zoom at www.zoom.us/j/84834233126 and entering the Meeting ID 848 3423 3126 and Passcode 349099, when prompted.

Written comments may be submitted to cityclerk@cityoftacoma.org every Tuesday before 4:00 p.m. prior to that evening’s City Council meeting for the Public Comment period. Comments will be compiled and sent to the City Council and posted on the City’s webpage at cityoftacoma.org/writtencomments.

REGULAR AGENDA

21. 21-0033  A motion may be considered to authorize the City’s full and final settlement of all claims against the City in the matter of Adam Vogland and Tiffany Jesse v. State of Washington, Zachery Bainter and Jane Doe Bainter, and City of Tacoma, Pierce County Superior Court Cause No. 18-2-13108-7, relating to a motor vehicle accident, upon payment by the City in the amount of $100,000.

APPOINTMENTS

22. RES40721  A resolution nominating and re-electing Deputy Mayor Keith Blocker to the office of Deputy Mayor to serve an additional one-year term to expire December 31, 2021. [Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

Attachments: Resolution No. 40721
               City Council Action Memorandum
23. **RES40722**  A resolution appointing, reappointing, and reassigning individuals to the Community’s Police Advisory Committee.  
[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

**Attachments:**  Resolution No. 40722  
City Council Action Memorandum

**RESOLUTIONS**

24. **RES40723**  A resolution authorizing the execution of a Collective Bargaining Agreement with the Tacoma Police Management Association, Local 26, consisting of 19 budgeted full-time equivalent positions, effective January 1, 2021, through December 31, 2021.  
[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

**Attachments:**  Resolution No. 40723  
City Council Action Memorandum  
Fiscal Impact Memorandum  
Agreement

25. **RES40724**  A resolution authorizing the execution of a Letter of Agreement with the Teamsters Local Union No. 117, Tacoma Venues and Events Unit, to extend alternate work schedules to address budget constraints.  
[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

**Attachments:**  Resolution No. 40724  
City Council Action Memorandum  
Fiscal Impact Memorandum  
Agreement

**FIRST READING OF ORDINANCES**

[Kari L. Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]

**Attachments:**  Ordinance No. 28728  
City Council Action Memorandum  
Fiscal Impact Memorandum  
Ordinance Disclosure Memorandum
27. **ORD28729** An ordinance amending Chapters 2.02 and 2.06 of the Municipal Code, relating to the Building and Plumbing Codes, to repeal existing sections and incorporate new provisions to align with Washington State adoption of changes to state building codes, effective February 1, 2021.  
[Susan Coffman, Building Official; Peter Huffman, Director, Planning and Development Services]  
**Attachments:** [Ordinance No. 28729](#)  
[City Council Action Memorandum](#)

28. **ORD28730** An ordinance amending Chapters 3.02 and 3.10 of the Municipal Code, relating to the Fire Prevention Code and Mobile Fueling Operating and Permitting Requirements, to adopt the 2018 International Fire Code, along with state and local amendments, effective February 1, 2021.  
[Chris Seaman, Senior Principal Engineer; Toryono Green, Fire Chief]  
**Attachments:** [Ordinance No. 28730](#)  
[City Council Action Memorandum](#)

**PUBLIC HEARINGS AND APPEALS**

(Public hearings will begin upon completion of the Regular Agenda Items, no earlier than 5:15 p.m.)

29. **20-0987** This is the date set for a public hearing by the City Council on the proposed amendments to the 2019-2020 Annual Action Plan for Housing and Community Development projects.  
[Felicia Medlen, Housing Division Manager; Jeff Robinson, Director, Community and Economic Development]  
**Attachments:** [Summary](#)

**UNFINISHED BUSINESS**

**REPORTS BY THE CITY MANAGER**

**COMMENTS AND COMMITTEE REPORTS OF THE CITY COUNCIL**

Economic Development Committee

**ADJOURNMENT**

The City Council may enter into a closed or executive session at any time during an open public meeting as provided by law.
The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the City Clerk’s Office at 253-591-5505, before 5:00 p.m., on the Monday preceding the City Council meeting. TTY or speech to speech users please dial 711 to connect to Washington Relay Services.

Individuals using language or sign interpreters will be provided additional time when testifying before the City Council.
Call To Order

Vice Chair Ushka called the meeting to order at 4:47 p.m.

Roll Call

Present:  3 - Beale, Ushka and Hunter  
Absent:  2 - Blocker and Hines  

Council Member Hines arrived at 4:55 p.m.  
All Council Members participated virtually.

MOTION: Council Member Beale moved to consider Item No. 2, regarding the Community's Police Advisory Committee, first.

SECONDED BY: Council Member Hunter.

ACTION: Voice vote was taken and carried. The motion was declared adopted.
Ayes: 3 - Beale, Ushka and Hunter  
Absent: 2 - Blocker and Hines  

Briefing Items

2.  **20-0678**  
Community’s Police Advisory Committee Annual Report  
[Stephen Hagberg, Chair, Community’s Police Advisory Committee]

At approximately 4:48 p.m., Stephen Hagberg, Chair, Community’s Police Advisory Committee (CPAC), presented the CPAC annual report, including an overview of the Committee, the Committee's mission to “Foster Understanding”, promoting awareness of complaints, generating interest
and awareness, equal protection under the law, the Community Trauma Response Team (CTRT), active support during 2020, next steps for 2021 and beyond, and the CPAC’s 2020-2021 needs.

Council Member Hines arrived here, at 4:55 p.m.

Discussion ensued regarding CPAC’s role, integrating with the Project PEACE Executive Committee, Vision Zero, the youth representative position, project manager support for the CTRT, and outreach.

1. **20-0677** Domestic Violence Strategic Alliance  
   [Linda Stewart, Director, and Vicky McLaurin, Program Manager, Neighborhood and Community Services]

   At approximately 5:14 p.m., Linda Stewart, Director, Neighborhood and Community Services (NCS), introduced Vicky McLaurin, Program Manager, NCS, and presented an update on the Strategic Alliance, including an overview; work completed to date; work in progress, noting a survey and data usage; and proposed next steps.

   Discussion ensued regarding the improvement of funding strategies, understanding client needs and improving service delivery, and the amendment of funding due to an increase in domestic violence.

**Topics for Upcoming Meetings**

3. **20-0679**  
   October 22, 2020 - TBD  
   November 12, 2020 - Interviews for the Tacoma Area Commission on Disabilities, Provider Funding Approaches, and Humane Society Contract

   Vice Chair Ushka stated that topics for the October 22, 2020, meeting are to be determined, and the November 12, 2020, meeting will include interviews for the Tacoma Area Commission on Disabilities, and presentations on provider funding approaches and the Humane Society contract.

**Public Comment**

There was no Public Comment.

**Other Items of Interest**

Council Member Beale requested information on the process of receiving resolutions or recommendations from committees, boards, and commissions (CBC); and stated he would be interested in reviewing a budget resolution that was recently brought forward from the Commission on Immigrant and Refugee Affairs.
Vice Chair Ushka requested information on the process of CBCs communication with the City Council and defining their roles more specifically.

**Adjournment**

There being no further business, the meeting adjourned at 5:41 p.m.

_____________________________
Keith Blocker, Chair

_____________________________
Mary Crabtree, City Clerk's Office
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Call To Order

Chair Blocker called the meeting to order at 4:31 p.m.

Roll Call

Present: 4 - Blocker, Hines, Ushka and Hunter
Absent: 1 - Beale

All Council Members participated virtually.

Approval of Minutes

1. **20-0842** Approval of the minutes of the September 24, 2020, meeting

   **MOTION:** Council Member Ushka moved to approve the minutes of the September 24, 2020 meeting

   **SECONDED BY:** Council Member Hines.

   **ACTION:** Voice vote was taken and carried. The motion was declared adopted.

   Ayes: 4 - Blocker, Hines, Ushka and Hunter
   Absent: 1 - Beale

Briefing Items

2. **20-0839** Interviews for the Tacoma Area Commission on Disabilities
   [Doris Sorum, City Clerk]

   At approximately 4:32 p.m., Doris Sorum, City Clerk, informed the Committee they will be interviewing seven applicants for the Tacoma Area
Commission on Disabilities, three of which are seeking reappointment. She further stated there are six positions available, all consisting of unexpired terms that need to be filled, including one youth position and five member positions.

The Committee interviewed Kristy Willet, Krystal Monteros, Dylan O’Catherine, Rebecca Parson, Aimee Sidhu, Brandon Main, and Amin (Tony) Hester.

Discussion ensued regarding applicants’ qualifications.

MOTION: Council Member Ushka moved to recommend the reappointment of Dylan O’Catherine to the "Youth" position on the Tacoma Area Commission on Disabilities to fill an unexpired term to expire August 31, 2021.

SECONDED BY: Council Member Hines.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 3 - Blocker, Hines and Ushka
Absent: 2 - Beale and Hunter

MOTION: Council Member Ushka moved to recommend the reappointment of Krystal Monteros to the Tacoma Area Commission on Disabilities to fill an unexpired term to expire August 31, 2023.

SECONDED BY: Council Member Hines.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 3 - Blocker, Hines and Ushka
Absent: 2 - Beale and Hunter

MOTION: Council Member Ushka moved to recommend the reappointment of Rebecca Parson to the Tacoma Area Commission on Disabilities to fill an unexpired term to expire August 31, 2023.

SECONDED BY: Council Member Hines.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 3 - Blocker, Hines and Ushka
Absent: 2 - Beale and Hunter
MOTION: Council Member Ushka moved to recommend the appointment of Aimee Sidhu to the Tacoma Area Commission on Disabilities to fill an unexpired term to expire August 31, 2022.

SECONDED BY: Council Member Hines.

ACTION: Voice vote was taken and carried. The motion was declared adopted.
Ayes: 3 - Blocker, Hines and Ushka
Absent: 2 - Beale and Hunter

MOTION: Council Member Ushka moved to recommend the appointment of Kristy Willet to the Tacoma Area Commission on Disabilities to fill an unexpired term to expire August 31, 2023.

SECONDED BY: Council Member Hines.

ACTION: Voice vote was taken and carried. The motion was declared adopted.
Ayes: 3 - Blocker, Hines and Ushka
Absent: 2 - Beale and Hunter

MOTION: Council Member Ushka moved to recommend the appointment of Amin (Tony) Hester to the Tacoma Area Commission on Disabilities to fill an unexpired term to expire August 31, 2023.

SECONDED BY: Council Member Hines.

ACTION: Voice vote was taken and carried. The motion was declared adopted.
Ayes: 3 - Blocker, Hines and Ushka
Absent: 2 - Beale and Hunter

3. **20-0840** Provider Funding Approaches

   [Linda Stewart, Director, Neighborhood and Community Services]

At approximately 5:34 p.m., Linda Stewart, Director, Neighborhood and Community Services (NCS), presented the NCS funding recommendations, including an overview of the 2020-2021 Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG), the updated contracting process, and contract allocations; funding highlights; background; funding recommendations; an equity approach; outreach; next steps; and recommendations. Ms. Stewart concluded by outlining the funding allocations for 2020-2021.
Discussion ensued regarding the decreases in the senior services funding, the decrease in funding for the Safe Streets program, allocations for site reclamation, the expiration of COVID funding, and accomplishments in the current year and supporting organizations.

4. **20-0841**

2021-2022 Tacoma-Pierce County Humane Society Agreement  
[Jenni Barrett, Tax & License Operations Manager, Finance]

This item was not addressed.

**Topics for Upcoming Meetings**

5. **20-0843**

November 19, 2020, Special Meeting - Interviews for the Core Coordinating Team  
November 23, 2020, Special Meeting - Interviews for the Core Coordinating Team

Bucoda Warren, Committee Liaison, stated there will be special meetings on November 19, 2020, and November 23, 2020, and both will include interviews for the Core Coordinating Team.

**Other Items of Interest**

There were no other items of interest.

**Public Comment**

There was no Public Comment.

**Adjournment**

There being no further business, the meeting adjourned at 6:43 p.m.

_______________________________  
Keith Blocker, Chair

_______________________________  
Mary Crabtree, City Clerk's Office
Call To Order

Chair Blocker called the special meeting to order at 3:40 p.m.

Roll Call

Present:  4 - Beale, Blocker, Hines and Ushka

All Council Members participated virtually.

Briefing Items

1. **20-0875**  

   2021-2022 Provider Funding Approaches  
   [Linda Stewart, Director, Neighborhood and Community Services]

   At approximately 3:40 p.m., Linda Stewart, Director, Neighborhood and Community Services, presented an overview of the 2021-2022 provider funding, including a summary of the November 12, 2020, presentation and the request for a recommendation.

   **MOTION:** Council Member Ushka moved to recommend the proposed provider funding recommendations to the full City Council for consideration.

   **SECONDED BY:** Council Member Hines.

   **ACTION:** Voice vote was taken and carried. The motion was declared adopted.

   Ayes:  4 - Beale, Blocker, Hines and Ushka
2. **20-0876**  
Interviews for the Core Coordinating Team  
[Doris Sorum, City Clerk]

At approximately 3:42 p.m., Doris Sorum, City Clerk, presented background on the Core Coordinating Team (CCT), noting Resolution No. 40622 and the purpose of the CCT. Melanie Harding, Chief Policy Analyst to the Mayor, City Manager's Office, provided details on the perspectives and skills sought for in the CCT. Ms. Sorum informed the Committee they will be interviewing 17 applicants, and will continue interviews at the Community Vitality and Safety Committee special meeting on November 23, 2020.

The Committee interviewed Chris Tubig, Bruce Kadden, Keysha-Rae Cooper, Faaluaina Pritchard, Dee Sonntag, Marquis King Mason, Fahren Johnson, Rosemarie Burke, Annalycia Matthews, and Alberto Rodriguez.

The Community Vitality and Safety Committee meeting recessed at 5:00 p.m.

The Community Vitality and Safety Committee meeting reconvened at 5:06 p.m.

The Committee further interviewed Marcia Tate Arunga, Monique Davis, Salvador Mungia, George Conzuelo, and Josh Croskey.

Discussion ensued regarding the applicant selection process.

**Topics for Upcoming Meetings**

3. **20-0877**  
November 23, 2020, Special Meeting - Core Coordinating Team Interviews  
November 26, 2020 - Cancelled

This item was not addressed.

**Public Comment**

There was no Public Comment.

**Adjournment**

There being no further business, the special meeting adjourned at 5:55 p.m.

_______________________________  
Keith Blocker, Chair

_______________________________  
Mary Crabtree, City Clerk's Office
City of Tacoma  
Community Vitality and Safety  
Committee Minutes  
November 23, 2020  
3:30 PM

Chair Keith Blocker, Vice Chair Catherine Ushka,  
Chris Beale, John Hines, Lillian Hunter (alternate)  

SPECIAL MEETING

Call To Order

Chair Blocker called the special meeting to order at 3:35 p.m.

Roll Call

Present:  3 - Beale, Blocker and Ushka  
Absent:  1 - Hines

Council Member Hines arrived at 4:34 p.m.

All Council Members participated virtually.

Briefing Items

1.  20-0906  

Interviews for the Core Coordinating Team  
[Doris Sorum, City Clerk]

At approximately 3:35 p.m., Doris Sorum, City Clerk, provided background regarding the Core Coordinating Team (CCT), stating that 15 applicants were interviewed at the Community Vitality and Safety Committee meeting on Thursday, November 19, 2020; April Gipson and Lawrence Coleman were unable to attend those interviews but were rescheduled to interview today; and Reverend Kendall Hayes and Sandra Calvillo withdrew their applications. She informed the Committee they will be interviewing 18 applicants for the CCT.

The Committee interviewed Amin (Tony) Hester, Anaid Yarena, Helen Stieben, Leslie Mintaraga, Priya Saxena, Ronnie Gordon, Lawrence Coleman, and Suzanne Pak.

Council Member Hines arrived here, at 4:34 p.m.
The Committee interviewed Vanna Sing.

The Community Vitality and Safety Committee meeting recessed at 4:46 p.m.

The Committee further interviewed Vhonda McElroy and Troy Christensen.

The Community Vitality and Safety Committee meeting experienced technical difficulties and recessed at 5:15 p.m.

The Committee further interviewed Anna Nepomuceno, Kayla Davis, Ronald Culpepper, Aimee Champion, and Malcolm Clay.

Ms. Sorum stated that April Gipson withdrew her application.

The Community Vitality and Safety Committee meeting recessed at 6:03 p.m.

The Committee further interviewed Coretta Harwood.

Discussion ensued regarding the applicant selection process, applicants’ qualifications, and the CCT’s requirements.

**MOTION:** Council Member Beale moved to recommend Marquis King Mason, Fahren Johnson, Annalycia Matthews, Anaid Yarena, Ronnie Gordon, Vhonda McElroy, Anna Nepomuceno, Kayla Davis, Keysha-Rae Cooper, Bruce Kadden, Marcia Tate Arunga, Vanna Sing, Salvador Muniga, Lawrence Coleman, and Priya Saxena to the Core Coordinating Team; and Chris Tubig as an alternate to the Core Coordinating Team.

**SECONDED BY:** Council Member Hines.

**ACTION:** Voice vote was taken and carried. The motion was declared adopted.

- **Ayes:** 3 - Beale, Blocker and Hines
- **Absent:** 1 - Ushka
Topics for Upcoming Meetings

2. **20-0907**

   November 26, 2020 - Cancelled
   December 10, 2020 - Interviews for the Community’s Police Advisory Committee
   December 24, 2020 - Cancelled

   Bucoda Warren, Committee Liaison, stated the next meeting will be on
   December 10, 2020, and will include interviews for the Community's Police
   Advisory Committee.

Public Comment

   There was no Public Comment.

Adjournment

   There being no further business, the special meeting adjourned at 7:24 p.m.

   _________________________________
   Keith Blocker, Chair

   _________________________________
   Mary Crabtree, City Clerk's Office
Call to Order

Mayor Woodards called the study session to order at 12:08 p.m.

Roll Call

Present:  7 - Beale, Blocker, Hines, McCarthy, Ushka, Walker and Mayor Woodards
Absent:  2 - Hunter and Thoms

All Council Members participated virtually.

Council Member Thoms arrived at 12:49 p.m.

Briefing Items

1.  20-0905  Potential 2021-2022 Proposed Budget Updates to include Basic Life Support and Fire Department Amendments

At approximately 12:08 p.m., City Manager Elizabeth Pauli provided opening remarks and introduced Katie Johnston, Budget Officer, Finance, and Tory Green, Chief, Tacoma Fire Department (TFD).

Chief Green presented on the operational impacts and considerations related to retaining engine service levels with Basic Life Support (BLS) implementation versus a modified engine proposal with BLS implementation.

Ms. Johnston presented on financial impacts and considerations for the two proposals, impacts on the projected 2023-2024 budget gap, and a summary of the exhibits presented in the 2021-2022 proposed budget ordinance on tonight's agenda.

Discussion ensued regarding the amendments, updated local and State revenue projections, use of reserve funds, impacts of additional cuts to the General Fund, and the Council's budget process.

The study session recessed at 12:36 p.m.
The study session reconvened at 12:49 p.m.

Council Member Thoms arrived here, at 12:49 p.m.

Discussion continued regarding clarifying the proposals; the process to amend the budget; past City Council promises; economic uncertainty; evaluating impacts to all departments; additional impacts of General Fund cuts, including service reductions and project deferrals; identifying essential services and prioritizing cuts; one-time cuts versus ongoing reductions; previous budget decisions; service levels, fire engine response times, staff deployment and dispatch, and number of staff under each scenario; appreciation for staff; and next steps.

2. **20-0890** Planning Commission’s Recommendations on the 2020 Annual Comprehensive Plan Amendment

At approximately 1:33 p.m., Stephen Atkinson, Principal Planner, Planning and Development Services (PDS), introduced Larry Harala, Senior Planner, PDS, and presented the Planning Commission’s recommendations on proposed amendments to the Comprehensive Plan and Land Use Regulatory Code, including an overview; list of amendment applications; the amendment process; public outreach and engagement; the Heidelberg-Davis site proposal, noting a summary, community concerns, the Planning Commission's findings and recommendation; the View Sensitive Overlay District (VSD) proposal, noting an overview, analysis and location criteria, map, and the Planning Commission's findings and recommendations; minor plan and code amendments, noting the Planning Commission's recommendations; and next steps.

Discussion ensued regarding zoning and potential uses of the Heidelberg-Davis site, history of the VSD, building height restrictions, impacts on infill housing, and the proposed ordinances.

3. **20-0891** Systems Transformation

At approximately 2:19 p.m., City Manager Pauli presented the systems transformation update, including new items, noting interviews for the Heal the Heart of Tacoma Core Coordinating Team, anti-racist focused budget development, Chief of Police recruitment, body worn cameras, and the legislative agenda; a request for community input on the current state of Tacoma Police Department operations; the systems transformation update table; the next steps timeline; and the draft transformation timeline.
Other Items of Interest

There were no other items of interest.

Committee Reports

There were no committee reports given.

Agenda Review and City Manager's Weekly Report

4. **20-0892**

Weekly Report to the Mayor and the City Council, November 19, 2020

City Manager Pauli stated there is one ceremonial on tonight’s agenda, proclaiming Saturday, November 28, 2020, as Small Business Saturday; and that multiple changes are expected to tonight’s agenda, including a substitute ordinance to correct Solid Waste rates, a substitute ordinance to correct an error in the exhibits for the partial engine BLS proposal; amendments to correct Neighborhood and Community Services and Emergency Medical Services funds, and the amendments discussed during today’s study session.

Adjournment

On proper motion, the study session was adjourned at 2:27 p.m.

_______________________________
Victoria R. Woodards, Mayor

_______________________________
Doris Sorum, City Clerk
City of Tacoma
City Council Study Session Minutes

Dial: 253-215-8782  Meeting ID: 894 9617 1192
Webinar Link: www.zoom.us/j/89496171192  Passcode: 896569

December 01, 2020
12:00 PM

JOINT MEETING WITH THE PUBLIC UTILITY BOARD

Call to Order

Mayor Woodards called the joint meeting to order at 12:04 p.m.

Roll Call

Present:  8 - Beale, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
Absent:  1 - Blocker

Public Utility Board Members:

Present:  5 - Bushnell, Cooley, Flint, Patterson, and Watson.

Deputy Mayor Blocker arrived at 12:05 p.m.

All Council Members and Public Utility Board Members participated virtually.

Joint City Council / Public Utility Board Briefing Item

1.  20-0916  Citywide State and Federal Legislative Priorities

Deputy Mayor Blocker arrived here, at 12:05 p.m.

At approximately 12:06 p.m., Anita Gallagher, Assistant to the City Manager, made opening remarks and introduced Briahna Murray, Vice President, Gordon Thomas Honeywell Governmental Affairs; and Clark Mather, Community and Government Relations Manager, and Marian Dacca, State Relations Manager, Tacoma Public Utilities (TPU). Together, they presented the state and federal priorities, including the 2021 general government federal agenda, noting the response to the COVID-19 crisis, criminal justice system transformation, affordable housing and homelessness, infrastructure, economic security, human dignity and safety, and climate justice; the 2021 TPU federal agenda, noting TPU-wide tools and
programs, Water, Rail, and Power; the 2021 General Government state priorities, noting systems transformation, the response to the COVID-19 crisis as partners, the Northwest ICE Processing Center, affordable housing and homelessness, the transportation revenue package, capital budget request, community partner priorities, and highlights of various topics that the City may engage in; the 2021 TPU state agenda, noting Power, Water, and Rail; and next steps.

Discussion ensued regarding other projects on the priority list, incentives for heating electrification in the future, the Multi-Family Tax Exemption (MFTE) program as an economic development tool versus other tools for affordable housing, modifying the MFTE program to create more affordable housing, authorizing speed cameras in areas outside of school zones, and communication between the City and its partners.

The joint study session adjourned, and the regular study session convened at 1:14 p.m.

**City Council Briefing Items**

2. **20-0918**

   Tacoma Smelter Plume Project Annual Update

   At approximately 1:15 p.m., Lisa Spadoni, Principal Planner, Planning and Development Services (PDS), provided opening remarks and introduced Amy Hargrove, Tacoma Smelter Plume Remediation Manager, and Marian Abbett, Tacoma Smelter Plume Manager, Washington Department of Ecology. Together they presented the Tacoma Smelter Plume Yard program update, including topics: history of the smelter; a map of predicted arsenic levels due to the smelter plume yard; health impacts; ways people can be exposed; healthy actions; the Asarco settlement for the future cost of cleaning up the smelter plume; smelter plume spending; Tacoma-Pierce County Health Department outreach and education, noting working with residents to cover bare patches of soil, adaptations to education and outreach during the COVID-19 crisis, the Yard program service area, arsenic sampling results, 2020 impacts to soil replacement work, a map of soil replacement progress in Tacoma, a map of the soil replacement sequence, the Dirt Alert map, the Environmental Protection Agency survey, and technical assistance; and next steps.

3. **20-0920**

   2020 Planning and Development Services Public Hearing Debrief

   At approximately 1:45 p.m., Stephen Atkinson, Principal Planner, and Larry Harala, Senior Planner, PDS, presented the public hearing debrief
regarding the 2020 amendments to the Comprehensive Plan, including applications; the Heidelberg-Davis site, noting concerns heard at the public hearing and response, land use designations, uses allowed, effects of amendment; the View Sensitive Overlay district, noting concerns and response, and the overlay district map; and next steps.

Discussion ensued regarding amendments to the ordinances, collaboration between developers and homeowners, development restrictions, impacts on density, tree restrictions, conflicts of policy regarding equity and affordability, private benefit versus public benefit, properties with special protections, setting a precedent protecting lack of density, tax implications of views being blocked, possible exceptions to height limits, and views in areas not within the View Overlay Districts.

4. **20-0921** Systems Transformation

At approximately 2:40 p.m., City Manager Elizabeth Pauli presented the systems transformation update, including new items.

**Other Items of Interest**

Mayor Woodards stated that the non-profit organization Forterra has requested $1.5 million in a funding appropriation in Governor Jay Inslee’s 2021-2022 budget proposal, for design and construction of a 350-unit attainable housing project in Tacoma’s Hilltop neighborhood.

**MOTION:** Council Member Hunter moved to have the full City Council sign the letter to Governor Inslee in support of Forterra's request.

**SECONDED BY:** Council Member Ushka.

**ACTION:** Voice vote was taken and carried. The motion was declared adopted.

- **Ayes:** 8 - Beale, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
- **Abstain:** 1 - Blocker

**Committee Reports**

There were no committee reports given.
Agenda Review and City Manager's Weekly Report

5. **20-0922** Weekly Report to the Mayor and City Council, November 25, 2020

City Manager Pauli stated there are no ceremonials and no expected changes on tonight's agenda.

**Adjournment**

On proper motion, the study session was adjourned at 2:45 p.m.

________________________________________
Victoria R. Woodards, Mayor

________________________________________
Doris Sorum, City Clerk
Call to Order

Mayor Woodards called the meeting to order at 12:06 p.m.

Roll Call

Present: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

All Council Members participated virtually.

The study session recessed at 12:07 p.m.

The study session reconvened at 12:16 p.m.

Briefing Items

1. **20-0947**  
   Tacoma Police Chief Finalist Presentations and Interviews

   At approximately 12:16 p.m., Shelby Fritz, Assistant Director, Human Resources, provided opening remarks. Mayor Woodards provided an overview of the interview process.

   The City Council interviewed Mike Ake, Jason Lando, Michelle Bennett, Dwayne Joseph, Von Narcisse, and Wendell Shirley.

Other Items of Interest

2. **20-0949**  
   Options for 2021 City Council Cancelled Meetings

   Mayor Woodards presented the proposed dates for the 2021 City Council cancelled meetings.

Committee Reports

There were no committee reports given.
3. 20-0948

Weekly Report to the Mayor and City Council, December 3, 2020

City Manager Elizabeth Pauli stated the transformation update would be posted online. She further stated there are no ceremonials on tonight's agenda, and three expected changes, including a motion for a settlement of claims against the City, a resolution brought forward by Mayor Woodards and Council Member Ushka regarding public health services, and an amendment to Ordinance No. 28724 proposed by Council Member Hines.

Council Member Hines explained that his proposed amendment to Ordinance No. 28724 is in response to requests from homeowners in node No. 2 and node No. 4 to be removed from the 20-foot change to the View Sensitive Overlay.

Council Member Ushka stated the resolution she is bringing forward with Mayor Woodards would declare the City Council's opposition to Pierce County Ordinance No. 2020-136, which would dissolve the Tacoma-Pierce County Health Department Interlocal Agreement.

Discussion ensued regarding the timeline of the decision process, instigating dialogue with the Health Department, possible outcomes of the City Council's ordinance, and possible outcomes of the City Council resolution.

MOTION: Deputy Mayor Blocker moved to convene to Executive Session pursuant to RCW 42.30.110(1)(i) to discuss pending and potential litigation, not to exceed 30 minutes.

SECONDED BY: Council Member Hunter.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

The City Council convened to Executive Session at 2:52 p.m.
City Attorney Bill Fosbre was present.

The Executive Session concluded, and the study session reconvened, at 3:20 p.m.
MOTION: Deputy Mayor Blocker moved to convene to a Closed Session pursuant to RCW 42.30.140(4)(a and b) to discuss labor negotiations, not to exceed 30 minutes.

SECONDED BY: Council Member Hunter.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

Adjournment

On proper motion, the study session was adjourned at 3:20 p.m.

The Closed Session was held after adjournment of the study session.

_____________________________
Victoria R. Woodards, Mayor

_____________________________
Doris Sorum, City Clerk
City of Tacoma  
City Council Study Session Minutes  
Dial: 253-215-8782  Meeting ID: 894 9617 1192  
Webinar Link: www.zoom.us/j/89496171192  Passcode: 896569  
December 15, 2020  
12:00 PM

Call to Order

Mayor Woodards called the study session to order at 12:02 p.m.

Roll Call

Present:  7 - Beale, Blocker, Hines, Hunter, Thoms, Walker and Mayor Woodards  
Absent:  2 - McCarthy and Ushka  

Council Member Ushka arrived at 12:05 p.m.  

All Council Members participated virtually.

Other Items of Interest

At 12:03 p.m., Pamela Duncan, President and CEO, Metropolitan Development Council (MDC), presented a letter the MDC will send to Governor Jay Inslee to request an extension of the eviction moratorium.

Council Member Ushka arrived here, at 12:05 p.m.  

Discussion ensued regarding keeping people in their homes and families who need rental payments to pay mortgages on their rental properties.

Briefing Items

1. **20-0975**  
   Bus Rapid Transit Update

At approximately 12:17 p.m., Alexandra Mather, Government and Community Relations Officer, Pierce Transit (PT), provided opening remarks and introduced Ryan Wheaton, Community and Planning Development Executive Director, and Nathan BeVelle, Community Development Coordinator, PT.  
Mr. Wheaton presented an update on the Bus Rapid Transit (BRT) project, including Route 1, why PT is implementing BRT, project funding, BRT route overview, safety improvements, branding concept, renderings of the station design, community outreach, property impact, and project timeline.
Mr. BeVelle presented the Pierce Transit commute solutions, including an update on current One Regional Card for All (ORCA) programs and the new program for multifamily ORCA cards.

Discussion ensued regarding safety enhancements for pedestrians, sidewalk improvements, east to west routes to get to Pacific Avenue, lane configuration, community outreach, impact on businesses, station design, working with property owners, coordination with other agencies, and how the ORCA multifamily program connects with affordable housing development.

2. **20-0976** Systems Transformation

At approximately 1:01 p.m., City Manager Elizabeth Pauli presented the systems transformation update, including new items, community input to 21CP Solutions, the systems transformation update table, and the next steps timeline and draft transformation timeline.

**Committee Reports**

**MOTION:** Deputy Mayor Blocker moved to have the City Council sign on to the letter to Governor Inslee in support of the Metropolitan Development Council's work concerning eviction.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried. The motion was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, Hunter, Thoms, Ushka, Walker and Mayor Woodards
Absent: 1 - McCarthy

* * * * * * * * * * * * * * *

There were no committee reports given.

**Agenda Review and City Manager's Weekly Report**

3. **20-0977** Weekly Report to the Mayor and City Council, December 10, 2020

City Manager Pauli stated there is one ceremonial on tonight's agenda, proclaiming Tuesday, December 15, 2020, as City Staff Recognition Day. She further stated there is one expected change to the agenda, a motion to
remove the motion to confirm the appointment of the Tacoma Police Chief.

**MOTION:** Deputy Mayor Blocker moved to convene to Executive Session pursuant to RCW 42.30.110(1)(i) to discuss potential litigation, not to exceed 30 minutes.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried. The motion was declared adopted.

- **Ayes:** 8 - Beale, Blocker, Hines, Hunter, Thoms, Ushka, Walker and Mayor Woodards
- **Absent:** 1 - McCarthy

The City Council convened to Executive Session at 1:12 p.m. City Attorney Bill Fosbre and Deputy City Attorneys Steve Victor and Charles Lee were present.

The Executive Session was extended by 20 minutes at 1:42 p.m.

The Executive Session concluded, and the study session reconvened, at 2:06 p.m.

**Adjournment**

On proper motion, the study session was adjourned at 2:06 p.m.

_________________________________
Victoria R. Woodards, Mayor

_________________________________
Doris Sorum, City Clerk
CALL TO ORDER

Mayor Woodards called the meeting to order at 5:05 p.m.

ROLL CALL

Present:  8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
Absent:  1 - Hunter

All Council Members participated virtually.

FLAG SALUTE

Council Member Hines stated that we gratefully honor and acknowledge that we rest on the traditional lands of the Puyallup People where they make their home and speak the Lushootseed language.

The flag salute was led by Council Member Hines.

MOMENT OF SILENCE

In honor of those who have lost their lives to or have been impacted by COVID-19 and systemic racism.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK


CONSENT AGENDA

8. 20-0882 Minutes of the City Council meeting, October 13, 2020.

FIRST READING OF ORDINANCES

9. ORD28719 An ordinance vacating portions of Commerce Street and South 7th Street, to cure existing building encroachments on the perimeter of the building known as Old City Hall.
   (City of Tacoma; File No. 124.1410)
   [Jeff H. Capell, Hearing Examiner]

   MOTION: Deputy Mayor Blocker moved to adopt the Consent Agenda, including first reading of Ordinance No. 28719.
   SECONDED BY: Council Member Thoms.

   MOTION: Deputy Mayor Blocker moved to accept the Findings, Conclusions, and Recommendations of the Hearing Examiner for Ordinance No. 28719.
   SECONDED BY: Council Member Thoms.

   ACTION: Voice vote was taken and carried. The motion was declared adopted.
   Ayes: 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
   Absent: 1 - Hunter

   ACTION: Voice vote was taken and carried to adopt the Consent Agenda, including setting Ordinance No. 28719 over to a date to be determined. The Consent Agenda was declared adopted.
   Ayes: 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
   Absent: 1 - Hunter
PROCLAMATIONS/RECOGNITIONS/PRESENTATIONS/ANNOUNCEMENTS

10. **20-0895** Proclaiming Saturday, November 28, 2020, as Small Business Saturday.

Mayor Woodards proclaimed November 28, 2020, as Small Business Saturday and presented the proclamation to Mr. Abe Fox, Co-owner, Wooden City Tacoma, and Mr. Pat and Ms. Gail Ringrose, Owners, T Town Apparel.

PUBLIC COMMENT

Public Comment began at 5:21 p.m.

The City Clerk’s Office received three written comments for Public Comment on Ordinance No. 28710, regarding Electric Energy – Regulations and Rates; Ordinance No. 28711, regarding Water – Regulations and Rates; and Ordinance No. 28718, regarding the Biennial Operating Budget.

Speaking before the City Council:
1. Matt Frank, speaking on Ordinance No. 28718.
2. Todd Briske, speaking on Ordinance No. 28718.
5. Kristopher Hampton, speaking on Ordinance No. 28718.
6. Lukas Barfield, speaking on Ordinance No. 28718.
7. Naomi Simila-Dickinson, speaking on Ordinance No. 28718.
8. Kenneth Stepien, speaking on Ordinance No. 28718.
10. Dee Sonntag, speaking on Ordinance No. 28718.
11. Devin Rydel Kelly, speaking on Ordinance No. 28718.

Public Comment ended at 5:44 p.m.
REGULAR AGENDA

11. **20-0902**

A motion may be considered to authorize the City’s full and final settlement of all claims against the City in the matter of Walter S. Dailey v. City of Tacoma, Pierce County Superior Court Cause No. 18-2-06959-4, relating to claims associated with his prior City employment, upon payment by the City in the amount of $130,000.

**MOTION:** Deputy Mayor Blocker moved to authorize the City’s full and final settlement of all claims against the City in the matter of Walter S. Dailey v. City of Tacoma, Pierce County Superior Court Cause No. 18-2-06959-4, relating to claims associated with his prior City employment, upon payment by the City in the amount of $130,000.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried. The motion was declared adopted.

- **Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
- **Absent:** 1 - Hunter

RESOLUTIONS

12. **RES40690**

A resolution authorizing the execution of a Letter of Agreement with the International Brotherhood of Electrical Workers, Local 483, Water Division Unit, to create a new classification entitled Water Systems Operations Supervisor. [Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

**MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40690.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.

- **Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
- **Absent:** 1 - Hunter
13. **RES40691** A resolution authorizing the execution of a Letter of Agreement with the International Brotherhood of Electrical Workers, Local 483, Water Pollution Control Unit, regarding clarification of holiday pay for employees.

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

**MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40691.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

Absent: 1 - Hunter

14. **RES40692** A resolution authorizing the execution of a Collective Bargaining Agreement with the Teamsters Local Union No. 117, Tacoma Venues and Events Unit, consisting of 23 budgeted full-time equivalent positions, effective January 1, 2021, through December 31, 2021.

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

**MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40692.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

Absent: 1 - Hunter
15. **RES40693**  A resolution updating the Planning and Development Services Financial Policy and Fee Schedule, to include the addition of a Fire Construction Permit Fee Section, effective January 1, 2021.

[Corey Newton, P.E., Site and Building Manager; Peter Huffman, Director, Planning and Development Services]

**MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40693.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.

**Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

**Absent:** 1 - Hunter

16. **RES40694**  A resolution approving the General Government Fee Schedule for special and miscellaneous services, to include charges to the public for various departmental services.

[Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

**MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40694.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.

**Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

**Absent:** 1 - Hunter
A resolution authorizing the execution of agreements with multiple vendors, in the amount of $23,061,338, budgeted from a combination of various funds, to provide stability for providers and ensure continued essential services for the Tacoma community during the COVID-19 pandemic, effective January 1, 2021, through December 31, 2022.

[Linda Stewart, Director, Neighborhood and Community Services]

MOTION: Deputy Mayor Blocker moved to adopt
Resolution No. 40695.

SECONDED BY: Council Member Thoms.

MOTION: Deputy Mayor Blocker moved to amend
Resolution No. 40695, by increasing the authorized funding amount by $1,000,000 for a new total of $24,061,338 as referenced on pages 1 and 2, and to increase the amount of funding for Living Access Support Alliance by $1,000,000 for a new total of $1,140,000 as referenced in Exhibit “A”.

SECONDED BY: Council Member Thoms.

The amendment had substantive changes and public comment was taken.

No individuals addressed the City Council.

ACTION: Voice vote was taken and carried on the motion to amend
Resolution No. 40695. The motion was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
Absent: 1 - Hunter

ACTION: Voice vote was taken and carried. The Resolution, as amended, was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
Absent: 1 - Hunter
18. RES40696 A resolution directing the City Manager to consider the recommendations in the 2020 Comprehensive Police Staffing Study and upcoming Divertible Calls for Service Study when making staffing decisions for the Tacoma Police Department.

[Council Member McCarthy]

MOTION: Deputy Mayor Blocker moved to adopt Resolution No. 40696.

SECONDED BY: Council Member Thoms.

Mayor Woodards made a friendly amendment to add under the “Be it Resolved” section, “to consult that study where it makes sense”.

The friendly amendment was accepted by Council Member McCarthy.

ACTION: Voice vote was taken and carried. The Resolution, as amended, was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

Absent: 1 - Hunter

19. RES40697 A resolution directing the City Manager to use the Down Payment and Foreclosure Assistance disparity study, to identify disparities or displacement that resulted in disproportionate homeownership and the inaccessibility of communities of color, and particularly Black communities, to build generational wealth; and to provide an update to the City Council within six months, and recommendations no later than August 2021, to include specific budget and policy recommendations to increase Black homeownership in Tacoma, including the potential consideration of dedicating a percentage of all down payment assistance funds to Black residents.

[Council Member Ushka]

MOTION: Deputy Mayor Blocker moved to adopt Resolution No. 40697.

SECONDED BY: Council Member Thoms.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

Absent: 1 - Hunter
FINAL READING OF ORDINANCES

20. **ORD28702**  An ordinance amending Chapter 1.06 of the Municipal Code, relating to Administration; repealing Chapter 6B.50, relating to Ambulances, and reenacting as a new Chapter 3.11; renaming Title 3 from “Fire” to “Fire and Emergency Medical Services”, and adding, amending, and repealing various chapters in Title 3, to modify outdated fee requirements, clarify and add language regarding emergency medical transport, and other administrative updates.

[Teresa Green, Fire Department Manager; Toryono Green, Fire Chief]

**ACTION:** Roll call vote was taken on Ordinance No. 28702. The Ordinance was declared passed by the following vote:

**Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

**Absent:** 1 - Hunter

21. **ORD28703**  An ordinance amending Chapter 12.09 of the Municipal Code, relating to Solid Waste, Recycling, and Hazardous Waste, to adjust the 2021 and 2022 rates and charges to include a 1.5 percent increase, effective January 1, 2021, a 2 percent increase, effective January 1, 2022, and a 5 percent increase in low income elderly and low income disabled discount, effective January 1, 2021.

[Michael P. Slevin III, P.E., Director, Environmental Services]

**MOTION:** Deputy Mayor Blocker moved as a substitute, Substitute Ordinance No. 28703 Exhibit A.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried. The motion was declared adopted.

**Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

**Absent:** 1 - Hunter

**ACTION:** Roll call vote was taken on Substitute Ordinance No. 28703. The Substitute Ordinance was declared passed by the following vote:

**Ayes:** 7 - Beale, Blocker, Hines, Thoms, Ushka, Walker and Mayor Woodards

**Nays:** 1 - McCarthy

**Absent:** 1 - Hunter
22. **ORD28704** An ordinance amending Chapter 12.08 of the Municipal Code, relating to Wastewater and Surface Water Management - Regulation and Rates, to adjust the 2021 and 2022 rates and charges to include a 1.5 percent increase, effective January 1, 2021, a 2 percent increase, effective January 1, 2022, and a 5 percent increase in the low income elderly and low income disabled discount, effective January 1, 2021.

[Michael P. Slevin III, P.E., Director, Environmental Services]

**ACTION**: Roll call vote was taken on Ordinance No. 28704.

The Ordinance was declared passed by the following vote:

- **Ayes**: 7 - Beale, Blocker, Hines, Thoms, Ushka, Walker and Mayor Woodards
- **Nays**: 1 - McCarthy
- **Absent**: 1 - Hunter

23. **ORD28705** An ordinance amending Chapter 12.06 of the Municipal Code, relating to Electric Energy - Regulations and Rates, to add a new Section 12.06.166, entitled “Prepaid residential service - Schedule PR”, to allow for payment of electric service in advance of usage, effective January 1, 2021.

[Bill Berry, Rates, Planning, and Analysis Manager; Chris Robinson, Power Superintendent]

**ACTION**: Roll call vote was taken on Ordinance No. 28705.

The Ordinance was declared passed by the following vote:

- **Ayes**: 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
- **Absent**: 1 - Hunter

24. **ORD28706** An ordinance amending Chapter 12.06 of the Municipal Code, relating to Electric Energy - Regulations and Rates, to add a new Section 12.06.373, entitled “Electrofuel service pilot - Schedule EF”, to allow for electrochemical production of low carbon-content fuels usable for transportation or electrical energy storage, effective April 1, 2021.

[Bill Berry, Rates, Planning, and Analysis Manager; Chris Robinson, Power Superintendent]

**ACTION**: Roll call vote was taken on Ordinance No. 28706.

The Ordinance was declared passed by the following vote:

- **Ayes**: 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
- **Absent**: 1 - Hunter
25.  **ORD28707**  An ordinance amending Chapter 12.06 of the Municipal Code, relating to Electric Energy - Regulations and Rates, to add a new Section 12.06.265, entitled “New large load service - Schedule NLL”, to codify the rate to be charged to new large loads to be consistent with other rates, effective April 1, 2021, and April 1, 2022.

[Bill Berry, Rates, Planning, and Analysis Manager; Chris Robinson, Power Superintendent]

**ACTION:** Roll call vote was taken on Ordinance No. 28707.

The Ordinance was declared passed by the following vote:

**Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

**Absent:** 1 - Hunter

26.  **ORD28708**  An ordinance amending Chapter 12.06 of the Municipal Code, relating to Electric Energy - Regulations and Rates, to add a new Section 12.06.372, entitled “Shore power - Schedule SP”, to allow ships at the Port of Tacoma to use electric power instead of burning bunker fuel while in port, effective April 1, 2021, and April 1, 2022.

[Bill Berry, Rates, Planning, and Analysis Manager; Chris Robinson, Power Superintendent]

**ACTION:** Roll call vote was taken on Ordinance No. 28708.

The Ordinance was declared passed by the following vote:

**Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

**Absent:** 1 - Hunter


[Bill Berry, Rates, Planning, and Analysis Manager; Chris Robinson, Power Superintendent]

**ACTION:** Roll call vote was taken on Ordinance No. 28709.

The Ordinance was declared passed by the following vote:

**Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

**Absent:** 1 - Hunter
28. **ORD28710**  An ordinance amending Chapter 12.06 of the Municipal Code, relating to Electric Energy - Regulations and Rates, for two rate adjustments of 1.5 percent, effective April 1, 2021, and 2 percent, effective April 1, 2022; and amending Section 12.06.165, to adjust the definition for the threshold of maximum annual household income to qualify for the low-income senior and/or low-income disabled discount residential service, and increase the amount of discount available for customers who qualify for that service, effective January 1, 2021.

[Bill Berry, Rates, Planning, and Analysis Manager; Chris Robinson, Power Superintendent]

**ACTION:** Roll call vote was taken on Ordinance No. 28710.
The Ordinance was declared passed by the following vote:

- **Ayes:** 7 - Beale, Blocker, Hines, Thoms, Ushka, Walker and Mayor Woodards
- **Nays:** 1 - McCarthy
- **Absent:** 1 - Hunter

29. **ORD28711**  An ordinance amending Chapter 12.10 of the Municipal Code, relating to Water - Regulations and Rates, for two rate adjustments of 1.5 percent, effective January 1, 2021, and 2 percent, effective January 1, 2022.

[Jodi Collins, Assistant Water Division Manager; Scott Dewhirst, Water Superintendent]

**ACTION:** Roll call vote was taken on Ordinance No. 28711.
The Ordinance was declared passed by the following vote:

- **Ayes:** 7 - Beale, Blocker, Hines, Thoms, Ushka, Walker and Mayor Woodards
- **Nays:** 1 - McCarthy
- **Absent:** 1 - Hunter

30. **ORD28712**  An ordinance amending Ordinance No. 20367, to redirect franchise fee revenues from the Special Revenue Fund, previously the Municipal Cable Television Program Fund, to the General Fund, to allow more flexibility in the use of private cable franchise fees.

[Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

**ACTION:** Roll call vote was taken on Ordinance No. 28712.
The Ordinance was declared passed by the following vote:

- **Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
- **Absent:** 1 - Hunter
31. **ORD28713**  An ordinance authorizing an increase in the 2020 Ad Valorem general property tax revenue collection in terms of both dollars and percentage for the general property tax levy in 2021.

[Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

**ACTION: Roll call vote was taken on Ordinance No. 28713.**

The Ordinance was declared passed by the following vote:

- **Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
- **Absent:** 1 - Hunter

32. **ORD28714**  An ordinance fixing the amount of the Ad Valorem tax levies necessary to identify the amount of the estimated revenues from property tax levies to match estimated expenditures for debt service and other funding requirements.

[Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

**ACTION: Roll call vote was taken on Ordinance No. 28714.**

The Ordinance was declared passed by the following vote:

- **Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
- **Absent:** 1 - Hunter

The City Council meeting recessed at 7:02 p.m.

The City Council meeting reconvened at 7:15 p.m.

33. **ORD28715**  An ordinance authorizing an increase for the 2021 Emergency Medical Services property tax levy in terms of both dollars and percentage.

[Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

**ACTION: Roll call vote was taken on Ordinance No. 28715.**

The Ordinance was declared passed by the following vote:

- **Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
- **Absent:** 1 - Hunter
34. **ORD28716** An ordinance fixing the amount of the Emergency Medical Services levy necessary to identify the amount of the estimated revenues from the property tax levy to match estimated expenditures for debt service and other funding requirements.
 [Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

**ACTION:** Roll call vote was taken on Ordinance No. 28716. The Ordinance was declared passed by the following vote:

- **Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
- **Absent:** 1 - Hunter

35. **ORD28717** An ordinance adopting the 2021-2026 Capital Facilities Program of the Comprehensive Plan, and adopting the 2021-2022 Capital Budget.
 [Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

**MOTION:** Deputy Mayor Blocker moved as a substitute, Substitute Ordinance No. 28717 Exhibit A.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried. The motion was declared adopted.

- **Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
- **Absent:** 1 - Hunter

**ACTION:** Roll call vote was taken on Substitute Ordinance No. 28717. The Substitute Ordinance was declared passed by the following vote:

- **Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
- **Absent:** 1 - Hunter
36. **ORD28718** An ordinance adopting the 2021-2022 Biennial Operating Budget.
   [Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

   **MOTION:** Council Member McCarthy moved as a substitute, Substitute Ordinance No. 28718 Exhibit A-1, to retain current engine service levels with Basic Life Support implementation.

   **SECONDED BY:** Council Member Thoms.

   **ACTION:** Voice vote was taken and failed. Roll call vote was requested and taken. The motion was declared failed.
   
   **Ayes:** 3 - Hines, McCarthy and Thoms
   **Nays:** 5 - Beale, Blocker, Ushka, Walker and Mayor Woodards
   **Absent:** 1 - Hunter

   **MOTION:** Deputy Mayor Blocker moved as a substitute, Substitute Ordinance No. 28718 Exhibit A-2, to modify current engine service levels and implement the Basic Life Support proposal.

   **SECONDED BY:** Council Member Thoms.

   **ACTION:** Voice vote was taken and carried. Roll call vote was requested and taken. The motion was declared adopted.
   
   **Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
   **Absent:** 1 - Hunter

   **MOTION:** Deputy Mayor Blocker moved to amend Exhibit A-2 to Reduce Fund 4300 – Wastewater by $937,979, from $83,731 to negative $854,248.

   **SECONDED BY:** Council Member Thoms.

   **ACTION:** Voice vote was taken and carried. The motion was declared adopted.
   
   **Ayes:** 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
   **Absent:** 1 - Hunter
MOTION: Deputy Mayor Blocker moved to amend, Amended Substitute Ordinance No. 28718 Exhibit A-2 to increase the General Fund by $1 million from $2,700,000 to $3,700,000, and decrease the Emergency Medical Services Special Revenue Fund by $1 million from $2,500,000 to $1,500,000.

SECONDED BY: Council Member Thoms.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
Absent: 1 - Hunter

ACTION: Roll call vote was taken on Substitute Ordinance No. 28718, as amended. The Amended Substitute Ordinance was declared passed by the following vote:

Ayes: 6 - Beale, Blocker, Hines, Ushka, Walker and Mayor Woodards
Nays: 2 - McCarthy and Thoms
Absent: 1 - Hunter

FIRST READING OF ORDINANCES

37. **ORD28720** 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, Water Division Unit, for a new classification entitled Water Systems Operations Supervisor.

[Kari L. Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]

ACTION: Ordinance No. 28720 was set over for final reading next week.
PUBLIC HEARINGS AND APPEALS

38. 20-0850 This is the date set for a public hearing by the City Council on the 2020 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]

The public hearing began at 8:40 p.m.

The City Clerk’s Office received 82 written comments for the public hearing.

Speaking before the City Council:
2. Lori Grassi, resident.
3. Gail Cline, resident.
5. Tom Rickey, resident.
7. Beth Johnson, resident.
8. Stewart Messman, resident.
9. Jean Jones, resident.
10. Beverly Grant, resident.
11. Rachel Randich, Tacoma-Pierce County Association of Realtors.
12. Marvin Vialle, resident.
14. Luis Alonzo, resident.
15. Shane Pettit, resident.
17 Jim Schock, resident.
18. Michael Fast, MRF Construction, Inc.
19. Mike Fleming, resident.
21. Joe Quilici, resident.

The public hearing ended at 9:27 p.m.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS BY THE CITY MANAGER

City Manager Elizabeth Pauli thanked the community, Council Members, and staff regarding the City budget process.
COMMENTS AND COMMITTEE REPORTS OF THE CITY COUNCIL

Economic Development Committee

Council Member Thoms, Chair of the Economic Development Committee, reported at the November 10, 2020, meeting, the Committee held interviews for the Tacoma Arts Commission; and at today's meeting the Committee received a presentation on the Safe and Clean Initiative. He concluded by stating the next meeting will be held on Tuesday, December 8, 2020, at 10:00 a.m., through Zoom, where the Committee will receive presentations on Juneteenth celebrations and retail cannabis in Tacoma.

Mayor Woodards responded to community questions about homelessness, noting that individuals should contact the Tacoma School District to retrieve items left at Gault Middle School; that the City's warming shelter at the Eastside Community Center will remain open through the end of the year, and the City is working to expand the number of available beds; and that the City is looking for innovative responses and community input to address homelessness in the long-term. She concluded by noting the City has declared emergencies related to COVID-19, homelessness, and systemic racism; and asked everyone to stay safe during the winter months by social distancing, getting tested if they feel ill, limiting trips outside the home, and wearing face coverings.

Council Member Thoms expressed his support for more community discussions about homelessness; and thanked the New Tacoma neighborhood for hosting the Collaboration for a Cause community distribution event on November 21, 2020, which was supported by multiple local groups and served over 200 families.

Mayor Woodards reminded attendees that the Transportation Benefit District Governing Board meeting and Virtual Forum will follow after the regular meeting adjourns, and wished everyone a happy Thanksgiving holiday.
MOTION: Deputy Mayor Blocker moved to excuse Council Member Hunter from the meeting.

SECONDED BY: Council Member Thoms.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

Absent: 1 - Hunter

ADJOURNMENT

On proper motion, the meeting was adjourned at 9:36 p.m.

__________________________________________
Victoria R. Woodards, Mayor

__________________________________________
Doris Sorum, City Clerk
CALL TO ORDER

Mayor Woodards called the meeting to order at 5:01 p.m.

ROLL CALL

Present: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

All Council Members participated virtually.

FLAG SALUTE

Council Member Hunter stated that we gratefully honor and acknowledge that we rest on the traditional lands of the Puyallup People where they make their home and speak the Lushootseed language.

The flag salute was led by Council Member Hunter.

MOMENT OF SILENCE

In honor of those who have lost their lives to or have been impacted by COVID-19 and systemic racism.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK


2. 20-0909 Minutes of the Tacoma Arts Commission, November 9, 2020.

3. 20-0910 Minutes of the Tacoma Public Library Board of Trustees, October 21, 2020.
CONSENT AGENDA

ASSESSMENT ROLLS

4. **20-0852**

The Director of Public Works presents the Assessment Roll for the following:

LID No. 8643

Placement of permanent pavement, together with installation of concrete curbs and gutters, and storm drain lines with storm water catch basins where needed on:

- Union Avenue from North 24th Street to North 25th Street - (northbound).
- Washington Street from North 16th Street to North 18th Street.
- Wapato Street from South 50th Street to South 51st Street.
- Huson Street from South 64th Street to South 66th Street.

Setting Thursday, January 14, 2021, at 9:00 a.m., as the date for a hearing by the Hearing Examiner.

[Ralph Rodriguez, LID Administrator; Kurtis D. Kingsolver, P.E., Director, Public Works]

**MOTION:** Deputy Mayor Blocker moved to adopt the Consent Agenda.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried to adopt the Consent Agenda. The Consent Agenda was declared adopted.

**Ayes:** Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

PROCLAMATIONS/RECOGNITIONS/PRESENTATIONS/ANNOUNCEMENTS

There were no proclamations, recognitions, presentations, or announcements.
PUBLIC COMMENT

Public Comment began at 5:03 p.m.

The City Clerk’s Office received 32 written comments for Public Comment on Ordinance No. 28724, regarding the establishment of a View Sensitive Overlay District.

Speaking before the City Council:
1. Karen Kelly, speaking on Ordinance No. 28724.
2. Mike Fleming, speaking on Ordinance No. 28724.
3. Joseph Quilici, speaking on Ordinance No. 28724.
4. Norinda Yancey, speaking on Resolution No. 40707.
5. Marvin Vialle, speaking on Ordinance No. 28724.
8. Tom Rickey, speaking on Ordinance No. 28724.
10. Lori Grassi, speaking on Ordinance No. 28724.
11. Beth Johnson, speaking on Ordinance No. 28724.

Public Comment ended at 5:28 p.m.

REGULAR AGENDA

APPOINTMENTS

5. RES40698 A resolution appointing and reappointing individuals to the Tacoma Area Commission on Disabilities.
   [Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

MOTION: Deputy Mayor Blocker moved to adopt Resolution No. 40698.

SECONDED BY: Council Member Thoms.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

   Ayes:  9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
6. **RES40699** A resolution appointing and reappointing individuals to the Tacoma Arts Commission. [Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

   **MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40699.
   
   **SECONDED BY:** Council Member Thoms.

   **ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.
   
   **Ayes:** Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

**RESOLUTIONS**

7. **RES40700** A resolution declaring surplus and authorizing the execution of a Quitclaim Deed to convey vacant undeveloped property adjacent to the Tacoma Rescue Mission property, located at 425 South Tacoma Way, to the Tacoma Rescue Mission, for parking lot development and improvement. [Ronda Van Allen, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

   **MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40700.

   **SECONDED BY:** Council Member Thoms.

   **ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.
   
   **Ayes:** Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

8. **RES40701** A resolution authorizing the execution of an agreement with Pierce County, in an amount not to exceed $2,798,849, budgeted from the General Fund, to extend the jail services agreement for one year, through December 31, 2021. [Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

   **MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40701.

   **SECONDED BY:** Council Member Thoms.
ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

9. **RES40702**

A resolution authorizing the execution of a Letter of Agreement with the Tacoma Firefighters Union, Local 31, to provide a retention incentive for employees to voluntarily delay retirement until the second half of 2021 in order to assist with Basic Life Support services staffing.

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

MOTION: Deputy Mayor Blocker moved to adopt Resolution No. 40702.

SECONDED BY: Council Member Thoms.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

10. **RES40703**

A resolution authorizing the execution of a Transfer Agreement for the Foss Waterway Parks, from the Foss Waterway Development Authority to the Metropolitan Park District of Tacoma.

[Pat Beard, Business Development Manager; Jeff Robinson, Director, Community and Economic Development]

MOTION: Deputy Mayor Blocker moved to adopt Resolution No. 40703.

SECONDED BY: Council Member Thoms.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
11. **RES40704** A resolution authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with CR Chelsea Heights Communities LLC, for the development of 19 multi-family market-rate rental housing units, located at 603 South “J” Street, in the Downtown Regional Growth Center. [Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

**MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40704.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

12. **RES40705** A resolution authorizing the execution of a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with Donyelle Frazier, for the development of eight multi-family market-rate and affordable rental housing units, located at 2518 Fawcett Avenue, in the Downtown Regional Growth Center. [Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

**MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40705.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
13. **RES40706**  
A resolution adopting the priority issues for the 2021 sessions of the United States Congress and Washington State Legislature.  
[Anita Gallagher, Assistant to the City Manager; Elizabeth Pauli, City Manager]  

**MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40706.  

**SECONDED BY:** Council Member Thoms.  

**ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.  

- **Ayes:** Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards  

14. **RES40707**  
A resolution authorizing the execution of a Memorandum of Understanding with Mayors for a Guaranteed Income and United Way of Pierce County granting $100,000 in starter funds to the United Way of Pierce County, to assist with launching a guaranteed income demonstration or to launch a task force to explore the viability of, and build support for, guaranteed income in Tacoma, effective December 8, 2020, through December 31, 2021.  
[Council Member Walker]  

**MOTION:** Council Member Thoms moved to adopt Resolution No. 40707.  

**SECONDED BY:** Council Member Ushka.  

**ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.  

- **Ayes:** Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka and Walker  
- **Recused:** Mayor Woodards
FINAL READING OF ORDINANCES

15. **ORD28720** 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, Water Division Unit, for a new classification entitled Water Systems Operations Supervisor.

   [Kari L. Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]

   **ACTION:** Roll call vote was taken on Ordinance No. 28720. The Ordinance was declared passed by the following vote:

   **Ayes:** 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

FIRST READING OF ORDINANCES

16. **ORD28721** An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for represented and non-represented classifications and classification changes to reflect the organizational structure.

   [Kari L. Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]

   **ACTION:** Ordinance No. 28721 was set over for final reading next week.

17. **ORD28722** An ordinance modifying the 2019-2020 Biennial Budget to appropriate funds for additional changes in transfers and other budget adjustments as well as appropriating additional estimated revenues.

   [Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

   **ACTION:** Ordinance No. 28722 was set over for final reading next week.
18. **ORD28723** An ordinance amending the Heidelberg-Davis site, located in the vicinity of South 19th Street and South Tyler Street, from a Parks and Open Space land use designation to a Major Institutional Campus designation, as part of the 2020 Amendments to the Comprehensive Plan and Land Use Regulatory Code, effective January 1, 2021.

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

**ACTION:** Ordinance No. 28723 was set over for final reading next week.

19. **ORD28724** An ordinance amending Chapter 13.06 of the Municipal Code, relating to Zoning, by amending Section 13.06.070, entitled “Overlay Districts”, to establish a View Sensitive Overlay District - 20, with a 20-foot building height limit, and an area-wide rezone for specified areas within the View Sensitive Overlay District, as part of the 2020 Amendments to the Comprehensive Plan and the Land Use Regulatory Code, effective January 1, 2021.

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

**ACTION:** Ordinance No. 28724 was set over for final reading next week.

20. **ORD28725** An ordinance amending Title 13 of the Municipal Code, relating to the Land Use Regulatory Code, by amending various chapters to adopt the minor plan and code amendments as part of the 2020 Amendments to the Comprehensive Plan and Land Use Regulatory Code, effective January 1, 2021.

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

**ACTION:** Ordinance No. 28725 was set over for final reading next week.

**UNFINISHED BUSINESS**

There was no unfinished business.

**REPORTS BY THE CITY MANAGER**

City Manager Elizabeth Pauli invited Council Members and community members to hear a question and answer session with the Police Chief finalists on Monday, December 7, 2020, at 6:00 p.m., and stated the link to the session can be found at cityoftacoma.org under the Police Chief recruitment webpage.
Mayor Woodards expressed that a big step for transformation is selecting the next Police Chief and encouraged everyone to tune into the session and submit their comments through a link on the webpage.

COMMENTS AND COMMITTEE REPORTS OF THE CITY COUNCIL

Government Performance and Finance Committee

Council Member Hunter, Chair of the Government Performance and Finance Committee, reported the Committee has not met since her last report to the City Council and the next Committee meeting will be held on December 15, 2020, at 10:00 a.m., through Zoom, and will include a presentation on the Human Resources' internal internship program.

* * * * * * * * * * * * * * *

Council Member Ushka announced that Mayor Woodards has been elected as the Second Vice President of the National League of Cities and thanked her for her leadership.

Mayor Woodards stated that COVID-19 cases are rising, and asked everyone to social distance, wash their hands, and wear their masks. She concluded by encouraging everyone to support or continue supporting local restaurants and small businesses.

ADJOURNMENT

On proper motion, the meeting was adjourned at 7:14 p.m.

_______________________________
Victoria R. Woodards, Mayor

_______________________________
Doris Sorum, City Clerk
CALL TO ORDER

Mayor Woodards called the meeting to order at 5:03 p.m.

ROLL CALL

Present:  8 - Beale, Blocker, Hines, Hunter, McCarthy, Ushka, Walker and Mayor Woodards
Absent:  1 - Thoms

All Council Members participated virtually.

FLAG SALUTE

Council Member McCarthy stated that we gratefully honor and acknowledge that we rest on the traditional lands of the Puyallup People where they make their home and speak the Lushootseed language.

The flag salute was led by Council Member McCarthy.

MOMENT OF SILENCE

In honor of Mike Cohen, Jacki Pearce-Droge, and those who have lost their lives to or have been impacted by COVID-19 and systemic racism.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK


CONSENT AGENDA

3.  20-0932 Minutes of the City Council study session, September 1, 2020.
4.  **20-0933**  Minutes of the City Council study session, September 15, 2020.

5.  **20-0934**  Minutes of the City Council study session, September 22, 2020.


7.  **20-0936**  Minutes of the joint City Council and Public Utility Board study session, October 6, 2020.

8.  **20-0937**  Minutes of the City Council study session, October 13, 2020.

9.  **20-0938**  Minutes of the City Council study session, October 20, 2020.

10. **20-0924**  Minutes of the City Council meeting, October 20, 2020.

11. **20-0931**  Minutes of the City Council special meeting, October 21, 2020.

12. **20-0928**  Minutes of the City Council meeting, October 27, 2020.


**MOTION:** Deputy Mayor Blocker moved to adopt the Consent Agenda.

**SECONDED BY:** Council Member Hunter.

**ACTION:** Voice vote was taken and carried to adopt the Consent Agenda. The Consent Agenda was declared adopted.

- **Ayes:** 8 - Beale, Blocker, Hines, Hunter, McCarthy, Ushka, Walker and Mayor Woodards
- **Absent:** 1 - Thoms

**PROCLAMATIONS/RECOGNITIONS/PRESENTATIONS/ANNOUNCEMENTS**

There were no proclamations, recognitions, presentations, or announcements.
MOTION: Deputy Mayor Blocker moved to suspend the rules to add a Resolution, Resolution No. 40710, to the agenda, as Item 15A, expressing opposition to Pierce County Council Ordinance No. 2020-136

SECONDED BY: Council Member Hunter.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, Hunter, McCarthy, Ushka, Walker and Mayor Woodards

Absent: 1 - Thoms

PUBLIC COMMENT

Public Comment began at 5:10 p.m.

The City Clerk’s Office received eight written comments for Public Comment on Ordinance No. 28724, regarding the establishment of a View Sensitive Overlay District; and Ordinance No. 28726, regarding the Advanced Metering Infrastructure Project.

Speaking before the City Council:
1. Jessica, speaking on Ordinance No. 28723.
2. Luis Alonzo, speaking on Ordinance No. 28723.
4. Mike Fleming, speaking on Ordinance No. 28724.
5. Gail Cline, speaking on Ordinance No. 28724.
7. Kathy Lawhon, speaking on Resolution Nos. 40708 and 40710.
9. Marilyn Kimmerling, speaking on Ordinance No. 28723.
11. Beverly Grant, speaking on Ordinance No. 28724.
13. Lori Grassi, speaking on Ordinance No. 28724.
14. Cindy Arnold, speaking on Ordinance No. 28723.

Public Comment ended at 5:35 p.m.
REGULAR AGENDA

MOTION: Deputy Mayor Blocker moved to authorize the City’s full and final settlement of all claims against the City in the matter of Than Orn, et al. v. City of Tacoma, United States District Court Cause No. 3:13-cv-05974, relating to an officer-involved shooting, upon payment of $8,000,000, which includes contribution by the City of up to $3,000,000 of self-insured costs, minus defense costs, with the remainder paid by the City’s insurance carrier.

SECONDED BY: Council Member Hunter.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, Hunter, McCarthy, Ushka, Walker and Mayor Woodards
Absent: 1 - Thoms

APPOINTMENTS

14. RES40708 A resolution appointing individuals to the Core Coordinating Team.
[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

MOTION: Deputy Mayor Blocker moved to adopt Resolution No. 40708.

SECONDED BY: Council Member Hunter.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, Hunter, McCarthy, Ushka, Walker and Mayor Woodards
Absent: 1 - Thoms
15. **RES40709**

A resolution reappointing individuals to the Greater Tacoma Regional Convention Center Public Facilities District Board.

[Mayor Woodards]

**MOTION:** Deputy Mayor Blocker moved to adopt

Resolution No. 40709.

**SECONDED BY:** Council Member Hunter.

**ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, Hunter, McCarthy, Ushka, Walker and Mayor Woodards

Absent: 1 - Thoms

**RESOLUTIONS**

15A. **RES40710**

A resolution expressing opposition to Pierce County Council Ordinance No. 2020-136; opposing the dissolution of the Interlocal Agreement that creates and maintains the Tacoma-Pierce County Health Department; and inviting a cooperative discussion, after the current pandemic has passed, on whether dissolution of the current structure is in the best interests of the City and Pierce County residents.

[Mayor Woodards]

**MOTION:** Deputy Mayor Blocker moved to adopt

Resolution No. 40710.

**SECONDED BY:** Council Member Hunter.

**ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, Hunter, McCarthy, Ushka, Walker and Mayor Woodards

Absent: 1 - Thoms
FINAL READING OF ORDINANCES

16. **ORD28721**  
   An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for represented and non-represented classifications and classification changes to reflect the organizational structure.  
   [Kari L. Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]

   **ACTION:** Roll call vote was taken on Ordinance No. 28721.  
   The Ordinance was declared passed by the following vote:  
   **Ayes:** 8 - Beale, Blocker, Hines, Hunter, McCarthy, Ushka, Walker and Mayor Woodards  
   **Absent:** 1 - Thoms

17. **ORD28722**  
   An ordinance modifying the 2019-2020 Biennial Budget to appropriate funds for additional changes in transfers and other budget adjustments as well as appropriating additional estimated revenues.  
   [Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

   **ACTION:** Roll call vote was taken on Ordinance No. 28722.  
   The Ordinance was declared passed by the following vote:  
   **Ayes:** 7 - Beale, Blocker, Hines, Hunter, Ushka, Walker and Mayor Woodards  
   **Nays:** 1 - McCarthy  
   **Absent:** 1 - Thoms

18. **ORD28723**  
   An ordinance amending the Heidelberg-Davis site, located in the vicinity of South 19th Street and South Tyler Street, from a Parks and Open Space land use designation to a Major Institutional Campus designation, as part of the 2020 Amendments to the Comprehensive Plan and Land Use Regulatory Code, effective January 1, 2021.  
   [Stephen Atkinson, Principal Planner; Peter Huffman, Director, Planning and Development Services]

   **ACTION:** Roll call vote was taken on Ordinance No. 28723.  
   The Ordinance was declared passed by the following vote:  
   **Ayes:** 7 - Blocker, Hines, Hunter, McCarthy, Ushka, Walker and Mayor Woodards  
   **Nays:** 1 - Beale  
   **Absent:** 1 - Thoms
19. **ORD28724** An ordinance amending Chapter 13.06 of the Municipal Code, relating to Zoning, by amending Section 13.06.070, entitled “Overlay Districts”, to establish a View Sensitive Overlay District - 20, with a 20-foot building height limit, and an area-wide rezone for specified areas within the View Sensitive Overlay District, as part of the 2020 Amendments to the Comprehensive Plan and the Land Use Regulatory Code, effective January 1, 2021.

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

**MOTION:** Council Member Hines moved to amend Ordinance No. 28724, to remove node 4 from the proposed map as well as five lots along the north side of North 17th Street, between North Bridgeview Drive and North Skyline Drive as depicted in the revised map set.

**SECONDED BY:** Council Member Hunter.

**ACTION:** Voice vote was taken and carried. The motion was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, Hunter, McCarthy, Ushka, Walker and Mayor Woodards

Absent: 1 - Thoms

**MOTION:** Council Member McCarthy moved to amend Amended Ordinance No. 28724, to remove nodes 3 and 5.

**SECONDED BY:** Mayor Woodards.

**ACTION:** Voice vote was taken and failed. The motion was declared failed.

Ayes: 1 - McCarthy

Nays: 7 - Beale, Blocker, Hines, Hunter, Ushka, Walker and Mayor Woodards

Absent: 1 - Thoms

**ACTION:** Roll call vote was taken on Amended Ordinance No. 28724. The Amended Ordinance was declared passed by the following vote:

Ayes: 7 - Blocker, Hines, Hunter, McCarthy, Ushka, Walker and Mayor Woodards

Nays: 1 - Beale

Absent: 1 - Thoms
20. **ORD28725** An ordinance amending Title 13 of the Municipal Code, relating to the Land Use Regulatory Code, by amending various chapters to adopt the minor plan and code amendments as part of the 2020 Amendments to the Comprehensive Plan and Land Use Regulatory Code, effective January 1, 2021.

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

**ACTION:** Roll call vote was taken on Ordinance No. 28725. The Ordinance was declared passed by the following vote:

- **Ayes:** 8 - Beale, Blocker, Hines, Hunter, McCarthy, Ushka, Walker and Mayor Woodards
- **Absent:** 1 - Thoms

**FIRST READING OF ORDINANCES**

21. **ORD28726** An ordinance amending Title 12 of the Municipal Code to amend Chapter 12.01, relating to Utility Charges, and Chapter 12.06, relating to Electric Energy - Regulations and Rates, to support implementation of the Advanced Metering Infrastructure Project, effective January 1, 2021.

[Matt Hubbard, Power Engineer; Jackie Flowers, Director, Tacoma Public Utilities]

**ACTION:** Ordinance No. 28726 was set over for final reading next week.

22. **ORD28727** 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 City of Tacoma, Washington, City and Pierce County Employees Local Number 120 of the Washington State Council of County and City Employees, AFSCME, AFL-CIO.

[Kari L. Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]

**ACTION:** Ordinance No. 28727 was set over for final reading next week.

**UNFINISHED BUSINESS**

There was no unfinished business.
COMMUNITY FORUM

Community Forum began at 6:56 p.m.

The City Clerk’s Office received one written comment for Community Forum, regarding the Residential Infill Pilot Program.

Speaking before the City Council:
1. Robert Grady, regarding homelessness.
2. Luis Alonzo, regarding the City's 2016 Institutional Campus Zoning Review.
5. Kit Burns, regarding automated meters.

Community Forum ended at 7:07 p.m.

REPORTS BY THE CITY MANAGER

City Manager Elizabeth Pauli announced the completion of the public question and answer session and City Council interviews with the Police Chief finalists and shared how Council Members and community members can weigh in on the decision, including viewing the interview sessions and completing a survey to give feedback by Friday, December 11, 2020, at 5:00 p.m. at cityoftacoma.org/policechiefrecruitment. She continued by reviewing next steps, including continuing her deliberations this week and to receive and consider feedback on the candidates from the City Council and the public; and stated Shelby Fritz, Assistant Director, Human Resources, is available to receive feedback on the candidates, and her contact information and press release can be found on the webpage.

City Manager Pauli concluded the review of next steps, including a notice to the public that the City Council may consider confirmation of one of the finalists at the Tuesday, December 15, 2020, City Council meeting, noting that the agenda will not include a name as the considerations are still underway; a notice to the public for an Executive Session on Monday, December 14, 2020, at 9:30 a.m., where the City Council can consider the qualifications of the finalists; and following the Executive Session, she will share the candidate that she will be presenting to the City Council for confirmation on Tuesday evening with the public.
COMMENTS AND COMMITTEE REPORTS OF THE CITY COUNCIL

Infrastructure, Planning, and Sustainability Committee

Council Member McCarthy, Chair of the Infrastructure, Planning, and Sustainability Committee, reported at the November 18, 2020, special meeting, the Committee conducted interviews for the Transportation Commission; and at the December 2, 2020, special meeting, the Committee received presentations on proposed building and fire code amendments and climate impacts on air quality in low-income neighborhoods. He concluded by stating the December 9, 2020, meeting has been cancelled, and the agenda items that were scheduled will now be heard on January 13, 2021.

********

Mayor Woodards announced that the Mayors for a Guaranteed Income received an additional $15 million of private funding for demonstration projects across the nation and that these new funds are being allocated to launch or expand guaranteed income pilots in various United States cities, including Tacoma. She stated that as a founding member of Mayors for a Guaranteed Income, Tacoma will be eligible for $500,000, which will be used to support Asset Limited, Income Constrained, and Employed families; and expressed gratitude and appreciation for Jack Dorsey, Mayor Michael Tubbs, and various partners in the work to shape a Guaranteed Income demonstration in Tacoma.

Council Member Ushka stated that 460 new COVID-19 cases and two new deaths were reported in Pierce County today, 3,125 cases have been reported in the last 14 days, with a total of 18,210 cases and 253 deaths to date in Pierce County. She concluded by encouraging everyone to wear their masks, stay in groups within their households, shop and support small businesses safely, and reach out to loved ones.

Mayor Woodards stated Governor Inslee extended the statewide restrictions for an additional three weeks and that he also announced $50 million will be made available for small businesses who are affected by the new shut down.
MOTION: Deputy Mayor Blocker moved to excuse Council Member Thoms from the meeting.

SECONDED BY: Council Member Hunter.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes: 8 - Beale, Blocker, Hines, Hunter, McCarthy, Ushka, Walker and Mayor Woodards

Absent: 1 - Thoms

ADJOURNMENT

On proper motion, the meeting was adjourned at 7:23 p.m.

_______________________________
Victoria R. Woodards, Mayor

_______________________________
Doris Sorum, City Clerk
City of Tacoma  
City Council Minutes  
Dial: 253-215-8782   Meeting ID: 8412 527 7176  
Webinar Link: www.zoom.us/j/84125277176   Passcode: 379185  
December 14, 2020  
9:30 AM  

SPECIAL MEETING  

CALL TO ORDER  
Mayor Woodards called the special meeting to order at 9:41 a.m.  

ROLL CALL  

Present:  9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards  
All Council Members participated virtually.  

Mayor Woodards stated that we gratefully honor and acknowledge that we rest on the traditional lands of the Puyallup People where they make their home and speak the Lushootseed language.  

The City Council special meeting recessed at 9:42 a.m.  

The City Council special meeting reconvened at 9:55 a.m.  

EXECUTIVE SESSION - to evaluate the qualifications of an applicant for public employment.  

MOTION: Deputy Mayor Blocker moved to convene to Executive Session pursuant to RCW 42.30.110(1)(g) to evaluate the qualifications of an applicant for public employment, not to exceed 60 minutes.  
SECONDED BY: Council Member Thoms.  
ACTION: Voice vote was taken and carried. The motion was declared adopted.  

Ayes:  9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
The City Council convened to Executive Session at 9:56 a.m. City Attorney Bill Fosbre was present.

The City Council recessed the Executive Session at 10:12 p.m. with 44 minutes remaining, stating the Executive Session would reconvene at 12:15 p.m.

The City Council special meeting recessed at 10:12 a.m.

The City Council special meeting reconvened at 12:18 p.m.

The City Council reconvened to Executive Session at 12:19 p.m. for the remaining 44 minutes.

The Executive Session concluded, and the City Council special meeting reconvened, at 12:59 p.m.

ADJOURNMENT

On proper motion, the special meeting was adjourned at 12:59 p.m.

_______________________________
Victoria R. Woodards, Mayor

_______________________________
Doris Sorum, City Clerk
CALL TO ORDER

Mayor Woodards called the meeting to order at 5:02 p.m.

ROLL CALL

Present: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

All Council Members participated virtually.

FLAG SALUTE

Council Member Thoms stated that we gratefully honor and acknowledge that we rest on the traditional lands of the Puyallup People where they make their home and speak the Lushootseed language.

The flag salute was led by Council Member Thoms.

MOMENT OF SILENCE

In honor of Senior Pastor Peter Sayenko and those who have lost their lives to or have been impacted by COVID-19 and systemic racism.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

1. 20-0971 Minutes of the Public Utility Board special meeting, November 18, 2020.

CONSENT AGENDA

2. 20-0964 Minutes of the City Council study session, October 27, 2020.


4. 20-0969 Minutes of the City Council study session, November 10, 2020.
5. **20-0970** Minutes of the City Council study session, November 17, 2020.


7. **20-0967** Minutes of the City Council meeting, November 10, 2020.

8. **20-0978** Minutes of the City Council meeting, November 17, 2020.

**RESOLUTIONS**

9. **RES40711** A resolution setting Tuesday, January 5, 2021, 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 proposed amendments to the 2019-2020 Annual Action Plan for Housing and Community Development projects.
   [Felicia Medlen, Housing Division Manager; Jeff Robinson, Director, Community and Economic Development]

10. **RES40712** A resolution setting Thursday, January 21, 2021, at 1:30 p.m., as the date for a hearing by the Hearing Examiner on the request to vacate portions of South 37th Street, Union Avenue, and South Tacoma Way, for the business uses of 3505 and 3515 South Tacoma Way.
   (Chandler Investment I, LLC; File No. 124.1408)
   [Ronda Van Allen, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

11. **RES40713** A resolution authorizing the execution of an amendment to the Interlocal Agreement with Pierce County, for Solid Waste Programs, to extend the termination date from December 31, 2020, to December 31, 2021.
   [Lewis Griffith, P.E., Solid Waste Management Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

**FINAL READING OF ORDINANCES**

12. **ORD28719** An ordinance vacating portions of Commerce Street and South 7th Street, to cure existing building encroachments on the perimeter of the building known as Old City Hall.
   (City of Tacoma; File No. 124.1410)
   [Jeff H. Capell, Hearing Examiner]
MOTION: Deputy Mayor Blocker moved to adopt the Consent Agenda, including Resolution Nos. 40711 through 40713 and final reading of Ordinance No. 28719.

SECONDED BY: Council Member Thoms.

ACTION: Voice vote was taken and carried to adopt the Consent Agenda, including Resolution Nos. 40711 through 40713 and final reading of Ordinance No. 28719. The Consent Agenda was declared adopted.

Ayes: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

PROCLAMATIONS/RECOGNITIONS/PRESENTATIONS/ANNOUNCEMENTS

13. 20-0962 Proclaiming Tuesday, December 15, 2020, as City Staff Recognition Day.

Mayor Woodards proclaimed Tuesday, December 15, 2020, as City Staff Recognition Day.

PUBLIC COMMENT

Public Comment began at 5:24 p.m.

The City Clerk’s Office received one written comment for Public Comment on Ordinance No. 28726, regarding the Advanced Metering Infrastructure Project; and three written comments, regarding Pierce County Council Ordinance No. 2020-136, homelessness, and the Tideflats Interim Regulations.

Speaking before the City Council:
1. Kit Burns, speaking on Ordinance No. 28726.

Public Comment ended at 5:29 p.m.
REGULAR AGENDA

14.  **20-0972** A motion may be considered to confirm the appointment of __________ as Chief of the Tacoma Police Department pursuant to the terms and effective according to the date contained in the offer of employment letter.

   **MOTION:** Deputy Mayor Blocker moved to remove Item No. 14 from the agenda.

   **SECONDED BY:** Council Member Thoms.

   **ACTION:** Voice vote was taken and carried. The motion was declared adopted.

   **Ayes:** 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

APPOINTMENTS

15.  **RES40714** A resolution appointing Rita Tumbusch to the Mayor's Youth Commission of Tacoma leadership team.

   [Bucoda Warren, Strategic Initiatives Coordinator; Tadd Wille, Deputy City Manager, City Manager’s Office]

   **MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40714.

   **SECONDED BY:** Council Member Thoms.

   **ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.

   **Ayes:** 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
16. **RES40715** A resolution appointing and reappointing individuals to the Transportation Commission. [Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

   **MOTION:** Deputy Mayor Blocker moved to adopt
   Resolution No. 40715.

   **SECONDED BY:** Council Member Thoms.

   **ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.
   
   **Ayes:** 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

**COMMUNICATIONS**

17. **20-0951** City Clerk transmitting the Citizen Commission on Elected Salaries’ decision regarding the Mayor and City Council Members’ annual salary.

   This item was informational only.

**RESOLUTIONS**

18. **RES40716** A resolution designating the Strategic Permitting Projects Program, Affordable Housing Streamlining Program, and the Neighborhood Planning Projects Program as Special Projects of Limited Duration, and designating general salary classifications and benefits for persons employed on the projects. [Corey Newton, P.E., Site and Building Division Manager; Peter Huffman, Director, Planning and Development Services]

   **MOTION:** Deputy Mayor Blocker moved to adopt
   Resolution No. 40716.

   **SECONDED BY:** Council Member Thoms.

   **ACTION:** Voice vote was taken and carried. The Resolution was declared adopted.
   
   **Ayes:** 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
19. RES40717  A resolution authorizing the execution of a Collective Bargaining Agreement with the City of Tacoma, Washington, City and Pierce County Employees Local Number 120 of the Washington State Council of County and City Employees, AFSCME, AFL-CIO, consisting of approximately 162 budgeted full-time equivalent positions, effective January 1, 2021, through December 31, 2022.
[Dylan Carlson, Senior Labor Relations Manager; Bill Fosbre, City Attorney]

MOTION: Deputy Mayor Blocker moved to adopt Resolution No. 40717.

SECONDED BY: Council Member Thoms.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.
   Ayes: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

20. RES40718  A resolution approving the cancellation of the following six regular City Council meetings in 2021: January 19, June 1, July 6, September 7, December 21, and December 28.
[Mayor Woodards]

MOTION: Deputy Mayor Blocker moved to adopt Resolution No. 40718.

SECONDED BY: Council Member Thoms.

ACTION: Voice vote was taken and carried. The Resolution was declared adopted.
   Ayes: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
FINAL READING OF ORDINANCES

21. **ORD28726**
An ordinance amending Title 12 of the Municipal Code to amend Chapter 12.01, relating to Utility Charges, and Chapter 12.06, relating to Electric Energy - Regulations and Rates, to support implementation of the Advanced Metering Infrastructure Project, effective January 1, 2021.

[Matt Hubbard, Power Engineer; Jackie Flowers, Director, Tacoma Public Utilities]

**ACTION:** Roll call vote was taken on Ordinance No. 28726.
The Ordinance was declared passed by the following vote:
- **Ayes:** 8 - Beale, Blocker, Hines, Hunter, Thoms, Ushka, Walker and Mayor Woodards
- **Nays:** 1 - McCarthy

22. **ORD28727**
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 City of Tacoma, Washington, City and Pierce County Employees Local Number 120 of the Washington State Council of County and City Employees, AFSCME, AFL-CIO.

[Kari L. Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]

**ACTION:** Roll call vote was taken on Ordinance No. 28727.
The Ordinance was declared passed by the following vote:
- **Ayes:** 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS BY THE CITY MANAGER

Deputy City Manager Tadd Wille informed everyone that the operation of the warming shelter, located at the Eastside Community Center, has been extended through the end of February 2021, and will be operating 24 hours per day and seven days a week, and has a current capacity of 55 individuals; individuals at the shelter have access to personal protective equipment and referrals to supportive services, such as behavioral health and employment programs; and options to make shower access available on-site are being evaluated. He concluded by expressing gratitude for the City Staff Recognition Day proclamation and wished everyone happy holidays.
COMMUNICATIONS AND COMMITTEE REPORTS OF THE CITY COUNCIL

Community Vitality and Safety Committee

Deputy Mayor Blocker, Chair of the Community Vitality and Safety Committee, reported at the November 19, 2020, special meeting, the Committee received a presentation on Neighborhood and Community Services' 2021-2022 provider funding approaches, and conducted interviews for the Heal the Heart of Tacoma Core Coordinating Team; at the November 23, 2020, special meeting, the Committee continued to conduct interviews for the Core Coordinating Team; and at the December 10, 2020, meeting, the Committee received a presentation on Neighborhood and Community Services' 2021-2022 contract invoicing, and conducted interviews for the Community's Police Advisory Committee. He concluded by stating the next meeting will be held on January 14, 2021, at 4:30 p.m., through Zoom.

* * * * * * * * * * * * * * *

Council Member Thoms thanked and congratulated the Tacoma Housing Authority for their virtual opening of their Arlington Drive Youth Campus, thanked staff for their work on Tacoma's Recycle Reset program, and wished everyone happy holidays.

Council Member Beale announced that Monday, December 21, 2020, is National Homeless Persons' Memorial Day and the Tacoma Pierce County Coalition to End Homelessness is holding a Safe Shelter Summit, to which Council Members and staff have been invited to attend, to address homelessness. He concluded by thanking Deputy City Manager Wille, and all City staff for their work throughout the year, and wished everyone happy holidays.

Council Member Ushka recognized and expressed appreciation for the eastside community for accepting the youth shelters, micro-shelters, and expansion of the Eastside Community Center for a warming shelter. She concluded by stating that Pierce County reported 225 new COVID-19 cases, for a total of 21,479 cases to date, and two new deaths, for a total of 261 deaths to date; and encouraged everyone to wear their masks, social distance, keep gatherings small, and wash their hands.

Council Member Hunter thanked staff for their work on the City budget.

Mayor Woodards expressed appreciation for her colleagues; reminded everyone that the December 22, 2020, and December 29, 2020, City Council study sessions and business meetings, and the December 22, 2020,
Virtual Forum, have been cancelled; and wished everyone happy holidays.

**ADJOURNMENT**

On proper motion, the meeting was adjourned at 6:00 p.m.

_______________________________
Victoria R. Woodards, Mayor

_______________________________
Doris Sorum, City Clerk
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Virtual Forum will begin at 6:00 p.m., or in the event the regular meeting of the City Council adjourns after 6:00 p.m., promptly following such adjournment.

The purpose of the Virtual Forum is to give community members an additional opportunity to share their thoughts and views to assist the Council in making policy decisions; therefore, items of discussion shall be limited to matters over which the City Council has jurisdiction. No action shall be taken by the City Council during the Virtual Forum.

Attendance for this Forum is available by phone by dialing 253-215-8782 or through Zoom at www.zoom.us/j/84834233126 and entering the Meeting ID 848 3423 3126 and Passcode 349099, when prompted. To sign up to speak during Community Member Comments, press the Raise Hand button near the bottom of your Zoom window or *9 on your phone. Your name or the last four digits of your phone number will be called out when it is your turn to speak. All speakers will have up to 90 seconds to speak. Where necessary, due to the number of persons who want to address the Council, the presiding officer shall retain authority to limit all persons’ remarks to an equal period of less than 90 seconds.
CALL TO ORDER

Mayor Woodards called the Virtual Forum to order at 9:51 p.m.

ROLL CALL

Present:  7 - Beale, Blocker, Hines, Thoms, Ushka, Walker and Mayor Woodards
Absent:  2 - Hunter and McCarthy

Council Member McCarthy arrived at 9:53 p.m.

All Council Members participated virtually.

COMMUNITY MEMBER COMMENTS

Community Member Comments began at 9:52 p.m.

The City Clerk’s Office received two written comments for Community Member Comments, regarding homelessness.

Council Member McCarthy arrived here, at 9:53 p.m.

Speaking before the City Council:
1. Dee Sonntag, regarding the City budget, homelessness, and the Tacoma Police Department.
2. Kenneth Stepien, regarding the City budget.

Community Member Comments ended at 9:59 p.m.

OTHER ITEMS OF INTEREST

There were no other items of interest.

* * * * * * * * * * * * * * *

MOTION: Deputy Mayor Blocker moved to excuse Council Member Hunter from the meeting.

SECONDED BY: Council Member Thoms.

ACTION: Voice vote was taken and carried. The motion was declared adopted.

Ayes:  8 - Beale, Blocker, Hines, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
Absent: 1 - Hunter
ADJOURNMENT

On proper motion, the Virtual Forum was adjourned at 10:00 p.m.

_______________________________
Victoria R. Woodards, Mayor

_______________________________
Doris Sorum, City Clerk
RESOLUTION NO. 40719

A RESOLUTION relating to the vacation of City right-of-way; setting Thursday, January 21, 2021, at 9:00 a.m., as the date for a hearing before the Hearing Examiner on the petition of 1402 Tacoma, LLC, to vacate the air rights over a westerly portion of Tacoma Avenue South, lying southerly of South 14th Street, to facilitate design variability on a residential building project.

WHEREAS 1402 Tacoma, LLC, having received the consent of the owners of more than two-thirds of the properties abutting the westerly portion of Tacoma Avenue South, lying southerly of South 14th Street, has petitioned for the vacation of air rights within the following legally described right-of-way area:

The westerly 5.00 feet of that portion of Tacoma Avenue South lying adjacent to the following: Lots 1 through 5, inclusive, and the north half of Lot 6, Block 1412, Map of New Tacoma, W.T., according to plat filed for record February 3, 1875 in the Office of the County Auditor; and lying between the elevations of 245.63 and 330.63 feet at the northeast corner and between 244.93 and 329.93 feet at the southeast corner. (NGVD29 Vertical datum)

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

Now, Therefore,

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

Section 1. That Thursday, January 21, 2021, 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, 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 1402 Tacoma, LLC, to vacate the air rights over a westerly portion of Tacoma Avenue South, lying southerly of South 14th
Street, will be heard by the Hearing Examiner and his recommendations thereafter transmitted to the Council of the City of Tacoma.

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:  Property description approved:

____________________________  ______________________________
Deputy City Attorney  Chief Surveyor
Public Works Department

Location: Air rights over a westerly portion of Tacoma Avenue South, lying southerly of South 14th Street

Petitioner: 1402 Tacoma, LLC
File No.: 124.1422
TO: Elizabeth A. Pauli, City Manager  
FROM: Troy Stevens, Senior Real Estate Specialist, Facilities Management Division  
Kurtis D. Kingsolver, P.E., Public Works Director/City Engineer  
COPY: City Council and City Clerk  
DATE: December 10, 2020  

SUMMARY AND PURPOSE:  
A resolution setting Thursday, January 21, 2021 at 9:00 a.m., as the date and time for a hearing before the Hearing Examiner for petitioner’s request to vacate the air rights of a westerly portion of Tacoma Avenue South, lying southerly of South 14th Street, to facilitate design variability on a residential building project.

BACKGROUND:  
This Department’s Recommendation is Based On: Receipt of a Petition to Vacate public right of way, as filed by 1402 Tacoma, LLC.

The street right of way was dedicated to the public on the Map of New Tacoma, Washington Territory, on February 3, 1875. 1402 Tacoma, LLC is filing the petition to vacate a portion of the public right of way in order to facilitate design variability on a residential building project.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:  
Setting of hearing date will affect petitioner and City staff. This resolution to set a hearing date before the Hearing Examiner will initiate the public notice/community engagement process.

2025 STRATEGIC PRIORITIES:  
Equity and Accessibility:  
The setting of a hearing date will allow for community engagement and inclusion in the street vacation process.

Civic Engagement: Equity Index Score: Moderate Opportunity.  
Increase the percentage of residents who believe they are able to have a positive impact on the community and express trust in the public institutions in Tacoma.

Explain how your legislation will affect the selected indicator(s).  
Pursuant to Revised Code of Washington (RCW) 35.79 and Tacoma Municipal Code (TMC) 9.22, setting a hearing date will allow the Petition to Vacate to be heard by the Hearing Examiner, who in turn will issue a report of the findings of fact, conclusions of law, and recommendations to the City Council for their consideration.
ALTERNATIVES:

<table>
<thead>
<tr>
<th>Alternative(s)</th>
<th>Positive Impact(s)</th>
<th>Negative Impact(s)</th>
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<tbody>
<tr>
<td>1. Council could decide not to approve the resolution setting the hearing date</td>
<td>None.</td>
<td>Petitioner's street vacation petition would not advance; any project development may be impacted.</td>
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</tbody>
</table>

EVALUATION AND FOLLOW UP:
Evaluation and follow up will consist of the Hearing Examiner report and recommendation to City Council for final determination.

STAFF/SPONSOR RECOMMENDATION:
The Public Works Department recommends City Council approve this request to set the Hearing Examiner's public hearing date for January 21, 2021.

FISCAL IMPACT:
There is no fiscal impact. This action only sets the date of the hearing before the Hearing Examiner.

<table>
<thead>
<tr>
<th>Fund Number &amp; Name</th>
<th>COST OBJECT (CC/WBS/ORDER)</th>
<th>Cost Element</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. N/A</td>
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<tr>
<td><strong>TOTAL</strong></td>
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</tbody>
</table>

What Funding is being used to support the expense?
Normally, there is no Funding source to support the expense of setting a hearing date for street vacation petitions other than the $500 application fee received from the petitioner to process the Petition to Vacate, which may or may not be full cost recovery for staff time.

Are the expenditures and revenues planned and budgeted in this biennium's current budget?
There are no expenditures/revenues planned and budgeted related to the setting of hearing dates for street vacations. However, any compensation received from petitioner for the value of the right of way shall be deposited in City funds in accordance with TMC 9.22.010.

Are there financial costs or other impacts of not implementing the legislation?
There are no financial costs to the City for not setting a hearing date. However, there may be financial costs to the petitioner.

Will the legislation have an ongoing/recurring fiscal impact?
No. Setting a hearing date does not have an ongoing/recurring fiscal impact.

Will the legislation change the City’s FTE/personnel counts?
No. Setting a hearing date does not change the City's FTE/personnel counts.

ATTACHMENTS:
- Aerial Map
- Street Map
CITY OF TACOMA

STREET VACATION NO. 124.1422

WESTERLY PORTION OF TACOMA AVENUE SOUTH, LYING SOUTH OF SOUTH 14TH STREET

SE 1/4 SEC. 05, T20N, R3E

NOT TO SCALE
RESOLUTION NO. 40720

A RESOLUTION relating to utility-owned surplus property; setting Tuesday, January 26, 2021, 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 sale of approximately 1.19 acres of property located in central unincorporated Lewis County near Mossyrock, adjacent to Mayfield Lake, owned by the City of Tacoma through its Department of Public Utilities, Light Division, and now surplus to its needs, to Michael and Cheryl Jensen for the amount of $125,500.

WHEREAS the City of Tacoma, through its Department of Public Utilities, Light Division (d.b.a. “Tacoma Power”), owns approximately 1.19 acres of property identified as a portion of Lewis County Assessor Tax Parcel No. 028327-001-000, located adjacent to Mayfield Lake and the Kris Kay residential subdivision in the Mossyrock vicinity of unincorporated Lewis County (“Property”), and

WHEREAS the Property is in a rural location originally acquired by Tacoma Power in 1961, and lies outside of the FERC-regulated boundary for the Cowlitz Hydroelectric Project, and

WHEREAS Tacoma Power has determined that the Property is not essential for continued effective utility service, and has been identified for surplus disposition, and

WHEREAS, in order to treat all neighbors equitably, Real Property Services, with Tacoma Power approval, conducted a negotiated bid/sale process whereby all abutting property owners were given the opportunity to submit bids to purchase the Property, and
WHEREAS Michael and Cheryl Jensen own an abutting tract in the Kris Kay residential subdivision, and offered to purchase the Property for $125,500, which was the highest bid received, and

WHEREAS the terms and conditions of the Purchase and Sale Agreement were reviewed by the City Attorney’s Office and approved by Tacoma Power and Real Property Services, and

WHEREAS, on December 9, 2020, by adoption of Public Utility Board Resolution No. U-11227, the Property was declared surplus to Tacoma Power’s needs and the needs of Tacoma Public Utilities and approved for sale, pending confirmation from the City Council, and

WHEREAS, pursuant to RCW 35.94.040 and TMC 1.06.280, the City Council shall conduct a public hearing on the proposed sale of City-owned real property; Now, Therefore,

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

Section 1. That a public hearing on the sale of approximately 1.19 acres of property located in central unincorporated Lewis County near Mossyrock, adjacent to Mayfield Lake, owned by the City of Tacoma through its Department of Public Utilities, Light Division (d.b.a. “Tacoma Power”) and now surplus to its needs and the needs of Tacoma Public Utilities, to Michael and Cheryl Jensen for the amount of $125,500, shall be held before the City Council in the 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 until the end of the
COVID-19 emergency, on Tuesday, January 26, 2021, upon completion of Regular Agenda Items, no earlier than 5:15 p.m. or as soon thereafter as the same may be heard.

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:

______________________________
Chief Deputy City Attorney

Requested by Public Utility Board Resolution No. U-11227
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TO: Elizabeth Pauli, City Manager
FROM: Jackie Flowers, Director of Utilities
COPY: City Council and City Clerk
SUBJECT: Resolution – Declaration of Surplus and Sale of Tacoma Power Real Property – City Council Consent
DATE: November 25, 2020

SUMMARY AND PURPOSE:
To set Tuesday, January 26, 2021 as the date for a Public Hearing regarding the declaration of surplus and sale of approximately 1.19 acres of Tacoma Power property, identified as a portion of Lewis County Assessor Tax Parcel No. 028327-001-000, to Michael and Cheryl Jensen for $125,500.00.

BACKGROUND:
The sale property is in a rural location in central unincorporated Lewis County near Mossyrock adjacent to Mayfield Lake and the Kris Kay residential subdivision. It was originally acquired in 1961 by Tacoma Power, who no longer needs to retain ownership of the property as it lies outside of the FERC-regulated boundary and ownership entails additional management time and expense. As required by the Purchase and Sale Agreement, prior to closing of the sale the Buyer obtained approval from Lewis County for a Boundary Line Adjustment (BLA) needed to convey the sale property. The Jensens own an abutting tract in the Kris Kay residential subdivision; however, their site does not have enough room to accommodate a well, an on-site septic system/reserve area, and a house. The addition of the sale property through the Boundary Line Adjustment and sale is intended to allow them to construct a residence on the enlarged property. Real Property Services conducted a negotiated bid/sale process whereby all abutting property owners were given the opportunity to submit bids to purchase the property. The Jensens submitted the highest bid, which we believe adequately represents Fair Market Value, and we entered into negotiations to finalize a Purchase and Sale Agreement with them. The terms and conditions of the Purchase and Sale Agreement were reviewed by the City Attorney's Office and approved by Tacoma Power management and Real Property Services and this surplus disposition was approved by the Public Utility Board via Resolution No. U-11227 adopted December 9, 2020.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:
As the sale involves an unimproved tract of land in a rural location in Lewis County, no potential impacts are foreseen. This sale has been vetted by Tacoma Power management.

2025 STRATEGIC PRIORITIES:
Equity and Accessibility:
The sale will allow continued development of the local community, which provides housing, educational, employment, and recreational opportunities in line with state-mandated Growth Management policies and Lewis County development regulations. As the sale property lies outside the corporate limits of the City of Tacoma, no Equity Index Scores have been identified.
ALTERNATIVES:
Presumably, your recommendation is not the only potential course of action; please discuss other alternatives or actions that City Council or staff could take. Please use table below.

<table>
<thead>
<tr>
<th>Alternative(s)</th>
<th>Positive Impact(s)</th>
<th>Negative Impact(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Retain property</td>
<td>None.</td>
<td>Costs for maintenance and liability.</td>
</tr>
</tbody>
</table>

EVALUATION AND FOLLOW UP:
This is a one-time sale with no on-going evaluation required.

STAFF/SPONSOR RECOMMENDATION:
Tacoma Power and Real Property Services recommend that the City Council set January 26, 2021 as the date to hold a Public Hearing for the declaration of surplus and sale of approximately 1.19 acres of Tacoma Power Property to Michael and Cheryl Jensen for $125,500.00

FISCAL IMPACT:
There is no fiscal impact to setting this Public Hearing.

Are there financial costs or other impacts of not implementing the legislation?
No

Will the legislation have an ongoing/recurring fiscal impact?
No

Will the legislation change the City’s FTE/personnel counts?
No

ATTACHMENTS:
Sale Property Location Map.
TO: Jackie Flowers, Director of Utilities
COPY: Charleen Jacobs, Director and Board Offices
FROM: Keith Underwood, Tacoma Power Natural Resources Manager
       Greg Muller, Real Estate Officer, Real Property Services
MEETING DATE: December 9, 2020
DATE: November 25, 2020

SUMMARY: Declare surplus and authorize the negotiated sale of approximately 1.19± acres of Tacoma Power property, identified as a portion of Lewis County Assessor Tax Parcel No. 028327-001-000 located adjacent to Mayfield Lake and the Kris Kay residential subdivision in the Mossyrock vicinity of unincorporated Lewis County, to Michael and Cheryl Jensen for $125,500.00.

BACKGROUND: No previous request has been submitted to Board in relation to this proposal. The sale property is in a rural to location in central unincorporated Lewis County near Mossyrock. It was originally acquired in 1961 by Tacoma Power, who no longer needs to retain ownership of the property as it lies outside of the FERC-regulated boundary and ownership entails additional management time and expense. As required by the Purchase and Sale Agreement, prior to closing of the sale the Buyer obtained approval from Lewis County for a Boundary Line Adjustment (BLA) needed to convey the sale property. The Jensens own an abutting tract in the Kris Kay residential subdivision; however, their site does not have enough room to accommodate a well, an on-site septic system/reserve area, and a house. The addition of the sale property through the Boundary Line Adjustment and sale is intended to allow them to construct a residence on the enlarged property. Real Property Services conducted a negotiated bid/sale process whereby all abutting property owners were given the opportunity to submit bids to purchase the property. The Jensens submitted the highest bid, which we believe adequately represents Fair Market Value, and we entered into negotiations to finalize a Purchase and Sale Agreement with them. The terms and conditions of the Purchase and Sale Agreement were reviewed by the City Attorney’s Office and approved by Tacoma Power management and Real Property Services.

Upon approval by the Board, a separate request will be made to the City Council to hold a Public Hearing to be followed by Final Approval. Closing of the sale is expected by February 2021.

Additional detail related to the property and disposition:

This predominantly mowed grassland property has never been central to Tacoma Power’s operational or regulatory needs in relation to the Cowlitz Hydroproject and is not included in the FERC Boundary. In fact, it has consumed a lot of staff time and resources for monitoring and to respond to neighbor complaints when others have used the property without Tacoma Power’s permission. Tacoma Power has also received numerous inquiries from abutting property owners over the years to purchase the property.

Due to the preceding issues, Tacoma Power Natural Resources identified this property as a high priority for surplus disposition and engaged Real Property Services. In order to treat all neighbors equitably, RPS, with Tacoma Power approval, crafted a disposition strategy to allow all six abutters the opportunity to purchase the property. Letters were sent to all interested parties and offers were solicited and reviewed. The offer from Michael and Cheryl Jensen was by far the highest and was accepted by Tacoma Power. As a condition of the sale, the Jensens were required to obtain approval from Lewis County for a Boundary Line Adjustment necessary to convey the property to them; as that has been completed, we are
Board Action Memorandum

now seeking TPU Board and Council approval so we can close the sale and transfer ownership to the Jensens.

Timeline of the Disposition Process:

1. Notice Letter to Abutters: November 15, 2019
2. Offer Submission Deadline: December 13, 2019
3. Selection of Offer: January 14, 2020
4. Consummate PSA: April 14, 2020

Although we were able to complete Steps 1 thru 4 and execute the Purchase and Sale Agreement with the Jensens in April, due to the pandemic striking at that point, it took the buyers much longer than anticipated to complete the Boundary Line Adjustment process with Lewis County. Approval was just received in November, and we are now proceeding to approval by the TPU Board and City Council per the following schedule:

5. TPU Board: December 9, 2020
6. Public Hearing: January 19, 2021
7. City Council: January 25, 2021
8. Closing of Sale: February 2021

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? No.

IF THE EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED.
N/A.

IF THE ACTION REQUESTED IS APPROVAL OF A CONTRACT, INCLUDE LANGUAGE IN RESOLUTION AUTHORIZING $200,000 INCREASE IN ADMINISTRATIVE AUTHORITY TO DIRECTOR? N/A.

ATTACHMENTS: Tacoma Power Real Estate Purchase and Sale Agreement No. A3240, Addendum No. 1 to A3240, Quit Claim Deed No. 6774, Boundary Line Adjustment, Declaration of Surplus; Location Map

CONTACT: Primary Contact: Greg Muller, Real Estate Officer, Ext 8256
Supervisor: Dylan Harrison, Senior Real Estate Officer, Ext 8836
ORDINANCE NO. 28656

AN ORDINANCE related to the vacation of City right-of-way; vacating a portion of South 66th Street right-of-way, lying between South Adams Street and the Central Puget Sound Regional Transit Authority (Sound Transit) railroad corridor lying westerly of South Tacoma Way, for incorporation into the southerly abutting two parcels for business expansion and related commercial use; and adopting the Hearing Examiner’s Findings, Conclusions, and Recommendations related thereto.

WHEREAS all steps and proceedings required by law and by resolution of the City Council to vacate the portion of the right-of-way hereinafter described have been duly taken and performed; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner’s Findings, Conclusions, and Recommendations as contained in the Hearing Examiner’s Report and Recommendation to the City Council bearing File No. 124.1404 and dated January 16, 2020, which Report is on file in the office of the City Clerk.
Section 2. That the portion of South 66th Street right-of-way, lying between South Adams Street and the Central Puget Sound Regional Transit Authority (Sound Transit) railroad corridor lying westerly of South Tacoma Way, legally described as follows:

The southerly portion of South 66th Street (also known as Cottage Place), abutting Lots 4 through 10, Block 2, Villa Park, according to the Plat thereof recorded in Book 5 of Plats, Page 60, records of Pierce County, Washington, described as follows:

Beginning at the Northwest corner of said Lot 4, Block 2, Villa Park; Thence North 00°59' 44" East, along the extended westerly margin of said Lot 4, a distance of 56.98 feet;

Thence South 85°55'02" East a distance of 67.56 feet to a northerly angle point in a chain link fence; Thence South 85°07'24" East a distance of 117.69 feet, more or less, to the westerly margin of the Central Puget Sound Regional Transit Authority (Sound Transit) railroad corridor; Thence South 01°59'45" East, along the westerly margin of said railroad corridor, a distance of 48.56 feet to the north line of said Block 2, Villa Park; Thence North 88°03 '05" West, along said north line, a distance of 187.44 feet, more or less, to the Point of Beginning.

All situate in the City of Tacoma, County of Pierce, State of Washington; within the Northeast Quarter of the Northeast Quarter of Section 25, Township 20 North, Range 02 East of the Willamette Meridian;

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, as a part thereof, and all right or
title of the City in and to the portion of the right-of-way so vacated does hereby vest in the owners of the property abutting thereon, all in the manner provided by law; provided, however, that there is hereby retained and reserved, pursuant to the statutes of the state of Washington, the following easements, to-wit:

**Environmental Services**

The City's Environmental Services Department has requested that an easement be retained in the Vacation Area to protect existing utility infrastructure. It is recommended that such an easement be retained as part of the requested vacation.
Tacoma Power

The Power Division of the City’s Department of Public Utilities has requested that an easement be retained in the Vacation Area to protect existing utility infrastructure. It is recommended that such an easement be retained as part of the requested vacation.

Passed ____________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form: Property description approved:

______________________________
Deputy City Attorney  Chief Surveyor
Public Works Department

Location: A portion of South 66th Street right-of-way, lying between South Adams Street and the Central Puget Sound Regional Transit Authority (Sound Transit) railroad corridor lying westerly of South Tacoma Way.

Petitioners: Steve and Darlene Guiberson
Vacation Req. No. 124.1404

Req. #20-0082 -4-
TO: Elizabeth A. Pauli, City Manager
FROM: Jeff H. Capell, Hearing Examiner
COPY: Ronda Van Allen, Senior Real Estate Specialist, Public Works, Real Property Services
COPY: City Council and City Clerk
SUBJECT: Ordinance Request No. 20-0082 – Street Vacation 124.1404 – February 11, 2020
DATE: January 27, 2020

SUMMARY AND PURPOSE:
An ordinance to vacate a portion of South 66th Street right-of-way ("ROW"), lying between South Adams Street and the Central Puget Sound Regional Transit Authority (Sound Transit) railroad corridor lying westerly of South Tacoma Way. The vacated area of ROW will be incorporated into the southerly abutting two parcels for business expansion and related commercial use.

BACKGROUND:
The Hearing Examiner's recommendation is based on the evidence and testimony presented at the public hearing held on January 9, 2020. The Vacation Area (as defined in the Hearing Examiner’s Report and Recommendation) is approximately the southerly 60 feet of an existing 153 feet in width ROW. The Vacation Area is not being currently used for ROW purposes, nor does the City see any future need for it as ROW. Approving the vacation will not landlock any abutting property nor will it otherwise affect any existing access. Approving the vacation will be beneficial to the Petitioners by allowing them to use the Vacation Area to enhance their business free of the City's inchoate ROW interest.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:
A public hearing was held for this petition on January 9, 2020, at which members of the community could attend and speak to express their concerns with, and/or support for the proposed street vacation. No members of the public appeared. The street vacation will benefit the petitioner by allowing enhancement and expansion of their business. If approved, the vacation will have nominal benefit or effect on the community surrounding the area because the vacation area is not used as a ROW presently, nor is there any need for it in the future.

2025 STRATEGIC PRIORITIES: NA

ALTERNATIVES:

<table>
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<tr>
<th>Alternative(s)</th>
<th>Positive Impact(s)</th>
<th>Negative Impact(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Council could approve the vacation request under conditions different than those recommended.</td>
<td>Any positive impacts arising from different conditions would depend on what those conditions are.</td>
<td>Any different conditions imposed would have to find justification outside of the City's current position, i.e., of not needing the Vacation Area for any public purpose.</td>
</tr>
<tr>
<td>2. The Council could deny the vacation petition.</td>
<td>The most positive impacts come from approving the vacation. Denial simply maintains the status quo.</td>
<td>The most positive impacts come from approving the vacation. Denial simply maintains the status quo, preserving the City’s unused (and unneeded) ROW interest.</td>
</tr>
</tbody>
</table>
EVALUATION AND FOLLOW UP:
The recommended street vacation is subject to the conditions listed in the Hearing Examiner's Report and Recommendation, issued on January 16, 2020. All evaluations and follow up should be coordinated between the petitioners and the appropriate City Departments referenced in the Report and Recommendation.

STAFF/SPONSOR RECOMMENDATION:
The Hearing Examiner recommends approval of the requested street vacation, subject to the conditions contained in Conclusion 8 of the Hearing Examiner's Report and Recommendation.

FISCAL IMPACT:
The potential fiscal impact of this street vacation is not known at this time. A fair market appraisal or market rate analysis will occur after the first reading of the ordinance. When the market information is available, the estimated revenue from the street vacation will be communicated with City Council.

ATTACHMENTS:
The following attachments can be found in Legistar:
• The Hearing Examiner's City Council Action Memorandum, dated January 27, 2020.
• The Hearing Examiner's Report and Recommendation to the City Council, entered on January 16, 2020.
• The City's Exhibit List and City Exhibits C-1 through C-15.
Dear Parties,

Please find attached the Hearing Examiner’s Findings of Fact, Conclusions of Law, and Recommendation to the Tacoma City Council.

Sincerely,

Louisa Legg
Office Administrator
Tacoma Hearing Examiner Office
Ph: 253-591-5195 | Fax: 253.591.2003
Hearing.examiner@cityoftacoma.org
OFFICE OF THE HEARING EXAMINER

CITY OF TACOMA

REPORT AND RECOMMENDATION

TO THE CITY COUNCIL

PETITIONERS: STEVE AND DARLENE G UIBERSON FILE NO: HEX2019-031 (124.1404)

SUMMARY OF REQUEST

The Real Property Services division ("RPS") of the City of Tacoma ("City") Public Works Department received a petition to vacate a portion of South 66th Street right-of-way ("ROW"), lying between South Adams Street and the Central Puget Sound Regional Transit Authority (Sound Transit) railroad corridor lying westerly of South Tacoma Way. The vacated area of ROW will be incorporated into the southerly abutting two parcels for business expansion and related commercial use.

RECOMMENDATION OF THE HEARING EXAMINER

The vacation petition is hereby recommended for approval, subject to conditions, as set forth below.

PUBLIC HEARING:

After reviewing RPS' Preliminary Report (the "Report"—Exhibit C-1), and examining available information on file with the petition, the Hearing Examiner conducted a public hearing on the petition on January 9, 2020. Ronda Van Allen of RPS represented the City. Attorney James R. Tomlinson, represented the Petitioners. Testimony was taken, exhibits were admitted, and the record closed at the conclusion of the hearing.
FINDINGS, CONCLUSIONS, AND RECOMMENDATION:

FINDINGS:

1. Petitioners Steve and Darlene Guiberson (the “Petitioners”), submitted a petition for vacation of public ROW, specifically a portion of South 66th Street, lying between South Adams Street and the Central Puget Sound Regional Transit Authority (Sound Transit) railroad corridor lying westerly of South Tacoma Way, as depicted in Exhibits C-2 and C-3 of the Hearing Record (the “Vacation Area”). The Petitioners’ stated intention for the Vacation Area is to incorporate it into their abutting real property (to the south) for the enhancement and expansion of their current business operations. Van Allen Testimony; Ex. C-1.

2. The City’s Report goes on to describe the Vacation Area more specifically as “The southerly portion of South 66th Street (also known as Cottage Place), abutting Lots 4 through 10, Block 2, Villa Park, according to the Plat thereof recorded in Book 5 of Plats, Page 60, records of Pierce County, Washington,” and then provides the following metes and bounds legal description:

   Beginning at the Northwest corner of said Lot 4, Block 2, Villa Park; Thence North 00°59’44” East, along the extended westerly margin of said Lot 4, a distance of 56.98 feet;

   Thence South 85°55 ’02” East a distance of 67.56 feet to a northerly angle point in a chain link fence; Thence South 85°07’24” East a distance of 117.69 feet, more or less, to the westerly margin of the Central Puget Sound Regional Transit Authority (Sound Transit) railroad corridor; Thence South 01°59’45” East, along the westerly margin of said railroad corridor, a distance of 48.56 feet to the north line of said Block 2, Villa Park; Thence North 88°03’05” West, along said north line, a distance of 187.44 feet, more or less, to the Point of Beginning.

   All situate in the City of Tacoma, County of Pierce, State of Washington; within the Northeast Quarter of the Northeast Quarter of Section 25, Township 20 North, Range 02 East of the Willamette Meridian.

   Side lines to lengthen or shorten to meet at all angle points and terminate at the boundaries of the above described parcel. Ex. C-1.

3. The Vacation Area is a mixture of asphalt pavement, gravel and grass, and is currently cordoned off within chain link fencing. The Petitioners are using the Vacation Area primarily for parking for their adjacent business. No part of South 66th Street that is currently improved and used by the public for traversal is part of the Vacation Area. At most, a minimal slope area is contemplated for inclusion under this vacation. Van Allen Testimony; Exs. C-1~C-3.

4. South 66th Street, formerly known as Cottage Place, at the location of the Vacation Area is approximately 153 feet in width, the southerly 60 feet of which was dedicated to the public by the Plat filing of “Villa Park” and the northerly 93’ was acquired apparently by eminent domain under Pierce County Superior Court Cause Number 56865 (Judgment #138) and Warranty Deed recorded under Pierce County Auditor’s File Number 1595783. Id.
5. South 66th Street was originally constructed in 1914, by Local Improvement District No. 878, and was sited between Blocks 2 and 3 of Villa Park for an at-grade crossing of the railroad tracks to the east. Between 1926 and 1927, South 66th Street was realigned and constructed to the north, as evidenced by the Rail Track Undercrossing drawings attached to the Report and included in the record as Exhibits C-11 and C-12. Van Allen Testimony.

6. No abutting real property becomes landlocked by the granting of this vacation, nor will the vacation work any substantial impairment of access to abutting properties. The Vacation Area serves no public purpose at present, ROW-related or otherwise, and it is not contemplated for future ROW use. Van Allen Testimony; Ex. C-1.

7. The vacation is a public benefit because unencumbering the Vacation Area from the City’s ROW interest will add taxable square footage to the Petitioners’ real property, and vacating will reduce the City’s ROW maintenance expenditures. Id.

8. The Vacation Area neither abuts, nor is proximate to a body of water and, therefore, the provisions of RCW 35.79.035 are not implicated. Id.

9. RPS circulated the petition for review by interested governmental agencies, City departments/divisions, and utility providers. These various agencies, departments and divisions provided comments and recommended/requested conditions to RPS. These comments and requests were incorporated into the Report and referenced in City testimony at the hearing, and where appropriate, have been incorporated in this Report and Recommendation at Conclusion 8 below. Van Allen Testimony; Ex. C-1.

10. No members of the public appeared to testify at the hearing, and no written public comments were received.

11. RPS’ Report, which is entered into the record as Exhibit C-1, accurately describes the proposed vacation, general and specific facts about the site and Vacation Area, and applicable codes. The Report is incorporated herein by reference as though fully set forth. To the extent that any content of the Report is in conflict with this Report and Recommendation, the provisions of this Report and Recommendation shall control.

12. Public hearing notices were posted/published at the various locations and on the dates indicated below:

On November 21, 2019-

a. A public notice memo was placed into the glass display case located on the first floor of the Municipal building next to the Finance Department.

b. A public notice memo was advertised on the City of Tacoma web site at address: http://www.cityoftacoma.org/notices

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION
c. A public Notice was advertised in the Daily Index newspaper.

d. A public notice mailing was mailed to all parties of record within the 300 feet of the Vacation Area.

e. Public Notice was advertised on Municipal Television Channel 12.

On November 26, 2019-

f. Yellow public notice signs were posted at the subject right of way of South 66th Street, and at the intersection of South 66th Street and South Adams Street. Ex. C-1.

13. Any finding above, which may be more properly deemed or considered a conclusion, is hereby adopted as such.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction over the parties and subject matter in this proceeding to conduct a hearing and make a recommendation to the City Council. See Tacoma Municipal Code (TMC) 1.23.050.A.5, TMC 9.22.070, RCW 35.79.030.

2. The Hearing Examiner’s role in street vacation proceedings is quasi-judicial in nature (making findings and conclusions based on evidence presented), leading to a legislative determination by the City Council that is enacted by ordinance. State ex rel. Myhre v. City of Spokane, 70 Wn.2d 207, 218, 442 P.2d 790 (1967); TMC 9.22.070.

3. Pursuant to WAC 197-11-800(2)(i), the vacation of streets or roads is exempt from the threshold determination and Environmental Impact Statement requirements of RCW 43.21.C, the State Environmental Policy Act (SEPA).

4. “RCW 35.79.010 gives the legislative authority [of a municipality] -- the city council -- sole discretion as to whether a petition to vacate shall be granted or denied.”1

5. Petitions for the vacation of public ROW must be consistent with the following criteria:

1. The vacation will provide a public benefit, and/or will be for a public purpose.

2. The [petitioned-for] right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.

3. The public need shall not be adversely affected.

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4. The petitioned-for right-of-way is not contemplated or needed for future public use.

5. No abutting owner becomes landlocked or access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient.


6. The Petitioner must demonstrate, by a preponderance of the evidence, that its vacation petition meets the foregoing criteria. *See TMC 1.23.070.*

7. Findings entered herein, based upon substantial evidence in the hearing record, support a conclusion that the requested street vacation conforms to the criteria for the vacation of street ROW set forth at Conclusion 5 above, provided the conditions recommended below are imposed and met. No potential for landlocking an abutting owner exists from granting the petition. The Vacation Area is not currently used as ROW, nor does the City perceive any future use of the Vacation Area for that purpose. The provisions of RCW 35.79.035, governing areas close to bodies of water do not apply to this location. Finally, public benefit accrues through the vacation area being added into property tax valuations for the Petitioners’ abutting real property, and by facilitating the Petitioners’ business operations while reducing the City’s maintenance obligations.

8. Given the foregoing, the Hearing Examiner recommends that the requested street vacation be approved subject to the following conditions:

A. **SPECIAL CONDITIONS:**

1. **PAYMENT OF FEES**

   The Petitioners shall compensate the City in an amount equal to the full appraised value of the Vacation Area. One-half of the revenue received shall be devoted to the acquisition, improvement and maintenance of public open space land and one-half may be devoted to transportation projects and/or management and maintenance of other City owned lands and unimproved rights-of-way. *TMC 9.22.010*

2. **ENVIRONMENTAL SERVICES**

   The City’s Environmental Services Department has requested that an easement be retained in the Vacation Area to protect exiting utility infrastructure. It is recommended that such an easement be retained as part of the requested vacation.

---

2 For consistency, outline numbering of the criteria is kept the same as in the original TMC text.
3. **Tacoma Power**

Likewise, the Power Division of the City’s Department of Public Utilities has requested that an easement be retained in the Vacation Area to protect exiting utility infrastructure. It is recommended that such an easement be retained as part of the requested vacation.

B. **Third Party Considerations:**

**Century Link**

Century Link has no objection to the requested vacation, provided services (aerial facilities) remain to the building. Century Link has indicated that relocation and/or disconnection will be at Petitioners’ sole expense.

C. **Usual Conditions:**

1. The recommendation set forth herein is based upon representations made and exhibits, including any development representations, plans and proposals, submitted at the hearing conducted by the Hearing Examiner. Any material change(s) in any such development plans, proposals, or conditions of approval imposed may potentially be subject to the review of the Hearing Examiner and may require additional review and hearings.

2. The approval recommended herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the recommendation herein made, and is a continuing requirement of any resulting approvals. By accepting any resulting approvals, the Petitioner represents that any development or other activities facilitated by the vacation will comply with such laws, regulations, and ordinances. If, during the term of any approval granted, any development or other activities permitted do not comply with such laws, regulations, or ordinances, the Petitioner agrees to promptly bring such development or activities into compliance.

D. **Advisory Notes:**

1. Other than the conditions/concerns already expressly set forth herein, no objection or additional comment was received from the governmental agencies, City departments/divisions, and utility providers to whom the City circulated this petition.

2. The Connection Charge In-Lieu-of-Assessment (In-Lieu-of-Assessment Charge[s]) estimate (of $4,906.44) provided by the City’s Public Works in Exhibit C-14 are advisory comments only, and payment thereof is not a condition to this vacation. The charges can be voluntarily paid at time of
compensation for the Vacation Area. If not, the In-Lieu-of-Assessment Charge(s) will be required to be paid in conjunction with any future permitting on, or development of the Vacation Area, and may be subject to increase with the passage of time.

9. Accordingly, the petition is recommended for approval, subject to the conditions set forth in Conclusion 8 above.

10. Any above stated conclusion, which may be more properly deemed or considered a finding, is hereby adopted as such.

RECOMMENDATION:

The present vacation petition is hereby recommended for approval, subject to conditions contained in Conclusion 8 above.

DATED this 16th day of January, 2020.

JEFF H. CAPELL, Hearing Examiner
RECONSIDERATION/APPEAL OF EXAMINER’S RECOMMENDATION

RECONSIDERATION:

Any aggrieved person or entity having standing under the ordinance governing the matter, or as otherwise provided by law, may file a motion with the office of the Hearing Examiner requesting reconsideration of a decision/recommendation issued by the Examiner. A motion for reconsideration must be in writing and must set forth the alleged errors of procedure, fact, or law and must be filed in the Office of the Hearing Examiner within 14 calendar days of the issuance of the Examiner’s decision/recommendation, not counting the day of issuance of the decision/recommendation. If the last day for filing the motion for reconsideration falls on a weekend day or a holiday the last day for filing shall be the next working day. The requirements set forth herein regarding the time limits for filing of motions for reconsideration and contents of such motions are jurisdictional. Accordingly, motions for reconsideration that are not timely filed with the Office of the Hearing Examiner, or that do not set forth the alleged errors shall be dismissed by the Examiner. It shall be within the sole discretion of the Examiner to determine whether an opportunity shall be given to other parties for response to a motion for reconsideration. The Examiner, after a review of the matter, shall take such further action as he/she deems appropriate, which may include the issuance of a revised decision/recommendation. (Tacoma Municipal Code 1.23.140)

APPEALS TO CITY COUNCIL OF EXAMINER’S RECOMMENDATION:

Within 14 days of the issuance of the Hearing Examiner’s final recommendation, any aggrieved person or entity having standing under the ordinance governing such application and feeling that the recommendation of the Examiner is based on errors of procedure, fact or law may have the right to appeal the recommendation of the Examiner by filing written notice of appeal with the City Clerk, stating the reasons the Examiner’s recommendation was in error.

Appeals shall be reviewed and acted upon by the City Council in accordance with TMC 1.70
PETITIONER WITNESS LIST

HEARING DATE: Thursday, January 9, 2020, at 1:30 p.m.
FILE NUMBER: HEX2019-031 (SV 124.1404)
FILE NAME: Steve and Darlene Guiberson, Petitioners

<table>
<thead>
<tr>
<th>WITNESS NAME</th>
<th>E</th>
<th>F</th>
<th>SUMMARY OF TESTIMONY</th>
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<tbody>
<tr>
<td>Steve Guiberson,</td>
<td></td>
<td>X</td>
<td>Mr. Guiberson will testify to all facts required to</td>
</tr>
<tr>
<td>Petitioner</td>
<td></td>
<td></td>
<td>support the Petition.</td>
</tr>
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E=EXPERT WITNESS; F=FACT WITNESS
**CITY EXHIBIT LIST**

HEARING DATE: Thursday, January 9, 2020, at 1:30 p.m.

FILE NUMBER: HEX2019-031 (SV 124.1404)

FILE NAME: Steve and Darlene Guiberson, Petitioners

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<th>EXHIBIT NUMBER</th>
<th>EXHIBIT DESCRIPTION</th>
<th>SUBMITTED BY</th>
<th>A</th>
<th>E</th>
<th>W</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>EX. C-1</td>
<td>Preliminary Report</td>
<td>City of Tacoma, Real Property Services (“COT, RPS”)</td>
<td>X</td>
<td></td>
<td></td>
<td>Petitioner stipulates to accuracy and content of City exhibits C-1 through C-15.</td>
</tr>
<tr>
<td>EX. C-2</td>
<td>Aerial Map Exhibit</td>
<td>COT, RPS</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EX. C-3</td>
<td>Map Exhibit</td>
<td>COT, RPS</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EX. C-4</td>
<td>Plat – Villa Park</td>
<td>COT, RPS</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EX. C-5</td>
<td>Enlargement of Vacation Area</td>
<td>COT, RPS</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>EX. C-6</td>
<td>Pierce County Superior Court Cause No. 56865</td>
<td>COT, RPS</td>
<td>X</td>
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<td></td>
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<td>EX. C-7</td>
<td>Warranty Deed No. 1595783</td>
<td>COT, RPS</td>
<td>X</td>
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<td>EX. C-8</td>
<td>1914 LID No. 878</td>
<td>COT, RPS</td>
<td>X</td>
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<tr>
<td>EX. C-9</td>
<td>Enlargement of 1914 LID</td>
<td>COT, RPS</td>
<td>X</td>
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<td>EX. C-10</td>
<td>1926 Rail Track Underground Crossing Plans</td>
<td>COT, RPS</td>
<td>X</td>
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<td>EX. C-11</td>
<td>1927 Rail Track Underground Crossing Plans</td>
<td>COT, RPS</td>
<td>X</td>
<td></td>
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<tr>
<td>EX. C-12</td>
<td>Environmental Services Comments received.</td>
<td>COT, RPS</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>EX. C-13</td>
<td>Tacoma Power Comments received.</td>
<td>COT, RPS</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EX. C-14</td>
<td>LID – In Lieu Assessment Comments received.</td>
<td>COT, RPS</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>EX. C-15</td>
<td>CenturyLink – Advisory Comment received.</td>
<td>COT, RPS</td>
<td>X</td>
<td></td>
<td></td>
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</tbody>
</table>

**KEY**

A = Admitted  E = Excluded  W = Withdrawn
PETITIONER: GUIBERSON

FILE NO. 124.1404

A. SUMMARY OF REQUEST:

Real Property Services has received a petition, on behalf of Steve and Darlene Guiberson, to vacate a portion of South 66th Street, lying between South Adams Street and the Central Puget Sound Regional Transit Authority (Sound Transit) railroad corridor lying westerly of South Tacoma Way, as depicted on the attached Exhibits 2 and 3. The vacated area of right of way will be incorporated into the southerly abutting two parcels for business expansion and use.

B. GENERAL INFORMATION:

1. Legal Description of Vacation:

The southerly portion of South 66th Street (also known as Cottage Place), abutting Lots 4 through 10, Block 2, Villa Park, according to the Plat thereof recorded in Book 5 of Plats, Page 60, records of Pierce County, Washington, described as follows:

Beginning at the Northwest corner of said Lot 4, Block 2, Villa Park; Thence North 00°59'44" East, along the extended westerly margin of said Lot 4, a distance of 56.98 feet;

Thence South 85°55'02" East a distance of 67.56 feet to a northerly angle point in a chain link fence; Thence South 85°07'24" East a distance of 117.69 feet, more or less, to the westerly margin of the Central Puget Sound Regional Transit Authority (Sound Transit) railroad corridor; Thence South 01°59'45" East, along the westerly margin of said railroad corridor, a distance of 48.56 feet to the north line of said Block 2, Villa Park; Thence North 88°03'05" West, along said north line, a distance of 187.44 feet, more or less, to the Point of Beginning.

All situate in the City of Tacoma, County of Pierce, State of Washington; within the Northeast Quarter of the Northeast Quarter of Section 25, Township 20 North, Range 02 East of the Willamette Meridian.

Side lines to lengthen or shorten to meet at all angle points and terminate at the boundaries of the above described parcel.
2. **Notification:**

9.22.060 NOTICE OF PUBLIC HEARING The Public Works Department shall cause a 30-day notice to be given of the pendency of the petition by written notice posted in three of the most public places in the City, a like notice in a conspicuous place on the street or alley sought to be vacated, a like notice in a newspaper of general circulation in the City, and a like notice to the legal property owners of all property abutting the right of way requested for vacation as enumerated on the applicant's vacation petition, and to any other interested parties of record. In addition to posting notices of the hearing, the Public Works Department shall mail a copy of the notice to all owners and occupants of the property which lies within 300 feet of the street or alley to be vacated. The said notice shall contain the statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition.

In all cases where the proceeding is initiated by the City Council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, notice shall be sent as provided above. Failure to send notice by mail to any such property owner where the current address for such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation.

C. **PUBLIC NOTICE:**

Real Property Services in conjunction with the City of Tacoma Clerk's office issued the following public notice:

The Public Hearing Notices have been advertised, and posted, as described below:

1. Yellow public notice signs were posted on November 26, 2019 at the subject right of way of South 66th Street, and at the intersection of South 66th Street and South Adams Street.

2. On November 21, 2019 public notice memo placed into the glass display case located on the first floor of the Municipal building abutting the Finance Department.

3. Public notice memo advertised on the City of Tacoma web site at address:
   http://www.cityoftacoma.org/notices


5. Public Notice mailed to all parties of record within the 300 feet of vacation request.

D. PURPOSE OF REQUEST:

The Petitioner intends to combine this segment of right of way into their adjacent property for continued business uses.

E. HISTORY:

South 66th Street, formerly known as Cottage Place, at this location is approximately 153 feet in width, the southerly 60' of which was dedicated to the public by Plat filing of Villa Park and the northerly 93' as acquired under Cause Number 56865 (Judgment #138) and Warranty Deed recorded under Auditor's File Number 1595783, respectively, as filed with the County Auditor and Courts. Copies of the Plat, enlargement of the vacation area of the Plat, Judgement and Deed are attached hereto and referenced as Exhibits 4 through 8.

South 66th Street as originally constructed in 1914, by LID No. 878, and an enlargement thereof, as attached hereto and referenced as Exhibits 9 and 10, was 60.8 feet in width and sited between Blocks 2 and 3 of Villa Park for an at-grade crossing of the railroad tracks to the east. Between 1926 and 1927 South 66th Street was realigned and constructed to the north, as evidenced by the Rail Track Undercrossing drawings as attached hereto and referenced as Exhibits 11 and 12.

F. PHYSICAL LAND CHARACTERISTICS:

This portion of South 66th Street to be vacated is a mixture of asphalt pavement, gravel and grass, is contained within existing chain link fencing and is used primarily for business purposes as parking. No portion of the improved South 66th Street currently used by the public, and only minimal slope area, is contemplated under this vacation.

G. APPLICABLE SECTIONS OF THE OFFICIAL CODE OF THE CITY OF TACOMA:

9.22.010 PETITION TO VACATE AUTHORIZED: The owners of an interest in any real estate abutting on any street or alley who may desire to vacate any street or alley, or any part thereof, shall petition to the City Council to make vacation in the manner hereafter provided in this chapter and pursuant to RCW 35.79 or the City Council may itself initiate by Resolution such vacation procedure. The City Council shall require the petitioners to compensate the City in an amount which equals one-half of the appraisal value of the area vacated; provided that if the street or alley has been a public right of way for 25 years or more, the City shall be compensated in an amount equal to the full appraised value of the area vacated; provided that when the vacation is initiated by the City or the City Council deems it to be in the best interest of the City, all or any portion of such compensation may be waived. Except as provided below, one-half of the revenue received hereunder shall be devoted to the acquisition, improvement, and maintenance of public open space land and one-half may be devoted to transportation projects and the management and maintenance of other City owned lands and unimproved rights-of-way.
In the case of vacations of rights-of-way in the tide flats area, defined as easterly of the Thea Foss Waterway (inclusive of the Murray Morgan Bridge), northerly of State Route 509 and westerly of Marine View Drive, the total revenue received hereunder shall be devoted to transportation projects in the tide flats area.

9.22.040 PUBLIC’S RIGHT TO TRAVEL – UTILITIES: Vacation of any portion of a street that is designated as an arterial under Section 11.05.490 of the Municipal Code shall be of a minor nature only and shall not unreasonably limit the public’s right to travel upon said street or interfere with the ancillary right to occupy said street for utility purposes.

CRITERIA: Section 9.22.070 of the Official Code of the City of Tacoma. The following criteria have been considered:

1. That the vacation will provide a public benefit and/or will be for a public purpose.
2. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.
3. That the public need shall not be adversely affected.
4. That the right-of-way is not contemplated or needed for future public use.
5. That no abutting owner becomes landlocked or his access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient.
6. That vacation of right-of-way shall not be in violation of RCW 35.79.035

Regarding the above Criteria, Real Property Services finds the following:

1. The vacation is a public benefit because:
   a. It will produce and add both residential and commercial square footage of the lands to the tax rolls;
   b. It will reduce the City’s maintenance expenditures.

2. City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object to the vacation.
3. No general public is currently served by this segment of right of way.
4. The vacation area is not contemplated or needed for future public use as a right of way.
5. No abutting property becomes landlocked nor will their access be substantially impaired.
6. The vacation area is not close to a body of water as contemplated under RCW 35.79.035.
H. ADDITIONAL INFORMATION:

The area to be vacated has not been assessed for sanitary sewers and is subject to a Connection Charge In-Lieu-of-Assessment per T.M.C. 12.08.350. At the time of this reading the estimates, as detailed below, are provided as an Advisory Comment only and not a condition of this action. Should the petitioner(s) wish to clear this item from title the Assessments can be paid in connection with this vacation action or will become due and payable at such time as future permitting of the site. Please note that the ordinance establishing the rate of assessment may be updated every few years, and/or the infrastructure is replaced, and the amount quoted may increase in the future. As such, should the petitioner elect to wait to make such payment the In-Lieu Assessment should be recalculated at time of such development to ensure current rates.

Estimated In-Lieu Sewer Assessments:

| Parcel: 926000-005-2, 3630 South 66th Street | $2,290.81 |
| Parcel: 926000-004-0, 3636 South 66th Street | $2,615.63 |
| **Total:** | **$4,906.44** |

I. PROJECT RECOMMENDATIONS:

As part of the City’s review process for street vacation petitions, notice of this application were mailed to various City departments as well as many outside quasi-governmental agencies. These agencies, as noted below, have provided comments and recommended conditions to the Real Property Services Division. These comments, where appropriate, have been incorporated in the “Recommended Conditions of Approval” section of this preliminary report.

- Preliminary Report – Exhibit 1
- Aerial Map Exhibit – Exhibit 2
- Map Exhibit – Exhibit 3
- Plat of Villa Park – Exhibit 4
- Plat Enlargement – Exhibit 5
- Pierce County Court Cause No. 56865 – Exhibit 6
- Warranty Deed No. 1595783 – Exhibit 7
- 1914 LID No. 878 – Exhibit 8
- Enlargement of 1914 LID No. 878 – Exhibit 9
- 1926 Rail Track Undercrossing Plans – Exhibit 10
- 1927 Rail Track Undercrossing Plans – Exhibit 11
- Environmental Services – Exhibit 12
- Tacoma Power – Exhibit 13
- Public Works/LID – Advisory Comment - Exhibit 14
- CenturyLink – Advisory Comment – Exhibit 15
J. RECOMMENDED CONDITIONS OF APPROVAL:

Should this street vacation request be approved, the Real Property Services Department of Public Works recommends that the following conditions be made conditions of approval:

1. PAYMENT OF FEES
   The petitioner shall compensate the City in an amount equal to the full appraised value of the area vacated. One-half of the revenue received shall be devoted to the acquisition, improvement and maintenance of public open space land and one-half may be devoted to transportation projects and/or management and maintenance of other City owned lands and unimproved rights-of-way. *TMC 9.22.010*

2. ENVIRONMENTAL SERVICES
   a. Please contact Rod Rossi at (253) 502-2127 regarding Sewer’s comments.
   b. Environmental Services has no objection provided an easement is reserved for existing infrastructure.

3. TACOMA POWER
   a. Please contact Tony Daniels at (253) 502-8076 regarding Power’s comments.
   b. Tacoma Power has no objection provided an easement is reserved for existing electrical infrastructure.
4. **PUBLIC WORKS/LID - ADVISORY COMMENT ONLY**

   a. *LID estimates and comments provided herein by Real Property Services are advisory comments only, and not as a condition of closing, and can be voluntarily paid at time of this right of way purchase or will be required at time of development.*

**THIRD PARTY COMMENTS:**

1. **CENTURYLINK – ADVISORY COMMENT ONLY**
   a. *No objection to the vacation provided services remain to the building – relocation and/or disconnection will be at Petitioner’s sole expense. CenturyLink comments with contact information included here as Exhibit 15 for reference.*

Real Property Services has received the following public comment:

   ❖ None

The applicant shall comply with all City regulations for any future use of the subject site.

ATTACHMENT: Vacation Jacket containing all pertinent maps and papers.
Steve & Darlene Guiberson

STREET VACATION NO. 124.1404

Portion of South 66th Street, between South Adams Street and South Tacoma Way

NE 1/4 SEC. 25, T20N, R02E

NOT TO SCALE

Exhibit C-2
Steve & Darlene Guiberson
STREET VACATION NO. 124.1404
Portion of South 66th Street, between South Adams Street and South Tacoma Way
NE 1/4 SEC. 25, T20N, R02E
NOT TO SCALE

Exhibit C-3
Villa Park: comprises the following described property in Section Twenty-four (24) of Township Twenty-four (24) of Range Four (4) West of the 12th Meridian in Davenport County, State of Washington, to-wit:

Commencing on the south line of the John Ageny Donation land claim numbered 30, Township 24 R, 24 Sec. 25, a point 350.75 feet west of the southeast corner of said claim, and 250.75 feet north of the south line of said claim, thence due north 350.75 feet to the center line of the Northern Pacific Railroad right-of-way, thence north 350.75 feet to the center line of the John Ageny Donation land claim, thence east along said center line of said claim and south on the center line of said claim 405.00 feet to the place of beginning.

The following described tract of land; Commencing at a point on the east line of Section 25, 24 R, 24 Sec. 25, a point 350.75 feet south of the southeast corner of said Section, thence east along said line 350.75 feet, thence north 350.75 feet, thence east 350.75 feet and thence south 350.75 feet, thence west 350.75 feet to the place of beginning, said tract being that part of the section lying north of the center line of the Northern Pacific Railroad right-of-way.

The dimensions of the lots and parcels, the width of the streets and alleys, and the lengths of the boundaries are substantially as shown upon the annexed map.

This instrument was executed by the undersigned, J. B. A. Bruggen and E. A. Footen, and T. A. A. Bruggen and E. A. Footen, as attorneys, have hereunto set their hands and seals this 28th day of August, 1880.

Witnessed by

J. A. Fieldman
E. A. Footen

By the presence of the above persons, I have hereunto set my hand and seal this 28th day of August, 1880.

D. D. Davis, Civil Engineer, do hereby certify that I have surveyed the descriptions herein described, and that the same are true and correct to the best of my knowledge and belief, and have caused the same to be recorded in the office of John Ageny, Recorder of the county of Davenport, State of Washington, and that the same has been recorded as herein described, and that I am authorized by the undersigned, John Ageny, to execute and file the same.

J. A. Fieldman, Civil Engineer.

Received at the request of Section 1, George Franklin, Day 2, 1880, at 12 o'clock, 1880.

A. C. C. A. A. A.
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN
AND FOR THE COUNTY OF PIERCE.

CITY OF TACOMA, a municipal corporation,
Petitioner,

- vs -

PACIFIC TRACTION COMPANY, a corporation, et al.,
Defendants.

Petitioner,

No. 56865

- J U D G M E N T -

The above entitled cause having come on regularly for trial on the 3rd day of June, 1926, before the court and without a jury, the petitioner being represented by Leo Teats, one of its attorneys; defendants Pacific Traction Company and Old Colony Trust Company appearing by Oakley & Thompson, their attorneys; and none of the other defendants appearing,

And the court having heard the evidence introduced on behalf of the petitioner and defendants, and having made and entered its Findings of Fact and Conclusions of Law thereon;

NOW, THEREFORE, by virtue of the law and premises, it is by the court,

ORDERED AND ADJUDGED:

I.

That the defendants Pacific Traction Company, as the record owner of the South 8 feet of Lots 8 and 15, Block 2, F. P. Friday's First Addition to Tacoma, Washington, and that part of Block 3, Villa Park Addition, described as follows:

Beginning at the southeast corner of said Block 3, thence West along the south line of said Block 3 to the southwest corner of said Block; thence North 55.17 feet along the West line of said Block; thence Southeasterly to a point on the North and South center lines of Lot 5 in said Block 3, 53.17 feet North of the South line; thence East on a line parallel to the south line to an intersection with the East line; thence South 53.17 feet more or less along the East line to point of beginning.

Exhibit C-6
No. 56965 Continued

do have and recover from the City of Tacoma in the manner pro-
vided by law, the sum of $200 for land taken and for the further
sum of $1.00 for severance; and that all of the material
excavated from Block 2 of F. P. Friday's First Addition, shall
be wasted and placed on the defendant's property adjoining to
the north. That the defendant Pacific Traction Company has
maintained a street railway track over and upon a portion of
the land taken in Block 3, Villa Park Addition, and that the
right and interest acquired by the petitioner shall be subject
to the right of said defendant to maintain its track as now
located upon said land and operate a street railway system
thereover, and the said defendant shall not be required to secure
a franchise from the petitioner for the purpose of operating its
said street railway system.

II.

To be left out.

III.

That the defendants J. C. Lillis and Jane Doe Lillis,
as the record owners of Lots 9, 12 and 13 and 14, Block 2, F. P.
Friday's First Addition to Tacoma, Washington, do have and recover
from the City of Tacoma in the manner provided by law, the sum
of $700.00.

IV.

That defendants F. W. Tyler and Jane Doe Tyler, as the
record owners of Lots 10 and 11, Block 2, F. P. Friday's First
Addition to Tacoma, Washington, do have and recover from the
City of Tacoma in the manner provided by law, the sum of $950.00.

It is further ORDERED AND ADJUDGED that the City of
Tacoma shall, at the time of the satisfaction of said judgments
in favor of said defendants, pay to the County Treasurer of Pierce
County, such taxes as may be due and unpaid upon the lands above
-2-
described, and the amount of such payment shall be deducted by the City of Tacoma from the amount of the judgment in favor of said defendants, and the Clerk of this court is hereby authorized to accept the receipt of the County Treasurer as evidence that the same has been paid.

It is further ORDERED AND ADJUDGED that the City of Tacoma may, upon payment of the said sums as above set forth, have, take possession of, appropriate and use for the benefit of itself and the public as a public street, the lands hereinabove described.

It is further ORDERED AND ADJUDGED that upon payment of said sums as above set forth into the hands of the Clerk of this court, he shall pay out the sums to the persons entitled thereto.

And it appearing to the court that the petitioner herein did on the 1st day of February, 1926, file in the office of the Auditor of Pierce County a notice of the pendency of this proceeding, giving the names of all the parties and a description of the property to be taken, and the object of the action, it is further ORDERED that when said lands shall have been paid for and appropriated as herein provided, the title of the City of Tacoma shall, as against all persons acquiring any title to or interest therein subsequent to the said 1st day of February, 1926, relate back to said date.

Done in open court this 3rd day of June, 1926.

Ernest M. Card
Judge
THIS INDENTURE, WITNESSETH, that AUGUST F. GRATZER, party of the first part, for and in consideration of the sum of THIRTEEN THOUSAND EIGHT HUNDRED FIFTY-SEVEN ($13,857.00) DOLLARS lawful money of the United States of America, to him in hand paid by the CITY OF TACOMA, party of the second part, does by these presents convey and warrant unto said party of the second part, its successors and assigns, the following described real property situate in the County of Pierce, State of Washington, to wit:

All of Block 3 Villa Park, Washington, less South 66th Street.

Also all of lots 7 and 16, the south 13.72 feet of lots 6 and 17 and all of lots 8 and 15, less South 66th Street.

All in Block 2, Map of F. P. Friday's First Addition to the City of Tacoma, Washington.

The party of the first part does further remise, release, convey and quitclaim unto the party of the second part, its successors and assigns, all interest of the said party of the first part in and to the following described real property situate in the County of Pierce, State of Washington, to wit:

The abandoned Pacific Traction Company's underpass and right of way crossing over, under, along and through the Northern Pacific right of way in the Northeast quarter of Section 25, Township 20 North, Range 2 E. W.M. being 2195.75 feet more or less south along the center line of the Northern Pacific right of way from mile post 6, said underpass being approximately 100 feet in length, 28 feet in width and extending from elevation 247 to elevation 268 city datum and being situate between the two above-described parcels of land.

The party of the first part does further convey and grant to the party of the second part, its successors and assigns, an easement for the purpose of constructing, repairing and maintaining slopes for cuts or fills for the lateral support of South 66th Street in the City of Tacoma, over the lands described as follows:

The North 11.28 feet of Lots 6 and 17 and the South 8.72 feet of Lots 5 and 16.

All in Block 2, Map of F. P. Friday's First Addition to the City of Tacoma, Washington.
TO HAVE AND TO HOLD the said premises with all the appurtenances unto the party of the second part and to its successors and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the 18th day of May, 1951.

STATE OF WASHINGTON  
County of Pierce  

I, the undersigned, a Notary Public in and for said State, do hereby certify that on this 18th day of May, 1951, personally appeared before me AUGUST F. GRATZER, to me known to be the individual described in and who executed the within instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public in and for the State of Washington, residing at Tacoma.
D-3421

North 30 Feet of block 3 Villa Park.


(Easement created in the above deed over the easterly 5 feet thereof set up under number E-3136.)
Section of a between Tracks.

Plan.

Location Plan. Scale: 1" = 100'.

Profile. Scale: 1" = 30'.

N.P.R.Y.
Tacoma Division Prairie Line.
Washington Vol. Section A.
Proposed Under Crossing at South 66th Street.
South Tacoma, Washington.
Gates or Streets.
Office of Bridge Engineer, St. Paul, Minn., June 10, 1886.

Traced From N.P.R.Y. Blueprint.
By F.H.M.
Sept. 9, 1886.
TO: ALL CONCERNED AGENCIES & DEPARTMENTS

FROM: RJ CORNFORTH
PUBLIC WORKS / REAL PROPERTY SERVICES

SUBJECT: STREET VACATION REQUEST NO. 124.1404

DATE: September 24, 2019

Real Property Services has received a petition to vacate that portion of South 66th Street between South Adams Street and the railroad tracks west of South Tacoma Way for business expansion and uses.

In order to be considered, your comments must be received by Real Property Services, TMB, Room 737, by October 11, 2019. If your comments are not received by that date, it will be understood that the office you represent has no interest in this matter.

Attachment(s)
AT&T Broadband
Pierce Transit
Puget Sound Energy
Qwest Communications
Fire Department
Police Department
TPU/Power/T&D
TPU/Water/LID
PW/Director (3)
PW/BLUS (2)
PW/Construction
PW/Engineering
PW/Engineering/LID
PW/Engineering/Traffic
PW/Environmental Services
PW/Solid Waste
PW/Street & Grounds
Tacoma Economic Development
Click! Network

RESPONSE

_____ No Objections

_____ Comments Attached

[Signature]

[Date]
RE: Street Vacation Request 124.1404

Environmental Services has an 8" PVC surface water segment (SAP #6265805) and a catch basin (SAP #6515642) located within the proposed vacation. If standard utility easements are established for the maintenance and/or repair of the surface water assets and access is granted to maintain the surface water assets Environmental Services will agree with the vacation request.

The other option is for the property owner to take over ownership of the 180' surface water segment (6265805) from catch basin (6515642) to catch basin (6500878).
Greg,

Attached is the needed easement dimensions for the 66th St ROW vacation. Let me know if you have any questions.

Thanks,

Tony Daniels  
Tacoma Power  
T&D Electrical Services – New Services Engineering  
Desk: (253) 502-8076 Fax: (253) 502-8659  
https://www.mytpu.org/tacomapower/electrical-permitting/

---

Greg,

We haven’t done “as-built” (i.e. floating) easements for street vacations. Although I believe PSE typically uses such descriptions, Tacoma Power has historically provided a definite legal based on the built infrastructure. So, if you can pin down a legal for your easement needs based on the approved street vacation legal description (see attached), that would be great.

Please let me know if any questions.

Greg

---

We do have a guy and anchor in the vacation area we would need an easement for. Also we have a service pole on parcel 9260000052 that supplies overhead service to 3630 & 3636 S 66th St. We would need an easement to cover those facilities as well.
Ronda,

Regarding street vacation 124.1404 (3630, 3636 S. 66th St.) – requested here –

3630 S. 66th St., Tacoma, Wa - there will be an In-lieu sewer assessment owed on this property in the amount of $2,290.81.
3636 S. 66th St., Tacoma, Wa - there will be an In-lieu sewer assessment owed on this property in the amount of $2,615.63.

Thanks

Lee Russell
Real Estate Specialist
City of Tacoma Real Property Services
747 Market St. Rm 737
Tacoma, Wa 98402
lrussell@cityoftacoma.org
Ph. 253-591-5277
TO: ALL CONCERNED AGENCIES & DEPARTMENTS

FROM: RJ CORNFORTH
PUBLIC WORKS /REAL PROPERTY SERVICES

SUBJECT: STREET VACATION REQUEST NO. 124.1404

DATE: September 24, 2019

Real Property Services has received a petition to vacate that portion of South 66th Street between South Adams Street and the railroad tracks west of South Tacoma Way for business expansion and uses.

In order to be considered, your comments must be received by Real Property Services, TMB, Room 737, by October 11, 2019. If your comments are not received by that date, it will be understood that the office you represent has no interest in this matter.

CenturyLink has no objections provided our aerial facilities to the building remain in place. If the requester wants it removed engineer Eric Charity needs to be contacted at eric.charity1@centurylink.com or 206.733.8871. Removal of these would be billable.

Exhibit C-15
ORDINANCE NO. 28684

AN ORDINANCE related to the vacation of City right-of-way; vacating a
dead-end segment of East “T” Street, also referenced as East “R”
Street and formerly known as Dayton Street, lying southerly of the
existing driveway to Lister Elementary School, to be incorporated
into the adjacent park property as a private entrance, and for other
use with park enhancements and improvements; and adopting the
Hearing Examiner’s Findings, Conclusions, and Recommendations
related thereto.

WHEREAS all steps and proceedings required by law and by
resolution of the City Council to vacate the portion of the right-of-way
hereinafter described have been duly taken and performed; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner’s
Findings, Conclusions, and Recommendations as contained in the Hearing
Examiner’s Report and Recommendation to the City Council bearing File
No. 124.1412 and dated July 1, 2020, which Report is on file in the office of
the City Clerk.

Req. #20-0447

- 1 -
Section 2. That the dead-end segment of East “T” Street, also
referenced as East “R” Street and formerly known as Dayton Street, lying
southerly of the existing driveway to Lister Elementary School, legally
described as follows:

THAT PORTION OF EAST ‘T’ STREET (FORMERLY KNOWN
AS DAYTON STREET) ACCORDING TO THE PLAT OF
PORTLAND AVENUE FIRST ADDITION, RECORDED IN
BOOK 17 OF PLATS, PAGE 82, RECORDS OF THE PIERCE
COUNTY AUDITOR, PIERCE COUNTY, WASHINGTON,
ABUTTING AND SOUTHEASTERLY OF TRACT ‘G’ OF SAID
PLAT, VACATED BY CITY OF TACOMA ORDINANCE
NO. 27229, RECORDED UNDER RECORDING NUMBER
200405190826, RECORDS OF PIERCE COUNTY, SITUATE
WITHIN THE SOUTHEAST QUARTER OF THE SOUTHEAST
QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE
03 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

A STRIP DESCRIPTION 54.0 FEET IN WIDTH, HAVING 27.0
FEET ON EACH SIDE OF THE FOLLOWING CENTERLINE
COMMENCING AT A SURFACE BRASS DISK MARKING A
POINT OF INTERSECTION MONUMENT FOR A 3,820 FOOT
RADIUS CURVE TO THE RIGHT WITHIN EAST ‘T’ STREET
AS SHOWN ON SAID PLAT, APPROXIMATELY 303 FEET
SOUTHWEST OF THE INTERSECTION WITH EAST 44TH
STREET FROM WHICH ANOTHER SURFACE BRASS
MONUMENT BEARS SOUTH 20°55’00” WEST A DISTANCE
OF 684.10 FEET MARKING A DIFFERENT POINT OF
INTERSECTION FOR SAID EAST ‘T’ STREET;
THENCE SOUTH 20°55'00" WEST A DISTANCE OF 208.07 FEET TO THE POINT OF TANGENCY OF SAID EAST ‘T’ STREET;

THENCE CONTINUING SOUTH 20°55'00" WEST ALONG THE CENTERLINE OF SAID EAST ‘T’ STREET A DISTANCE OF 168.25 FEET TO THE TRUE POINT OF BEGINNING OF THIS STRIP DESCRIPTION, SAID POINT BEING NORTH 69°05'00" WEST 27.00 FEET DISTANT FROM A REBAR AND CAP WITH LICENSE #21571 DEMARCATING THE MOST SOUTHERLY CORNER OF PARCEL ‘A’ AS DEPICTED ON THAT CERTAIN RECORD OF SURVEY RECORDED UNDER RECORDING NUMBER 9410030066, RECORDS OF PIERCE COUNTY, WASHINGTON;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 20°55'00" WEST A DISTANCE OF 189.10 FEET TO A POINT OF TANGENCY WITH A 1061.11 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG SAID CENTERLINE THROUGH A CENTRAL ANGLE OF 003°46'49" AN ARC DISTANCE OF 70.01 FEET TO THE END OF THIS STRIP DESCRIPTION;

THE SIDELINES SHALL BE LENGTHENED OR SHORTENED ACCORDINGLY TO TERMINATE PERPENDICULAR TO SAID CENTERLINE;

ALL SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON; WITHIN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 03 EAST OF THE WILLAMETTE MERIDIAN;

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, as a part thereof, and all right or
title of the City in and to the portion of the right-of-way so vacated does hereby vest in the owners of the property abutting thereon, all in the manner provided by law.

Passed __________________________

Mayor

Attest:

City Clerk

Approved as to form: Property description approved:

City Attorney Chief Surveyor

Public Works Department

Location: A dead-end segment of East “T” Street, also referenced as East “R” Street and formerly known as Dayton Street, lying southerly of the existing driveway to Lister Elementary School.

Petitioner: Metropolitan Park District of Tacoma

Vacation Req. No. 124.1412

Req. #20-0447
TO: Elizabeth A. Pauli, City Manager
FROM: Jeff H. Capell, Hearing Examiner
       Ronda Van Allen, Senior Real Estate Specialist
COPY: City Council and City Clerk
SUBJECT: Ordinance Request No. 20-0447 - Street Vacation 124.1412 – July 28, 2020
DATE: July 10, 2020

SUMMARY AND PURPOSE:
An ordinance vacating a dead-end segment of East “T” Street, also referenced as East “R” Street and formerly known as Dayton Street, lying southerly of the existing driveway to Lister Elementary School.

BACKGROUND:
The Hearing Examiner’s recommendation is based on the evidence and testimony presented at a public hearing held on June 25, 2020. The Vacation Area (as defined in the Hearing Examiner’s Report and Recommendation) is a dead-end segment of East “T” Street, also referenced as East “R” Street and formerly known as Dayton Street, lying southerly of the existing driveway to Lister Elementary School. If granted, Petitioner Metropolitan Park District of Tacoma (the “Petitioner”) intends to incorporate the Vacation Area into the adjacent park property as a private entrance and for other use with park enhancements and improvements. Approving the vacation will not landlock any abutting property nor will it otherwise affect any existing access or traffic need. The Vacation Area is not being used currently for any material right-of-way (“ROW”) purposes, nor does the City see any future need for it as ROW.

COMMUNITY ENGAGEMENT/CUSTOMER RESEARCH:
A public hearing was held for this petition, at which members of the community could attend and express their concerns with, and/or support for the proposed street vacation. No members of the public appeared. The street vacation benefits the Petitioner by allowing incorporation of the Vacation Area into the adjacent park property as a private entrance and for other use with park enhancements and improvements to the Petitioner’s operation providing public park/recreation services. If approved, the vacation presents public benefit in the form of reduced City maintenance obligations and related savings, as well as in providing enhancements to the Petitioner’s overall function of providing parks and recreation opportunities to the public at this location.

2025 STRATEGIC PRIORITIES: NA

ALTERNATIVES:

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<tr>
<th>Alternative(s)</th>
<th>Positive Impact(s)</th>
<th>Negative Impact(s)</th>
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<tr>
<td>1. The Council could approve the vacation request under conditions different than those recommended.</td>
<td>Any positive impact arising from different conditions would depend on what those conditions are.</td>
<td>Any difference in conditions imposed would have to find justification outside of the City's current position, i.e., of not needing the Vacation Area for any public right-of-way related purpose.</td>
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## EVALUATION AND FOLLOW UP:
The recommended street vacation petition is subject to the conditions listed in the Hearing Examiner's Report and Recommendation to the City Council, issued on July 1, 2020. All evaluations and follow up should be coordinated between the Petitioner and the appropriate City Departments referenced in the Report and Recommendation.

## STAFF/SPONSOR RECOMMENDATION:
The Hearing Examiner recommends approval of the requested street vacation, subject to the conditions contained in Conclusion 8 of the Hearing Examiner's Report and Recommendation.

## FISCAL IMPACT:
The potential fiscal impact of this street vacation is not known at this time. The street vacation will provide a slight return in the form of reduced City maintenance obligations and related savings. A fair market appraisal or market rate analysis will occur after the first reading of the ordinance. When the market information is available, the estimated revenue from the street vacation will be communicated to the City Council by the appropriate City Department.

## ATTACHMENTS:
- The Hearing Examiner’s Report and Recommendation to the City Council, issued on July 1, 2020.
- The City’s Exhibit List and City Exhibits C1-C9.
- Verbatim electronic recording from the hearing held on June 25, 2020.

| 2. City Council could deny the vacation petition. | The most positive impacts come from approving the vacation. Denial simply maintains the status quo, making Petitioner’s right to use the Vacation Area less certain. | The most positive impacts come from approving the vacation. Denial simply maintains the City’s unneeded right-of-way interest. |
OFFICE OF THE HEARING EXAMINER

CITY OF TACOMA

REPORT AND RECOMMENDATION

TO THE CITY COUNCIL

PETITIONERS: METROPOLITAN PARK DISTRICT OF TACOMA

FILE NO: HEX2010-016 (SV 124.1412)

SUMMARY OF REQUEST

The Real Property Services division ("RPS") of the City of Tacoma ("City") Public Works Department received a petition from the Metropolitan Park District of Tacoma requesting the vacation of that certain dead-end segment of East "T" Street, also referenced as East "R" Street and formerly known as Dayton Street, lying southerly of the existing driveway to Lister Elementary School, as described herein.

RECOMMENDATION OF THE HEARING EXAMINER

The vacation petition is hereby recommended for approval, subject to conditions, as set forth below.

PUBLIC HEARING:

After reviewing RPS’ Preliminary Report (the “Report”—Exhibit C-1), and examining available information on file with the petition, the Hearing Examiner conducted a public hearing on the petition on June 25, 2020. Ronda Van Allen of RPS represented the City. Kristi Evans, Capital Program Manager, Metropolitan Park District of Tacoma, represented the Petitioner. Testimony was taken; exhibits were admitted. The record closed at the conclusion of the hearing.
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION:

FINDINGS OF FACT:

1. The Metropolitan Park District of Tacoma (the “Petitioner”), submitted a petition requesting the vacation of that certain dead-end segment of East “T” Street, also referenced as East “R” Street and formerly known as Dayton Street, lying southerly of the existing driveway to Lister Elementary School (the “Vacation Area”). The Petitioner intends to incorporate the Vacation Area into the adjacent Park property as a private entrance and for other use with park enhancements and improvements. Van Allen Testimony; Ex. C-1~Ex. C-3.

2. The Report and its exhibits contain maps depicting the Vacation Area. Ex. C-2, Ex. C-3. The Report legally describes the Vacation Area as follows:

THAT PORTION OF EAST ‘T’ STREET (FORMERLY KNOW AS DAYTON STREET) ACCORDING TO THE PLAT OF PORTLAND AVENUE FIRST ADDITION, RECORDED IN BOOK 17 OF PLATS, PAGE 82, RECORDS OF THE PIERCE COUNTY AUDITOR, PIERCE COUNTY, WASHINGTON, ABUTTING AND SOUTHEASTERLY OF TRACT ‘G’ OF SAID PLAT, VACATED BY CITY OF TACOMA ORDINANCE NO. 27229, RECORDED UNDER RECORDING NUMBER 200405190826, RECORDS OF PIERCE COUNTY, SITUATE WITHIN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 03 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP DESCRIPTION 54.0 FEET IN WIDTH, HAVING 27.0 FEET ON EACH SIDE OF THE FOLLOWING CENTERLINE COMMENCING AT A SURFACE BRASS DISK MARKING A POINT OF INTERSECTION MONUMENT FOR A 3,820 FOOT RADIUS CURVE TO THE RIGHT WITHIN EAST ‘T’ STREET AS SHOWN ON SAID PLAT, APPROXIMATELY 303 FEET SOUTHWEST OF THE INTERSECTION WITH EAST 44TH STREET FROM WHICH ANOTHER SURFACE BRASS MONUMENT BEARS SOUTH 20°55’00” WEST A DISTANCE OF 684.10 FEET MARKING A DIFFERENT POINT OF INTERSECTION FOR SAID EAST ‘T’ STREET;

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THE SIDELINES SHALL BE LENGTHENED OR SHORTENED ACCORDINGLY TO TERMINATE PERPENDICULAR TO SAID CENTERLINE.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.

ALL SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON; WITHIN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 03 EAST OF THE WILLAMETTE MERIDIAN.

Ex. C-1.

3. East “T” Street was dedicated to the public on May 23, 1956, as a 54-foot wide public right-of-way (“ROW”), in the Plat filing of Portland Avenue First Addition as recorded under Auditor’s File Number 1756574, records of Pierce County. As dedicated, East “T” Street terminates at the boundary line of the Portland Avenue First Addition Plat. Van Allen Testimony; Ex. C-5, Ex. C-6.

4. East “T” Street, lying south of the Lister Elementary driveway, exhibits a mixture of deteriorated oil mat and asphalt with no standard pedestrian or street improvements such as curb, gutter, sidewalk or lighting. All improvements currently on-site are private park entrance improvements. Ex. C-1.

5. The Petitioner is the sole property owner abutting the Vacation Area. Van Allen Testimony.

6. RPS circulated the petition for review by interested governmental agencies, City departments/divisions, and utility providers. These various agencies, departments and divisions provided relevant comments and recommended/requested conditions to RPS, where applicable, and these were incorporated into the Report and the City’s presentation/testimony at the hearing. Van Allen Testimony; Ex. C-1, Exs. C-7, Ex. C-8. These comments and requests were minimal, but where appropriate, they have been incorporated in this Report and Recommendation at Conclusion 8 below. Id. The Petitioner expressed no objection to, or disagreement with the City’s recommended conditions of approval.

7. No formal written public comments were submitted\(^1\) and no members of the public appeared at the hearing to testify.

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\(^1\) An informal comment expressing general disinterest was tagged on one of the City’s yellow notice signs. Ex. C-9.
8. The vacation presents public benefit in the form of reduced City maintenance obligations and related savings, as well as in providing an enhancement to the Petitioner’s overall function of providing parks and recreation opportunities to the public at this location. Van Allen Testimony; Ex. C-1.

9. The Vacation Area is not needed for future public use, nor does it currently add any material utility to the City’s public transportation system. The City of Tacoma’s Traffic Engineering division has been consulted regarding this petition and it does not object to vacating the ROW, provided the existing turnaround across from the Lister Elementary School driveway remains or a new turnaround is made available/dedicated. No property owner becomes landlocked as a result of approving the present petition. Van Allen Testimony; Ex. C-1; Ex. C-7.

10. The Vacation Area neither abuts, nor is proximate to a body of water and, therefore, the provisions of RCW 35.79.035 are not implicated. Ex. C-1.

11. Public hearing notices were posted/advertised on May 14, 2020, at the following locations:

   - A public notice memo was placed into the glass display case located on the first floor of the Tacoma Municipal building next to the Finance Department.
   - A public notice memo was advertised on the City of Tacoma web site at address: http://www.cityoftacoma.org/notices
   - Public notice was advertised in the Daily Index newspaper.
   - Public notice was mailed to all parties of record within 1,000 feet of Vacation Area.
   - Public notice was advertised on Municipal Television Channel 12.

In addition to the foregoing, on May 18, 2020, yellow public notice signs were posted along the Vacation Area at the intersection of East 44th Street and at the above referenced driveway. Van Allen Testimony; Exhibit C-1.

12. RPS’ Report, which is entered into the record as Exhibit C-1, accurately describes the proposed vacation, general and specific facts about the site and Vacation Area, and applicable codes. The Report is incorporated herein by reference as though fully set forth. To the extent that any content of the Report is in conflict with this Report and Recommendation, the provisions of this Report and Recommendation shall control.

13. Any finding above, which may be more properly deemed or considered a conclusion, is hereby adopted as such.

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2 At hearing, Ms. Van Allen stated the actual date was May 14, 2020, not May 13, 2020, the date reflected in the Report. Ex. C-1.
CONCLUSIONS OF LAW:

1. The Hearing Examiner has jurisdiction over the parties and subject matter in this proceeding to conduct a hearing and make a recommendation to the City Council. See Tacoma Municipal Code (TMC) 1.23.050.A.5, TMC 9.22.070, RCW 35.79.030.

2. The Hearing Examiner’s role in street vacation proceedings is quasi-judicial in nature (making findings and conclusions based on evidence presented), leading ultimately to a legislative determination by the City Council that is enacted by ordinance.

3. “RCW 35.79.010 gives the legislative authority [of a municipality] -- the city council -- sole discretion as to whether a petition to vacate shall be granted or denied.”

4. Pursuant to WAC 197-11-800(2)(i), the vacation of streets or roads is exempt from the threshold determination and Environmental Impact Statement requirements of RCW 43.21.C, the State Environmental Policy Act (SEPA).

5. Petitions for the vacation of public ROW must be consistent with the following criteria:

   1. The vacation will provide a public benefit, and/or will be for a public purpose.
   2. The [petitioned-for] right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.
   3. The public need shall not be adversely affected.
   4. The petitioned-for right-of-way is not contemplated or needed for future public use.
   5. No abutting owner becomes landlocked or access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient.
   6. The petitioned-for vacation of right-of-way shall not be in violation of RCW 35.79.035. TMC 9.22.070.

   6. The Petitioner must demonstrate, by a preponderance of the evidence, that its vacation petition meets the foregoing criteria. See TMC 1.23.070. Here, the Petitioner relied heavily on the City staff presentation and submissions in meeting this burden.

3 State ex rel. Myhre v. City of Spokane, 70 Wn.2d 207, 218, 442 P.2d 790 (1967); TMC 9.22.070.
5 For consistency, outline numbering of the criteria is kept the same as in the original TMC text.
7. Findings entered herein, based upon substantial evidence in the hearing record, support a conclusion that the requested street vacation conforms to the criteria for the vacation of street ROW set forth at Conclusion 5 above, provided the conditions recommended below are imposed and met. No potential for landlocking an abutting owner exists from granting the petition. The Vacation Area is not currently used for any material public ROW purpose that benefits the street pattern or circulation of the immediate area or the community as a whole, nor does the City perceive any future use of the Vacation Area for significant ROW purposes such that it should be retained. The provisions of RCW 35.79.035, governing areas close to bodies of water do not apply to this location. Finally, public benefit accrues through the Vacation Area being removed from the City’s maintenance obligations and by benefitting the Petitioner’s overall provision of parks and recreations services to the public.

8. Given the foregoing, the Hearing Examiner recommends that the requested street vacation be approved subject to the following conditions:

A. SPECIAL CONDITIONS:

1. PAYMENT OF FEES

The Petitioner shall compensate the City in an amount equal to the full appraised value of the Vacation Area. One-half of the revenue received shall be devoted to the acquisition, improvement and maintenance of public open space land and one-half may be devoted to transportation projects and/or management and maintenance of other City owned lands and unimproved rights-of-way. TMC 9.22.010.

2. PUBLIC WORKS TRAFFIC

The existing vehicular turnaround at this location must either be retained, or an appropriate replacement turnaround acceptable to the City be dedicated by Right-of-Way Deed concurrently with final adoption of any vacation ordinance.

B. ADVISORY COMMENTS

REAL PROPERTY SERVICES (RPS)/IN-LIEU

The Vacation Area has not been assessed for sanitary sewers and is subject to a Connection Charge In-Lieu-of-Assessment per TMC 12.08.350. At present, the Assessment is provided as an Advisory Comment only and not a condition of this Recommendation. Should the Petitioner wish to clear this item from title, the Assessment can be paid in connection with this vacation action or will become due and payable at such time as future permitting at the site takes place. Please note that the ordinance establishing the rate of assessment is updated every few years, and/or as the infrastructure is replaced, and the amount quoted may increase in the future. As such, should the Petitioner elect to wait to pay, the In-Lieu Assessment should be recalculated at time of such development to ensure current rates.
The amount presently owed is $2,931.63.

C. USUAL CONDITIONS:

1. The recommendation set forth herein is based upon representations made and exhibits, including any development representations, plans and proposals, submitted at the hearing conducted by the Hearing Examiner. Any material change(s) in any such development plans, proposals, or conditions of approval imposed may potentially be subject to the review of the Hearing Examiner and may require additional review and hearings.

2. The approval recommended herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the recommendation herein made, and is a continuing requirement of any resulting approvals. By accepting any resulting approvals, the Petitioner represents that any development or other activities facilitated by the vacation will comply with such laws, regulations, and ordinances. If, during the term of any approval granted, any development or other activities permitted do not comply with such laws, regulations, or ordinances, the Petitioner agrees to promptly bring such development or activities into compliance.

D. ADDITIONAL ADVISORY NOTE:

Other than the conditions/concerns already expressly set forth herein, no objection or additional comment was received from the governmental agencies, City departments/divisions, and utility providers to whom the City circulated this petition.

9. Accordingly, the petition is recommended for approval, subject to the conditions set forth in Conclusion 8 above.

10. Any above stated conclusion, which may be more properly deemed or considered a finding, is hereby adopted as such.

RECOMMENDATION:

The present vacation petition is hereby recommended for approval, subject to conditions contained in Conclusion 8 above.

DATED this 1st day of July, 2020.

JEFF H. CAPELL, Hearing Examiner

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION -7-
NOTICE

RECONSIDERATION/APPEAL OF EXAMINER’S RECOMMENDATION

RECONSIDERATION:
Any aggrieved person or entity having standing under the ordinance governing the matter, or as otherwise provided by law, may file a motion with the office of the Hearing Examiner requesting reconsideration of a decision/recommendation issued by the Examiner. A motion for reconsideration must be in writing and must set forth the alleged errors of procedure, fact, or law and must be filed in the Office of the Hearing Examiner within 14 calendar days of the issuance of the Examiner’s decision/recommendation, not counting the day of issuance of the decision/recommendation. If the last day for filing the motion for reconsideration falls on a weekend day or a holiday the last day for filing shall be the next working day. The requirements set forth herein regarding the time limits for filing of motions for reconsideration and contents of such motions are jurisdictional. Accordingly, motions for reconsideration that are not timely filed with the Office of the Hearing Examiner, or that do not set forth the alleged errors shall be dismissed by the Examiner. It shall be within the sole discretion of the Examiner to determine whether an opportunity shall be given to other parties for response to a motion for reconsideration. The Examiner, after a review of the matter, shall take such further action as he/she deems appropriate, which may include the issuance of a revised decision/recommendation. (*Tacoma Municipal Code 1.23.140*)

APPEALS TO CITY COUNCIL OF EXAMINER’S RECOMMENDATION:
Within 14 days of the issuance of the Hearing Examiner’s final recommendation, any aggrieved person or entity having standing under the ordinance governing such application and feeling that the recommendation of the Examiner is based on errors of procedure, fact or law may have the right to appeal the recommendation of the Examiner by filing written notice of appeal with the City Clerk, stating the reasons the Examiner’s recommendation was in error.

Appeals shall be reviewed and acted upon by the City Council in accordance with *TMC 1.70*
**CITY EXHIBIT LIST**

**HEARING DATE:** Thursday, June 25, 2020, at 1:30 p.m.
**FILE NUMBER:** HEX2020-016 (SV 124.1412)
**FILE NAME:** Metropolitan Park District of Tacoma, Petitioner

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<td>EX. C-1</td>
<td>Preliminary Report</td>
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**KEY**

A = Admitted    E = Excluded    W = Withdrawn
PRELIMINARY REPORT

PREPARED FOR THE HEARING EXAMINER
BY REAL PROPERTY SERVICES

For the Hearing to be Held
Thursday, June 25, 2020 at 1:30 PM

PETITIONER: METROPOLITAN PARK DISTRICT OF TACOMA  FILE NO. 124.1412

A. SUMMARY OF REQUEST:

Real Property Services has received a petition by Metropolitan Park District of Tacoma to vacate that dead-end segment of East “T” Street, also referenced as East “R” Street and formerly known as Dayton Street, lying southerly of the existing driveway to Lister Elementary School, as depicted on the attached Exhibits 2 and 3. The vacated area of right of way will be incorporated into the Park property for private entrance and park enhancements and improvements.

B. GENERAL INFORMATION:

1. Legal Description of Vacation:

THAT PORTION OF EAST ‘T’ STREET (FORMERLY KNOW AS DAYTON STREET) ACCORDING TO THE PLAT OF PORTLAND AVENUE FIRST ADDITION, RECORDED IN BOOK 17 OF PLATS, PAGE 82, RECORDS OF THE PIERCE COUNTY AUDITOR, PIERCE COUNTY, WASHINGTON, ABUTTING AND SOUTHEASTERLY OF TRACT ‘G’ OF SAID PLAT, VACATED BY CITY OF TACOMA ORDINANCE NO. 27229, RECORDED UNDER RECORDING NUMBER 200405190826, RECORDS OF PIERCE COUNTY, SITUATE WITHIN IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 03 EAST, WILLAMETTE MEDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP DESCRIPTION 54.0 FEET IN WIDTH, HAVING 27.0 FEET ON EACH SIDE OF THE FOLLOWING CENTERLINE COMMENCING AT A SURFACE BRASS DISK MARKING A POINT OF INTERSECTION MONUMENT FOR A 3,820 FOOT RADIUS CURVE TO THE RIGHT WITHIN EAST ‘T’ STREET AS SHOWN ON SAID PLAT, APPROXIMATELY 303 FEET SOUTHWEST OF THE INTERSECTION WITH EAST 44TH STREET FROM WHICH ANOTHER SURFACE BRASS MONUMENT BEARS SOUTH 20°55’00” WEST A DISTANCE OF 684.10 FEET MARKING A DIFFERENT POINT OF INTERSECTION FOR SAID EAST ‘T’ STREET;
THENCE SOUTH 20°55'00" WEST A DISTANCE OF 208.07 FEET TO THE POINT OF TANGENCY OF SAID EAST 'T' STREET;

THENCE CONTINUING SOUTH 20°55'00" WEST ALONG THE CENTERLINE OF SAID EAST 'T' STREET A DISTANCE OF 168.25 FEET TO THE TRUE POINT OF BEGINNING OF THIS STRIP DESCRIPTION, SAID POINT BEING NORTH 69°05'00" WEST 27.00 FEET DISTANT FROM A REBAR AND CAP WITH LICENSE #21571 DEMARCATING THE MOST SOUTHERLY CORNER OF PARCEL 'A' AS DEPICTED ON THAT CERTAIN RECORD OF SURVEY RECORDED UNDER RECORDING NUMBER 9410030066, RECORDS OF PIERCE COUNTY, WASHINGTON;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 20°55'00" WEST A DISTANCE OF 189.10 FEET TO A POINT OF TANGENCY WITH A 1061.11 FOOT RADIUS CURVE TO THE RIGHT;

THENCE SOUTHWESTERLY ALONG SAID CENTERLINE THROUGH A CENTRAL ANGLE OF 003°46'49" AN ARC DISTANCE OF 70.01 FEET TO THE END OF THIS STRIP DESCRIPTION.

THE SIDELINES SHALL BE LENGTHENED OR SHORTENED ACCORDINGLY TO TERMINATE PERPENDICULAR TO SAID CENTERLINE.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.

ALL SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON; WITHIN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 03 EAST OF THE WILLAMETTE MERIDIAN.

2. Notification:

9.22.060 NOTICE OF PUBLIC HEARING The Public Works Department shall cause a 30-day notice to be given of the pendency of the petition by written notice posted in three of the most public places in the City, a like notice in a conspicuous place on the street or alley sought to be vacated, a like notice in a newspaper of general circulation in the City, and a like notice to the legal property owners of all property abutting the right of way requested for vacation as enumerated on the applicant’s vacation petition, and to any other interested parties of record. In addition to posting notices of the hearing, the Public Works Department shall mail a copy of the notice to all owners and occupants of the property which lies within 1,000 feet of the street or alley to be vacated. The said notice shall contain the statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition.
In all cases where the proceeding is initiated by the City Council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, notice shall be sent as provided above. Failure to send notice by mail to any such property owner where the current address for such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation.

C.  PUBLIC NOTICE:

Real Property Services in conjunction with the City of Tacoma Clerk’s office issued the following public notice:

The Public Hearing Notices have been advertised, and posted, as described below:

1. Yellow public notice signs were posted on May 18, 2020, along the subject right of way at the intersection of East 44th Street and at the aforementioned driveway. Sign posting locations delineated on the map attached hereto and referenced as Exhibit 4.

2. On May 13, 2020 public notice memo placed into the glass display case located on the first floor of the Municipal building abutted the Finance Department.

3. Public notice memo advertised on the City of Tacoma web site at address:
   http://www.cityoftacoma.org/notices


5. Public Notice mailed to all parties of record within the 1,000 feet of vacation request.


D.  PURPOSE OF REQUEST:

The Petitioner intends to absorb this segment of right of way into their adjacent property as private access to park enhancements and improvements.

E.  HISTORY:

East “T” Street, being 54 feet in width, was dedicated to the public on May 23, 1956 by Plat filing of Portland Avenue First Addition as recorded under Auditor’s File Number 1756574, records of Pierce County. East “T” Street, as dedicated, terminates with the boundary of said Plat. Copy of said Plat and enlargement of requested vacation area are attached hereto and referenced as Exhibits 5 and 6.
F. PHYSICAL LAND CHARACTERISTICS:

East "T" Street, lying south of the Lister Elementary driveway, has a mixture of deteriorated oil mat and asphalt with no standard pedestrian or street improvements of curb, gutter, sidewalk or lighting. All improvements currently on-site are private park entrance improvements.

G. APPLICABLE SECTIONS OF THE OFFICIAL CODE OF THE CITY OF TACOMA:

9.22.010 PETITION TO VACATE AUTHORIZED: The owners of an interest in any real estate abutting on any street or alley who may desire to vacate any street or alley, or any part thereof, shall petition to the City Council to make vacation in the manner hereafter provided in this chapter and pursuant to RCW 35.79 or the City Council may itself initiate by Resolution such vacation procedure. The City Council shall require the petitioners to compensate the City in an amount which equals one-half of the appraisal value of the area vacated; provided that if the street or alley has been a public right of way for 25 years or more, the City shall be compensated in an amount equal to the full appraised value of the area vacated; provided that when the vacation is initiated by the City or the City Council deems it to be in the best interest of the City, all or any portion of such compensation may be waived. Except as provided below, one-half of the revenue received hereunder shall be devoted to the acquisition, improvement, and maintenance of public open space land and one-half may be devoted to transportation projects and the management and maintenance of other City owned lands and unimproved rights-of-way.

In the case of vacations of rights-of-way in the tide flats area, defined as easterly of the Thea Foss Waterway (inclusive of the Murray Morgan Bridge), northerly of State Route 509 and westerly of Marine View Drive, the total revenue received hereunder shall be devoted to transportation projects in the tide flats area.

9.22.040 PUBLIC'S RIGHT TO TRAVEL – UTILITIES: Vacation of any portion of a street that is designated as an arterial under Section 11.05.490 of the Municipal Code shall be of a minor nature only and shall not unreasonably limit the public’s right to travel upon said street or interfere with the ancillary right to occupy said street for utility purposes.

CRITERIA: Section 9.22.070 of the Official Code of the City of Tacoma. The following criteria have been considered:

1. That the vacation will provide a public benefit and/or will be for a public purpose.

2. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.

3. That the public need shall not be adversely affected.

4. That the right-of-way is not contemplated or needed for future public use.
5. That no abutting owner, not contemplated for development within the Swan Creek Park Master Plan, as adopted by Metropolitan Park District of Tacoma in 2011, becomes landlocked or his access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient.

6. That vacation of right-of-way shall not be in violation of RCW 35.79.035

Regarding the above Criteria, Real Property Services finds the following:

1. The vacation is a public benefit because:
   a. It will reduce the City’s maintenance expenditures.

2. City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object to the vacation.

3. No general public is currently served by this unimproved right of way.

4. The vacation area is not contemplated or needed for future public use as a right of way.

5. No abutting property becomes landlocked nor will their access be substantially impaired.

6. The vacation area is not close to a body of water as contemplated under RCW 35.79.035.

H. ADDITIONAL INFORMATION:

The area to be vacated has not been assessed for sanitary sewers and is subject to a Connection Charge In-Lieu-of-Assessment per T.M.C. 12.08.350. At the time of this reading the Assessment is provided as an Advisory Comment only and not a condition of this action. Should the petitioner(s) wish to clear this item from title the Assessments can be paid in connection with this vacation action or will become due and payable at such time as future permitting of the site.

Please note that the ordinance establishing the rate of assessment is updated every few years, and/or the infrastructure is replaced, and the amount quoted may increase in the future. As such, should the petitioner elect to wait to make such payment the In-Lieu Assessment should be recalculated at time of such development to ensure current rates.

I. PROJECT RECOMMENDATIONS:

As part of the City’s review process for street vacation petitions, notice of this application was mailed to various City departments as well as many outside quasi-governmental agencies. These agencies, as noted below, have provided comments and recommended conditions to the Real Property Services Division. These comments, where appropriate, have been incorporated in the “Recommended Conditions of Approval” section of this preliminary report.
J. RECOMMENDED CONDITIONS OF APPROVAL:

Since no objections were received should this street vacation request be approved, the Real Property Services Department of Public Works recommends that Payment be the only condition of approval:

1. PAYMENT OF FEES
   The petitioner shall compensate the City in an amount equal to the full appraised value of the area vacated. One-half of the revenue received shall be devoted to the acquisition, improvement and maintenance of public open space land and one-half may be devoted to transportation projects and/or management and maintenance of other City owned lands and unimproved rights-of-way. TMC 9.22.010.

2. PUBLIC WORKS TRAFFIC
   a. Please contact Jennifer Kammerzell at (253) 591-5511 regarding Traffic’s comments.
b. Traffic has no objection provided the existing vehicular turnaround is retained provided, and/or an appropriate replacement turnaround is dedicated by Right of Way Deed, to the public in concurrence with adoption of this resulting Ordinance.

Advisory Comment Only

3. PUBLIC WORKS/LID - ADVISORY COMMENT ONLY

a. LID estimates and comments provided herein by Real Property Services are advisory comments only, and not as a condition of closing, and can be voluntarily paid at time of this right of way purchase or will be required at time of development.

Real Property Services has received the following public comment:

❖ Real Property Services received only one anonymous public comment scrawled on our public notice sign indicating no specific objection to the vacation action.

The applicant shall comply with all City regulations for any future use of the subject site.

ATTACHMENT: Vacation Jacket containing all pertinent maps and papers.
Exhibit C-2

Metropolitan Park District of Tacoma

STREET VACATION NO. 124.1412

East "T" Street entrance to Tacoma's Swan Creek Park

SE ¼ of the SE ¼ SEC. 15, T20N, R03E

NOT TO SCALE
Exhibit C-3

Metropolitan Park District of Tacoma

STREET VACATION NO. 124.1412

East "T" Street entrance to Tacoma's Swan Creek Park

SE ¼ of the SE ¼ SEC. 15, T20N, R03E

NOT TO SCALE
Post signs directionally as shown to achieve greatest visibility.
For Reference only. Not for Re-sale.
I hereby certify that the above plat is correct. Signed this 12th day of May A.D. 1956

N. L. McDonald, Registered Civil Engineer and Land Surveyor, License No. 524-025000

I, hereby certify that the above plat is correct. Signed this 12th day of May A.D. 1956

N. L. McDonald, Registered Civil Engineer and Land Surveyor, License No. 524-025000

I, hereby certify that the above plat is correct. Signed this 12th day of May A.D. 1956

N. L. McDonald, Registered Civil Engineer and Land Surveyor, License No. 524-025000
From: Kammerzell, Jennifer <JKammerzell@cityoftacoma.org>
Sent: Monday, March 23, 2020 3:15 PM
To: Cornforth (Van Allen), Ronda <rcornforth@cityoftacoma.org>
Cc: Kidd, Brennan <bkidd@cityoftacoma.org>; Hansen, Dan <DHansen1@cityoftacoma.org>
Subject: Re: Street Vacation 124.1412 - Comments DUE April 3, 2020 - Metro Parks - Swan Creek

Traffic has no objections, provided the existing turnaround across from the school driveway remains or a new turnaround is available.

Jennifer Kammerzell
Principal Engineer
City of Tacoma Public Works Department
www.cityoftacoma.org
(253) 591-5511 (access to work phone is limited at this time)
she/her/hers

From: Cornforth (Van Allen), Ronda <rcornforth@cityoftacoma.org>
Sent: Monday, March 23, 2020 2:47 PM
To: Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BBoudet@ci.tacoma.wa.us>; Cantrel, Aaron <Aaron.Cantrel@cable.comcast.com>; Newton, Corey <cnewton@ci.tacoma.wa.us>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Johnson, Christopher <cjohnso2@ci.tacoma.wa.us>; Johnson, David (PDS) <DJohnson2@ci.tacoma.wa.us>; Kammerzell, Jennifer <JKammerzell@cityoftacoma.org>; Kidd, Brennan <bkidd@cityoftacoma.org>; Larson, Chris <CLARSON@cityoftacoma.org>; 'Megan Holt ' <megan.holt@pse.com>; Muller, Gregory <G Muller@cityoftacoma.org>; NRE. Easement (nre.easement@centurylink.com) <nre.easement@centurylink.com>; Rossi, Rod <RRossi@cityoftacoma.org>; Russell, Lee <L.Russell@cityoftacoma.org>; Seaman, Chris <cseaman@ci.tacoma.wa.us>; Site Development <SiteDevelopment@ci.tacoma.wa.us>; Stringer, Shawn <SStringe@ci.tacoma.wa.us>; Tina Vaslet <tvaslet@piercetransit.org>
Cc: Cornforth (Van Allen), Ronda <rcornforth@cityoftacoma.org>
Subject: Street Vacation 124.1412 - Comments DUE April 3, 2020 - Metro Parks - Swan Creek

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1412 for private park entrance and provide comments for your respective utility/agency on or before April 13, 2020. Responses received later than April 3, 2020 risk NOT being incorporated into the vacation action.

Note, resulting from the abundance of non-responsive departments/contacts we are paring down the contact distribution list to only those directly relative to the vacation process, please let me know if you’d voluntarily like to be removed from the distribution list.

Please also note that pursuant to RCW 35.79.030 conditions of the vacation are limited to that which are directly associated to the bounds of the vacated right of way and do not subject the vacation to actions beyond the limits of the request. Accordingly, please refrain from commenting on any future
development conditions that are not relative to the vacation action and apply said conditions to any actual development permitting that may follow. If deemed necessary, a representative from your respective utility may be required to attend the public hearing to present the perceived merits of any conditions you’ve placed, please check in with me just before start of hearing for introductive purposes. The Public Hearings are held in the City Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington. Failure to attend, if required, may result in the automatic dismissal of any such condition that does not comport to statute.

Questions regarding the scope and limitation of conditioning street vacation actions should be directed to your respective legal counsel, any questions thereafter can certainly be directed to me for further vetting.

Please email me with any questions you may have.
Thank you.

R. J. Van Allen (formerly Cornforth)
Sr. Real Estate Specialist
City of Tacoma, Public Works
Real Property Services
747 Market Street, Ste. 737
Tacoma, WA 98402-7941
(253) 591-5052 / Fax (253) 594-7941
rcornforth@cityoftacoma.org

We are made wise not by the recollection of our past, but by the responsibility for our future.
Exhibit C-8

From: Russell, Lee <LRussell@cityoftacoma.org>
Sent: Tuesday, March 31, 2020 8:05 AM
To: Cornforth (Van Allen), Ronda <rcornforth@cityoftacoma.org>
Subject: RE: Street Vacation 124.1412 - Comments DUE April 3, 2020 - Metro Parks - Swan Creek

Ronda,

Regarding Street vacation 124.1412, the amount that will be owed is $2,931.63.

Thanks

Lee Russell
Real Estate Specialist
City of Tacoma Real Property Services
747 Market St. Rm 737
Tacoma, Wa 98402
lrussell@cityoftacoma.org
Ph. 253-591-5277

From: Cornforth (Van Allen), Ronda <rcornforth@cityoftacoma.org>
Sent: Monday, March 23, 2020 2:47 PM
To: Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BB OUDRET@ci.tacoma.wa.us>; Cantrel, Aaron <Aaron_Cantrel@cable.comcast.com>; Newton, Corey <cnewton@ci.tacoma.wa.us>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Johnson, Christopher <cjohnso2@ci.tacoma.wa.us>; Johnson, David (PDS) <DJohnson2@ci.tacoma.wa.us>; Kammerzell, Jennifer <JKammerzell@cityoftacoma.org>; Kidd, Brennan <bkidd@cityoftacoma.org>; Larson, Chris <CLARSON@cityoftacoma.org>;'Megan Holt' <megan.holt@pse.com>; Muller, Gregory <GMuller@cityoftacoma.org>; NRE. Easement <nre.easement@centurylink.com> <nre.easement@centurylink.com>; Rossi, Rod <RRossi@cityoftacoma.org>; Russell, Lee <LRussell@cityoftacoma.org>; Seaman, Chris <cseaman@ci.tacoma.wa.us>; Site Development <SiteDevelopment@ci.tacoma.wa.us>; Stringer, Shawn <SStringe@ci.tacoma.wa.us>; Tina Vaslet <tvaslet@piercetransit.org>
Cc: Cornforth (Van Allen), Ronda <rcornforth@cityoftacoma.org>
Subject: Street Vacation 124.1412 - Comments DUE April 3, 2020 - Metro Parks - Swan Creek
Importance: High

Agency Reviewer,

Please review the attached map exhibits for the proposed Street Vacation Petition 124.1412 for private park entrance and provide comments for your respective utility/agency on or before April 13, 2020. Responses received later than April 3, 2020 risk NOT being incorporated into the vacation action.

Note, resulting from the abundance of non-responsive departments/contacts we are paring down the contact distribution list to only those directly relative to the vacation process, please let me know if you’d voluntarily like to be removed from the distribution list.
Please also note that pursuant to RCW 35.79.030 conditions of the vacation are limited to that which are directly associated to the bounds of the vacated right of way and do not subject the vacation to actions beyond the limits of the request. Accordingly, please refrain from commenting on any future development conditions that are not relative to the vacation action and apply said conditions to any actual development permitting that may follow. If deemed necessary, a representative from your respective utility may be required to attend the public hearing to present the perceived merits of any conditions you’ve placed, please check in with me just before start of hearing for introductive purposes. The Public Hearings are held in the City Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington. Failure to attend, if required, may result in the automatic dismissal of any such condition that does not comport to statute.

Questions regarding the scope and limitation of conditioning street vacation actions should be directed to your respective legal counsel, any questions thereafter can certainly be directed to me for further vetting.

Please email me with any questions you may have.

Thank you.

R. J. Van Allen (formerly Cornforth)
Sr. Real Estate Specialist
City of Tacoma, Public Works
Real Property Services
747 Market Street, Ste. 737
Tacoma, WA 98402-7941
(253) 591-5052 / Fax (253) 594-7941
rcornforth@cityoftacoma.org

We are made wise not by the recollection of our past, but by the responsibility for our future.
PUBLIC NOTICE

PROPOSED STREET VACATION

STREET VACATION NUMBER: 123456789
PETITION ORIGINATOR:

SITE DESCRIPTION:

Line driveway, for conversion to private park entrance. Improvements

HEARING DATE: 25, 2020
HEARING TIME: 10:00 AM
HEARING PLACE: CITY HALL, HAMMER

STAFF CONTACT: Ronde Cornwall (253) 591-5052
Rcornwroth@ci.jor.Tacoma.org

Ex C-9
RESOLUTION NO. 40721

A RESOLUTION related to the organization of City government; nominating and re-electing Deputy Mayor Keith Blocker to the office of Deputy Mayor to serve an additional one-year term through December 31, 2021.

WHEREAS Keith Blocker’s term as Deputy Mayor expired on December 31, 2020, and

WHEREAS, pursuant to Ordinance No. 26767, the Deputy Mayor shall be a member of the City Council and shall be elected by the Council at its first meeting after such office becomes vacant, or as soon thereafter as is practical, and

WHEREAS Deputy Mayor Keith Blocker’s interest in continuing to serve and seniority status qualify him as a candidate for Deputy Mayor, and

WHEREAS Deputy Mayor Keith Blocker has been nominated to fill the vacancy of Deputy Mayor for an additional one-year term, through December 31, 2021; Now, Therefore,

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

That Keith Blocker is hereby nominated and re-elected as Deputy Mayor of the City of Tacoma for an additional one-year term, through December 31, 2021, and continuing until such time as a successor is elected.

Adopted ______________

________________________
Mayor

Attest:

________________________
City Clerk

Approved as to form:

________________________
City Attorney
TO: Elizabeth Pauli, City Manager
FROM: Doris Sorum, City Clerk, City Attorney’s Office
Bill Fosbre, City Attorney
COPY: City Council
SUBJECT: Resolution – Nominating and Re-electing Deputy Mayor Keith Blocker as the Deputy Mayor of the City of Tacoma – January 5, 2021
DATE: December 15, 2020

SUMMARY:
Nominating and re-electing Deputy Mayor Keith Blocker to the office of Deputy Mayor to serve an additional one-year term to expire December 31, 2021.

STRATEGIC POLICY PRIORITY:
Electing a Deputy Mayor to act as the presiding officer in the Mayor’s absence encourages and promotes an open, effective, results-oriented organization.

BACKGROUND:
Deputy Mayor Keith Blocker’s term as Deputy Mayor will expire December 31, 2020.
Deputy Mayor Keith Blocker’s interest in continuing to serve and seniority status qualify him as a candidate for Deputy Mayor. Per Ordinance No. 26767, the Deputy Mayor shall be a member of the City Council and shall be elected by the Council at its first meeting after such office becomes vacant, or as soon thereafter as practical. The term of such office shall be for one year.

ISSUE:
Deputy Keith Blocker’s term as Deputy Mayor will expire December 31, 2020.

ALTERNATIVES:
Council can make the nomination and election at a later date, or elect an alternate Council Member.

RECOMMENDATION:
Nominating and re-electing Deputy Mayor Keith Blocker to the office of Deputy Mayor to serve an additional one-year term to expire December 31, 2021.

FISCAL IMPACT:
There is no fiscal impact.
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RESOLUTION NO. 40722

BY REQUEST OF DEPUTY MAYOR BLOCKER AND COUNCIL MEMBERS BEALE, HINES, AND USHKA

A RESOLUTION relating to committees, boards, and commissions; appointing, reappointing, and reassigning individuals to the Community’s Police Advisory Committee.

WHEREAS vacancies exist on the Community's Police Advisory Committee, and

WHEREAS, at its meeting of December 10, 2020, the Community Vitality and Safety Committee conducted interviews and recommended the appointment, reappointment, and reassignment of individuals to said committee, and

WHEREAS, pursuant to the City Charter Section 2.4 and the Rules, Regulations, and Procedures of the City Council, the persons named on Exhibit “A” have been nominated to serve on the Community's Police Advisory Committee; Now, Therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That those nominees to the Community’s Police Advisory Committee, listed on Exhibit “A,” are hereby confirmed and appointed, reappointed, or reassigned as members of such committee for such terms as are set forth on the attached Exhibit “A.”

Adopted ________________________

__________________________________________________________
Mayor

Attest:

__________________________________________________________
City Clerk

Approved as to form:

__________________________________________________________
City Attorney
EXHIBIT “A”

COMMUNITY’S POLICE ADVISORY COMMITTEE

Appointing Jeffrey Sargent to the “Council District No. 3” position to serve a three-year term, effective January 1, 2021, to expire December 31, 2023.

Appointing Terah Gruber to the “Youth” position to fill an unexpired term to expire August 31, 2021.

Reappointing Dana Coggon to the “At-Large No. 1” position to serve a three-year term, effective January 1, 2021, to expire December 31, 2023.

Reappointing and reassigning Krystle Edwards from the “Council District No. 3” position to the “At-Large No. 3” position to fill an unexpired term to expire December 31, 2022.
TO: Elizabeth Pauli, City Manager
FROM: Doris Sorum, City Clerk
Bill Fosbre, City Attorney
COPY: City Council
SUBJECT: Resolution – Appointing, reappointing, and reassigning individuals to the Community’s Police Advisory Committee – December 21, 2020
DATE: January 5, 2021

SUMMARY:
Appointing, reappointing, and reassigning the following individuals to the Community’s Police Advisory Committee:

- Appointing Terah Gruber to the “Youth” position to fill an unexpired term to expire August 31, 2021.
- Reappointing Dana Coggon to the “At-Large No. 1” position to serve a three-year term, effective January 1, 2021, to expire December 31, 2023.
- Reappointing and reassigning Krystle Edwards from the “Council District No. 3” position to the “At-Large No. 3” position to fill an unexpired term to expire December 31, 2022.

COUNCIL SPONSORS:
Deputy Mayor Blocker and Council Members Beale, Hines, and Ushka.

STRATEGIC POLICY PRIORITY:
Appointing individuals to the Committee best aligns with the strategic priority policy related to encouraging and promoting an open, effective, results-oriented organization as the Committee is policy-focused, which will help to ensure transparency and accountability in the way that the Tacoma Police Department operates.

BACKGROUND:
At the December 10, 2020 Community Vitality and Safety Committee meeting, the Committee conducted interviews and recommended the appointment, reappointment, and reassignment of the individuals listed above.

ISSUE:
Positions need to be filled on the Community’s Police Advisory Committee.

ALTERNATIVES:
The Committee will continue to operate without full membership.

RECOMMENDATION:
The Community Vitality and Safety Committee is recommending the appointment, reappointment, and reassignment of the individuals listed above.
FISCAL IMPACT:
There is no fiscal impact.
RESOLUTION NO. 40723

A RESOLUTION related to collective bargaining; authorizing the execution of a one-year Collective Bargaining Agreement between the City and the Tacoma Police Management Association, Local 26, effective January 1, 2021, through December 31, 2021.

WHEREAS the City has, for years, adopted the policy of collective bargaining between the various labor organizations representing employees and the administration, and

WHEREAS this resolution allows for the execution of a one-year Collective Bargaining Agreement ("CBA") between the City and the Tacoma Police Management Association, Local 26 ("Union"), on behalf of the employees represented by said Union, and

WHEREAS the bargaining unit consists of approximately 19 budgeted, full-time equivalent ("FTE") positions, and

WHEREAS, effective January 1, 2021, wages will be adjusted as required to maintain indexing/parity differentials as described in Appendix A, Section 2; and beginning the first of the month following adoption of the CBA, employees will forgo three quarters of one percent (0.75%) of wages in exchange for a post-retirement Voluntary Employee Beneficiary Association ("VEBA") program, as outlined in the CBA, and

WHEREAS other changes include: (1) terms of a Body Worn Camera Program, included as Addendum A to the CBA, to be implemented effective January 1, 2021; (2) a reduction to the monthly employer contribution to a VEBA
account from $250 to $125 per month; and (3) employees will begin a $50 per pay period deduction to be contributed to the VEBA account, and

WHEREAS updates were made to Article 3 – Association Membership and Dues, Article 19.12, regarding alternative work schedules; and Article 19.13, regarding employees who are assigned to the Pierce County Force Investigation Team and placed in an on-call status will be eligible for standby pay, and

WHEREAS it appears in the best interests of the City that the CBA negotiated by said Union and the City be approved; Now, Therefore,

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

That the proper officers of the City are hereby authorized to execute the one-year Collective Bargaining Agreement between the City and the Tacoma Police Management Association, Local 26, effective January 1, 2021, through December 31, 2021, said document to be substantially in the form of the agreement on file in the office of the City Clerk.

Adopted

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney
TO:  Elizabeth Pauli, City Manager  
FROM:  Dylan Carlson, Senior Labor Relations Manager  
        Karen Short, Senior Human Resources Analyst, Human Resources  
        Gary Buchanan, Director, Human Resources  
COPY:  City Council and City Clerk  
SUBJECT: Resolution – Authorize execution of a Collective Bargaining Agreement with the Tacoma Police Management Association, Local 26 – January 5, 2021  
DATE:   December 17, 2020  

SUMMARY AND PURPOSE:  
A resolution authorizing the execution of a Collective Bargaining Agreement as negotiated with the Tacoma Police Management Association, Local 26, effective January 1, 2021 through December 31, 2021.

BACKGROUND:  
The resolution will authorize the execution of the Collective Bargaining Agreement negotiated with the Tacoma Police Management Association, Local 26, effective January 1, 2021 through December 31, 2021. The agreement is for one year, covers approximately 19 budgeted, full-time equivalent positions, and includes terms of a Body Worn Camera Program included as Addendum A to be implemented effective January 1, 2021.

Other changes include a reduction to the monthly employer contribution to a Voluntary Employee Beneficiary Association (VEBA) account from $250 to $125 per month; and employees will begin a $50 per pay period deduction to be contributed to the VEBA.

Effective January 1, 2021, wages will be adjusted as required to maintain indexing/parity differentials as described in Appendix A, Section 2. Beginning the first of the month following adoption of the agreement, employees will forgo three quarters of one percent (0.75%) of wages in exchange for a post-retirement VEBA program as outlined in the collective bargaining agreement.

Updates were made to Article 3 - Association Membership and Dues, Article 19.12 regarding alternative work schedules; and in Article 19.13 regarding employees assigned to the Pierce County Force Investigation Team (PCFIT) placed in an on-call status will be eligible for standby pay.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:  
The agreement has been reached with the Tacoma Police Management Association, Local 26, and has been bargained in good faith.

2025 STRATEGIC PRIORITIES:  
Equity and Accessibility:  
Identify which Tacoma 2025 strategic goals your legislation most relates to, and then identify the Equity Index Score for those goals in the geography your proposal will affect. Select the indicator(s) this legislation is most related to, then briefly explain how this legislation will impact the selected indicator(s) and/or improve the Equity Index Score. Use the dropdowns below and refer to guide for more information.
Economy/Workforce: *Equity Index Score*: Moderate Opportunity

**Explain how your legislation will affect the selected indicator(s).**
This legislation supports the responsible and sustainable management of City funds.

**ALTERNATIVES:**
Presumably, your recommendation is not the only potential course of action; please discuss other alternatives or actions that City Council or staff could take. Please use table below.

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**EVALUATION AND FOLLOW UP:**

**STAFF/SPONSOR RECOMMENDATION:**
Authorization from the City Council by resolution is required to authorize execution of the Collective Bargaining Agreement with the Tacoma Police Management Association, Local 26.

**FISCAL IMPACT:**
Fiscal impact information will be provided by the Office of Management and Budget. Department Directors will be responsible for adhering to their overall levels of appropriation.

What Funding is being used to support the expense?  
Participating departments will be responsible for continuing costs.

Are the expenditures and revenues planned and budgeted in this biennium's current budget?  
**NO, PLEASE EXPLAIN BELOW**
Yes. Department Directors will be responsible for adhering to their overall levels of appropriation.

Are there financial costs or other impacts of not implementing the legislation?  
**No**

Will the legislation have an ongoing/recurring fiscal impact?  
**YES**

Will the legislation change the City’s FTE/personnel counts?  
**No**

**ATTACHMENTS:**
Collective Bargaining Agreement
To: Elizabeth Pauli, City Manager
From: Katie Johnston, Budget Officer
Date: December 15, 2020
Subject: Fiscal Impact of Local 26 2021 CBA

Overview
A Tentative Agreement between the City of Tacoma and the Tacoma Police Management Association Local #26 I.U.P.A bargaining unit has been reached for a successor collective bargaining agreement effective from January 1, 2021 to and including December 31, 2021.

Financial Impact
1. Effective January 1, 2021, wages will be adjusted as required to maintain the indexing/parity differentials to Local 6 as described in Appendix A, Section 2.

Wage increases are unknown at this time due to the historic indexing of Local 26 wages to the settled Local 6 bargaining unit therefore are not included in the fiscal impact. The fiscal impact will be incorporated into the Local 6 fiscal note.

2. Employer VEBA Contribution
Effective in the month following City Council adoption of this Agreement, the employer will decrease its contribution of $250.00 per month to $125.00 per month for each LEOFF II employee of the bargaining unit to an individual VEBA account under the provisions of the Tacoma Municipal Code 1.12.229, as amended.

VEBA Retirement Program Parameters
Beginning the first of the month following the effective date of the Agreement, the Union will forego three-quarters of one percent (0.75%) of the bargaining units’ salary. Once the bargaining unit wage scales for Local 6 are identified in any given year, each member of the Local 26 bargaining unit will receive ninety-nine and one-quarter percent (99.25%) of the base wage rate in exchange for the VEBA benefit.

- Each year the VEBA retirement program will be open for up to two (2) employees.
- For calendar year 2021 only, one unit member may apply for this program.
- This voluntary retirement program consists of payments made into approved retirees’ VEBA accounts of five hundred sixty-three dollars and seven cents ($563.07) per month for 2021 (subject to escalator in future years) until the earlier of the month when the employee reaches age sixty-five (65) or Medicare eligibility. These payments will be subject to all rules and laws applicable to the retirees’ VEBA accounts.
- A two percent (2%) per year escalator provision to the City’s monetary contribution to the VEBA account for eligible participants will be established and provided on January 1 of each calendar year.

The net fiscal impact of the VEBA Program changes is minimal in 2021. While forgoing 0.75% of a salary increase is expected to save $15,500 in 2021, the VEBA program will establish a long term-liability for City
given the ongoing member benefits. In three years, the City’s costs for the VEBA program are projected to exceed the annual savings. Costs will vary by year due to population of Local 26 and VEBA eligible retirees.

3. **PCFIT Stand-by Pay**
   Employees assigned to Pierce County Force Investigation Team (PCFIT) and placed in an on-call status shall receive the stand-by rate of $3.00 per hour for all hours in that status. This section shall apply to on-call status for PCFIT only and shall not apply to any other status or off hour calls. Employees are not eligible for standby pay for any hours for which they are in any other paid status. Standby means that the employee has been specifically directed by a supervisor to be in telecommunications, pager, radio or phone range to ensure their availability to respond, if necessary, within approximately 30 minutes of the notification to return to duty.

   PCFIT Stand-by pay will cost approximately $3,500 per year.

**Funding for 2021**
The cost of the negotiated increase is budgeted in the Adopted 2021-2022 Budget.

**CC:**  Karen Short, Senior Human Resources Analyst  
Dylan Carlson, Lead Labor Negotiator  
Hayley Falk, Management Analyst
2021

AGREEMENT
BY AND BETWEEN

TACOMA POLICE MANAGEMENT
ASSOCIATION LOCAL #26 I.U.P.A.
Captains and Lieutenants Unit

AND

CITY OF TACOMA
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2021
AGREEMENT
BY AND BETWEEN
THE
TACOMA POLICE MANAGEMENT ASSOCIATION
LOCAL #26 I.U.P.A.
Captains and Lieutenants Unit
AND
CITY OF TACOMA

THIS AGREEMENT is between the CITY OF TACOMA (hereinafter called the City) and TACOMA POLICE MANAGEMENT ASSOCIATION LOCAL #26 (hereinafter called the Association) for the purpose of setting forth the mutual understanding of the parties as to wages, hours, and other conditions of employment of those employees for whom the City has recognized the Association as the exclusive collective bargaining representative.

PREAMBLE

The City and the Association agree that the efficient and uninterrupted performance of municipal functions is a primary purpose of this Agreement, as well as the establishment of fair and reasonable compensation and working conditions for employees and the City. This Agreement has been reached through the process of collective bargaining with the objective of fostering effective cooperation between the City and its employees. Therefore, this Agreement and procedures which are established for the resolution of differences is intended to contribute to the continuation of good employee relations and to be in all respects in the public interest.

ARTICLE 1 – SUBORDINATION OF AGREEMENT

It is understood that the parties hereto and the employees of the City are governed by the provisions of applicable state law, the City Charter and City Ordinances. When any provisions of the City Charter or City Ordinances conflict with or are different than the provisions of this Agreement, the provisions of this Agreement are paramount and shall prevail.

ARTICLE 2 – RECOGNITION AND BARGAINING UNIT

The City hereby recognizes the Association as the exclusive collective bargaining representative for the purpose stated in Chapter 41.56 RCW as last amended of all employees commissioned under the LEOFF System employed within the bargaining unit defined by classifications listed in Appendix A to this agreement.
ARTICLE 3 – ASSOCIATION MEMBERSHIP AND DUES

Section 3.1 The City agrees to deduct from the pay of each employee, who has so authorized it, Union initiation fees, monthly dues, and assessments as certified by the secretary of the Union. The City will rely on information provided by the Union regarding the authorization and revocation of deductions, and the Union will provide such information to an email address provided by the City. Upon receiving notice of the employee’s authorization from the Union, the City will deduct from the employee’s pay the authorized deduction and remit the same to the Union no later than the second payroll cycle following receipt of the authorization. The amounts deducted shall be remitted monthly by the City to the Union on behalf of the employees identified by the Union as authorizing the deduction(s). The Union shall provide the City with at least one full pay period notice of any change in the amount of Union initiation fees, monthly dues, and assessments. The Union agrees to refund to the City any amounts paid to the Union in error on account of the provisions of this Section upon presentation of proper evidence thereof. There shall be no retroactive deduction of Union initiation fees, monthly dues, or assessments. The Union agrees to indemnify and hold harmless the City from any action arising from this Section, unless caused by the City's error or negligence.

Upon receipt of an employee request for authorization of payroll deduction of Union initiation fees, monthly dues, or assessments, the City will forward the request to the Union electronically within two weeks. The City will take no action upon receiving an employee request until receiving confirmation from the Union to begin deductions.

The employee’s authorization will remain in effect until expressly revoked by the employee by written notice to the Union in accordance with the terms and conditions of the authorization. The cancellation will become effective no later than the second payroll cycle after receipt of the confirmation from the Union that the employee has revoked authorization for deduction.

Section 3.2 The City will provide Union access to new employees entering the bargaining unit prior to field training. The City will allow the Union at least thirty (30) minutes to meet with such individuals during work hours and at their usual worksite or a mutually agreed upon location.

Section 3.3 An employee may cancel their authorization to have the regular initiation fees, regular monthly dues, and assessments uniformly required deducted from their paycheck by signed, written request to the City. The cancellation will become effective no later than the second payroll cycle after receipt. The City shall provide a copy of each such request to the Union electronically within two weeks of the cancellation.
ARTICLE 4 – GRIEVANCE PROCEDURE

Section 4.1 A grievance is hereby defined as an alleged violation of a specific Article of this Agreement that is brought by the aggrieved employee and/or the Association to the attention of the other party within fifteen (15) working days of the time the grieving party first became aware of the alleged violation. An alleged violation of Article 24, Discipline, shall be submitted at Step 2 of this procedure. Working days referred to in this Article shall be defined as Monday through Friday with the exclusion of holidays recognized by the Employer. Such grievances shall be resolved in the following manner:

**Step 1** The Association or aggrieved employee shall first present the grievance in writing setting forth relevant facts including the alleged violation and the resolution requested to an Assistant Chief, who shall review the grievance and render a written decision within fifteen (15) working days of receipt of the grievance. The written grievance at this step and at all steps thereafter, shall contain the following information:

1. a statement of the grievance and the facts upon which it is based;
2. the alleged violation of this Agreement,
   a. citing the specific article and/or section and
   b. how that article and/or section is alleged to have been violated;
3. the remedy or adjustment sought; and
4. the signature of the aggrieved employee or Association Representative.

**Step 2** If the grievance is not resolved at Step 1, the Association or aggrieved employee may submit the grievance in writing to the Police Chief within fifteen (15) working days of receipt of the Assistant Chief’s decision. The Police Chief shall render a written decision within fifteen (15) working days of receipt of the grievance.

**Step 3** If the grievance is not resolved at Step 2, the Association may, within fifteen (15) working days from the completion of Step 2, give written notice to the Chief of Police and the Human Resources Director of its intent to submit the grievance to arbitration. Within ten (10) working days of the Association’s request to arbitrate, a representative of the Association and the Employer shall attempt to agree on a neutral arbitrator. If unable to reach agreement, they shall immediately request a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service. Upon receipt of the list both parties shall, within ten (10) working days, alternately strike names from the list until one name remains, who shall serve as the neutral arbitrator. The Association shall strike first in the striking process.

The arbitrator shall issue a written decision within thirty (30) calendar days of the close of the hearing, or issue a bench decision if mutually agreed to and requested by both parties of this Agreement. The decision shall be final and binding on both parties. The arbitrator shall have no power to alter, amend or change the terms of this Agreement.
Section 4.2 Each party shall bear the expense of its own costs of preparing and presenting its own case, including compensating its own representatives and witnesses. The Association and the Employer shall share equally in the cost of services from the neutral arbitrator. If either party desires a record of the proceedings, it shall solely bear the cost of such record.

Section 4.3 Any and all time limits specified in the grievance procedure may be waived by written mutual agreement of the parties. Failure of the Association to submit the grievance in accordance with these time limits without such waiver shall constitute abandonment of that specific grievance. Should the Employer fail to submit a reply within the specified time limits without such waiver, the Association may submit the grievance to the next step within the grievance procedure.

ARTICLE 5 – WORK STOPPAGES

The City and the Association agree that the public interest requires the efficient and uninterrupted performance of all City services, and to this end pledge their best efforts to avoid or eliminate any conduct contrary to this objective: During the life of this Agreement, the Association shall not cause or condone any work stoppage, strike, slowdown or other interference with City functions by employees under this Agreement, and should same occur, the Association agrees to take appropriate steps to end such interference. Employees covered by this Agreement who engage in any of the foregoing actions, shall be subject to such disciplinary action as may be determined by the City.

ARTICLE 6 – MANAGEMENT RIGHTS

The Association recognizes the prerogative of the City to operate and manage its affairs in all respects in accordance with its lawful mandate, and the powers or authority which the City has not specifically abridged, delegated or modified by this Agreement are retained by the City, including but not limited to the right to contract for services of any and all types. The direction of its working force is vested exclusively in the City. This shall include, but not be limited to the right to: (a) direct employees; (b) hire, promote, transfer, assign and retain employees; (c) suspend, demote, discharge or take other disciplinary action for just cause; (d) relieve employees from duty because of lack of work or other legitimate reasons; (e) maintain the efficiency of the operation entrusted to the City; (f) determine the methods, means and personnel by which such operations are to be conducted and (g) take any actions necessary in conditions of emergency regardless of prior commitments, to carry out the mission of the agency, provided, however, that items (a) through (g) shall not be in conflict with City ordinances and personnel rules.
ARTICLE 7 – VISITATION BY ASSOCIATION REPRESENTATIVES

Elected Association Officers may, after notifying the Chief of Police or designee, visit the work location of employees covered by this Agreement at any reasonable time for the purpose of investigating grievances or conditions on the job. During such investigations, such representatives shall confine their activities to matters relating to this Agreement.

City work hours shall not be used by employees or elected Association Officers for the conduct of official Association business or organized meetings for the promotion of Association affairs.

The Association shall furnish the Chief of Police and the Human Resources Director an up-to-date list of authorized elected Association Officers and shall keep such list current.

ARTICLE 8 – SAFETY STANDARDS

Section 8.1 – Safety Committee The City and Association agree to a standing safety committee pursuant to WAC296-24-045. In addition to the representatives elected or appointed under WAC296-24-045, the committee will include a representative appointed by the Association and the City Safety Officer. The Committee will meet on a monthly basis or upon request of the chairperson (Safety Officer) on City time, with a view of maintaining a safe working environment.

Section 8.2 – Safety Standards
A. All work shall be done in a competent and safe manner.

B. The City and the Association mutually agree that those applicable safety standards as outlined in federal, state, city and department regulations legally binding upon the City shall be complied with.

ARTICLE 9 – COMPENSATION PLAN

Section 9.1: The Compensation Plan contained in Chapter 1.12 of the Official Code of the City of Tacoma as now enacted or hereafter amended is hereby incorporated as part of this Agreement for the purpose of information for the members of the Association. Nothing in this section shall be construed to permit variances from the terms of this Agreement without the mutual consent of the parties, or to constitute a waiver of the parties' obligation to collectively bargain.

Section 9.2: The comparables evaluated by the City, in accord with RCW 41.56 et seq. are Spokane, Vancouver, Everett, Bellevue, Federal Way and Kent. This agreement shall not be construed to mean that either party has reached agreement that the bargaining unit members are paid appropriately within the market. Furthermore, neither party shall be bound to this agreement during any negotiations for a successor agreement.
ARTICLE 10 – STANDARD WORKING CONDITIONS

Section 10.1 Personal Time Off Plan Selection:

A. Employees will have the option of selecting the Personal Time Off plan during any of the City’s city-wide open enrollment periods, to become effective as specified during said open enrollment period.

B. An employee promoted into this bargaining unit will have until the end of his/her probation to decide whether or not to elect to move to the Personal Time Off Plan.

Section 10.2 Vacation
Vacation allowance shall be as provided in Section 1.12.220 of the Official Code of the City of Tacoma.

Section 10.3 Sick Leave
Sick allowance with pay shall be as provided in Section 1.12.230 and 1.12.232 of the Official Code of the City of Tacoma. For all employees, sick leave will be credited and debited to each employee in the same amounts, and under the same policies governing all City employees.

Section 10.4 Personal Time Off
Personal Time Off shall be as provided in Section 1.12.248 of the Official Code of the City of Tacoma.

Section 10.5 Holidays
Holidays shall be as provided in Section 1.12.200 of the Official Code of the City of Tacoma.

Section 10.6 On-the-Job Injury
On-the-job injury provisions shall be as provided in the Washington State Law Enforcement and Firefighters Retirement Act for employees hired prior to October 1, 1977. For employees hired after September 30, 1977, coverage shall be as provided under the City’s self-insured workers compensation program as provided for in Section 1.12.090 of the Official Code of the City of Tacoma.

Section 10.7 Insurance

A. Health Benefits. Employees in this bargaining unit shall be covered by the health benefits plans negotiated between the City and a coalition of unions in the Joint Labor Committee (JLC) for the term of this Agreement.

B. Retiree Insurance. The City agrees that bargaining unit members, who hereafter retire into the state LEOFF II retirement system for length of service or disability, may participate in the City’s health insurance program as follows:

1. Any member receiving a pension for years of service or disability who cannot qualify for Social Security and Medicare benefits for any reason shall be granted the privilege and option, at his/her own expense, to purchase from a health care
contractor or insurer furnishing such service to active employees of the City, a policy or policies of health insurance embodying therein terms substantially similar to those granted active employees, paying therefore the same amount as the City pays for its employees on a composite rate.

2. The option and privilege herein shall terminate automatically upon the member’s reaching an eligible age to qualify for Medicare, whether in fact or not such member obtains the same.

3. In no event shall the granting of this privilege give or grant the retired employee any preferential treatment with reference to the health contracts over and above that of active LEOFF II employees of the City of Tacoma, and such privilege is at all times subject to the ability of the City of Tacoma to negotiate for and obtain said health care coverage.

4. There shall exist no obligation on the part of the City to contribute any part of the purchase price of said policy, nor shall the City’s General or Revenue Funds make any contribution therefore; provided, however, that if in fact any change results in the composite rate charged the City for all its employees from the granting of this privilege, such adjustment in the composite rate shall not be deemed a contribution of the City or of Administration hereunder.

C. In the event of the death in the line of duty of an employee represented by Tacoma Police Management Association, Local 26, the surviving spouse or personal representative of the estate of the deceased employee may elect to obtain coverage for eligible family members within 60 days after the death pursuant to the same terms and conditions as is made available to retirees represented by Tacoma Police Management Association.

Section 10.8 - Deferred Compensation: The City will match an employee's deferred compensation contribution up to $217.00 per pay period.

Section 10.9 – Employer VEBA contribution: Effective in the month following City Council adoption of this Agreement, the employer will decrease its contribution of $250.00 per month to $125.00 per month for each LEOFF II employee of the bargaining unit to an individual VEBA account under the provisions of the Tacoma Municipal Code 1.12.229, as amended.

Section 10.10 – Employee VEBA contribution: The City agrees to deduct from the paycheck of each employee a standard amount of $50.00 per pay period, and will promptly transfer said amount to the employee's VEBA account.

The amount of the VEBA contribution may be adjusted by the Association no more than once per year, and with at least sixty days' written notice to the City's Human Resources Director of any change in the deduction amount. There shall be no retroactive deductions. The Association agrees to indemnify and save the Employer harmless against any liability which may arise by
reason of any action taken by the Employer to comply with the provisions of this Article, including reimbursement for any legal fees or expenses incurred in connection with such action.

ARTICLE 11 – TERM OF AGREEMENT

Section 11.1 This Agreement shall remain in full force and effect from January 1, 2021 up to and including December 31, 2021 provided, however, that this Agreement shall be subject to such change or modification as may be mutually agreed upon by the parties hereto.

ARTICLE 12 – ASSOCIATION LEAVE OF ABSENCE

Section 12.1 – Association Leave of Absence Time off duty to attend the following meetings will be granted to the President or an authorized representative of the Association without loss of pay:

A. When attending Association meetings, when such meetings are called at the request of the employer or its duly authorized representative.

B. In case of contract negotiations when such negotiations are carried on with the employer. Up to a total of two Association members, appointed by the Association, shall be allowed paid release time to attend formal contract negotiations.

C. The Department Head may authorize time off from duty for attendance by the Association President or designee at such meetings or conferences related to the implementation of this agreement where such attendance benefits the City or the Department. For the purposes of this section, "time off from duty" shall mean time during which the Association President or designee is unavailable to conduct police business.

Section 12.2 – Attendance at Association Meeting While on Duty With the permission of the Bureau Commander in charge, executive board members may be allowed to attend Association meetings while they are on duty in absence of emergency conditions.

ARTICLE 13 – NON-DISCRIMINATION

Section 13.1 Pursuant to RCW 41.56 there shall be no discrimination against Association members or Association officers acting in any official capacity.

Section 13.2 It is mutually agreed that there shall be no discrimination because of race, color, religion, sex, age, marital status, national origin, sexual orientation or physical, mental, or sensory handicaps (that do not prevent proper performance of the job) unless based upon a bona fide occupational qualification, or any other class protected under local, state, or federal nondiscrimination laws.
Section 13.3  Association and management representatives shall work cooperatively to assure the achievement of equal employment opportunity.

ARTICLE 14 – PTO, VACATION, and HOLIDAYS SCHEDULING

Section 14.1  Time off will be coordinated with the appropriate Assistant Chief or designee.

Section 14.4  Excess vacation or PTO accruals and holidays cannot be carried over into another year except in the case of continued illness. It is the responsibility of the employee concerned to submit a written request to the Human Resources Director to carry over excess accruals prior to the end of the time the excess accruals will occur. Each employee is responsible for tracking their vacation or PTO accruals, and holidays.

ARTICLE 15 – WORK ASSIGNMENTS

Section 15.1  Employees shall be assigned duties consistent with their job descriptions. When filling temporary vacancies, the department shall consider the existing civil service list for the classification to be filled, and will assign employees to work within proper jurisdictional lines.

Section 15.2  The City may implement an annual performance review system. The performance review system will only be used to counsel employees as to their job performance, strengths and weaknesses, the identification of personal goals and objectives, and the determination of training needs.

Article 15.3 - Use of Performance Management Documents  The performance evaluations can be considered for promotional purposes for a period of 36 months from the date of the evaluation.

Article 15.4 - Retention of Performance Management Documents  Final performance evaluation documents will be retained in an employee’s personnel file for six years past the date the employee separates from employment, in accordance with the Secretary of State’s retention schedule. Final performance evaluation documents do not include supervisor’s notes and quarterly coaching documents used to create the final performance evaluation. Supervisor notes and quarterly coaching documents are superseded by the final evaluation and can be destroyed upon completion of the final evaluation and after the time for appeal has expired.

ARTICLE 16 – PROMOTIONS AND PROBATION

Section 16.1  The City and the Association agree that promotional examination certification shall be done based on the “Rule of Five” (5). Employees will not be removed from an eligible list only for lack of selection.
Section 16.2   Employees promoted to Lieutenant and Captain shall serve a six (6) month probationary period. At the request of an employee and approval of the Chief of Police, uninterrupted temporary time for up to three (3) months immediately preceding a promotion may be counted toward the six (6) month probation period. The approved temporary time will count toward the experience requirement of Lieutenants to qualify for the Captain promotional examination.

ARTICLE 17 – OFFICIAL NOTIFICATION

Section 17.1 – Manual of Rules and Procedures   The operation of the department and the conduct of employees shall be governed by the Tacoma Police Department Manual of Rules and Procedures as it exists upon the effective date of this agreement. The Association and the Employer agree that the procedure contained in this Article shall apply to changes to the Tacoma Police Department MRP pursuant to RCW 41.56. The following procedure recognizes that members of the Association are frequently the management personnel proposing the MRP changes.

If the Police Chief wants to create or change an MRP, the Chief shall give the Association a draft of the proposed change. The Association will notify the Police Chief, in writing within 15 calendar days, if the proposed change is acceptable with the Association or the matter shall be scheduled for discussion with the Association at the next Labor/Management meeting.

Section 17.2 – Other Notifications   The City agrees to provide the President of the Association copies of all bulletins, MRP’s and special and general orders. The Association agrees that it will designate the Association official authorized to sign official Association communications to the Police Department.

The Police Chief or designee shall acknowledge all written communications from the Association involving members. The Association shall acknowledge all written communications from the Police Chief or designee, within ten (10) calendar days of receipt.

ARTICLE 18 – FAMILY LEAVE

Section 18.1 – Family Bereavement   Upon an employee being notified of a death in his immediate family while on duty, the City shall take prompt action to find a suitable relief in order that the employee may be released from duty. (Immediate family is defined as outlined in Section 1.12.230, subsection B5, of the Official Code of the City of Tacoma.) Upon approval by the Chief of Police or designee, a maximum of four (4) days of sick leave may be granted for the death of an immediate family member.

Section 18.2 – Family Medical Leave Act   The application of the Family Medical Leave shall be in compliance with Federal Law, State Law and City of Tacoma Policies. FMLA leave will be calculated from the date the employee is notified by the City.
ARTICLE 19 – SPECIAL PROVISIONS

Section 19.1 Pensions for employees and contributions to pension fund will be governed by the Washington State Statutes in existence at the time.

Section 19.2 A LEOFF II employee separated from City service due to a documented and reported injury or illness, at the time of separation, shall be reinstated provided the employee is mentally and physically fit to perform the duties of the position.

Section 19.3 – LEOFF II Disability Police Officers represented by this Bargaining Unit and covered by the LEOFF II retirement system, shall receive an additional one (1) percent application of rate.

Section 19.4 – Police Equipment The City shall provide all police equipment for commissioned police officers.

Section 19.5 – Personal Property Reimbursement Employees who suffer a loss or damage to the listed personal property and/or clothing (excluding normal wear and tear), which is reasonably carried and utilized in the line of duty shall be reimbursed for such loss or damage by the City if the loss or damage did not occur as a result of the negligence of the employee. Such claims will be processed through the Department, but in no case shall exceed two hundred fifty dollars ($250.00) per occurrence. The following is a list of personal property eligible for reimbursement:

- Watches
- Eyeglasses (Costs that are not eligible for coverage under the City’s vision plan including non-prescription sunglasses, any prescription lenses, and contact lenses)
- Shoes
- Flashlights
- Knives and/or sheaths
- Clipboards
- Clothing (Plainclothes assignments)

Other personal property may be considered for reimbursement on a case-by-case basis decided by the Chief of Police or his/her designee.

Section 19.6 – Tuition Reimbursement The Police department will budget $15,000 per year for tuition reimbursement funds. Employees shall be eligible for tuition assistance on a first come, first served basis. Employees shall be eligible for tuition assistance for a maximum of 10 credit hours (per quarter or semester, as applicable) based on the University of Washington in-state tuition (undergraduate rate or graduate rate, as applicable) and the employee achieving a passing grade. The educational major must be approved by the Police Chief. If there is a dispute as to the appropriateness of the educational major a committee of the Training and Development Manager, Police Chief or designee and a person selected by Local 26 shall meet and discuss the issue.
**Section 19.7 – Merit Allowance**  An employee shall be eligible to receive an annual merit allowance of $4,250 based on achieving at least one of the following:

- Middle Management Police Certification; or
- A Bachelor’s Degree; or
- Designated collective budget goals met by the Department; or
- Completion of at least one continuing education class approved by the Bureau Commander; or Supporting the implementation of the Strategic Plan

**Section 19.8 – CALEA Accreditation**  Employees shall receive an applied rate of two percent (2%) above their base wage in recognition for being CALEA accredited and for the successful maintenance of the accreditation. This application of rate shall remain in effect so long as the department remains accredited.

**Section 19.10 – Special Assignments**  The employees under this agreement are salaried Class E employees under Section 1.12.080 of the Official Code of the City of Tacoma and are not eligible for overtime compensation or compensatory time off, except as provided herein:

A. **Work at PAF:**  The City and the Association recognize that the employees covered under this agreement are salaried. However, when an employee works at the PAF he/she shall receive an amount equal to one and one-half (1 1/2) times his/her salary calculated on an hourly basis for all hours worked.

B. **Work on the Fourth of July Holiday:**

Bargaining unit work on the Fourth of July Holiday shall be staffed as follows:

1. The Fourth of July Holiday shall be considered a mandatory holiday unless assigned to work.
2. The operational period for this Holiday will be defined as beginning on July 4 at 0500 and concluding July 5 at 0200.
3. Any bargaining unit employee assigned to work on the Fourth of July Holiday shall be paid at time and one-half (1 1/2) the rate of his/her base wage for all hours worked.

C. **Emergency Event Call-Outs:**  For purposes of this Agreement, an “emergency event call-out” is defined as (1) work performed outside of regular work hours; (2) that is an emergency event as defined by the Chief or Assistant Chief; and (3) that is authorized by the Chief or Assistant Chief. Bargaining unit employees shall be paid at time and one-half (1.5) the rate of his/her base wage for all hours worked on an emergency event call-out, beginning at the time of the call-out.

**Section 19.11 - Mentoring**  In recognition of the fact that future technology creates needs which did not previously exist for internal training and mentoring, the Union and City agree that, effective January 1, 2017, highly experienced employees shall be assigned additional duties and shall receive a 2 percent application of rate. Highly experienced employees shall be defined as those with 25 years’ service as a commissioned Tacoma police officer. This applied rate will be
paid to an employee at the first of the calendar year in which the 25 years of service will be complete.

Section 19.12 – Alternative Work Schedules: The primary work schedule for Captains and Lieutenants will be 9/80 shifts and for shift commanders will be 4/10 shifts. An alternate plan available to Local 26 unit members upon mutual agreement would be 5/8 shifts. Upon the request of the employee, the Bureau Commander may grant authorization for the employee to switch schedules on a case by case basis.

Nothing in this Section shall serve to establish additional obligations regarding compensation for hours of work. For overtime exempt employees in positions eligible for a flex-time work schedule, the focus continues to be on getting the job done, regardless of the number of hours worked. The department/division will endeavor to honor exempt employees' flex-time work schedules; however, there is no guarantee that exempt employees will not have to work on their flex day off or beyond their scheduled start and stop times.

Section 19.13 PCFIT Stand-by. Employees assigned to Pierce County Force Investigation Team (PCFIT) and placed in an on-call status shall receive the stand-by rate of $3.00 per hour for all hours in that status. This section shall apply to on-call status for PCFIT only and shall not apply to any other status or off hour calls. Employees are not eligible for standby pay for any hours for which they are in any other paid status. Standby means that the employee has been specifically directed by a supervisor to be in telecommunications, pager, radio or phone range to ensure their availability to respond, if necessary, within approximately 30 minutes of the notification to return to duty.

ARTICLE 20 – APPENDICES AND AMENDMENTS

All appendices, amendments, or modifications to this Agreement as mutually agreed upon by the parties hereto shall be numbered or lettered, dated and when signed by the authorized parties shall form a part of this Agreement.

ARTICLE 21 – PERSONNEL REDUCTION

In case of a personnel reduction, employees shall be laid off and recalled in compliance with the Personnel Rule 1.24.900.

ARTICLE 22 – LONGEVITY PAY

Longevity pay shall be provided eligible employees as defined by the Compensation Plan according to the following schedule:
1. From 5 through 9 years aggregate service as a uniformed employee - 2% per month of monthly rate.
2. From 10 through 14 years aggregate service as a uniformed employee - 4% per month of monthly rate.
3. From 15 through 19 years aggregate service as a uniformed employee - 6% per month of monthly rate.
4. 20 years or more aggregate service as a uniformed employee - 8% per month of monthly rate.

ARTICLE 23 – SHIFT DIFFERENTIAL

Section 23.1 - Swing Shift: Employees who are assigned the swing shift that begins between 1200 and 1800 shall receive a three percent (3%) differential applied to their base wage.

Section 23.2 - Graveyard Shift: Employees who are assigned the graveyard shift that begins between 1800 and 0500 shall receive a five percent (5%) differential applied to their base wage.

ARTICLE 24 – DISCIPLINE

Section 24.1 All discipline shall be for just cause. An employee may contest a discharge, suspension for 24 hours (3 working days) or more in length, or demotion through the grievance procedure in Article 4 of this Agreement. The filing of such a grievance shall be considered a voluntary and irrevocable waiver of the right to pursue the matter under the Civil Service procedure.

Section 24.2 It is the Employer’s sole determination as to whether or not an employee suspended without pay may be allowed to forfeit accrued vacation or compensatory time off in lieu of the suspension without pay.

ARTICLE 25 – EMPLOYEE RIGHTS

Section 25.1 – General Procedures
Any employee who will be interviewed concerning an act, which, if proven, could reasonably result in disciplinary action (excluding coaching or counseling) against him/her will be afforded the following safeguards, to include the right, upon the employee's request, to Association representation.

1. The employee will be informed prior to the interview if the Employer believes the employee is the subject of an investigation unless doing so would jeopardize the investigation.
2. The employee shall be notified as soon as practical after the department receives a complaint and in advance of an interview of the nature of the complaint and the identity of the complainant.

3. Upon request by the employee, he/she will be allowed to consult with an Association representative prior to answering questions or completing an administrative report. The consultation shall not unreasonably delay the interview or start of the administrative report.

Section 25.2 – Discipline

1. **Counseling:** Incidents for which coaching and counseling are appropriate may be handled by the immediate supervisor.

2. **Oral Reprimand:** Incidents for which discipline no greater than an oral reprimand may result may be handled by the immediate supervisor after review by the bureau commander. A notation may be placed in the employee’s divisional file regarding the reprimand. The notation will be removed after one (1) year if no other incidents of a similar nature occur during that period of time.

3. **Written Reprimands:** An incident resulting in a bureau or departmental written reprimand will be reviewed by the bureau commander prior to placement of the reprimand in the employee’s file. An employee may submit a written rebuttal statement within thirty (30) days of receiving the written reprimand. Such rebuttal statement will be attached to the written reprimand. The reprimand will be removed after two (2) years (bureau) or five (5) years (departmental) if no other incidents of a similar nature occur during that period of time. Human Resources will remove the reprimand from the Human Resources Department employee files upon the employee’s request according to the same schedule.

4. **Dismissal, Demotion or Suspension:** The Internal Affairs Unit may conduct interviews that may lead to economic sanctions including but not limited to dismissal, demotion and/or suspension. If after a complainant is interviewed and further investigation is deemed necessary, the employee shall be notified of the complaint, and be provided with a copy of the complaint as soon as practicable. This requirement will not apply where the employee is under investigation for violations which are punishable as felonies or misdemeanors under Washington law. Also, the employee will not be notified if doing so would jeopardize either the criminal or administrative investigation. The employee will be allowed a minimum of forty-eight (48) hours notice to appear before Internal Affairs to answer questions; however, the employee need not exercise the full time frame if he/she feels that he/she has received all the information necessary to assist in his/her interview. The employee shall be allowed the right to have an association representative and/or an attorney present during the interview.
Section 25.3 - Interviews

1. Interviews shall take place at Department facilities, or elsewhere if mutually agreed, unless an emergency exists which requires the interview to be conducted outside of Department facilities.

2. The Employer shall make a reasonable good faith effort to conduct these interviews during the employee's regularly scheduled shift, except for emergencies.

3. The employee will be required to answer any questions involving non-criminal matters under investigation and will be afforded all rights and privileges to which he is entitled under the laws of the State of Washington or the United States. Prior to any questioning, the employee will be notified in writing and acknowledge receipt of the following:

   "You are about to be questioned as part of an internal investigation being conducted by the Tacoma Police Department. You are hereby ordered to answer the questions that are put to you which relate to your conduct and/or job performance, and to cooperate with this investigation. Your failure to cooperate with this investigation can be the subject of disciplinary action in and of itself, including dismissal. The statements you make or evidence gained as a result of this required cooperation may be used for administrative purposes but will not be used or introduced into evidence in a criminal proceeding."

4. Interviews shall be done under circumstances devoid of intimidation, abuse or coercion.

5. The employee under investigation shall not be subject to offensive language or threatened with any punitive and/or retaliatory action. Promise or reward shall not be made as an inducement to answering any question. The employer shall not cause the employee under interrogation to be subjected to visits by the press or news media without their express consent nor shall their home address be given to the press or news media without the employee's consent.

6. All interviews shall be limited in scope to activities, circumstances, events, conduct or acts that pertain to the specific complaint/incident, which is the subject of the investigation. Nothing in this section shall prohibit the Employer from questioning the employee about information which is developed during the course of the interview.

7. If the Department tape records the interview, a copy of the complete interview of the employee, noting all recess periods, shall be furnished, upon request, to the employee. If the interviewed employee is subsequently charged and the Employer transcribes any part of any recording, the employee shall be given a complimentary copy thereof.
8. Interviews and investigations shall be concluded with no unreasonable delay. If an investigation extends past thirty days the employee(s) that are the subject of the investigation will be notified of the case status. Status reports will be provided to the employee(s) every thirty days thereafter.

Section 25.4 – Sustained Complaints
1. When the investigation sustains the allegations the employee shall be advised of the results of the investigation and any future action to be taken on the incident. The employee shall be provided with a copy of the Bureau Chief's recommendations concerning possible disciplinary action within 48 hours of such recommendations.

2. When the investigation results in sustained allegations the employer shall, after the investigation is complete, and at least seventy-two hours prior to the pre-disciplinary hearing, furnish the employee, and at the employee’s written request, the Association, with a copy of the reports of the investigation which contain all known material facts of the matter, to include any tape recordings at no cost. The employee will also be furnished with the names of all witnesses and complainants who will appear against him/her and/or whose statements will be used against him/her.

Section 25.5 – Criminal Investigations
Article 24 shall not apply to criminal investigations conducted by the Department. In such criminal investigations, the following procedures shall be followed prior to the commencement of the interview:

1. The investigator shall notify the employee of the criminal nature of the investigation;

2. The investigator shall notify the employee that a refusal to answer questions asked by the investigator will not be a basis for disciplinary action against the employee.

The employee has the right to not participate in the interview, and the right to terminate the interview, without resulting discipline.

Section 25.6 – Polygraph Tests
The Employer will comply with state law with respect to the giving of polygraph or voice stress indicator examinations.

Section 25.7 – Use of Deadly Force Situations
1. Employees directly involved in the use of deadly force shall be allowed to consult with an association representative and an association attorney and/or a private attorney prior to being required to give an oral or written statement about the use of deadly force. Such right to consult with a union representative and/or an attorney shall not unduly delay the giving of the statement. An Association representative (usually the President or Vice President) and a Department representative (Bureau Commander or Chief) will conference and mutually agree to a time when an oral or written statement will be given.
2. Psychologist Referrals
   A. Employees directly involved in the use of deadly force shall be required to consult
      with the Department psychologist.
   B. Employees directly involved in the use of deadly force against animals may be
      required by the department to consult with the Department psychologist.
   C. The employee directly involved in the use of deadly force will be placed on
      administrative leave for up to fourteen (14) calendar days. If released to return to
      duty, the employee may elect to return to work at anytime during the
      administrative leave.
   D. During the administrative leave the employee will schedule any follow up
      appointments with psychologists, doctors and/or any other assistance that he/she
      may require.
   E. The administrative leave, set forth above in Subsection C, is required only for the
      employee(s) actually applying the deadly force, not for other employees who may
      be involved or witness the incident.
   F. The employee may utilize appropriate leave, including workers’ compensation,
      sick leave, compensatory time or vacation, if he/she is not released to return to
      duty by the psychologist at the end of the administrative leave or if he/she
      disagrees with the psychologist's recommendation to return to duty.
   G. The employee may request a second and/or third opinion pursuant to Section
      1.24.800 of the Official Code of the City of Tacoma.

Section 25.8 – Records Requests
Requests by citizens for records pertaining to members of the Association shall be processed as follows:
1. The Employer shall refuse to disclose information in personnel files if that disclosure
   would violate the bargaining unit member’s right to privacy, or as may be exempt
   from public disclosure, as defined RCW 42.17.255 and by RCW 42.17.310.

2. Upon receiving a request for all or part of the personnel file, the Association and the
   affected bargaining unit member (or, alternatively, the Association) shall be given a
   period of seven (7) working days to provide any reason for not releasing the requested
   documents. The employer will then consult with its counsel regarding the reasons
   given by the affected employee/association.

3. The City and the Association agree to develop a policy regarding authorized access to
   employee records by city personnel.

Section 25.9 - Searches of Storage Space
Absent an employee's consent or exigent circumstances, no assigned storage space shall be
searched relative to a criminal or internal investigation without a search warrant having first been
issued for the area to be searched. The Department reserves the right to enter, inspect and/or
reclaim the use of storage space absent employee's consent when the assignment of any storage
space is not determinable after a reasonable effort has been made to determine who is using the
space.
ARTICLE 26 – USE OF CITY VEHICLES

Employees in this bargaining unit are engaged in public safety activities. As such, if an employee is assigned a City vehicle he/she shall be available to respond to emergencies from his/her home on an as needed basis. Because of the emergency response requirements the employee shall not be charged mileage to and from his/her home to his/her duty station. The City agrees to provide liability coverage for all authorized use of the vehicle.

ARTICLE 27 – GROOMING STANDARDS

Grooming standards for association members shall be as outlined in MRP. 12.06.001 with the following exceptions:

1. Beards, van dykes and goatees shall not be allowed.
2. Only post style earrings may be worn, no more than one per ear lobe. Hoop styles are prohibited.

ARTICLE 28 – VOLUNTARY EMPLOYEE BENEFICIARY ASSOCIATION (VEBA)

Section 28.1 - VEBA Program Parameters:

A. Beginning the first of the month following the effective date of the Agreement, the Union will forego three-quarters of one percent (0.75%) of the bargaining units’ salary. Once the bargaining unit wage scales are identified in any given year, each member of the bargaining unit will receive ninety-nine and one-quarter percent (99.25%) of the base wage rate in exchange for this benefit.

B. For the specific purpose of calculating wage comparisons, the three quarters of one percent (0.75%) reduction will be considered as a component of base wages.

C. The VEBA retirement program is only available to bargaining unit members, who are enrolled in the Washington State Law Enforcement Officers’ and Fire Fighters’ (LEOFF) Plan 2 retirement plan. This plan is only applicable to such employees who voluntarily separate employment from the City service through retirement.

D. The VEBA retirement program is not an employee right. Employees must meet the eligibility criteria and terms of the program.

Section 28.2 - Rules and Eligibility Requirements:
A. This is a voluntary program offered to eligible LEOFF Plan 2 employees. Such employees must meet all eligibility requirements to be approved for the retirement incentive program, and the City retains the ability to make the final eligibility decisions.

B. This voluntary retirement program does not include a direct cash payment. Instead, it consists of payments made into approved retirees’ VEBA accounts of five hundred sixty-three dollars and seven cents ($563.07) per month for 2021 (subject to escalator in future years) until the earlier of the month when the employee reaches age sixty-five (65) or Medicare eligibility. These payments will be subject to all rules and laws applicable to the retirees’ VEBA accounts.

C. If the retiree passes away before Medicare eligibility or age sixty-five (65), the VEBA contribution will terminate. The retiree’s beneficiary (spouse or qualified dependent) will be eligible to continue to utilize this program until the funds in the deceased retiree’s account are exhausted. In the event there is no beneficiary, the remaining funds will be equally distributed among current VEBA participants within this program.

D. The intent of this voluntary retirement program is for service retirement only. Employees who are receiving long term disability, (L&I) or are on medical layoff/retirement are disqualified from receiving this incentive. If at any time during the retirement program payment term a recipient begins receiving L&I the incentives under this program will cease.

E. An employee applying for the voluntary retirement program must be eligible to retire under the LEOFF Plan 2 and must not have already filed for retirement prior to the announcement of the program. Additionally, if an employee applies but does not retire by the established retirement deadline, the employee will not be eligible for the program in any future year. For the purpose of clarifying the parties’ understanding regarding this section, any application for a voluntary retirement benefit made prior to the effective date of this Agreement will not render any bargaining unit member ineligible for this program.

F. Employees approved for the retirement program will not be placed on the City’s layoff registers and are not eligible for rehire as a regular, benefited, permanent employee.

G. Employees approved for the retirement program agree not to file for unemployment benefits due to separation of employment from the City.

H. Each year the VEBA retirement program will be open for up to two (2) employees. If more than two (2) employees apply for enrollment into the program, selection will be accomplished on the basis of LEOFF 2 Plan seniority only, excluding individual or personal factors. Any changes to the maximum number of employees who may apply for this program or the timeline to apply for this program will require mutual agreement between the parties.
I. At any given time that the collective cost of the VEBA retirement program exceeds 1.5% of base wages annualized, up to 0.75% from the Union and up to 0.75% from the City, the parties agree to reopen negotiations regarding a cost-sharing agreement, during which time, no new employees will be added that would cause the program to exceed 1.5%.

J. A two percent (2%) per year escalator provision to the City’s monetary contribution to the VEBA account for eligible participants will be established and provided on January 1 of each calendar year.

K. To be eligible for the program, employees must be at least fifty-three (53) years of age. In addition, employees must have age + years of service totaling at least seventy-five (75) or higher.

L. The deadline to apply for this retirement program is no later than 5:00 pm, December 1st of the current year, unless otherwise agreed to by the parties.

M. The deadline to retire for approved employees is the end of the quarter of the following year identified for their retirement, unless otherwise agreed to by the parties. Payments will begin the first full month following retirement; provided that any employee who retires ahead of his/her planned retirement date will not receive the first payment until the first of the month following the approved retirement date based on the selection criteria set forth in paragraph H of this Article.

N. Enrollees will sign an agreement that outlines the parameters, eligibility and terms of the retirement program.

O. The Parties will reopen negotiations on this voluntary retirement benefit program in the event that State or national health care laws provide a retirement benefit option to police officers.

P. In the event of the elimination of or changes negotiated to the Local 6 VEBA program, the Local 26 VEBA program set forth in this Article shall be amended to reflect any such elimination or changes, excluding any change that would impact Section 28.2(H). In the event of elimination of the Local 26 VEBA program under Section 28.2(P) through elimination of the Local 6 VEBA program, Article 10 Section 10.9 VEBA shall return to the status quo for 2020 (employer contribution of $250.00 per month for each LEOFF II employee of the bargaining unit to an individual VEBA account under the provisions of the Tacoma Municipal Code 1.12.229, as amended).

Q. For calendar year 2021 only, one unit member may apply for this program by January 31, 2021 for retirement in calendar year 2021, selection will be accomplished on the basis of LEOFF 2 Plan seniority only excluding individual or personal factors. In all other years the timeline for application and retirement shall be as set forth in this Article.
ARTICLE 29 - SAVING CLAUSE

Should any part hereof or any provision herein contained be rendered or declared invalid by reason of any existing or subsequently enacted legislation or by any decree of a court of competent jurisdiction, such invalidation of such part or portion of the Agreement shall not invalidate the remaining portions thereof, and the remaining parts or portions remain in full force and effect.

ARTICLE 30 - EMBODIMENT

The Agreement expressed herein in writing constitutes the entire Agreement between the parties and no oral statement shall add to or supersede any of its provisions.

City of Tacoma

______________________________ ______________________________
City Manager                             Date President

______________________________ ______________________________
Human Resources Director        Date Vice-President

________________________
Finance Director

Approved as to form:

______________________________
City Attorney

Attest:

______________________________
City Clerk
This bargaining unit is comprised of commissioned personnel holding the permanent ranks of Lieutenant and Captain only. The hourly rates shown below are for administrative purposes only. Pursuant to Section 1.12.020 of the code there shall be no deductions for absences of less than one work day.

**Section 1: Annual Wage Adjustments**

**2021 Wage Increase**  Effective January 1, 2021, wages will be adjusted as required to maintain the indexing/parity differentials as described in Section 2 below. The following chart reflects the effective 2020 wage rates prior to application of the indexing/parity differentials for 2021 and before the three-quarters of one percent (0.75%) of the bargaining unit’s salary is foregone for the Voluntary Employee Beneficiary Association (VEBA) Program as referenced in Article 28 of this Agreement:

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<thead>
<tr>
<th>Code No.</th>
<th>Class Title</th>
<th>Step 1</th>
<th>Step 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>4206</td>
<td>Police Captain</td>
<td>77.23</td>
<td>81.09</td>
</tr>
<tr>
<td>4205</td>
<td>Police Lieutenant</td>
<td>67.15</td>
<td>70.51</td>
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<tr>
<td>4205A</td>
<td>Police Lieutenant (Acting)</td>
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<td>64.69</td>
</tr>
</tbody>
</table>

**Section 2: Indexing Provision**  A minimum 25% index differential between the top step base rate Police Lieutenant and the top step base rate Police Sergeant shall be maintained. The index specifically acknowledges that longevity and applied rates available to Sergeants are a factor in compression and the index is designed to protect the internal alignment. The differential between top step base rate Lieutenant and the top step base rate Captain shall be maintained at 15%.

**Section 3: CSC 4205A: Acting Lieutenant**  Wages for “Acting Police Lieutenant” (CSC 4205A) shall be used only for “acting” Lieutenant assignments on a short term or sporadic basis and such employees shall be eligible for overtime at the appropriate rate set forth in TMC 1.12.080. Short term assignments are made for no longer than two (2) consecutive pay periods unless approved by the Human Resources Director.

**Section 4: CSC 42050: Temporary Lieutenant**  Employees working in an “acting” capacity for thirty (30) days or more, shall be converted to “temporary” status and the corresponding pay rate of CSC 42050. Employees appointed to Police Lieutenant as temporary (Code 4) or probationary (Code 1) will be placed in CSC 42050. These employees are considered to be salaried, and therefore not eligible for overtime. All appointments to CSC 4205A must be at step
1 unless appointment to step 1 does not result in a pay increase, in which case the employee will be appointed at step 2. There is no time in grade step advancement from step 1 to step 2 of 4205A Acting Lieutenant.
BODY WORN CAMERAS

Body worn cameras (BWC) are a valuable tool for promoting transparency in law enforcement by recording citizen contact with police officers. The Tacoma Police Department (TPD) uses body worn cameras to contemporaneously and objectively document citizen contacts. Video footage produced by body worn cameras may be used as evidence in civil or criminal investigations, unless prohibited by law, reviewed administratively for officer compliance with department policies (as set forth below), used as a tool in law enforcement training, and utilized as a reference in incident documentation. This paragraph is not subject to modification during the term of the parties’ current collective bargaining agreement unless otherwise required by law.

It is the policy of the Tacoma Police Department that commissioned personnel working in a patrol function shall wear body worn cameras to record their encounters on duty.

The City agrees that it will not implement any changes to this policy during the term of the parties’ current collective bargaining agreement that impact mandatory subjects of bargaining without first bargaining the decision. If subsequent changes in Federal or State law mandate changes that impact mandatory subjects of bargaining, the City agrees to bargain the impacts upon request.

A) Definitions

1) Advisement
   Statement made by an officer that a communication, conversation or interaction with a citizen is being recorded.

2) Activation
   The process that turns on the body worn camera and causes it to record or to store audio and video data.

3) Body Worn Camera
   Camera system that captures audio and video signals, capable of being worn on an officer’s person that includes, at minimum, a camera, microphone, and recorder.

4) Body Worn Camera Videos
   Recorded media consisting of audio-video signals recorded and digitally stored on a storage device or portable media.
5) **Labeling of Video**
Marking a video with the incident (ID) number and category.

6) **Evidence.com**
A cloud based data warehouse where body worn camera video footage is stored and retained.

7) **Involved Officer**
Any officer who used or directed the use of deadly force.

8) **Retention of Video**
Retention of video refers to how long a video captured on body worn camera is kept or retained by the Tacoma Police Department. A video is retained according to its category.

9) **Surreptitious Recording**
A recording made without the knowledge of one or more of the parties to a conversation or communication and is a violation of the Washington Privacy Act, [Chapter 9.73 RCW](#).

10) **Body Worn Video Review Team**
A unit within the City of Tacoma Public Records Office comprised of Public Disclosure Video Review Analysts trained in the retention, redaction, and release of Body Worn Camera videos. Assigned personnel are responsible for the retention, redaction, release, and deletion in accordance with applicable records retention and public records disclosure laws. Recordings shall be retained for a period consistent with the requirements outlined by applicable records retention schedule. Public Disclosure Video Review Analysts will have a working knowledge of the methods and procedures related to the duplication, storage and retrieval of body worn camera videos.

11) **Witness Officer**
A witness officer is a TPD officer who observes or has firsthand knowledge of the events surrounding an in-custody death or the use of deadly physical force by another officer, and other than observing the incident, did not use deadly physical force. Additionally, an officer who observes or has firsthand knowledge of the events surrounding an officer’s direction to another to use deadly force.

**B) Officer Responsibilities**

1) **Training**
Prior to wearing and operating a body worn camera, officers are required to successfully complete department authorized body worn camera training. This training will include:

- Department Policy on BWC’s
- System preparation and operation
- Placement of the BWC
- Procedures for downloading and tagging recorded data
- Scenario based exercises that replicate situations that officers may encounter
Officers shall attend refresher training on BWC’s as directed by the department

2) **Inspection**
Officers shall inspect their BWC equipment at the start of every shift. If an officer discovers that the BWC equipment is not functioning, he/she will be responsible for notifying his/her supervisor, documenting the equipment failure in CAD, and ensuring that the equipment is submitted to the Computer Support Technician for repair. Officers will obtain a spare BWC from their sergeant or patrol operations desk officer when their BWC is being repaired or replaced.

3) **Requirement to Wear the Body Worn Camera**
All uniformed officers assigned a body worn camera are required to wear the camera while on duty. Officers shall affix their camera to the chest area of their uniforms where it is unobstructed by the uniform itself or equipment. This does not include circumstances in which the camera becomes unintentionally obstructed during police activity. Officers working in an off-duty assignment should only activate their BWC during enforcement and investigative contacts with civilians. Privately owned body worn cameras are not permitted.

4) **Requirement to Use the Body Worn Camera**
Officers are required to use their body worn cameras to record their law enforcement activity, to do so consistently and in accordance with department policy.

5) **Procedures on Use of Body Worn Camera**
   - **Activation of the Body Worn Camera**
     a) Starting and ending the recording, when circumstances and officer safety permit:
        i. Officers shall activate the body worn camera prior to exiting the vehicle to any dispatched law enforcement activity. Nothing in this policy prohibits the officers from activating the camera earlier.
        ii. Officers shall activate the body worn camera when involved in any manner in a police pursuit, vehicle follow, fail to yield, and active police perimeter.
        iii. Officers shall activate the camera as soon as practical upon making the decision to engage in any self-initiated law enforcement activity.
        iv. Once the camera is activated, the officer shall leave it on until the incident has concluded. Officers should cease recording when their part of the active investigations is completed, and there is little possibility that the officer will have further contact with any person involved in the event.
        v. In an officer involved shooting, officers shall turn their cameras off upon instruction from their supervisor.
        vi. Officers should record on the body worn camera reasons for turning off the body worn camera if the officer stops the recording prior to the conclusion of the law enforcement activity.
        vii. Officers may, at their discretion, activate their BWC any time they determine it would be beneficial to capture an event or activity.
        viii. If circumstances prevent activation at the start of an event, the officer will activate the BWC as soon as practicable.
b) Activation Amnesty
   i. No officer will be subject to discipline for failing to activate a camera for any reason for the first month or 16 shifts, whichever occurs later, after he or she is assigned to wear a BWC. Evidence of a failure to activate a BWC during the amnesty period shall not be used or considered for performance evaluations or discipline after this amnesty period.
   ii. The amnesty period will apply again anytime an officer is reassigned to an assignment without a BWC for a period of six months or more, and then returns to an assignment with a BWC.
   iii. Officers assigned to assignments without a BWC who work extra shifts on assignments with a BWC will not be subject to discipline for an unintentional failure to activate the BWC.

c) Decision to Not Record
   i. Officers are required to record as much of the law enforcement activity as possible, but the sensitivity or exigency of a situation may warrant turning off, or not activating, the body worn camera. The decision to not record law enforcement activity shall be made by the officer wearing the camera and shall be determined by facts and circumstances, which must be justified. Facts supporting such a decision may include the following:
      - **When unsafe or impractical** – Law enforcement activity requiring a response that physically prevents an officer from activating the camera. Officers are advised to put safety ahead of the requirement to record the encounter. The amount of time driving to the call shall be a factor considered in determining if this section applies.
      - **Sensitive communications** – Law enforcement activity involving sensitive communications, matters of law enforcement intelligence or where recording the encounter could hinder a criminal investigation.
      - **When a citizen objects to being recorded** – If a citizen objects to being recorded, the officer may elect to record despite the objection. Since conversations with police officers are not considered private under Washington law this is no requirement that an officer turn off the camera for a citizen who objects to having the interaction recorded.
   ii. Officers shall document by written report or CAD any decision to not activate the camera or to turn off the body camera prior to the conclusion of the law enforcement activity, and their reasons for doing so.

- **Advisement – When Required**
a) Conversations between uniformed police officers and citizens that occur during the performance of official police duties are not recognized as private conversations under Washington law and therefore generally do not require an advisement that the interaction is being recorded. The exceptions are traffic stops and custodial interrogations.
   i. Officers conducting traffic stops while equipped with a body worn camera shall notify the occupants that there is an audio and video recording occurring. This warning should be given at the beginning of...
the contact, absent an emergent situation, and captured on the recording. The advisement should also be noted in the officer’s report if enforcement action is taken.

ii. Prior to a custodial interrogation, officers shall inform arrested persons that they are being audio and video recorded with a body worn camera. This statement, along with the Miranda advisement, shall be included in the recording.

- **Deactivation of BWC – Prohibitions and Exceptions to Recording**
  a) Deactivation at Conclusion of Incident. Once activated, and subject to all exceptions set forth throughout this policy, the officer shall not purposely turn off the camera until the officer’s involvement in the incident has concluded. The officer should cease recording when his or her part of the active investigation is completed, and there is little possibility that the officer will have further contact with any person involved in the event.
  b) Temporary Deactivation of Audio Only. Audio recording contemporaneous with a BWC may be temporarily disabled for conversations with other officers or persons not involved with the call.

- **Recording Prohibited**
  Unless specifically authorized by the chief of Police, the BWC shall not be used to record:
  a) Anything not involved with official duties
  b) Communications with other police personnel while not on a call
  c) Communications with undercover officers or confidential informants
  d) When on break or otherwise engaged in personal activities
  e) While in a jail unless for a direct law enforcement purpose
  f) While in the interiors of medical, mental health, counseling, or therapeutic facilities unless investigating a crime in progress (e.g. recording of an investigation of a crime committed at the facility, the drawing of blood at a facility following a DUI, the taking of a statement from a suspect or witness while in a facility, etc., would be permitted)
  g) While within the police station or substations, except when taking an in station report or placing a suspect into one of the temporary holding cells in the police station. If so, the officer should announce as he/she enters the station that he/she is recording. The officer should turn off his/her recording after the suspect is placed and secured in the temporary holding cell. The officer should activate his/her recording each time he/she has an interaction with the suspect in the cell until the suspect is released or transported to jail
  h) Any privileged conversations, such as attorney-client or labor privileged conversations

- **Discretionary Recording**
  It is permissible under this Policy for officers to exercise reasonable discretion to not record events in the following circumstances:
  a) When the officer is in a location where individuals have a reasonable expectation of privacy (such as a bathroom or locker-room) and the officer is not there to effect an arrest or serve a warrant
b) When respect for an individual’s privacy or dignity outweighs the need to record an event. Such circumstances may include (without limitation) natural death scenes, death notifications, child or sexual assault victim interviews, and cultural or religious objections to being recorded.

c) Sensitive communications such as matters of law enforcement intelligence or where the recording could hinder a criminal investigation.

d) When the officer has an articulable basis, based on the facts and circumstances of the particular situation, that recording would be unsafe.

6) **End of Shift Responsibilities**

Officers shall prior to the end of their shift or as soon as practical, follow the protocol to label, categorize, and upload videos to Evidence.com. Additionally officers shall download BWC footage as soon as practicable after a serious incident or when storage capacity is reaching its limit.

- **Officers unable to categorize body camera video prior to the end of their** shift shall notify a supervisor prior to securing and complete categorization at the beginning of their next regular or overtime shift, whichever occurs first; video footage shall be downloaded prior to going on days off.

- **Officers with take home vehicles who have to transfer videos at the end of** shift can dock their BWC at police operations ensuring that the upload process has begun on Evidence.com. Due to the length of time that it takes for videos to upload, it is not practical for officers to monitor the upload process. If a use of force or other significant incident was recorded, officers will contact a supervisor for direction. At the beginning of their next shift, officers will retrieve their BWC and confirm the upload process was completed. If the process did not complete, they will restart the upload process immediately at the beginning of their shift.

- **If an officer is involved in a shooting or other serious use of force and/or** is suspected of wrongdoing that requires the immediate relinquishment of the officer’s police powers, the officer’s supervisor should take physical custody of the BWC and will be responsible for downloading the data. The supervisor will take custody of the BWC out of public view. When an officer uses deadly force, the investigating agency may supervise the downloading of the video.

7) **Document Use of the Body Worn Camera**

Officers shall document in their police reports that they operated a body worn camera. In situations where no police report is written, officers shall indicate through CAD that they operated a body camera.

8) **Video Not a Substitute for, But May Supplement, a Written Report**

An incident captured on the body worn camera is not a substitute for a written police report. Officers must write a police report, if the situation requires, and may use the body worn camera video to supplement their documentation of the incident.

9) **Report Problems**
Officers shall promptly report to supervisor and/or computer support technician any problems they may encounter with the body worn camera or its operation.

10) **Use of Spare Camera**
Officers using a spare camera will contact supervisor for proper camera assignment.

11) **Commuting**
An officer who is not in possession of their body worn camera while commuting to and from their assigned shift and is involved in law enforcement activity shall document in their police reports that they did not operate a body worn camera. In situations where no police report is written, officers shall indicate through CAD that they did not operate a body camera. This documentation should include the reason for not operating a body worn camera.

**C) Unauthorized Use of Body Worn Cameras and Video**
All employees of the City of Tacoma and Tacoma Police Department, including commissioned officers and civilian personnel, shall abide by the policies and procedures related to body worn cameras and body worn camera videos as set forth in this policy.

Employees of the police department are prohibited from surreptitiously recording any other employee of the department or any other person.

1) Employees may not use body worn cameras for non-work related purposes or otherwise operate the body worn camera outside their legitimate law enforcement duties.

2) All body worn camera videos are the property of the Tacoma Police Department. Dissemination outside of the agency is strictly prohibited, except as required by law and pursuant to the provisions of Tacoma Police Department policy.

3) Employees are prohibited from accessing the cloud storage site Evidence.com except for legitimate law enforcement purposes, including authorized review as described in subsection G (Review of Body Camera Video) of this policy, or otherwise for work related to their job assignment. Any employee who accesses video in the Evidence.com system should provide a note in the system documenting their reason for video review.

**D) Downloading of Videos**
The only personnel allowed to download videos will be the public disclosure specialists, Body Worn Camera Supervisors and Administrators, Criminal Investigations Division, selected training staff, Internal Affairs, and specially trained department employees. Video downloads will be conducted for law enforcement purposes, purposes set forth elsewhere in this procedure and/or public records requests only.

If any downloads are needed from anyone not listed above, a request will be sent through the standard public disclosure request process.

**E) Operation and Oversight of the Body Worn Camera Program**
Operation and oversight of the body worn camera program is the responsibility of the Administrative Support Bureau, Body Worn Camera Supervisor.
**F) Review of the Body Worn Camera Program**
The body worn camera program shall be subject to ongoing review and evaluation by the Tacoma Police Department. The Chief of Police shall designate a committee to serve on a Body Worn Camera Review Board (BWCRB), which shall convene annually, to review the body worn camera program and the body worn camera policy and to make recommendations for the Chief’s consideration. The committee shall include representatives from department BWC supervisor, computer support technician, Public Disclosure Video Review Analyst, and department administrative support specialist, Training, Investigations, Patrol, Quartermaster, accreditation, and the collective bargaining units.
Review of Body Worn Camera Video

1) Officers may view their own body worn camera video at any time in accordance with this policy.

2) Recordings may be reviewed by individuals other than the recording officer in any of the following situations:
   - By officers prior to completing their police reports or providing a statement pursuant to an internal affairs or criminal investigation, subject to the following:
     a) All officers in any administrative investigation will be allowed to view all footage of the incident prior to any interview or answering questions related to any administrative investigation.
     b) Involved and witness officers in a deadly force investigation will be provided with and allowed to review relevant body worn camera footage prior to any interview or answering any questions. The body worn camera footage viewed by the involved and witness officer(s) should show actions, items or other relevant factors the officer could have seen from their vantage point and that could have been used in making a determination to use deadly force against an individual or individuals.
     c) In the event there is a dispute over which body worn camera footage should be viewed by the involved or witness officer(s), the legal or bargaining representative of the officer, the lead deadly force investigator, and the prosecutor or their designee may consult with one another prior to the officer making a determination about providing a statement.
     d) BWC Supervisor or their designee will lock any involved or witness officer’s ability to view body worn camera video of these incidents pending notification from an authorized investigative supervisor.
   - By any supervisor conducting a Blue Team administrative review. Review of video shall be related to the specific complaint(s) and not used as the basis to randomly search for other possible violations. Discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope of the review. Inadvertent discovery of significant policy violations (defined as those violations that would amount to a crime, excessive force, or retaliation/discrimination/biased based policing) noted during this review but not mentioned in the complaint shall be addressed at the lowest reasonable level, subject to collectively bargained disciplinary standards. Inadvertent discovery of all other policy violations (such as rudeness or procedural violations) shall not be the basis of disciplinary action. Any disagreements about the processing of these violations shall be handled between the Chief’s office and the collective bargaining unit’s president or representative.
   - By a supervisor investigating a specific act of officer conduct alleged in a complaint of misconduct. Review of video shall be related to the specific complaint and not used as the basis to randomly search for other possible violations. Supervisors are authorized to review recordings to investigate the merits of a specific complaint prior to a formal complaint being filed. If appropriate, the supervisor may allow the complaining party to review the footage with the supervisor as a means of addressing the concerns without a formal complaint being taken.
   - By technical support staff for purposes of assessing proper functioning of body worn cameras.
• By the City and County Prosecutors.

• By an Internal Affairs investigator who is participating in an official IA investigation investigating a specific act of officer conduct alleged in a complaint of misconduct. Review of video shall be related to the specific complaint and not used as the basis to randomly search for other possible violations.

• By a department investigator, or officer with the approval of a supervisor, who is participating in a criminal investigation providing the requested recording is specific to that investigation.

• By legal counsel and/or union representation representing an officer in a critical incident prior to providing a statement pursuant to an administrative inquiry.

• Training – Recordings may be reviewed for training purposes. Prior to any recordings being used for training purposes all involved officers will be notified. If an involved officer objects to showing a recording, his/her objection will be submitted to the training Sergeant to determine if the training value outweighs the officer’s objection. Inadvertent discovery of minor policy violations shall not be the basis of disciplinary action.

• By an employee’s legal representative and/or bargaining unit representative who is involved in representing the employee in an administrative investigation or a criminal investigation.

• By the City’s legal representative and/or bargaining unit representative who is involved in representing the City in an official matter, such as an administrative investigation, a lawsuit, or a criminal investigation.

• Pursuant to a subpoena or public records request.

• Specific acts showcasing the Department that reflect positively on TPD, may be of interest to the public, and are to be made available to the media upon approval of the Chief of Police or designee.

• Body worn camera video may not be randomly reviewed for any reason.

• The Tacoma Police Department acknowledges that video recordings provide only a two dimensional perspective with limited vantage points of an incident. Consequently, no department member will ever rely solely upon the review of video recordings as the basis for discipline against an officer. Instead, the department shall review and consider all available evidence (including witness statements, officer interviews, forensic analysis, documentary evidence, etc.), prior to imposing discipline against an officer.

GPS Associated with BWC. In the event GPS or other location capabilities (hereinafter “GPS”) are available with the BWC, the GPS will not be randomly reviewed or used for disciplinary purposes, but may be used for operational reasons for the purpose of officer safety, public safety, or efficient deployment of resources.

G) Retention of Body Worn Camera Videos

1) General

Videos related to officer-involved shootings, critical incidents, homicides, serious sexual assaults, and cases in which TPD has received a notice to preserve evidence shall be retained in Evidence.com pursuant to applicable Records Retention schedules.
The TPD Records manager shall be responsible for retention and coordination with City of Tacoma Office of Public Records regarding video of incidents listed above. Videos related to unsolved homicides and sexual assaults shall be kept consistent with the department policy for records retention.

2) Videos related to internal affairs investigations shall be transferred to a format compatible with Blue Team and made part of the file. The videos will be retained in accordance with the Washington State Records Retention Schedule.

3) All other body worn camera videos shall be retained in Evidence.com for 12 months, and then purged per applicable Records Retention Schedules.

4) Videos redacted for a public records request shall be retained for 24 months after the request and then deleted.

5) Inadvertent/Accidental Activation
An officer may inadvertently/accidentally record themselves or others. These particular inadvertent/accidental recordings typically do not meet the statutory definition of a public record (as described in RCW 40.14.010) because they are not made "in connection with the transaction of public business" and as such may be deleted.

In the event of an accidental activation of the body worn camera where the resulting recording is of no perceived investigative or evidentiary value, the recording employee may request that the body camera video in question be deleted forthwith by submitting a written request, by email, including the date and time of the inadvertent/accidental recording through their chain of command to the Bureau Commander or designee. The Bureau Commander or designee shall approve or deny the request and forward the decision to the TPD Records Manager for action.

6) Employees shall not intentionally tamper with, alter, or delete video.
   • **Exception:** This does not apply to personnel tasked with system maintenance who purge videos under established guidelines.

**H) Release of Body Worn Camera Videos**

1) **For Criminal Justice Purposes**
   Body worn camera videos may be accessed for criminal discovery purposes directly by prosecutors, whose offices shall have an account through Evidence.com.

   Prosecutors will be able to locate the existence of a body camera video by its reference in the police report and/or CAD report, and may search for videos related to pending cases by inputting the law enforcement incident report number into Evidence.com. Discovery of body worn camera videos to the defense bar shall be made through the prosecutor.

2) **To the Public**
Body worn camera videos will be made available to the public through public records requests pursuant to Chapter 42.56 RCW. Public records requests for body worn camera videos should be processed by the City of Tacoma Public Records Office. Prior to release, videos from body worn cameras will be reviewed and redacted by the Body Worn Video Review Team and will be consistent with statutory exemptions under Washington law, including the following:

- **The image of any witness who expresses safety concerns or who requests that their identity not be disclosed;**
- **The image of domestic violence, sexual assault, trafficking or stalking victims;**
- **Child victims, child witnesses and juveniles in the court system;**
- **Persons experiencing a medical emergency or receiving medical treatment;**
- **Images that are highly offensive to a reasonable person, such as images of deceased or seriously injured persons;**
- **Persons with apparent mental illness in crisis or who are detained for a mental health evaluation; or**
- **The image of anything that reveals personal identifying information.**

3) The City of Tacoma Public Records Office may provide third party notification to allow any person whose privacy may be impacted by the release of a body worn camera video time to file a petition for injunctive relief.

4) Citizens shall not be allowed to view body worn camera recordings except in the instances listed above.

5) **Officer Involved Shooting/In-Custody Death Cases**

   After receiving a Public Records Request, it is the Department’s intent to release video related to an officer involved shooting or in-custody death only after the involved officer(s) have been interviewed by independent investigators. The Chief reserves the right to further delay the release depending on investigative need or for the best interests of the parties involved or the City; provided, the City shall comply with the Public Records Act.
RESOLUTION NO. 40724

A RESOLUTION relating to collective bargaining: authorizing the execution of a Letter of Agreement negotiated between the City of Tacoma and Teamsters Local Union No. 117, Tacoma Venues and Events Unit, to extend alternate work schedules to address budget constraints.

WHEREAS the City has, for years, adopted the policy of collective bargaining between the various labor organizations representing employees and the administration, and

WHEREAS Resolution No. 40182, adopted December 11, 2018, authorized the execution of a two-year Collective Bargaining Agreement ("CBA") between the City of Tacoma and Teamsters Local Union No. 117, Tacoma Venues and Events Unit ("Union"), on behalf of employees represented by said Union, and

WHEREAS the COVID-19 Pandemic has significantly impacted operations and revenues at the City of Tacoma and Tacoma Venues and Events, and in response to emergency proclamations, public health recommendations, financial shortfalls, and in order to better provide for employee social distancing in the workplace, the City has temporarily reduced or eliminated some services, and

WHEREAS, pursuant to Resolution No. 40671, adopted October 13, 2020, the City and Union executed a Letter of Agreement ("LOA") to the CBA to address these budget constraints, and

WHEREAS the City and Union have negotiated a second LOA, effective January 1, 2021, through March 31, 2021, which provides for the following: (1) the extension of the 50/50 alternative work schedule approved pursuant to Resolution No. 40671, where employees will be subject to a schedule alternating between one...
week in full-time status (40 hours), followed by a week with no scheduled hours, to
address financial shortfalls, operational needs, and employee health, safety, and
engagement; (2) the City will continue to pay the employer’s share of health and
welfare benefits, and employee benefit premium deductions will continue via payroll
deduction as if the employee were in a full-time status; and (3) employee leave
accruals will be prorated based on the 50/50 schedule, and

WHEREAS it appears in the best interest of the City that the LOA negotiated
by said Union and the City be approved; Now, Therefore,

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

That the proper officers of the City are hereby authorized to execute the
Letter of Agreement negotiated between the City of Tacoma and Teamsters Local
Union No. 117, Tacoma Venues and Events Unit, said document to be substantially
in the form of the document on file in the office of the City Clerk.

Adopted ______________________

________________________________________
Mayor

Attest:

________________________________________
City Clerk

Approved as to form:

________________________________________
Deputy City Attorney
TO: Elizabeth Pauli, City Manager
FROM: Dylan Carlson, Senior Labor Relations Manager
      Karen Short, Senior Human Resources Analyst, Human Resources
      Gary Buchanan, Director, Human Resources
COPY: City Council and City Clerk
SUBJECT: Resolution – Authorize execution of a Letter of Agreement with the Teamsters Local Union
         No. 117, Tacoma Venues & Events Unit – January 5, 2021
DATE: December 23, 2020

SUMMARY AND PURPOSE:
A resolution authorizing the execution of a Letter of Agreement as negotiated with the Teamsters Local Union
No. 117, Tacoma Venues & Events Unit, to extend alternate work schedules to address budget constraints.

BACKGROUND:
The resolution will authorize the execution of a Letter of Agreement negotiated with the Teamsters Local Union
No. 117, Tacoma Venues & Events Unit, to extend a 50/50 alternate schedule to address significant budget
constraints resulting from the COVID 19 pandemic.

The COVID-19 Pandemic has significantly impacted operations and revenues at the City of Tacoma and Tacoma
Venues and Events. In response to emergency proclamations, public health recommendations, financial shortfalls,
and in order to better provide for employee social distancing in the workplace, the City has temporarily reduced or
eliminated some services.

The Letter of Agreement provides for the extension of a 50/50 alternative schedule (the equivalent of .5 FTE)
effective as of January 1, 2021, to address financial shortfalls, operational needs, and employee health, safety, and
engagement. Employees will be subject to a schedule alternating between one week in full-time status (40 hours),
followed by a week with no scheduled hours. Employees will have the opportunity to apply for unemployment
insurance benefits for each week with no scheduled work hours. The agreement also provides that the City will
continue to pay the employer's share of health & welfare benefits, and employee benefit premium deductions will
continue via payroll deduction as if the employee were in a full-time status, and will be maintained through
March 31, 2021. Employee leave accruals will be prorated based on the 50/50 schedule.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:
Terms of this Letter of Agreement have been discussed with the Teamsters Local Union No. 117, Tacoma Venues &
Events Unit, and have been bargained in good faith.

2025 STRATEGIC PRIORITIES:
Equity and Accessibility:
Identify which Tacoma 2025 strategic goals your legislation most relates to, and then identify the Equity Index
Score for those goals in the geography your proposal will affect. Select the indicator(s) this legislation is most
related to, then briefly explain how this legislation will impact the selected indicator(s) and/or improve the Equity
Index Score. Use the dropdowns below and refer to guide for more information.
City of Tacoma

City Council Action Memorandum

Economy/Workforce: Equity Index Score: Moderate Opportunity

Explain how your legislation will affect the selected indicator(s).
This legislation supports the responsible and sustainable management of City funds.

ALTERNATIVES:
Presumably, your recommendation is not the only potential course of action; please discuss other alternatives or actions that City Council or staff could take. Please use table below.

<table>
<thead>
<tr>
<th>Alternative(s)</th>
<th>Positive Impact(s)</th>
<th>Negative Impact(s)</th>
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</thead>
<tbody>
<tr>
<td>Do not approve execution of the Letter of Agreement</td>
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<td>unknown</td>
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EVALUATION AND FOLLOW UP:

STAFF/SPONSOR RECOMMENDATION:
Authorization from the City Council by resolution is required to authorize execution of the Letter of Agreement with the Teamsters Local Union No. 117, Tacoma Venues & Events Unit.

FISCAL IMPACT:
Fiscal impact information has been provided by the Budget Office. Department Directors will be responsible for adhering to their overall levels of appropriation.

ATTACHMENTS:
Letter of Agreement
Fiscal Impact from the Budget Office
Overview
The following provides an estimate fiscal impact of the proposed letter of agreement between the City of Tacoma and Local 117 Tacoma Venues & Events Unit to extend the October 5, 2020 LOA to address the ongoing significant budget constraints resulting from the COVID-19 pandemic.

Financial Impact
Effective January 1, 2021, all employees in Local 117 TVE will be subject to a change in schedule alternating between one week in full time status (forty hours), followed by a week with no scheduled hours. The provisions of this LOA shall expire on March 31, 2021 unless extended by the parties in writing.

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<tr>
<td><strong>Total</strong></td>
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CC:
Dylan Carlson, Labor Relations Manager
Karen Short, Senior Human Relations Analyst
Hayley Falk, Lead Management & Budget Analyst
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Letter of Agreement
Between
City of Tacoma
And
Teamsters Local Union No. 117
Affiliated with the International Brotherhood of Teamsters
Representing Tacoma Venues and Events

Subject: 50/50 Scheduling to Address Significant Budget Constraints Resulting from the COVID-19 Pandemic

The City of Tacoma (City) and Teamsters Local 117 TVE Unit (Local 117 TVE) (collectively, the Parties) enter into this Letter of Agreement (LOA).

The COVID-19 Pandemic has significantly impacted operations and revenues at the City of Tacoma and Tacoma Venues and Events. In response to emergency proclamations, public health recommendations, financial shortfalls, and in order to better provide for employee social distancing in the workplace, the City has temporarily reduced or eliminated some services.

The City seeks to remain agile in order to adapt staffing to meet the unique demand of TVE and potential return to events, to retain staff for future recall to full time status, maintain staff engagement in TVE’s operations, and ensure continuity of benefits to all impacted staff. To further those goals, the City has determined to provide alternative scheduling for employees in Local 117 TVE to address these financial shortfalls, operational needs, and employee health, safety, and engagement. The Parties have agreed to terms regarding the alternative scheduling for employees in Local 117 TVE set forth herein to accomplish these important objectives.

Now, therefore, the Parties agree to the following terms:

1. Effective January 1, 2021, all employees in Local 117 TVE will be subject to a change in schedule alternating between one week in full time status (forty hours), followed by a week with no scheduled hours. This will result in a 50/50 alternative schedule, referenced herein. Local 117 TVE employees will have the opportunity to apply for unemployment insurance benefits for each week with no scheduled hours.

2. Impacted employees are responsible for submitting their own application for unemployment benefits to the WA State Employment Security Department (ESD). ESD will make the final determination regarding eligibility for unemployment benefits. Workers are strongly encouraged to apply for unemployment benefits online at: https://esd.wa.gov/unemployment.

3. Employee leave accruals will be prorated during the 50/50 alternative scheduling.

4. The Employer will continue to pay the Employer’s customary share of medical, dental, vision, basic life, and basic long term disability insurance premiums, as well as EAP and Wellness coverage. Employee premium share deductions will continue to be paid via payroll deduction as if the Employee were in full time status. The parties recognize this premium share arrangement as a temporary measure that shall supersede section 6.2.4 of the Tacoma Joint Labor Agreement.

5. Employee-paid voluntary supplemental benefits will be maintained in full benefit status through March 31, 2021. The ability to maintain this benefit status through March 31, 2021 is a concession from the City’s carriers for such benefits. Absent an election to otherwise end any voluntary supplemental benefits, employee-paid voluntary supplemental benefits will continue and premium deductions will continue unaltered.
6. TERS Pension benefits will be governed by Chapter 1.30 of the Tacoma Municipal Code. As a general rule, employees must be in a full-time paid status for one of two weeks of a biweekly pay cycle to receive a full pension credit for the pay cycle. Final compensation and pension benefits may be impacted by the reduction in wages during the 50/50 alternative schedule.

7. “Continuous Service” is defined by Section 1.24.085 of the Tacoma Municipal Code. Time lost due to the 50/50 alternative schedule does not constitute a break in continuous service, as employees are not being separated from service.
   a. Time during the 50/50 alternative schedule shall count as half toward an employee’s probationary period.
   b. Time during the 50/50 alternative schedule will not interrupt an employee’s seniority, nor progression through salary steps, longevity pay schedule, or vacation accrual schedule.

8. If permanent layoffs become necessary at a later date due to lack of work, lack of funds, or other legitimate rationale, the applicable provisions of the personnel rules and collective bargaining agreement will apply.

9. Employees who may need to enter an unpaid status during the pendency of the 50/50 alternative schedule or cannot cover absences for scheduled hours with available leave may have adverse impacts to their pension or benefits, consistent with applicable policy, collective bargaining agreement, and/or the Tacoma Municipal Code.

10. The classification of TVE Custodian shall remain on the 50/50 alternative schedule, as contemplated by this LOA, through the expiration of the LOA.

11. The classifications of TVE Maintenance Worker I and II and TVE HVAC Mechanic I will remain in full time status until completion of CARES Act funded projects, at such time they will be provided notice consistent with Article 14 to return to the 50/50 alternative schedule.

12. The classifications of TVE Maintenance Chief, TVE Assistant Maintenance Chief, TVE Electrician, and TVE HVAC Mechanic II will remain in a full time status and be unaffected by this LOA.

The provisions of this LOA shall expire on March 31, 2020 unless extended by the parties in writing. The parties shall meet three weeks prior to the expiration of the LOA to begin discussions to amend or extend this LOA, or let it expire. This LOA shall not establish precedent for the parties hereto, nor for any other collective bargaining units or departments of the City.

EXECUTED THIS ___________ DAY OF ____________________, 2021
Proposed Letter of Understanding
By and Between
City of Tacoma and
Teamsters Local Union No. 117 (TVE)
Page 3

For Local 117 TVE

John Scearcy           Date
Secretary-Treasurer

For City of Tacoma

Elizabeth Pauli        Date
City Manager

Kim Bedier            Date
Tacoma Venues & Events Director

Dylan Carlson          Date
Senior Labor Relations Manager

Approved as to form:

Cheryl Comer           Date
Deputy City Attorney
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ORDINANCE NO. 28728

AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of the Tacoma Municipal Code to implement rates of pay and compensation for employees represented by the Tacoma Police Management Association, Local 26, and declaring the effective dates thereof.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.229 of the Tacoma Municipal Code ("TMC") is hereby amended, effective February 1, 2021, to read as follows:

1.12.229 VEBA Accounts.

* * *

C. In addition to VEBA benefits for which an employee may be eligible under subsections A and B above, the City shall deposit $250125.00 per month into an individual VEBA Account for each employee represented by the Tacoma Police Management Association, Local 26, who is also an LEOFF II pension system member, per the collective bargaining agreement; provided, however, contributions for employees who become represented by said bargaining unit after May 21, 2001, will be made beginning the first full month following an employee’s permanent appointment to a classification represented by the bargaining unit.

Section 2. That Section 1.12.355 of the TMC is hereby amended, effective retroactive to January 1, 2019, to read as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>A</th>
<th>Job Title</th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>4205</td>
<td></td>
<td>Police Lieutenant</td>
<td>64.10</td>
<td>67.30</td>
</tr>
<tr>
<td>4206</td>
<td></td>
<td>Police Captain</td>
<td>73.74</td>
<td>77.40</td>
</tr>
</tbody>
</table>

Section 3. That Section 1.12.355 of the TMC is hereby amended, effective retroactive to January 1, 2020, to read as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>A</th>
<th>Job Title</th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>4205</td>
<td></td>
<td>Police Lieutenant</td>
<td>64.57</td>
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<tr>
<td>4206</td>
<td></td>
<td>Police Captain</td>
<td>74.26</td>
<td>77.97</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Code</th>
<th>A</th>
<th>Job Title</th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>4205</td>
<td></td>
<td>Police Lieutenant</td>
<td>67.15</td>
<td>70.51</td>
</tr>
<tr>
<td>4206</td>
<td></td>
<td>Police Captain</td>
<td>77.23</td>
<td>81.09</td>
</tr>
</tbody>
</table>
Section 4. That Section 1.12.355 of the TMC is hereby amended, effective February 1, 2021, to read as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>A</th>
<th>Job Title</th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>4205</td>
<td></td>
<td>Police Lieutenant</td>
<td>67.45</td>
<td>70.51</td>
</tr>
<tr>
<td>4206</td>
<td></td>
<td>Police Captain</td>
<td>77.23</td>
<td>81.09</td>
</tr>
</tbody>
</table>

Section 5. That Section 1.12.640 of the TMC is hereby amended, effective as provided by law, to read as follows:

1.12.640 Application of additional rates.

* * *

L26 An employee represented by Tacoma Police Management Association, Local 26, and upon ratification of the 2018-2020 collective bargaining agreement, shall receive a one-time contribution of $1,500 to the VEBA account for each LEOFF II employee in the bargaining unit as of January 1, 2018.

* * *

Section 6. That Sections 1 and 4 are effective February 1, 2021. That Section 2 is effective retroactive to January 1, 2019. That Section 3 is effective retroactive to January 1, 2020. That Section 5 is effective as provided by law.

Passed ____________________________

_____________________________
Mayor

Attest:

_____________________________
City Clerk

Approved as to form:

_____________________________
Deputy City Attorney
TO: Elizabeth Pauli, City Manager
FROM: Dylan Carlson, Senior Labor Relations Manager  
        Karen Short, Senior Human Resources Analyst, Human Resources  
        Gary Buchanan, Director, Human Resources
COPY: City Council and City Clerk
SUBJECT: Pay and Compensation Ordinance – January 5, 2021
DATE: December 17, 2020

SUMMARY AND PURPOSE:
An ordinance amending the Tacoma Municipal Code (TMC) Compensation Plan, Chapter 1.12, regarding rates of pay and compensation for employees represented by the Tacoma Police Management Association, Local 26.

BACKGROUND:
The ordinance will provide for the implementation of the provisions of the Collective Bargaining Agreement negotiated with the Tacoma Police Management Association, Local 26, effective January 1, 2021 through December 31, 2021. The Collective Bargaining Agreement covers approximately 19 budgeted, full-time equivalent positions, and is scheduled for consideration by the City Council as a resolution on January 5, 2021.

The ordinance provides for the following:

A reduction in the employer contribution from $250 to $125 per month toward a Voluntary Employee Beneficiary Association (VEBA) and the start of a employee deduction of $50 per pay period to be contributed to the VEBA.

Beginning the first of the month following adoption of the agreement, employees will forgo three quarters of one percent (0.75%) of wages in exchange for a post-retirement VEBA program as outlined in the collective bargaining agreement.

The ordinance will also correct an error in the indexing calculations for wages effective January 1, 2019, contained in Ordinance 28567, passed December 18, 2018, and effective January 1, 2020, contained in Ordinance 28694, passed October 20, 2020.

COMMUNITY ENGAGEMENT/CUSTOMER RESEARCH:
The collective bargaining agreement was reached with the Tacoma Police Management Association, Local 26, and been bargained in good faith.

2025 STRATEGIC PRIORITIES:
Equity and Accessibility:
Identify which Tacoma 2025 strategic goals your legislation most relates to, and then identify the Equity Index Score for those goals in the geography your proposal will affect. Select the indicator(s) this legislation is most related to, then briefly explain how this legislation will impact the selected indicator(s) and/or improve the Equity Index Score. Use the dropdowns below and refer to guide for more information.
Economy/Workforce: *Equity Index Score*: Moderate Opportunity

**Explain how your legislation will affect the selected indicator(s).**
This legislation supports the responsible and sustainable management of City funds.

**ALTERNATIVES:**
Presumably, your recommendation is not the only potential course of action; please discuss other alternatives or actions that City Council or staff could take. Please use table below.

<table>
<thead>
<tr>
<th>Alternative(s)</th>
<th>Positive Impact(s)</th>
<th>Negative Impact(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do not approve the execution of the Collective Bargaining Agreement provisions</td>
<td>N/A</td>
<td>unknown</td>
</tr>
</tbody>
</table>

**EVALUATION AND FOLLOW UP:**

**STAFF/SPONSOR RECOMMENDATION:**
Authorization from the City Council by ordinance is required to authorize implementation of rates of pay and compensation for employees represented by the Tacoma Police Management Association, Local 26.

**FISCAL IMPACT:**
Fiscal impact information will be provided by the Office of Management and Budget. Department Directors will be responsible for adhering to their overall levels of appropriation.

**What Funding is being used to support the expense?**
Participating departments will be responsible for continuing costs.

**Are the expenditures and revenues planned and budgeted in this biennium's current budget?**
*NO, PLEASE EXPLAIN BELOW*  
Yes. Department Directors will be responsible for adhering to their overall levels of appropriation.

**Are there financial costs or other impacts of not implementing the legislation?**
*No*

**Will the legislation have an ongoing/recurring fiscal impact?**
*YES*

**Will the legislation change the City’s FTE/personnel counts?**
*No*
Overview
A Tentative Agreement between the City of Tacoma and the Tacoma Police Management Association Local #26 I.U.P.A bargaining unit has been reached for a successor collective bargaining agreement effective from January 1, 2021 to and including December 31, 2021.

Financial Impact
1. Effective January 1, 2021, wages will be adjusted as required to maintain the indexing/parity differentials to Local 6 as described in Appendix A, Section 2.

   Wage increases are unknown at this time due to the historic indexing of Local 26 wages to the settled Local 6 bargaining unit therefore are not included in the fiscal impact. The fiscal impact will be incorporated into the Local 6 fiscal note.

2. **Employer VEBA Contribution**

   Effective in the month following City Council adoption of this Agreement, the employer will decrease its contribution of $250.00 per month to $125.00 per month for each LEOFF II employee of the bargaining unit to an individual VEBA account under the provisions of the Tacoma Municipal Code 1.12.229, as amended.

**VEBA Retirement Program Parameters**

Beginning the first of the month following the effective date of the Agreement, the Union will forego three-quarters of one percent (0.75%) of the bargaining units’ salary. Once the bargaining unit wage scales for Local 6 are identified in any given year, each member of the Local 26 bargaining unit will receive ninety-nine and one-quarter percent (99.25%) of the base wage rate in exchange for the VEBA benefit.

- Each year the VEBA retirement program will be open for up to two (2) employees.
- For calendar year 2021 only, one unit member may apply for this program.
- This voluntary retirement program consists of payments made into approved retirees’ VEBA accounts of five hundred sixty-three dollars and seven cents ($563.07) per month for 2021 (subject to escalator in future years) until the earlier of the month when the employee reaches age sixty-five (65) or Medicare eligibility. These payments will be subject to all rules and laws applicable to the retirees’ VEBA accounts.
- A two percent (2%) per year escalator provision to the City’s monetary contribution to the VEBA account for eligible participants will be established and provided on January 1 of each calendar year.

The net fiscal impact of the VEBA Program changes is minimal in 2021. While forgoing 0.75% of a salary increase is expected to save $15,500 in 2021, the VEBA program will establish a long term-liability for City
given the ongoing member benefits. In three years, the City’s costs for the VEBA program are projected to exceed the annual savings. Costs will vary by year due to population of Local 26 and VEBA eligible retirees.

3. **PCFIT Stand-by Pay**
Employees assigned to Pierce County Force Investigation Team (PCFIT) and placed in an on-call status shall receive the stand-by rate of $3.00 per hour for all hours in that status. This section shall apply to on-call status for PCFIT only and shall not apply to any other status or off hour calls. Employees are not eligible for standby pay for any hours for which they are in any other paid status. Standby means that the employee has been specifically directed by a supervisor to be in telecommunications, pager, radio or phone range to ensure their availability to respond, if necessary, within approximately 30 minutes of the notification to return to duty.

PCFIT Stand-by pay will cost approximately $3,500 per year.

**Funding for 2021**
The cost of the negotiated increase is budgeted in the Adopted 2021-2022 Budget.

**CC:** Karen Short, Senior Human Resources Analyst
Dylan Carlson, Lead Labor Negotiator
Hayley Falk, Management Analyst
On the agenda for City Council action on January 5, 2021, will be an ordinance to amend the Compensation Plan. This memorandum discloses the contents of the ordinance pursuant to Section 1.12.970 of the Tacoma Municipal Code.

Section 1: Amends Section 1.12.229 to provide for the implementation of the provisions of the collective bargaining agreement with the Tacoma Police Management Association, Local 26. The agreement is scheduled for consideration by the City Council as a resolution on January 5, 2021. This section provides for a reduction in the amount of an employer contribution to a Voluntary Employee Beneficiary Association (VEBA) account from $250 to $125 per month, effective February 1, 2021.

Section 2-3: Amends Section 1.12.355 to correct an error in the indexing calculations of wages for classifications represented by the Tacoma Police Management Association, Local 26, effective January 1, 2019, contained in Ordinance 28567, passed December 18, 2018; and effective January 1, 2020, contained in Ordinance 28694, passed October 20, 2020.

Section 4: Amends Section 1.12.355 to provide for the implementation of provisions of the collective bargaining agreement with the Tacoma Police Management Association, Local 26. The agreement is scheduled for consideration by the City Council as a resolution on January 5, 2021. Per the terms of the collective bargaining agreement, and effective February 1, 2021, employees will forego three-quarters of one percent (0.75%) of salary in exchange for a Voluntary Employee Beneficiary Association (VEBA) benefit. Eligibility and parameters of the program are outlined in the collective bargaining agreement.

Section 5: Amends Section 1.12.640, Application of additional rates, to remove obsolete text that is no longer needed, effective as provided by law.

Section 6: Provides for the effective dates of the sections above.

I would be happy to answer any questions you may have.
ORDINANCE NO. 28729

AN ORDINANCE relating to the Building and Plumbing Codes; amending Chapters 2.02 and 2.06 of the Tacoma Municipal Code, relating to the Building and Plumbing Codes, to repeal existing sections and incorporate new provisions to align with Washington State adoption of changes to state building codes, to become effective February 1, 2021.

WHEREAS building codes establish minimum standards for the construction of buildings and structures, including building access, restrooms, parking, and other areas surrounding the building, and


WHEREAS the state allows local jurisdictions to amend these codes with requirements which are specific to the needs of that particular community and do not diminish the minimum requirements, and

WHEREAS Planning and Development Services ("PDS") staff is proposing amendments to Tacoma Municipal Code ("TMC") Chapter 2.02, Building Code, and Chapter 2.06, Plumbing Code, which are intended to streamline local codes, increase clarity and alignment with state building code requirements, and enhance usability of existing buildings, and
WHEREAS the proposed TMC amendments were developed with input from City staff, citizens, local builders and builder associations, developers, and design professionals, and

WHEREAS the proposed TMC amendments will become effective on February 1, 2021, to coincide with the effective date of the state’s building code amendments, and

WHEREAS PDS staff presented the proposed TMC amendments to the Infrastructure, Planning, and Sustainability Committee on December 2, 2020, and the Committee recommended the proposed amendments for City Council consideration; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 2.02 of the Tacoma Municipal Code (“TMC”) is hereby amended as set forth in the attached Exhibit “A,” to become effective on February 1, 2021.

Section 2. That Chapter 2.06 of the TMC is hereby amended as set forth in the attached Exhibit “B,” to become effective on February 1, 2021.

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
CHAPTER 2.02
BUILDING CODE

Sections:

2.02.020 Purpose.
2.02.030 International Plumbing Code.
2.02.040 Repealed.
2.02.050 Repealed.
2.02.060 Repealed.
2.02.070 Repealed.
2.02.080 Amendment to IBC Section 105.1 – Permits by addition of a new Section 105.1.3 – Business Licensing.
2.02.090 Amendment to IBC Section 105.2 – Work exempt from permit.
2.02.100 Amendment to IBC Section 202 – Definitions – D, L, S, T, and W.
2.02.110 Amendment to IBC Section 111.2 – Certificate issued. Repealed.
2.02.120 Amendment to IBC Section 113 – Board of Appeals.
2.02.130 Amendment to IBC Section 114 – Violations.
2.02.135 Amendment to IBC Section 114 – Board of Appeals.
2.02.136 Amendment to IBC Chapter 4 – by deletion and replacement of the WA State amendment Section 427 – Electric Vehicle Charging Infrastructure.
2.02.140 Amendment to IBC Section 504.4 – Number of Stories – by amending subsection 504.4.1 WA State amendment to the IBC and by addition of a new Section 504.4.1.1 – Type B occupancies within R-1 and R-2 occupancies.
2.02.150 Amendment to IBC Section 510.2 – Horizontal building separation allowance by addition of a new Section 510.2(7).
2.02.155 Amendment to IBC Section 1010.1.9.3 – Locks and Latches.
2.02.157 Amendment to IBC Section 1111.1.1 – Signage.
2.02.158 Amendment to IBC Section 1207.3 – Room Area.
2.02.160 Amendment to IBC Section 1503.4 – Roof Drainage.
2.02.170 Repealed. Amendment to IBC Section 1511 Re-roofing – by addition of a new Section 1511.7 – Energy Code Requirements for Re-roofing.
2.02.180 Amendment to IBC Section 1608 – Snow loads.
2.02.185 Amendment to IBC Section 1612.3 – Establishment of Flood Hazard Areas.
2.02.190 Amendment to IBC Section 1613 by addition of a new subsection 1613.7 – Tension-only bracing.
2.02.200 Amendment to IBC Section 2405 by addition of a new subsection 2405.6 – Location of sloped glazing and skylights.
2.02.201 Repealed. Amendment to IBC Section 2902.2 – Separate Facilities.
2.02.202 Amendment to IBC Section 2902.4 – Signage.
2.02.205 Amendment to IBC Section 3108 – Telecommunication and Broadcast Towers by addition of a new Section 3108.1.1 – Amplification Factor for Structures Bracketed to Supporting Structure.
2.02.210 Amendment to IBC Section 3202.3 – Encroachments eight feet or more above grade.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>2.02.220-2.02.380</td>
<td>Repealed.</td>
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<tr>
<td>2.02.390</td>
<td>Amendment to IBC Appendix Section G102.2 – Establishment of Flood Hazard Areas.</td>
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<tr>
<td>2.02.400</td>
<td>Amendment to IBC Appendix Section G103 – Powers and Duties by the addition of a new Section G103.10 – Additional Conditions for Consideration.</td>
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<td>2.02.410</td>
<td>Amendment to IBC Appendix Section G105 – Variances by Addition of a new Section G105.7.1 – Additional Criteria for Issuance.</td>
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<tr>
<td>2.02.500</td>
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</tr>
<tr>
<td>2.02.510</td>
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</tr>
<tr>
<td>2.02.520</td>
<td>Repealed.</td>
</tr>
<tr>
<td>2.02.530</td>
<td>Repealed.</td>
</tr>
<tr>
<td>2.02.535</td>
<td>Amendment to IRC Section R101.2 – Scope.</td>
</tr>
<tr>
<td>2.02.540</td>
<td>Amendment to IRC Section R105.2 – Work Exempt From Permit, Building and Electrical Sections.</td>
</tr>
<tr>
<td>2.02.550</td>
<td>Amendment to IRC Section R105.3.1.1 – Determination of substantially improved or substantially damaged existing buildings in flood hazard areas.</td>
</tr>
<tr>
<td>2.02.560</td>
<td>Amendment to IRC Section 105.3.1 by addition of a new Section R105.3.1.2 – Criteria for issuance of a variance for flood hazard areas.</td>
</tr>
<tr>
<td>2.02.565</td>
<td>Amendment to Section R110.1 – Use and Occupancy – by addition of exemptions.</td>
</tr>
<tr>
<td>2.02.570</td>
<td>Amendment to Section R112 – Board of Appeals.</td>
</tr>
<tr>
<td>2.02.580</td>
<td>Amendment to IRC Section R113 – Violations.</td>
</tr>
<tr>
<td>2.02.585</td>
<td>Amendment to IRC Chapter 2 – Definitions with the addition of a definition for Substantial Improvement or Repair.</td>
</tr>
<tr>
<td>2.02.590</td>
<td>Amendment to IRC Table R301.2 (1) – Climatic and geographic design criteria.</td>
</tr>
<tr>
<td>2.02.600</td>
<td>Amendment to IRC Section R301.2.3 – Snow loads.</td>
</tr>
<tr>
<td>2.02.605</td>
<td>Amendment to IRC Section 322 – Flood-Resistant Construction – by addition of a new Section R322.1.11 – Additional Criteria for Development in Flood Hazard Areas.</td>
</tr>
<tr>
<td>2.02.610</td>
<td>Amendment to IRC Section R313 – Automatic Fire sprinkler systems.</td>
</tr>
<tr>
<td>2.02.620</td>
<td>Manufactured homes.</td>
</tr>
<tr>
<td>2.02.700</td>
<td>Repealed.</td>
</tr>
<tr>
<td>2.02.710</td>
<td>Repealed.</td>
</tr>
<tr>
<td>2.02.720</td>
<td>Repealed.</td>
</tr>
<tr>
<td>2.02.730</td>
<td>Amendment to IEBC Section 105.2 – Work exempt from permit.</td>
</tr>
<tr>
<td>2.02.735</td>
<td>Amendment to IEBC Section 108 – Fees.</td>
</tr>
<tr>
<td>2.02.740</td>
<td>Amendment to IEBC Section 112 – Board of Appeals.</td>
</tr>
<tr>
<td>2.02.750</td>
<td>Amendment to IEBC Section 113 – Violations.</td>
</tr>
<tr>
<td>2.02.760</td>
<td>Amendment to IEBC Section 202 – General Definitions – L, S, and W.</td>
</tr>
<tr>
<td>2.02.763</td>
<td>Amendment to IEBC Chapter 3 – Provisions for All Compliance Methods by addition of Section 306 Fire Protection.</td>
</tr>
<tr>
<td>2.02.765</td>
<td>Repealed Amendment to IEBC Section 403 – Alterations by addition of a new Section 4.3.1.1 – Substantial Alteration or Construction.</td>
</tr>
<tr>
<td>2.02.770</td>
<td>Repealed Amendment to IEBC Section 407.1 – Conformance by addition of new Sections 407.1.1, Minimum Standards, and 407.1.2, Work/Live Use.</td>
</tr>
<tr>
<td>2.02.775</td>
<td>Repealed Amendment to IEBC Section 405.1 – Alteration – Level 2.</td>
</tr>
<tr>
<td>2.02.776</td>
<td>Amendment to IEBC Section 505901.1 – Alteration – Level 3 Scope.</td>
</tr>
<tr>
<td>2.02.780</td>
<td>Repealed Amendment to IEBC Section 603 – Fire Protection – by addition of a new subsection EB 603.2.</td>
</tr>
<tr>
<td>2.02.790</td>
<td>Repealed Amendment to IEBC Section 703 – Fire Protection – by addition of a new subsection EB 703.2.</td>
</tr>
</tbody>
</table>
2.02.800 Repealed.
2.02.805 Amendment to IEBC Section 1001605.1 – Change of occupancy – Scope – by addition of an exception to EB1001605.1.
2.02.810 Amendment to IEBC Section 10021006.3 – Seismic Loads – by deletion and replacement of IEBC 1007.3 and addition of a new Section IEBC 10071006.3.31 – Seismic Requirements for Unreinforced Masonry and Hollow Clay Tile Buildings.
2.02.820 Amendment to IEBC Chapter 13 – Relocated or moved buildings.
2.02.830 Repealed.
2.02.840 Repealed.
2.02.850 Repealed.
2.02.860 Repealed.
2.02.870 Amendment to IEBC Appendices by addition of a new Appendix J – Requirements for Alterations to Existing Single Family, Duplex, and Townhouse Buildings and Structures.
2.02.1000 Earthquake Recording Instrumentation.


The International Building Code, International Residential Code, and International Existing Building Code, as adopted and amended by the Washington State Building Code Council under the State Building Code, as defined in TMC 2.02.100, are hereby adopted as the official Building Code of the City of Tacoma. The Tacoma Building Code as defined in TMC 2.02.100 is also amended to include the adoption of IBC Appendix Chapter G, the adoption of IEBC Appendix A, and a new Appendix J added to the IEBC. Repair and renovation of existing buildings shall comply with the Tacoma Building Code as defined in 2.02.100 and these requirements shall take precedence over repair standards in 2.01.060 in the Minimum Buildings and Structures Code, unless otherwise approved by the Building Official.

* * *

2.02.100 Amendment to IBC Section 202 – Definitions – D, L, S, T, and W.

Design Professional. A Washington State Licensed Architect governed by the Washington State Board of Registration for Architects, or a Washington State Licensed Engineer governed by the Washington State Board of Registration for Professional Engineers and Land Surveyors.

Live/Work Unit. A dwelling or sleeping unit in which up to 50 percent of the unit’s space includes a commercial business use. The business owner lives in the residential space.

State Building Codes. For purposes of this Title, the State Building Codes shall consist of the following national model codes and the following standards, as such model codes and standards are adopted and amended from time to time by the Washington State Building Code Council pursuant to Chapters 19.27 and 70.92 of the Revised Code of Washington and Title 51 of the Washington Administrative Code (Note: All amendments to the State Building Codes adopted by the Washington State Building Council from time to time are hereby, upon the effective date of such amendments, incorporated in this Chapter as though fully set forth herein. In the event that any provisions of the State Building Codes are renumbered, any reference in this chapter to such provision shall refer to such provision as renumbered):

1. The International Building Code (“IBC”), including Appendix E and G, published by the International Code Council, and including accessibility provisions in 2012 ANSI 117.1; and
2. The International Residential Code (“IRC”), including IRC Appendices F, Q, and Q Appendix U, published by the International Code Council, and provided that IRC Chapters 11 and 25 through 43 are not adopted; and
3. The International Existing Building Code (“IEBC”) including Appendix A, published by the International Code Council; and
4. Except as provided in RCW 19.27.170, the Uniform Plumbing Code ("UPC") including Appendices A, B, and I, published by the International Association of Plumbing and Mechanical Officials; provided that, UPC Chapters 12 and 14 are not adopted, and provided further that any provisions of the UPC affecting related to venting and combustion air of the fuel fired appliances as found in chapter 5 and those portion of the code addressing building sewers are not adopted; and

5. The International Mechanical Code ("IMC"), published by the International Code Council, including the International Fuel Gas Code ("IFGC") and the National Fuel Gas Code, published by the International Code Council, Inc., except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Liquefied Petroleum Gas Code) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code); and


7. The International Fire Code, published by the International Code Council, Inc. This code is adopted and amended in TMC Title 3.

Tacoma Building Code, Plumbing Code, Mechanical Code, and Energy Code. The Tacoma Building Code, Plumbing Code, Mechanical Code, and Energy Code shall consist of the State Building Code, with the addition of IBC Appendix G, IEBC Appendix A, and a new Appendix J added to the IEBC, and as amended from time to time by the provisions of TMC Chapters 2.02, 2.06, 2.07, and 2.10. Note that the Tacoma Mechanical Code also includes the International Fuel Gas Code, adopted by the State Building Code as part of the International Mechanical Code.

Work/Live Unit. A commercial business use which includes a dwelling unit in up to 50 percent of the unit’s space. The business owner lives in the residential space.

2.02.110 Repealed. Amendment to IBC Section 111.2 — Certificate issued.

111.2 Certificate issued.

After the Building Official completes all inspections of the building or structure, the Building Official shall issue a certificate of occupancy or completion that contains the following as applicable to the project:

1. The building permit number.

2. The address of the structure.

3. The name and address of the owner.

4. A description of that portion of the structure for which the certificate is issued.

5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

6. The name of the Building Official.

7. The edition of the code under which the permit was issued.

8. The use and occupancy, in accordance with the provisions of Chapter 3.

9. The type of construction as defined in Chapter 6.

10. The design occupant load, for buildings with assembly or meeting rooms with an occupant load in excess of fifty.

11. If an automatic sprinkler system is provided, whether the sprinkler system is required, and what type of system is being provided.

12. Any special stipulations and conditions of the building permit.
* * *

2.02.135 Amendment to IBC Section 419 – Live/Work Units.

Section 419 in IBC shall be replaced in its entirety with the following:

Section 419 – Live/Work and Work/Live Units.

419.1 Live/Work Units.

* * *

[F] 419.1.5 Fire protection. The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9 and an automatic sprinkler system in accordance with Section 903.2.8.

419.1.6 Structural. Floor loading for the areas within a live/work unit shall be designed to conform to Table 1607.1 based on the function within the space.

419.1.7 Accessibility. Live/work units shall be accessible in accordance with Chapter 11 for the function served. For the residential portion of the live/work unit, accessibility requirements for R-2 occupancies in Chapter 1107.6 shall apply.

419.1.8 Ventilation. The applicable ventilation requirements of the International Mechanical Code shall apply to each area within the live/work unit for the function within that space.

419.1.9 Plumbing facilities. The nonresidential area of the live/work unit shall be provided with minimum plumbing facilities as specified by Chapter 29, based on the function of the nonresidential area. Where the nonresidential area of the live/work unit is required to be accessible by Section 1103.2.131, the plumbing fixtures specified by Chapter 29 shall be accessible.

419.2 Work/Live Units.

* * *

419.2.9 Accessibility. Work/live unit shall be accessible in accordance with Chapter 11 for the function served. For the residential portion of the work/live unit, accessibility requirements for R-2 occupancies in Chapter 1107.6 shall apply. Where there are other R occupancy units within the building, work/live units shall be considered R-2 occupancy and shall be combined with other R-2 occupancy units in determining accessibility requirements for the residential units within the building.

419.2.10 Ventilation. The applicable ventilation requirements of the International Mechanical Code and Section 1203 shall apply to each area within the work/live unit for the function within that space. Mechanical ventilation systems shall be separate for the residential and commercial portions where separated by a fire barrier wall.

419.2.11 Plumbing facilities. The nonresidential area of the work/live unit shall be provided with minimum plumbing facilities as specified by Chapter 29, based on the function of the nonresidential area. Where the nonresidential or residential area of the work/live unit is required to be accessible by Section 1103.2.131,1107.6.2.4, the plumbing fixtures specified by Chapter 29 shall be accessible. Toilets and bathrooms shall also meet requirements in Section 1210.

419.2.12 Sound insulation. Common interior walls and floor/ceiling assemblies between adjacent work/live units or between work/live units and other occupancies shall have sound transmission in accordance with Chapter 4207.1206.

419.2.13 Interior Space Dimensions. Habitable and occupiable spaces within work/live units shall meet the minimum requirements for interior space dimensions in Section 4208.1207.

419.2.14 Certificate of Occupancy. A new certificate of occupancy shall be issued for any work/live use.

* * *
2.02.140 Amendment to IBC Section 504.4 – Number of Stories – by amending subsection 504.4.1 WA State amendment to the IBC and by addition of a new Section 504.4.1.1 – Type B occupancies within R-1 and R-2 occupancies.

The following section amends Section 504.4.1 of the State Building Code amendments to IBC Section 504.4 – Number of Stories, by replacing 504.4.1 in its entirety, and by addition of a new Section 5.4.4.1.1.

504.4.1 Stair Enclosure Pressurization Increase. For Groups R-1 and R-2 occupancies in buildings of Type VA or IIIA construction, or I-1 Condition 2 Assisted living facilities licensed per chapter 388-78A WAC and residential treatment facilities as licensed by Washington state under chapter 246-337 WAC located in buildings of Type VA construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, the maximum number of stories permitted in Section 504.24 may be increased by one provided the interior exit stairways and ramps are pressurized in accordance with Sections 909.11 and 909.20. Legally required standby power shall be provided for buildings constructed in accordance with this section and be connected to stairway shaft pressurization equipment, elevators and lifts used for accessible means of egress, hoistway pressurization equipment (if provided) and other life safety equipment as determined by the authority having jurisdiction. For the purposes of this section, legally required standby power shall comply with 2014most currently adopted NEC Section 701.12, options (A), (B), (C), (D), (E), (F), or (G) or subsequent revised section number(s).

504.4.1.1 Type B Occupancies within R-1 and R-2 occupancies. Provided the building meets the additional requirements in Section 504.4.1 as amended by the State Building Code, Type B occupancies that are considered accessory to and for the exclusive use of the R-1 and R-2 uses, including such uses as assembly areas, exercise rooms, or other amenity spaces with less than 50 occupants, may be permitted on all stories that the R-1 and R-2 uses are permitted. These spaces must also meet all the additional provisions as specified in the State Building Code amendment (WAC 51-50-0504) to IBC 504 – Building Height and Number of Stories.

* * *

2.02.155 Amendment to IBC Section 1010.1.9.34 – Locks and Latches.

Section 1010.1.9.34 of the State Building Code shall be replaced in its entirety with the following:

1010.1.9.34 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exists:

1. Places of detention or restraint.

2. In buildings in occupancy Group A having an occupant load of 300 or less, Groups B, F, M and S, and in places of religious worship, the main door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:

2.1. The locking device is readily distinguishable as locked;

2.2. A readily visible and durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. The sign shall be in letters 1 inch (25 mm) high on a contrasting background; and

2.3. The use of the key-operated locking device is revocable by the building official for due cause.

3. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface mounted hardware.

4. Doors from individual dwelling or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt, or security chain, provided such devices are openable from the inside without the use of a key or a tool.

5. Fire doors after the minimum elevated temperature has disabled the unlatching mechanism in accordance with listed fire door test procedures.
6. Approved, listed locks without delayed egress shall be permitted in Group I-1 Condition 2 assisted living facilities licensed by Washington State, provided that:

6.1. The clinical needs of one or more patients require specialized security measures for their safety.

6.2. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.

6.3. The doors unlock upon loss of electrical power controlling the lock or lock mechanism.

6.4. The lock shall be capable of being deactivated by a signal from a switch located in an approved location.

6.5. There is a system, such as a keypad and code, in place that allows visitors, staff persons and appropriate residents to exit. Instructions for exiting shall be posted within six feet of the door.

7. Doors from elevator lobbies providing access to exits are permitted to be locked during or after business hours where items 7.1 through 7.5 are satisfied.

7.1. The lobby doors shall unlock automatically upon fire alarm;

7.2. The lobby doors shall unlock automatically upon power loss;

7.3. The alarm system shall include smoke detection in the elevator lobby and at least two detectors on the tenant side within 15 feet of the door;

7.4. Unobstructed access to two exits must be provided through the tenant space;

7.5. The building shall have an automatic sprinkler system throughout in accordance with Section 903.3.1.1 or 903.3.1.2; and

7.6. An approved means of communication is provided in the elevator lobby.

8. Other than egress courts, where the occupants must egress from an exterior space through the building for means of egress, exit access doors shall be permitted to be equipped with an approved locking device where installed and operated in accordance with all of the following:

8.1. The occupant load of the occupied exterior area shall not exceed 300 as determined by IBC Section 1004.

8.2. The maximum occupant load shall be posted where required by Section 1004.9. Such sign shall be permanently affixed inside the building and shall be posted in a conspicuous space near all the exit access doorways.

8.3. A weatherproof telephone or two-way communication system installed in accordance with Sections 1009.8.1 and 1009.8.2 shall be located adjacent to not less than one required exit access door on the exterior side.

8.4. The egress door locking device is readily distinguishable as locked and shall be a key-operated locking device.

8.5. A clear window or glazed door opening, not less than five square feet (0.46 m²) in area, shall be provided at each exit access door to determine if there are occupants using the outdoor area.

8.6. A readily visible durable sign shall be posted on the interior side on or adjacent to each locked required exit access door serving the exterior area stating: THIS DOOR TO REMAIN UNLOCKED WHEN THE OUTDOOR AREA IS OCCUPIED. The letters on the sign shall be not less than one inch high on a contrasting background.

9. Locking devices are permitted on doors to balconies, decks, or other exterior spaces serving individual dwelling or sleeping units.

10. Locking devices area permitted on doors to balconies, decks, or other exterior spaces of 250 square feet or less, serving a private office space.
2.02.157 Amendment to IBC Section 1111.1.1 – Signage.

Section 1111.1.1 in the currently adopted edition of the IBC shall be replace in its entirety with the following:

1. Accessible parking spaces required by Section 1106.1.

Exception: Where the total number of parking spaces provided is four or less, identification of accessible parking spaces is not required.

2.02.158 Amendment to IBC Section 1207.3 – Room Area.

Section 1207.3 in the currently adopted edition of the IBC shall be replaced in its entirety with the following:

1207.3 Room Area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (11.2 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

Exception: Kitchens are not required to be of a minimum floor area.

The total floor area in a dwelling unit shall not be less than the living room area specified in 1207.4.

2.02.160 Amendment to IBC Section 1503.41502 – Roof Drainage.

Section 1503.41502 in the currently adopted edition of the IBC shall be replaced in its entirety with the following:

1503.41502.1 General. Design and installation of roof drainage systems shall comply with Section 1503.41502 of this code and the UPC as applicable.

1503.41502.2 Overflow Drains. Where roof drains are required, overflow drains having the same size as the roof drains shall be installed with the inlet flow line located two inches above the low point of the roof.

1502.3 Scuppers. Where scuppers are used for secondary (emergency overflow) roof drainage, the quantity, size, location, and inlet elevation of the scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1611.1. Scuppers shall be three times the size of roof drains and have an opening dimension of not less than four inches (102 mm). The flow through the primary system shall not be considered when locating and sizing scuppers. Scuppers may be installed in adjacent parapet walls with the inlet flow line located not more than two inches above the lowest point for the roof area served by the scupper.

1502.4 Gutters. Gutters and leaders placed on the outside of buildings other than Group R-3, private garages, and buildings of type V construction shall be of noncombustible material or a minimum of Schedule 40 plastic pipe.

1503.5 Roof Slope. Roofs shall be sloped a minimum of 1 unit vertical in 48 units horizontal (2% slope) for drainage unless designed for water accumulation in accordance with Chapter 16, and approved by the Building Official. Vegetated roofs may be approved as an alternate design.

1503.4.21503.6 Roof Drains. Unless roofs are sloped to drain over roof edges, roof drains shall be installed at each low point of the roof. Vegetated roofs may be designed with alternate drainage systems as approved by the Building Official.

Roof drains shall be sized and discharged in accordance with the Uniform Plumbing Code. Roof drainage shall be directed away from the building and discharged to the storm sewer or to other approved disposal systems. Roof drainage shall not be connected to, or allowed to infiltrate into, the footing drain system.

1503.4.3 Overflow Drains and Scuppers. Where roof drains are required, overflow drains having the same size as the roof drains shall be installed with the inlet flow line located two inches above the low point of the roof, or overflow scuppers having three times the size of the roof drains and having a minimum opening height of four inches may be installed in adjacent parapet walls with the inlet flow line located not more than two inches above the low point of the adjacent roof.
Overflow drains shall discharge to an approved location and shall discharge at a point above the ground, which can be readily observed. Overflow drains shall not be connected to roof drain lines.

1503.4.47 Concealed Piping. Roof drains and overflow drains, where concealed within the construction of the building, shall be installed in accordance with the Uniform Plumbing Code.

1503.4.58 Over Public Property. Roof drainage water from a building shall not be permitted to flow over public property unless part of a City approved dispersion system and where an easement has been obtained.

1503.4.6 Gutters. Gutters and leaders placed on the outside of buildings other than Group R-3, private garages, and buildings of type V construction shall be of noncombustible material or a minimum of Schedule 40 plastic pipe.

2.02.170 Repealed. Amendment to IBC Section 1511—Re-roofing—by addition of a new Section 1511.7—Energy Code Requirements for Re-Roofing.

1511.7 Energy Code Requirements for Re-Roofing. Replacement of roof coverings shall conform to the provisions of Section C101.4.3 of the Energy Code. Replacement of low-slope roof coverings shall conform to the provisions of Section C402.2.1.1 of the Energy Code.

2.02.180 Amendment to IBC Section 1608—Snow loads.

Section 1608 in the IBC shall be replaced in its entirety with the following:

1608 Snow loads. Roofs shall be designed for a snow load of 25 pounds per square-foot applied at roof level, except that if the live load determined by Section 1607 is greater than the snow load, then the live load shall be the roof design load.

Potential unbalanced accumulation of snow at valleys, parapets, roof structures, and offsets in roofs of uneven configuration shall be considered with a ground snow load of 21 psf.

The extra load caused by snow sliding off a sloped roof onto a lower roof shall be determined in accordance with Section Chapter 7.9 of ASCE 7-10.

The 25-pound-per-square-foot snow load may be reduced by 0.125 pounds-per-square-foot for each degree of roof pitch over 20 degrees.

* * *

2.02.201 Repealed. Amendment to IBC Section 2902.2—Separate Facilities.

Section 2902.2 in the State Building Code shall be replaced in its entirety with the following:

2902.2 Separate Facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for dwelling units and sleeping units.

2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.

3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or less.

4. Separate facilities shall not be required in spaces primarily used for drinking or dining with a total occupant load, including employees and customers, of 30 or fewer.

5. Where single-occupant facilities are provided and meet the minimum fixture requirements for each sex.

2.02.202 Amendment to IBC Section 2902.4—Signage.

Section 2902.4 in the currently adopted edition of the IBC is amended with the following:
2902.4 Signage. Required multiple-user public facilities shall be provided with signs that designate the sex as required by Section 2902.2 for separate facilities or indicate gender-neutral facilities. Single-occupant toilet facilities shall be provided with signs compliant with TMC 1.29.040180. Signs shall be readily visible and located near the entrance to each toilet facility. Signs for accessible toilet facilities shall also comply with IBC Section 1111.

* * *

**2.02.535 Amendment by addition to IRC Section R101.2 – Scope.**

The following addition shall be added in R101.2 – Scope:

R101.2.1. Alteration to existing single family, duplex, and townhouse buildings and structures shall comply with either the Washington State Residential Code or the construction requirements in TMC 2.02.870.

**2.02.540 Amendment to IRC Section R105.2 – Work Exempt From Permit, Building and Electrical Sections.**

The following additional exceptions shall be added to R105.2 – Building:

Building:

5. Sidewalks and driveways. (Note: separate site development permits may be required for these items).

11. Reroofing of single family or duplex residential buildings, provided the existing roof coverings are removed prior to reroofing and the following conditions are met:
   a. The new roofing material does not exceed five (5) pounds per square foot, or
   b. For a vegetated roof, where it is the same weight as the previous roof and a vegetated roof was previously approved through a building permit.
   c. No changes are made to roof framing.
   d. The building is not constructed with unreinforced masonry.

The following amendment shall be made to R105.2 – Electrical:

Electrical: See TMC Chapter 12.06A.

* * *

**2.02.610 Amendment to IRC Section R313 – Automatic Fire sprinkler systems.**

The Washington State amendment to IRC Section R313 shall be deleted and replaced by the following:

R313.1 – Townhouse Automatic Fire Sprinkler Systems. An automatic sprinkler system shall be installed throughout every building which is a group of townhouses, as defined in the IRC. Such residential fire sprinkler system shall be designed and installed in all townhouse units.

Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouse units that do not have an automatic residential fire sprinkler system installed in accordance with IBC Section 903.3.1.1, IBC Section 903.3.1.2, or IBC Section 903.3.1.3.

For the purposes of this IRC section, fire walls shall not be considered as dividing townhouses into separate buildings.

**2.02.620 Manufactured Homes.**

Manufactured homes, as defined by Title 46 of the Revised Code of Washington (“RCW”) (“Motor Vehicles”), shall be permitted to be installed in the City, subject to the following conditions:

A. Manufactured homes to be installed in the City shall be new with a permanently affixed certification, which means any manufactured home required to be titled under Title 46 RCW which has not been
previously titled to a retail purchaser and which is not a “used mobile home” as defined in RCW 82.45.032(2), which states:

(2) “Used mobile home” means a mobile home which has been previously sold at retail and has been subjected to tax under Washington State RCW chapter 82.08, or which has been previously used and has been subjected to tax under Washington State RCW chapter 82.12, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

B. The Building Official shall be responsible for issuing all permits for alterations, remodeling, or expansion of manufactured housing which has been converted to real property and is located within City limits.

C. All manufactured homes shall be comprised of at least two fully-enclosed parallel sections, each of not less than 12 feet wide by 36 feet long unless the structure complies with the requirements of IRC Appendix Q – Tiny Homes, as amended by the State Building Code.

* * *

2.02.735 Amendment to IEBC Section 108 – Fees.

Section 108 in the IEBC is hereby deleted and replaced by reference to TMC 2.09.

* * *

2.02.760 Amendment to IEBC Section 202 – General Definitions – L, S, and W.

Section 202 of the IEBC is amended with new definitions for Live/Work and Work/Live, Substantial Damage, and Substantial Improvement, as follows:

Live/Work Unit. A dwelling or sleeping unit in which up to 50 percent of the unit’s space includes a commercial business use. The business owner lives in the residential space.

Substantial Damage. For the purpose of determining compliance with the flood provisions of this code, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the value of the building or structure before the damage occurred, as calculated using the latest Building Valuation Data published by the International Code Council. If ICC Building Valuation Data is not applicable to this building or structure, the value may be established using an approved market valuation.

Substantial Improvement or Repair or Substantial Alteration or Construction. Reconstruction, rehabilitation, addition. For the purpose of determining compliance with the flood provisions of this code, any repair, alteration, repair addition, or other improvement to an existing of a building or structure, the cost of which equals or exceeds 50 percent of the value of the building or structure before the repair or improvement is started, as calculated using the latest Building Valuation Data published by the International Code Council. If ICC Building Valuation Data is not applicable to this building or structure, the value may be established using an approved market valuation. For purposes of determining Substantial Improvement or Repair for flood hazard areas, this shall be cumulative as measured from the issuance date of the initial building permit. The cost of the improvement may be adjusted if approved by the building official in accordance with the requirements of TMC 2.09. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or the last substantial improvement. For all other purposes, this shall be cumulative over a two-year period safety code violations identified by the building official and that is the minimum necessary to ensure safe living conditions; or

2. Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as measured from the issuance date of the initial building permit for the project a historic structure.
Work/Live Unit. A commercial business use which includes a dwelling unit in up to 50 percent of the unit’s space. The business owner lives in the residential space.

2.02.763 Amendment to IEBC Chapter 3 – Provisions for All Compliance Methods by addition of Section 306 Fire Protection.

A new section 306 Fire Protection shall be added to IEBC Chapter 3 as follows:

Section 306 Fire Protection

306.1 Group R occupancies. Where required by Sections 306.1.1, 306.1.2, 306.1.3, or 306.1.4, automatic fire sprinkler systems shall be installed within existing buildings with Group R fire areas where any of the following conditions exist:

1. Building exceeds 5,000 square feet in area; or
2. Building exceeds two stories in height; or
3. Building contains five or more dwelling or sleeping units. Installation of an automatic fire sprinkler system, in accordance with Section 903.3.1.2 (NFPA 13R), may be approved in non-high-rise buildings exceeding four stories in height when approved by the fire code official and the building official.

Exception: Buildings regulated by the International Residential Code.

306.1.1 Fire Damage. Throughout buildings that incur fire, water, or smoke damage where repairs include the removal and/or replacement of more than 50 percent of the ceiling finishes in more than one dwelling or sleeping unit.

Exception: The fire code official is authorized to approve a work plan established by the building owner where damaged units are provided with fire sprinklers immediately and the remainder of the building is provided with fire sprinklers over a period not to exceed ten years.

306.1.2 Level I Alterations. Throughout dwelling or sleeping units where work involves the removal and/or replacement of more than 50 percent of the ceiling finishes in more than one dwelling or sleeping unit.

306.1.3 Level II Alterations. Throughout dwelling or sleeping units where work areas exceed 50 percent of the floor area of the dwelling or sleeping unit.

306.1.4 Level III Alterations and Substantial Improvements. Throughout buildings undergoing level III alterations or substantial improvements as defined in TMC Chapter 2.02.

2.02.765 Repealed. Amendment to IEBC Section 403—Alterations—by addition of a new Section 4.3.1.1—Substantial Alteration or Construction.

403.1.1 Substantial Alteration or Construction. Where alteration to any building or structure are defined as Substantial Alteration or Construction as defined in IEBC Section 202, such alterations shall comply with the requirements of IEBC Section 907.

2.02.770 Repealed. Amendment to IEBC Section 407.1—Conformance by addition of new Sections 407.1.1, Minimum Standards, and 407.1.2, Work/Live Use.

407.1.1 Minimum Standards. Minimum standards for fire, life, and seismic under TMC 2.01, Minimum Building and Structures Code, shall be provided regardless of whether the new occupancy or new use is considered less hazardous than the old occupancy. The relative hazard of occupancies shall be determined using IEBC Chapter 10.

407.1.2 Work/Live Use. A change to a work/live use is not a change of occupancy for the building or space provided the following conditions are met:

1. The buildings containing work/live units shall comply with IBC Section 419.2; and
2. The occupancy classification of the work/live unit conforms to the existing permitted use; and
3. All buildings with work/live uses shall comply with the standards for fire, life, and seismic safety in TMC 2.01, Minimum Building and Structures Code; and

4. A certificate of occupancy is issued for any new or altered work/live use.

Additional conditions may be imposed by the Building Official or Fire Code Official where deemed necessary for the general safety and welfare of the occupants and the public depending on the specific hazards and hazardous materials associated with the work/live use.

2.02.775 Amendment to IEBC Section 504.1 — Alteration — Level 2

EB504.1. Scope. Level 2 alterations include the reconfiguration of space, the addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional equipment below the threshold of a Level 3 alteration.

2.02.776 Amendment to IEBC Section 505.1 — Alteration — Level 3

EB505.1. Scope. Level 3 alterations apply where the work is Substantial Improvement or Repair as defined in 2.02.760. 901.1 Scope. Level 3 alterations apply where the alteration cost for an existing building or structure exceeds 50 percent of the value of the building or structure before the repair or improvement is started, as calculated using the latest Building Valuation Data published by the International Code Council. If ICC Building Valuation Data is not applicable to this building or structure, the value may be established using an approved market valuation. The cost of the addition, alteration, rehabilitation, repair, or other improvement may be adjusted if approved by the building official in accordance with the requirements of TMC 2.09.

2.02.780 Amendment to IEBC Section 603 — Fire Protection — by addition of a new subsection EB603.2.

EB603.2 Group R-1 and R-2 occupancies. Where Repairs, as defined by the IEBC, are undertaken to buildings of Group R-1 or Group R-2 occupancies, automatic fire sprinkler systems shall be provided when required by the International Fire Code (“IFC”) as adopted and amended in TMC Chapter 3.02.

2.02.790 Amendment to IEBC Section 703 — Fire Protection — by addition of a new subsection EB703.2.

EB703.2 Group R-1 and R-2 occupancies. Where Repairs, as defined by the IEBC, are undertaken to buildings of Group R-1 or Group R-2 occupancies, automatic fire sprinkler systems shall be provided when required by the International Fire Code (“IFC”) as adopted and amended in TMC Chapter 3.02.

* * *

2.02.805 Amendment to IEBC Section 1001605.1 — Change of Occupancy — Scope — by addition of an exception to EB1001605.1.

605.1 Exception: A change to a work/live use is not a change of occupancy for the building or space provided the following conditions are met:

1. The buildings containing work/live units shall comply with IBC Section 419.2; and

2. The occupancy classification of the work/live unit conforms to the existing permitted use; and

3. All buildings with work/live uses shall comply with the standards for fire, life, and seismic safety in TMC 2.01, Minimum Building and Structures Code; and

4. A certificate of occupancy is issued for any new or altered work/live use.

5. Additional conditions are met that are imposed by the Building Official or Fire Code Official where deemed necessary for the general safety and welfare of the occupants and the public depending on the specific hazards and hazardous materials associated with the work/live use.
EB1001.1 Exception:

1. The addition of work/live units complying with IBC Section 419.2 where the occupancy classification of
the work/live unit conforms to the existing permitted use and the building complies with TMC 2.01,
Minimum Building and Structures Code.

2.02.810 Amendment to IEBC Section 1007.3 – Seismic Loads — by deletion and
replacement of IEBC Section 1007.3 and by addition of a new Section IEBC
1007.3.31 – Seismic Requirements for Unreinforced Masonry and Hollow
Clay Tile Buildings.

IEBC Section 1007.3 shall be deleted and replaced as follows:

IEBC 1007.3 – Seismic Loads. Existing buildings with a change of occupancy shall comply with the seismic
provisions of Sections 1007.3.1 and 1007.3.2. Unreinforced masonry and hollow clay tile buildings shall also
comply with Section 1007.3.3.

The following section shall be added to IEBC Section 1007.3.31:

IEBC 1007.3.31 – Seismic Requirements Due to Change of Occupancy for Unreinforced Masonry and
Hollow Clay Tile Buildings. Existing buildings constructed with unreinforced masonry or hollow clay tile
and categorized in IBC Table 1604.5 as Risk Category II, shall be required to comply with the requirements
for International Building Code level full seismic forces as specified in Section 301.1.4.2 when the occupancy
is increased to a higher relative hazard level in accordance with IEBC Table 1007.3.31.

IEBC TABLE 1007.3.31 – HAZARD CATEGORIES TRIGGERING SEISMIC REQUIREMENTS DUE
TO CHANGE OF OCCUPANCY FOR URM AND HOLLOW CLAY TILE CLASSIFIED BUILDINGS

<table>
<thead>
<tr>
<th>Relative Hazard</th>
<th>Occupancy Classification</th>
</tr>
</thead>
</table>
| High            | • Buildings and other structures whose primary occupancy is assembly with an occupant load greater than 99.  
|                 | • Buildings and other structures containing Group E occupancies with an occupant load greater than 50.  
|                 | • Group I occupancies not categorized under Risk Categories III and IV.  
|                 | • Group H occupancies.  
|                 | • Any other occupancy with an occupant load greater than 500.  
| Medium          | • Buildings and other structures whose primary occupancy is assembly with an occupant load of 99 or less.  
|                 | • Buildings and other structures containing Group E occupancies with an occupant load of 49 or less.  
|                 | • Group R-1, R-2.  
|                 | • Group F-1 and S-1 with an occupant load of 500 or less.  
|                 | • Group B or M with an occupant load of 100 to 500.  
| Low             | • Group B or M with an occupant load less than 100.  
|                 | • Group F-2, S-2, R-3, and U with an occupant load of 500 or less  

2.02.820 Amendment to IEBC Chapter 1314 – Relocated or moved buildings.

Chapter 1314 in the IEBC, as amended by the State Building Code, is hereby deleted and replaced with the
following:

1301.1. Buildings or structures moved into or within the City of Tacoma shall comply with the provisions of
this code and the Tacoma Building and Fire Codes for new buildings or structures.
Exception:

Group R, Division 3, Single family or duplex buildings or structures are not required to comply if:

1. The original occupancy classification is not changed,
2. The building complies with TMC 2.01, Minimum Building and Structures Code, or TMC 2.02.870 and
3. The original building is not substantially remodeled or rehabilitated. For the purposes of this section only, a Group R, Division 3, single family or duplex building shall be considered to be substantially remodeled when the costs of remodeling within a two year period beginning on the date the alteration permit is issued, exceed 60 percent of the value of the building as calculated using the Building Valuation Table published by the International Code Council, exclusive of the costs relating to preparation, construction, demolition, or renovation of foundations.

Site development and Ooof-site improvements shall be provided in accordance with Sections 2.19 and 2.22, as if the building is a new building, when the building is moved onto the site from some other location, and shall be provided as if the building was added to or remodeled when the building is moved within the site. Both a building permit and a moving permit shall be required to move a building onto a site within the City of Tacoma. No moving permit shall be issued until a building permit is issued for the building.

Prior to issuing a building permit for a building to be moved onto a site within the City of Tacoma, the permittee shall post a performance bond, or other financial security acceptable to the Building Official, to be used to demolish the building if conditions of the building permit and all other applicable codes and regulations of the City of Tacoma, have not been complied with within the times specified in said sections. The amount of the bond shall be established by the Building Official and shall be sufficient to cover costs of demolishing the building, disposing of all demolition debris, cleaning the property of any and all litter and debris, and grading the property so that no unsafe conditions remain.

***

2.02.870 Amendment of IEBC Appendices by addition of a new Appendix J - Requirements for Alterations to Existing Single Family, Duplex, and Townhouse Buildings and Structures

The following new appendix chapter shall be added to the IEBC.

Appendix J – Requirements for Alterations to Existing Single Family, Duplex, and Townhouse Buildings and Structures

Section AJ101. Purpose and Intent. The purpose of these provisions is to encourage the continued use or reuse of legally existing single family, duplex, and townhouse buildings and structures and allow alternative construction requirements from the WA State Residential Code with City of Tacoma amendments.

Section AJ102. Compliance

AJ102.1 General. Regardless of the category of work being performed, the work shall not cause the structure to become unsafe or adversely affect the performance of the building; shall not cause an existing mechanical or plumbing system to become unsafe, hazardous, insanitary or overloaded; and unless expressly permitted by these provisions, shall not make the building any less compliant with this code or to any previously approved alternative arrangements than it was before the work was undertaken.

AJ102.3 Smoke Detectors. Regardless of the category of work, smoke detectors shall be provided where required by the WA State Residential Code with City of Tacoma amendments.

AJ102.4 Replacement windows. Regardless of the category of work, where an existing window, including the sash and glazed portion, or safety glazing is replaced, the replacement window or safety glazing shall comply with the requirements of Sections AJ102.4.1 through AJ102.4.4, as applicable.

AJ102.4.1 Energy Efficiency. Replacement windows shall comply with the requirements of the WSEC.
AJ102.4.2 Safety glazing. Replacement glazing in hazardous locations shall comply with the safety glazing requirements of IRC Section R308.

AJ102.4.3 Emergency Escape openings. Where windows are required to provide emergency escape and rescue openings, replacement windows shall be exempt from the maximum sill height requirements of IRC Section R310.2.2 and the requirements of Section IRC R310.2.1 and IRC R310.2.3 provided that the replacement window meets the following conditions:

1. In buildings constructed prior to May 26, 1981, existing windows with a net openable area of five square feet, a minimum clear width of 22 inches, a minimum clear height of 22 inches, and a maximum sill height of 48 inches measured from the floor of the sleeping room, shall be deemed to meet the exit window requirement.

2. Where the window frame is to be replaced, this exception shall not apply, except as necessary to fit within the rough framed opening, in which case the opening dimensions shall be maximized. (Note: If a new opening needs to be created or an existing opening needs to be enlarged to provide an exit window from a sleeping room, this exception shall not apply).

3. Where the sill height exceeds the maximum specified, a landing with a minimum depth of 24 inches and width equal to the width of the window and frame, but not less than 36 inches, may be provided directly below the exit window within the sleeping room, provided the following are met:
   a. Stairs shall be provided to the landing if its height exceeds 12 inches above the sleeping room floor.
   b. The landing and stairs do not decrease the minimum required dimensions of the sleeping room below those required by this chapter and the Building Code.
   c. The replacement window is not part of a change of occupancy and/or new habitable space.

AJ102.4.4 Window control devices. Where window fall prevention devices complying with ASTM F2090 are not provided, window opening control devices complying with ASTM F2090 shall be installed where an existing window is replaced and where all of the following apply to the replacement window:

1. The window is operable.
2. The window replacement includes replacement of the sash and the frame.
3. The top of the sill of the window opening is at a height less than 24 inches (610 mm) above the finished floor.
4. The window will permit openings that will allow passage of a 4-inch-diameter (102 mm) sphere where the window is in its largest opened position.
5. The vertical distance from the top of the sill of the window opening to the finished grade or other surface below, on the exterior of the building, is greater than 72 inches (1829 mm).

The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the minimum net clear opening area of the window unit.

AJ102.5 Flood hazard areas. Work performed in existing buildings located in a flood hazard area as established by IRC Table R301.2(1) shall be subject to the provisions of TMC 2.02.550 and 2.02.560.

AJ102.6 Equivalent alternatives. These provisions of this Appendix are not intended to prevent the use of any alternative material, alternative design or alternative method of construction not specifically prescribed herein, provided that any alternative has been deemed to be equivalent and its use authorized by the building official.

AJ102.7 Other alternatives. Where compliance with these provisions or with this code as required by these provisions is technically infeasible or would impose disproportionate costs because of construction or dimensional difficulties, the building official shall have the authority to accept alternatives. These alternatives include materials, design features and operational features.
AJ102. **Features exceeding code requirements.** Elements, components and systems of existing buildings with features that exceed the requirements of this code for new construction, and are not otherwise required as part of approved alternative arrangements or deemed by the building official to be required to balance other building elements not complying with this code for new construction, shall not be prevented by these provisions from being modified as long as they remain in compliance with the applicable requirements for new construction.

**Section AJ301 Repairs**

AJ301.1. **Definition.** Repair shall be defined as the patching, restoration or minor replacement of materials, elements, components, equipment or fixtures for the purposes of maintaining those materials, elements, components, equipment or fixtures in good or sound condition.

AJ301.2. **Materials.** Except as otherwise required herein, work shall be done using like materials or materials permitted by this code for new construction.

AJ301.2.1 **Hazardous materials.** Hazardous materials no longer permitted, such as asbestos and lead-based paint, shall not be used.

AJ301.2.2 **Plumbing materials and supplies.** The following plumbing materials and supplies shall not be used:

1. All-purpose solvent cement, unless listed for the specific application.
2. Flexible traps and tailpieces, unless listed for the specific application.
3. Solder having more than 0.2-percent lead in the repair of potable water systems.

AJ301.3 **Water closets.** Where any water closet is replaced with a newly manufactured water closet, the replacement water closet shall comply with the requirements of the City of Tacoma Plumbing Code.

AJ301.4 **Electrical.** This section deleted with a reference to comply with TMC 12.06A.

**Section AJ401 Renovations**

AJ401.1 **Definition.** Renovations shall be defined as the change, strengthening or addition of load-bearing elements; or the refinishing, replacement, bracing, strengthening, upgrading or extensive repair of existing materials, elements, components, equipment or fixtures. Renovation does not involve reconfiguration of spaces. Interior and exterior painting are not considered refinishing for purposes of this definition and are not renovation.

AJ401.2 **Materials and methods.** The work shall comply with the materials and methods requirements of this code.

AJ401.3 **Door and window dimensions.** Minor reductions in the clear opening dimensions of replacement doors and windows that result from the use of different materials shall be allowed, whether or not they are permitted by this code.

AJ401.4 **Interior finish.** Wood paneling and textile wall coverings used as an interior finish shall comply with the flame spread requirements of IRC Section R302.9.

AJ401.5 **Structural.** Unreinforced masonry buildings located in Seismic Design Category D2 or E shall have parapet bracing and wall anchors installed at the roofline whenever a reroofing permit is issued. Such parapet bracing and wall anchors shall be of an approved design.

**Section AJ501 Alterations**

AJ501.1 **Newly constructed elements.** Newly constructed elements, components and systems shall comply with the requirements of the WA State Residential Code with City of Tacoma amendments.

Exceptions:

1. Added openable windows are not required to comply with the light and ventilation requirements of IRC Section R303.
AJ501.2 Nonconformities. The work shall not increase the extent of noncompliance with the requirements of Section AJ601 or create nonconformity to those requirements that did not previously exist.

AJ501.3 Extensive alterations. Where the total area of all of the alteration work within each dwelling unit meets the requirements of 2.02.776 for a Level 3 remodel, the work shall be considered to be a reconstruction and shall comply with the requirements of these provisions for reconstruction work.

Exception: Alteration work which is exclusively plumbing, mechanical or electrical shall not be included in the computation of the total valuation of work.

AJ501.4 Structural. The minimum design loads for the structure shall be the loads applicable at the time the building was constructed, provided that a dangerous condition is not created. Structural elements that are uncovered during the course of the alteration and that are found to be unsound or dangerous shall be made to comply with the applicable requirements of this code.

AJ501.5 Electrical Equipment and wiring. This section deleted with a reference to comply with TMC 12.06A.

AJ501.6 Ventilation. Reconfigured spaces intended for occupancy and spaces converted to habitable or occupiable space in any work area shall be provided with ventilation in accordance with IRC Section R303.

AJ501.7 Ceiling Height. Habitable spaces created in existing basements and attics shall have ceiling heights of not less than 6 foot 8 inches (2032mm), except that the ceiling height at obstructions shall be not less than 6 foot 4 inches (1930 mm) from the basement or attic floor. Existing finished ceiling heights in non-inhabitable basements and attics shall not be reduced.

AJ501.8 Stairs

AJ501.8.1 Stair width. Existing basement or attic stairs and handrails not otherwise being altered or modified shall be permitted to maintain their current clear width at, above and below existing handrails.

AJ501.8.2 Stair headroom. Headroom height on existing basement or attic stairs being altered or modified shall not be reduced below the existing stairway finished headroom. Existing basement or attic stairs not otherwise being altered shall be permitted to maintain the current finished headroom.

AJ501.8.3 Stair landing. Landings serving existing basement or attic stairs being altered or modified shall not be reduced below the existing stairway landing depth and width. Existing basement or attic stairs not otherwise being altered shall be permitted to maintain the current landing depth and width.

Section AJ601 Reconstruction

AJ601.1 Stairways, handrails and guards.

AJ601.1.1 Stairways. Stairways within the work area shall be provided with illumination in accordance with IRC Section R303.6.

AJ601.1.2 Handrails. Every required exit stairway that has four or more risers, is part of the means of egress for any work area, and is provided with not fewer than one handrail, or in which the existing handrails are judged to be in danger of collapsing, shall be provided with handrails designed and installed in accordance with IRC Section R311 for the full length of the run of steps on not less than one side.

AJ601.1.3 Guards. Every open portion of a stair, landing or balcony that is more than 30 inches (762 mm) above the floor or grade below, is part of the egress path for any work area, and does not have guards, or in which the existing guards are judged to be in danger of collapsing, shall be provided with guards designed and installed in accordance with IRC Section R312.

AJ601.2 Wall and ceiling finish. The interior finish of walls and ceilings in any work area shall comply with the requirements of IRC Section R302.9. Existing interior finish materials that do not comply with those requirements shall be removed or shall be treated with an approved fire-retardant coating in accordance with the manufacturer’s instructions to secure compliance with the requirements of this section.
**AJ601.3 Separation walls.** Where the work area is in an attached dwelling unit, walls separating dwelling units that are not continuous from the foundation to the underside of the roof sheathing shall be constructed to provide a continuous fire separation using construction materials consistent with the existing wall or complying with the requirements for new structures. Performance of work shall be required only on the side of the wall of the dwelling unit that is part of the work area.

**AJ601.4 Ceiling height.** Habitable spaces created in existing basements or attics shall have ceiling heights of not less than 6 feet, 8 inches (2032 mm), except that the ceiling height at obstructions shall not be less than 6 feet 4 inches (1930 mm) from the basement or attic floor. Existing finished ceiling heights in non-habitable spaces in basements or attics shall not be reduced except where necessary to comply with WSEC requirements.

**Section AJ701 – Referenced Standards**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASTM F2090—17</td>
<td>Specification for Window Fall Prevention Devices with Emergency Escape (Egress) Release Mechanism</td>
<td>AJ102</td>
</tr>
<tr>
<td>IEBC—18</td>
<td>International Existing Building Code</td>
<td>AJ10</td>
</tr>
</tbody>
</table>

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CHAPTER 2.06
PLUMBING CODE

Sections:
2.06.010 Adoption of the Uniform Plumbing Code.
2.06.015 Administrative Provisions.
2.06.020 Conflicts with the City of Tacoma Stormwater Management Manual or Side Sewer and Sanitary Sewer Availability Manual.
2.06.030 Repealed.
2.06.040 Repealed.
2.06.050 Repealed.
2.06.060 Addition of a new UPC Section 101.11.6 – Substantial Building Improvements.
2.06.070 Amendment to UPC Section 107.0 – Board of Appeals.
2.06.080 Amendment to UPC Section 106.0 – Violations.
2.06.090 Amendment to UPC Section 218.0 – P – Definitions by redefining “Private sewer.”
2.06.100 Amendment to UPC Section 304 by addition of a new Section 304.2 – Public Sewer Availability.
2.06.110 Repealed.
2.06.120 Amendment to UPC Chapter 4 by addition of a new UPC Section 423.0 – Water Conservation for Irrigation Systems.
2.06.130 Addition of a new UPC Section 603.1.1 – City of Tacoma Requirements for Cross-Connection Control.

2.06.010 Adoption of the Uniform Plumbing Code.

The Uniform Plumbing Code as adopted by the State Building Code as defined in TMC 2.02.100 is hereby included in the City of Tacoma Plumbing Code as adopted by this chapter. Section 104.5, and Table No. 104.5, and Section 1101.12.2.2.2 are hereby deleted from the UPC as amended in this chapter.

***
TO: Elizabeth A. Pauli, City Manager
FROM: Peter Huffman, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Ordinance – Amending Tacoma Municipal Code Title 2.02 Building Code and 2.06 Plumbing Code – January 5, 2021
DATE: December 17, 2020

SUMMARY AND PURPOSE:
An ordinance amending Chapters 2.02 and 2.06 of the Municipal Code, relating to the Building and Plumbing Codes, to repeal existing sections and incorporate new provisions to align with the State of Washington’s adoption of changes to State building codes scheduled for adoption on February 1, 2021.

BACKGROUND:
The Washington State Building Code Council, at the direction of the state legislature, develops amendments to new building codes that set the minimum building and fire protection standards throughout the entire state. The State adopted codes include the 2018 International Building Code, 2018 International Residential Code, 2018 International Existing Building Code, 2018 Uniform Plumbing Code, 2018 International Mechanical Code, 2018 International Fuel Gas Code, and 2018 International Fire Code. The State allows local jurisdictions to amend the codes with requirements that are specific to the needs of that particular community and do not diminish the minimum requirements.

Planning and Development Services (PDS) staff provided a briefing to the Infrastructure, Planning, and Sustainability Committee on December 2, 2020, and received a recommendation to forward this ordinance to the full City Council for consideration.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:
All people who live, work, or visit Tacoma are impacted by the City’s building code. The State building codes undergo a rigorous review process where there is representation from many in the building industries, including local building and fire code officials, builder and developer associations, design professionals, state and local legislative representatives, as well as members of the general public. The proposed local amendments to the building codes have been developed from input from City of Tacoma staff, input from citizens, local builders/developers/design professionals working on projects in Tacoma, as well as local builder associations.

2025 STRATEGIC PRIORITIES:
Equity and Accessibility:
Building codes establish minimum standards for the construction of buildings and structures, which include building access, restrooms, parking and other areas surrounding the building. The State building code also includes new construction standards for tiny homes and gender neutral restrooms and proposed amendments to the Tacoma Municipal Code (TMC) Title 2 align with these new changes.

Livability: Equity Index Score: Moderate Opportunity
Improve access and proximity by residents to diverse income levels and race/ethnicity to community facilities, services, infrastructure, and employment.
Explain how your legislation will affect the selected indicator.
This proposed ordinance aligns the City’s manufactured home standards and gender neutral restroom requirements with these new State standards that provide increased equity. The currently proposed amendment in this ordinance also enhances accessible parking access at a higher standard than the State building code.

ALTERNATIVES:

<table>
<thead>
<tr>
<th>Alternative(s)</th>
<th>Positive Impact(s)</th>
<th>Negative Impact(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. No changes to TMC Title 2</td>
<td></td>
<td>There would be conflicts with the State building code and lost opportunity to enact City codes to address local issues that enhance usability of existing buildings, streamline our local codes, and increase clarity of important code requirements.</td>
</tr>
</tbody>
</table>

EVALUATION AND FOLLOW UP:
The proposed changes are intended to streamline our local codes, increase clarity and alignment with the State building code requirements, and propose codes to enhance usability of existing buildings. We will know that we are successful if we receive fewer questions about how to interpret the local code requirements or fewer conflicts that arise with the State building codes. In addition, proposed changes that are meant to enhance usability of existing buildings should result in fewer alternate or modification requests to the Building Official. Staff will monitor input from developers and builders using the new codes on actual projects and return to the City Council with recommendations for improvements to the building codes either in the next adoption cycle of the State building codes, or at an interim ordinance adoption as needed.

STAFF/SPONSOR RECOMMENDATION:
PDS staff recommend adopting the proposed City amendments to TMC Title 2.02 and 2.06 with an effective date of February 1, 2021, to coincide with the effective date of the State building codes. These amendments incorporate important local considerations in enforcing the State building codes as well as support the adoption of codes to enhance usability and safety of Tacoma buildings.

FISCAL IMPACT:
There is no fiscal impact at this time. Fiscal impact of the new State building codes have been considered by the Washington State Building Code Council.
ORDINANCE NO. 28730

AN ORDINANCE relating to the Fire Code; amending Chapters 3.02 and 3.10 of the Tacoma Municipal Code, relating to the Fire Prevention Code and Mobile Fueling Operating and Permitting Requirements, to adopt the 2018 International Fire Code, along with state and local amendments, to become effective on February 1, 2021.

WHEREAS Title 3 of the Tacoma Municipal Code ("TMC"), Fire and Emergency Medical Services, establishes the minimum standards for fire and life safety for buildings, sites, and operations within the City, and

WHEREAS, at the direction of the Washington State Legislature, the Washington State Building Code Council updates the Washington State Fire Code ("WSFC") on a regular cycle, and

WHEREAS the revised WSFC is adopted under the authority of 19.27 RCW as WAC 51-54A, and will become effective on February 1, 2021, and

WHEREAS the proposed TMC amendments to Chapter 3.02, Fire Prevention Code, and Chapter 3.10, Mobile Fueling Operating and Permitting Requirements, will renumber existing amendments to match the WSFC, increase clarity for developers, reduce conflicts between development codes, and streamline the TMC by eliminating amendments that are no longer necessary;

Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 3.02 of the Tacoma Municipal Code ("TMC") is hereby amended as set forth in the attached Exhibit "A," to become effective on February 1, 2021.
Section 2. That Chapter 3.10 of the TMC is hereby amended as set forth in the attached Exhibit “B,” to become effective on February 1, 2021.

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 ________________

[Signature]
Mayor

Attest:

[Signature]
City Clerk

Approved as to form:

[Signature]
Deputy City Attorney
CHAPTER 3.02
FIRE PREVENTION CODE

Sections:
3.02.010 Adoption of the International Fire Code, as Amended.
3.02.020 General Amendments.
3.02.025 Amendment to IFC Subsection 101.1 – Title.
3.02.030 Amendment to IFC Subsection 101.2 – Scope.
3.02.040 Amendment to IFC Subsection 102.7 – Referenced codes and standards.
3.02.050 Amendment to IFC Section 102 – Applicability, by addition of a new Subsection 102.13 – Delayed Enforcement.
3.02.100 Amendment to IFC Subsection 405.6.4105.6.23 by addition of paragraphs 7 and 8.
3.02.110 Amendment to IFC Subsection 405.6.44105.6.46 – Storage of Tires, Scrap Tires and Tire Byproducts.
3.02.120 Amendment to IFC Subsection 105.6 by addition of a new Subsection 105.6.51 – Marine terminal.
3.02.130 Amendment to IFC Section 108109 – Board of Appeals.
3.02.140 Amendment to IFC Section 109110 – Violations.
3.02.150 Amendment of IFC Section 110111 by revision of the title to Unsafe Buildings, Premises, Motor Vehicles, and Marine Vessels.
3.02.160 Amendment to IFC Subsection 110.1111.1 – General.
3.02.170 Amendment to IFC Subsection 110.2111.2 – Evacuation.
3.02.180 Amendment to IFC Subsection 113.2106.2 – Schedule of permit fees.
3.02.190 Amendment to IFC Subsection 403.1 – General.
3.02.210 Amendment to IFC Subsection 503.1 – Fire Apparatus Access Roads.
3.02.220 Amendment to IFC Section 505 – Premises Identification, by addition of a new Subsection 505.3 – Room identification and directional signs.
3.02.230 Amendment to IFC Subsection 901.6.2901.6.3 – Records.
3.02.240 Amendment to IFC Subsection 903.3 – Installation Requirements, by addition of two new Subsections, 903.3.9 – Sprinkler System Control Valves and 903.3.10 – Sprinkler System Control Valve Room Signage and Access Signage.
3.02.260 Repealed Amendment of IFC Subsection 903.4.3 – Floor Control Valves.
3.02.275 Amendment to IFC Subsection 907.6.3907.6.3907.12 – Exterior Annunciation.
3.02.290 Amendment to IFC Section 907 – Fire Alarm and Detection Systems, by addition of a new Subsection 907.10907.13 – Signage.
3.02.300 Repealed Amendment to IFC Subsection 1103.5 – Sprinkler systems, by addition of Subsection 1103.5.4 Group R occupancies.
3.02.310 Repealed Amendment to IFC Subsection 1103.6.1 – Existing multiple-story buildings.
3.02.320 Amendment to IFC Subsection 1103.6.1 – Existing multiple-story buildings.
3.02.330 Repealed Amendment to IFC Subsection 1103.7.6 – Group R 2.
3.02.350 Amendment to IFC Subsection 1104.16.5 – Addition of Subsections 1104.16.5.2 Inspections and Testing and 1104.16.5.3 Records.
3.02.370 Amendment to IFC Subsection 304.2.6 – Fire Extinguisher.
3.02.380 Amendment to IFC Subsection 3601.1 – Scope.
3.02.385 Amendment to IFC Subsection 5704.2.9.6.1 – Locations where above-ground tanks are prohibited.
3.02.390 Amendment to IFC Subsection 5704.3.4 by addition of new Subsection 5704.3.4.5 – Liquids for demonstration, treatment and laboratory work.
3.02.395 Amendment to IFC Subsection 5706.2.4.4 – Locations where above-ground tanks are prohibited.
3.02.400 Amendment to IFC Subsection 5706.5.4.5 – Commercial, industrial, governmental or manufacturing, by deletion and addition of a new Subsection 5706.5.4.5item 26.
3.02.403 Amendment to IFC Subsection 5707.1 - General
3.02.405 Amendment to IFC Subsection 5806.2 – Limitations.
3.02.410 Amendment to IFC Subsection 6101.3 – Construction Documents.
3.02.415 Amendment to IFC Subsection 6104.2 – Maximum capacity within established limits.

3.02.010 Adoption of the International Fire Code, as Amended.

The 20152018 edition of the International Fire Code (“IFC”), together with Appendices B, C, F, and H published by the International Code Council (“ICC”), including all amendments and revisions in the Washington State Fire Code, Washington Administrative Code (“WAC”) Title 51, Chapter 54A, effective July 1, 2016February 1, 2021, are hereby adopted by reference, pursuant to the provisions of RCW 35.21.180, as the official Fire Code of the City of Tacoma, such adoption by reference, however, to be subject to the modifications set forth in this chapter. The definitions set forth in Chapter 2 of the IFC, as amended by WAC 51-54A, shall be the definitions which apply in Tacoma Municipal Code (“TMC”) Chapter 3.02. In Section 108 of the IFC, the “Board of Appeals” shall mean the Board of Building Appeals, as created in TMC Chapter 2.17.

3.02.020 General Amendments.

The following numbered sections and numbered tables of the IFC and WAC 51-54A, adopted by reference in this chapter, are amended to read as hereinafter set forth and as so amended shall supersede that section, subsection, or table so numbered in the IFC and WAC 51-54A, and shall be part of the official Fire Code of the City of Tacoma. The sections, subsections, and tables amended, added, or deleted are as follows:

101.1 110 505.3 3504.2.6
101.2 111 901.6.3 3601.1
102.7 111.1 903.3.9 5704.2.9.6.1
102.13 111.1 903.3.10 5704.3.4.5
105.6.23 111.2 904.6.2 5704.3.4
105.6.46 110.4 903.3 5706.2.4.4
105.6.51 110.2 903.4.3 5706.5.4.5
105.6.24 113.2 907.6.3.2 5707.1
105.6.44 403.1 907.10 5806.2
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3.02.025 Amendment to IFC Subsection 101.1 – Title.

101.1 Title. These regulations shall be known as the Fire Code of the City of Tacoma, hereinafter referred to as “this code.”
3.02.030 Amendment to IFC Subsection 101.2 – Scope.

101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises, motor vehicles, and marine vessels, and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling, or use of structures, materials, or devices;
2. Conditions hazardous to life, property, or public welfare in the occupancy of structures, motor vehicles, marine vessels, or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration, or removal of fire suppression or fire alarm systems; and
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

3.02.040 Amendment to IFC Subsection 102.7 – Referenced Codes and Standards.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2. The edition of each referenced code and standard shall either be the edition listed in Chapter 80 or the most current published edition.

3.02.100 Amendment to IFC Subsection 105.6.24 – Hot work operations by addition of paragraphs 7 and 8.

7. Conduct hot work on storage tanks, piping, and associated systems containing or previously containing flammable or combustible liquids or other hazardous materials that could present a fire or explosion hazard.
8. Conduct hot work on marine vessels.

3.02.110 Amendment to IFC Subsection 105.6.441 – Storage of Tires, Scrap Tires and Tire Byproducts.

105.6.44 Storage of Tires, Scrap Tires, and Tire Byproducts. An operational permit is required to establish, conduct, or maintain storage of tires, scrap tires, or tire byproducts that exceeds 1,000 cubic feet of total volume of scrap tires and for indoor storage of tires, scrap tires, and tire byproducts.

3.02.120 Amendment to IFC Subsection 105.6 by addition of a new Subsection 105.6.491 – Marine terminal.

105.6.49 Marine terminal. An annual operational permit is required to handle or temporarily locate containers, tanks, or cylinders of hazardous materials at marine terminals. A special operations permit is required for any hazardous materials outside the scope of the annual operations permit.

3.02.130 Amendment to IFC Section 1081 – Board of Appeals.

108.1 The Board of Building Appeals. The Board of Building Appeals, as created by TMC Chapter 2.17, is the properly designated Board of Appeals for this code. The Board of Building Appeals, within the authority granted it by TMC Chapter 2.17, shall:

Hear and decide properly filed appeals of orders, decisions, or determinations made by the fire chief or duly authorized representatives relative to the application and interpretation of this code.

108.2 Limitations of Authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do
not fully apply, or an equivalent method of protection or safety is proposed. The Board of Building Appeals shall not be empowered to waive requirements of this code or to grant variances unless specifically granted in TMC Chapter 2.17.

109.3 Qualifications. The Board of Building Appeals shall consist of members who are qualified as specified in TMC Chapter 2.17.

3.02.140 Amendment to IFC Section 109.110 – Violations, by replacing this section as published in the IFC in its entirety with the following.

109.1110.1 Unlawful acts. It shall be unlawful for any person, firm, corporation, or other legal entity to erect, construct, alter, extend, repair, move, remove, demolish, utilize or occupy a building, occupancy, structure, vehicle, marine vessel, premises, equipment or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

109.2110.2 Owner/occupant responsibility/person causing the violation. Correction and abatement of violations of this code shall be the responsibility of the owner, the owner’s authorized agent, or person causing the violation. Where an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

109.3110.3 Notice of violation. Where the fire code official finds a building, premises, structure, storage facility, outdoor area, vehicle or marine vessel that is in violation of this code, the fire code official may issue a written notice of violation describing the conditions deemed hazardous or unsafe and, where compliance is not immediate, specifying a time for reinspection.

109.3.1.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, the owner’s authorized agent, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or certificate of mailing, to the last known address of the owner, the owner’s authorized agent, or occupant. The notice of violation served shall provide the information, if available, required in sections 109.3.1.1 through 109.3.1.5.

109.3.1.1 The address of the site or premises or a detailed description of the location along with the specific details of the conditions to be corrected;

109.3.1.2 A specified timeframe or deadline to correct the violations;

109.3.1.3 The violation penalties that may be imposed if the violations are not corrected within the timeframe or deadline indicated on the notice of violation;

109.3.1.4 The procedure that may be implemented if civil penalties in excess of $1,000 are assessed in connection with the notice of violation; and

109.3.1.5 The issuance date of the notice of violation along with the name, address, and telephone number of the person issuing the notice of violation.

109.3.2110.3.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, the owner’s authorized agent, operator, occupant, or other person responsible for the condition or violation to which the notice of violation pertains.

109.3.3110.3.3 Abatement of violations. If a notice of violation is not complied with promptly or within the timeframe required, the fire code official may request the City to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

109.3.4110.3.4 Unauthorized tampering. Signs, tags, or seals posted or affixed by the fire code official shall not be mutilated, destroyed, or tampered with, or removed, without authorization from the fire code official.
Violation Penalties. An owner, occupant, or person causing the violation who does not comply with the notice of violation within the specified period of time, the fire code official may issue a second notice of violation and may issue a civil penalty of $250. The monetary penalties for violations shall be as follows:

First and subsequent civil penalties $250;

Each day that a property or person is not in compliance with the provisions of this code may constitute a separate violation.

Penalties shall be billed to the property owner or, if appropriate, to the person, firm, corporation, legal entity or permit holder issued the notice of violation. Penalties unpaid after 60 calendar days may be collected in any lawful means, including but not limited to, referral to a collection agency.

Abatement of violation. In addition to the imposition of penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

Administrative Reviews by the Fire Code Official.

General. An owner, occupant, or person causing the violation to whom a notice of violation or a civil penalty has been issued relative to the notice of violation of this code, may request an administrative review of the violations cited in the issued notice of violation or for the civil penalties assessed pursuant to enforcement.

Request of Administrative Review. An owner, or occupant, or person causing the violation may request an administrative review of the violations cited in the notice of violation or of a civil penalty assessed by filing a written request with the fire code official, sent to the attention of the contact listed within the notice of violation within seven (7) calendar days of the notification date of violations or the date a civil penalty is assessed. The request shall state, in writing, the reasons the fire code official should consider the violations cited in the notice of violation as not being violations of this code or TMC Title 3, or why the fire code official should negate or reduce the civil penalty. Upon receipt of the request for administrative review, the fire code official shall review the information provided.

Decision of Fire Code Official. After considering all of the information provided, the fire code official shall determine whether a violation has occurred, and shall affirm, vacate, suspend, or modify the notice of violation or the amount of any monetary penalty assessed. The decision of the fire code official shall be delivered in writing to the appellant by first class mail. If the administrative review is for the violation, the decision of the fire code official shall include an official interpretation of the relevant code sections for which the notice of violation was issued.

Appeals of the Administrative Review by the Fire Code Official. The official interpretation of the code provisions, cited as being the basis for the notice of violation issued, made in the administrative review decision by the fire code official may be appealed directly to the Board of Building Appeals, in accordance with the provisions this code. Said appeal shall be filed with the City Clerk within seven (7) calendar days of receipt of the decision of fire code official.

Alternate Criminal Penalty. Any person, firm, corporation or other legal entity who violates or fails to comply with any of the provisions referenced in this code and TMC Title 3 may be guilty of a misdemeanor and, upon conviction thereof, may be subject to a fine in an amount not exceeding $1,000.00, or subject to imprisonment in jail of not more than 180 days, or both a fine and imprisonment. Each day a person, firm, corporation or other legal entity violates or fails to comply with a provision of this code and TMC Title 3 may be considered a separate violation.
3.02.150 Amendment **to IFC Section 1101.11** by revision of the title to Unsafe Buildings, Premises, Motor Vehicles, and Marine Vessels.

3.02.160 Amendment **to IFC Subsection 110.111.1** – General.

110.111.1 General. If a premises, a building or structure, or any building system, motor vehicle, or marine vessel, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall be authorized to issue such notices or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall be authorized to refer any unsafe building to the building department for any repairs, alterations, remodeling, removing or demolition as required.

3.02.170 Amendment **to IFC Subsection 110.211.2** – Evacuation.

110.211.2 Evacuation. The fire code official or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied premises, building, motor vehicle, or marine vessel deemed unsafe when the hazardous conditions of such premises, building, motor vehicle, or marine vessel present imminent danger to occupants. Persons so notified shall immediately leave the building, structure, premises, motor vehicle, or marine vessel and shall not enter or re-enter until authorized to do so by the fire code official or the fire department official in charge of the incident.

3.02.180 Amendment **to IFC Subsection 410.2106.2** – Schedule of permit fees.

410.2106.2 Schedule of permit fees. A fee for each permit shall be paid in accordance with requirements established in TMC Chapter 3.09.

3.02.190 Amendment **to IFC Subsection 403.1** – General.

403.1 General. In addition to the requirements of Section 401, occupancies, uses and outdoor locations shall comply with the emergency preparedness requirements set forth in Sections 403.2 through 403.12.3. Where a fire safety and evacuation plan is required by Sections 403.2 through 403.11.5, evacuation drills shall be in accordance with Section 405 and employee training shall be in accordance with Section 406. Where a fire safety and evacuation plan is required by Sections 403.2 through 403.11.5 an earthquake emergency plan shall also be required in accordance with Section 404.4.

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3.02.210 Amendment **to IFC Subsection 503.1** – Fire Apparatus Access Roads.

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Section 503.1.1 through 503.1.3

Exception: The fire code official is authorized to approve roads conforming to locally adopted street, road, and access standards

3.02.215 Adoption **to IFC Subsections 503.1.1 Buildings and facilities, 503.1.2, 503.1.3, 503.2, 503.3, 503.4, and through 503.4.1 Traffic calming devices – Fire Apparatus Access Roads.**

Sections 503.1.1 Buildings and facilities, 503.1.2 Additional access, 503.1.3 High-piled storage, 503.2 Specifications, 503.3 Marking, 503.4 Obstruction of fire apparatus access roads, and 503.4.1 Traffic calming devices are adopted as published in the IFC. Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
Exceptions:

1. The fire code official is authorized to increase the dimension of 150 feet where any of the following conditions occur:
   1.1. The building is equipped with an approved automatic sprinkler system installed in accordance with Sections 903.3.1.1, 903.3.1.2, 903.3.1.3.
   1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
   1.3. There are not more than two Group R-3 or Group U occupancies.

2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

503.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.1.3 High-piled storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 32.

503.2 Specifications. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

503.2.2 Authority. The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of the fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the fire code official.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AAHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posed at both entrances to bridges where required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers, approved signs or both shall be installed and maintained where required by the fire code official.

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department’s apparatus.

503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department’s apparatus.

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or marking that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times.

503.4.1 Traffic calming devices. Traffic calming devices shall be prohibited unless approved by the fire code official.

3.02.220 Amendment to IFC Section 505 Premises Identification by addition of a new Subsection 505.3 – Room identification and directional signs.

505.3 Room identification and directional signs. Where required by the fire code official, approved room identification and wayfinding signs shall be provided for new and existing Group I and Group R occupancies. Signs must comply with IBC E107.2 and E107.3.

Exception. One- and two-family dwellings regulated by the IRC.

3.02.240 Amendment to IFC Subsection 901.6.2901.6.3 – Records.

901.6.2901.6.3 Records. Records of all system inspections, tests and maintenance required by this code and the referenced standards shall be maintained on the premises for a minimum of three years. Records shall be furnished in approved form as required by the fire code official.

3.02.250 Amendment to IFC Subsection 903.3 – Installation Requirements, by addition of two new Subsections, 903.3.9 – Sprinkler system control valves and 903.3.10 – Sprinkler system control valve room signage and access.

903.3.9 Sprinkler system control valves. Sprinkler system control valve rooms shall be directly accessible from the exterior of the building, unless otherwise approved by the fire code official.

903.3.10 Sprinkler system control valve room signage and access. The room housing the sprinkler system control valves shall be clearly marked with a sign on the outside of its door stating “SPRINKLER VALVE ROOM” or otherwise approved by the fire code official.

903.3.10.1 Signage. The room housing the sprinkler system control valves shall be clearly marked with a sign on the outside of its door stating “SPRINKLER VALVE ROOM” or otherwise approved by the fire code official.

903.3.10.2 Access. In accordance with Section 506 of this code, a key box containing the appropriate key(s) shall be required at the main entrance to the building or other approved location.

Exception: Doors not equipped with a locking device.

3.02.260 Repealed. Amendment of IFC Subsection 903.4.3 – Floor Control Valves.

903.4.3 Floor control valves. Multistory buildings exceeding two stories in height shall be provided with a floor control valve, check valve, main drain valve, and flow switch for isolation, control, and annunciation of water flow for each individual floor level.

Exceptions:

1. Buildings three or less stories in height containing only Group R fire areas.

2. Dry sprinkler systems in parking garages.

3. Locations approved by the fire code official.
3.02.275 Amendment to Subsection 907.6.3 IFC Section 907 – Fire Alarm and Detection Systems, by addition of new Subsection 907.6.3.2907.12 – Exterior Annunciati

907.6.3.2907.12 Exterior Annunciati. The fire code official is authorized to require an exterior audible/visible notification appliance mounted in an approved location. The appliance shall activate upon alarm signal.

3.02.290 Amendment to IFC Section 907 – Fire Alarm and Detection Systems, by addition of a new Subsection 907.10907.13 – Signage.

907.10907.13 Signage.

907.10.907.13.1 Fire alarm control panel. When required by the fire code official, a sign shall be placed at the alarm panel stating that the panel shall not be reset until after the Fire Code Official determines the cause of the alarm. The alarm panel may be silenced if the alarm is a false alarm and no danger is present for the occupants.

907.10.907.13.2 Room identification. When required by the fire code official, the door to the room housing the fire alarm control shall be labeled “FIRE ALARM CONTROL PANEL INSIDE.”

3.02.310 Repealed. Amendment to IFC Subsection 1103.5 – Sprinkler systems, by addition of Subsection 1103.5.4 – Group R occupancies.

1103.5.4 Group R occupancies. Where required by Sections 1103.5.4.1, 1103.5.4.2, 1103.5.4.3, or 1103.5.4.4, automatic fire sprinkler systems shall be installed within existing buildings with Group R fire areas where any of the following conditions exist:

1. Building exceeds 5,000 square feet in area; or

2. Building exceeds two stories in height; or

3. Building contains five or more dwelling or sleeping units. Installation of an automatic fire sprinkler system, in accordance with Section 903.3.1.2 (NFPA 13R), may be approved in non-high-rise buildings exceeding four stories in height when approved by the fire code official and the building official.

Exception: Buildings regulated by the International Residential Code.

1103.5.4.1 Fire Damage. Throughout buildings that incur fire, water or smoke damage where repairs include the removal and/or replacement of more than 50 percent of the ceiling finishes in more than one dwelling or sleeping unit.

Exception: The fire code official is authorized to approve a work plan established by the building owner where damaged units are provided with fire sprinklers immediately and the remainder of the building is provided with fire sprinklers over a period not to exceed ten years.

1103.5.4.2 Level I Alterations. Throughout dwelling or sleeping units where work involves the removal and/or replacement of more than 50 percent of the ceiling finishes in more than one dwelling or sleeping unit.1103.5.4.3 Level II Alterations. Throughout dwelling or sleeping units where work areas exceed 50 percent of the floor area of the dwelling or sleeping unit.

1103.5.4.4 Level III Alterations and Substantial Improvements. Throughout buildings undergoing level III alterations or substantial improvements as defined in TMC Chapter 2.02.

3.02.320 Amendment to IFC Subsection 1103.6.1 – Existing multiple-story buildings.

1103.6.1 Existing multiple-story buildings. Existing buildings with occupied floors located more than 50 feet above the lowest level of fire department access or more than 50 feet below the highest level of fire department access and buildings four or more stories in height containing a Group R occupancy shall be equipped with standpipes. The fire code official is authorized to approve the installation of a manual dry standpipe system to achieve compliance with this section.
Exception: Buildings four or more stories in height containing a Group R occupancy shall be equipped with standpipes.

3.02.330 **Repealed. Amendment of IFC Subsection 1103.7.6 — Group R-2.**

1103.7.6 Group R-2. A fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed and monitored in existing Group R-2 occupancies three or more stories in height or with 16 or more dwelling units or sleeping units.

Exceptions:

1. Where each living unit is separated from other contiguous living units by fire barriers having a fire-resistance rating of not less than 3/4 hour, and where each living unit has either its own independent exit or its own independent stairway or ramp discharging at grade.

2. A separate fire alarm system is not required in buildings that are equipped throughout with an approved supervised automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and having a local alarm to notify all occupants.

3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Sections 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, exception 3.

3.02.350 **Amendment to IFC Subsection 1104.16.5 – Addition of Subsections 1104.16.5.2 Inspections and Testing and 1104.16.5.3 Records.**

1104.16.5.2 Inspections and Testing. In addition to the examination required by Section 1104.16.5.1, fire escape stairs and balconies shall be inspected and tested every six months by the owner or owner’s agent. Any deficiencies found shall be immediately corrected. Inspection and testing shall include:

1. Visual inspection of all components for signs of mechanical damage or rust.

2. Operational testing of all moving parts including ladders, stairs, windows and doors.

1104.16.5.3 Records. Examination, inspection and testing records shall be maintained on site. Copies shall be submitted to the fire code official at six-month intervals.

3.02.370 **Amendment to IFC Subsection 3504.2.6 – Fire Extinguisher.**

3504.2.6 Fire Protection. A minimum of one portable fire extinguisher complying with Section 906 and with a minimum 2-A:20-B:C rating or a charged water hose (1-1/2 inch minimum) equipped with a nozzle shall be readily accessible within 30 feet of the location where hot work is performed and shall be accessible without climbing stairs or ladders. For ship-shoreside maintenance or repairs, both the fire extinguisher and the charged water hose (1-1/2 inch minimum) shall be provided.

3.02.380 **Amendment to IFC Subsection 3601.1 – Scope.**

3601.1 Scope. Marina facilities shall be in accordance with this chapter and TMC Title 2.13 – Waterfront Structures and Marinas.

3.02.385 **Amendment to IFC Subsection 5704.2.9.6.1 – Locations where above-ground tanks are prohibited.**

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited.

Exceptions:
1. Installations at any facility or site located within Industrial Districts defined by TMC Title 13; or
2. Installations that serve emergency and standby generators or fuel burning appliances as approved by the fire code official; or
3. Installations at any facility or site containing Class I liquid with aggregate capacity of 10 gallons or less; or
4. Installations at any facility or site containing Class II liquids with aggregate capacity of 60 gallons or less, except fuel oil used in connection with oil-burning equipment; or
5. Installations at any facility or site as approved by the fire code official.

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3.02.395 Amendment to IFC Subsection 5706.2.4.4 – Locations where above-ground tanks are prohibited.

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited.

Exceptions:
1. Installations at any facility or site located within Industrial Districts defined by TMC Title 13; or
2. Installations that serve emergency and standby generators or fuel burning appliances as approved by the fire code official; or
3. Installations at any facility or site containing Class I liquid with aggregate capacity of 10 gallons or less; or
4. Installations at any facility or site containing Class II liquids with aggregate capacity of 60 gallons or less, except fuel oil used in connection with oil-burning equipment; or
5. Installations at any facility or site as approved by the fire code official.

3.02.400 Amendment to IFC Subsection 5706.5.4.5 – Commercial, industrial, governmental or manufacturing, by deletion and addition of a new Subsection 5706.5.4.5 Item 26.

5706.5.4.5 Commercial, industrial, governmental, or manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments shall be conducted in accordance with WAC 51-54A Section 5706.5.4.5 and Item 26. TMC Chapter 3.10.

3.02.403 Amendment to IFC Subsection 5707.1 – General.

5701.1 General. On-demand mobile fueling operations that dispense Class I, II and III liquids into the fuel tanks of motor vehicles shall comply with Sections 5707.1 through 5707.6.3 and TMC 3.10.

3.02.405 Amendment to IFC Subsection 5806.2 – Limitations.

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited.

Exceptions:
1. Installations at any facility or site located within Industrial Districts defined by TMC Title 13; or
2. Installations that serve emergency and standby generators or fuel burning appliances as approved by the fire code official; or
3. Installations at any facility or site with aggregate capacity of less than 60 gallons; or
4. Installations located at any facility or site as approved by the fire code official.
3.02.410 Amendment to IFC Subsection 6101.3 – Construction Documents.

6101.3 Construction Documents. Where the aggregate water capacity of containers is more than 125 gallons, the installer shall submit construction documents for such installation.

3.02.415 Amendment to IFC Subsection 6104.2 – Maximum capacity within established limits.

6104.2. Limitations. Storage of liquefied petroleum gas in containers or tanks shall be prohibited.

Exceptions:
1. Installations at any facility or site located within Industrial Districts, defined by TMC Title 13, with aggregate water capacity of 2,000 gallons or less; or
2. Installations at any facility or site located within Industrial Districts, defined by TMC Title 13, with aggregate water capacity exceeding 2,000 gallons as approved by the fire code official; or
3. Installations that serve emergency and standby generators or fuel burning appliances as approved by the fire code official; or
4. Installations with aggregate water capacity of less than 125 gallons; or
5. Installations as approved by the fire code official after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

* * *
CHAPTER 3.10
MOBILE FUELING OPERATING AND PERMITTING REQUIREMENTS

Sections:
3.10.010 Title and purpose.
3.10.015 Repealed.
3.10.020 Scope.
3.10.030 Repealed Prohibitions.
3.10.040 Permits.
3.10.041 Revocation of permits.
3.10.050 Definitions.
3.10.060 Mobile Fueling company requirements.
3.10.070 Mobile Fueling tanker requirements.
3.10.080 Mobile Fueling operation requirements.
3.10.090 Mobile Fueling site requirements.
3.10.100 Penalties.

* * *

3.10.020 Scope.

These requirements pertain to the dispensing of Class II Combustible Liquids, diesel fuel liquid fuels from a cargo tanker to the fuel tank of an on-road motor vehicle.

3.10.030 Repealed Prohibitions.

No permit shall be issued and no transfer of gasoline or other class I flammable liquid from a cargo tanker to fuel tanks of vehicles shall be allowed.

* * *

3.10.050 Definitions.

A. Mobile fueling: The operation of filling fuel tanks of on-road vehicles with a Class II Combustible Liquid, diesel fuel liquid fuels from cargo tankers into the fuel tanks of motor vehicles. Mobile fueling may also be known as by the terms mobile fleet fueling, wet fueling, and wet hosing.

B. Auto start and stop nozzle: An approved dispensing nozzle which is not capable of dispensing fuel unless the nozzle is in contact with the fuel opening of the motor vehicle. The nozzle is unable to dispense fuel until it has entered the fuel opening of the motor vehicle fuel tank. The nozzle will automatically stop dispensing immediately after extracting the nozzle from the fuel tank opening.

C. Storm drain cover: An approved drain cover meeting the requirements of Tacoma’s Utility Services Engineering Division of Public Works.

D. Fuel limit switch: A mechanism located on the cargo tanker which limits the quantity of fuel dispensed at one time. A “count-back-switch” provides this dispensing limitation.

E. Remote emergency shut-off device: An approved device capable of halting the pumping of fuel from a distance. This device shall not be affixed to the cargo tanker.

F. Cargo Tanker. A cargo tank motor vehicle, as defined by the Department of Transportation (“DOT”), with one or more cargo tanks permanently attached to or forming an integral part of the motor vehicle and, for the purpose of this chapter, intended to carry liquid fuel.

* * *
3.10.090 Mobile Fueling Site Requirements.

A. Site Permits. Site permits shall include language directing the permittee to notify all persons and parties who have an interest in the property wherein mobile fueling will be occurring. The permittee shall inform all persons and parties with an identifiable property interest regarding the existence of risk in the activity and the extent of insurance coverage provided by the fueling company.

B. Permit Renewal. Each site shall be permitted annually. The permittee shall notify the Fire Prevention Office Bureau (591-5740) whenever site alterations are made which affect locations of fueling, or prior to any change in fueling companies. Permits are not transferable between parties or companies.

* * *

3.10.100 Penalties.

Any person, firm, or corporation which violates any provisions of this chapter, including any entity responsible for a mobile fueling site, shall be guilty of a separate misdemeanor offense for any violation of any of the provisions of this chapter for each day (or portion of the day of the citation) that the violation is committed, continued, or permitted to exist. The maximum penalty for each such misdemeanor shall be 90 days in jail and/or a $1,000.00 fine. Upon a first conviction, there shall be imposed a fine of not less than $100.00 and, upon a second conviction, there shall be imposed a fine of not less than $250.00 and, upon a third or subsequent conviction, there shall be imposed a fine of not less than $1,000.00 and/or imprisonment for not more than 90 days. Upon conviction, the court may also order immediate action by the person, firm, corporation, or other legal entity to correct the condition constituting the fire hazard. The mandated minimum fine shall be in addition to statutory costs and assessments.

* * *
TO:  Elizabeth Pauli, City Manager
FROM:  Christopher Seaman, Engineer, Tacoma Fire Department
        Toryono Green, Fire Chief, Tacoma Fire Department
COPY:  City Council and City Clerk
SUBJECT:  Request for Ordinance to amend Chapters 3.02 and 3.10 of the Municipal Code, Fire Prevention Code and Mobile Fueling Operating and Permitting Requirements – January 5, 2021
DATE:  December 15, 2020

SUMMARY AND PURPOSE:
An ordinance amending Chapters 3.02 and 3.10 of the Municipal Code, relating to the Fire Prevention Code and Mobile Fueling Operating and Permitting Requirements, to adopt the 2018 International Fire Code along with state and local amendments, effective February 1, 2021.
[Chris Seaman, Engineer; Toryono Green, Fire Chief]

BACKGROUND:
This Department’s Recommendation is Based On: The Washington State Building Code Council, at the direction of the state legislature, updates the Washington State Fire Code on a regular cycle. The revised Washington State Fire Code (WSFC) is adopted under the authority of 19.27 RCW as WAC 51-54A and will be effective February 1, 2021. The proposed changes will renumber existing amendments to match the WSFC, increase clarity for developers, reduce conflicts between development codes, and streamline our own ordinance by eliminating amendments that are no longer necessary.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:
All people who live, work, or visit Tacoma are impacted by the Fire Prevention Code. The Fire Prevention Code protects residents, visitors, workers, and first responders by establishing the minimum standards for fire and life safety for buildings, sites, and operations within the City. Proposed changes are tracked using a SharePoint list where staff can enter code change proposals. Staff add items to the list based on input from developers, when conflicts are identified, where clarity is needed, and when necessary safety enhancements are discovered. The code change summary forms found in the attachments of this memo are the product of this process and provide more detailed information on code change proposals.

2025 STRATEGIC PRIORITIES:
Equity and Accessibility:
The Fire Prevention Code establishes the minimum standards for fire and life safety. Those minimums protect all of our residents but have the largest impact on those who are not capable of making a quick escape during an emergency, including our seniors and persons with disabilities.

Livability: Equity Index Score: Moderate Opportunity
Increase positive public perception of safety and overall quality of life.
The Fire Prevention Code reduces the number of structure fires and where they occur reduce the risk posed to the people inside. Additionally the Fire Prevention Code provides protections to people and the environment from hazardous materials.
ALTERNATIVES:
Presumably, your recommendation is not the only potential course of action; please discuss other alternatives or actions that City Council or staff could take. Please use table below.

<table>
<thead>
<tr>
<th>Alternative(s)</th>
<th>Positive Impact(s)</th>
<th>Negative Impact(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Make no changes to Title 3.</td>
<td>The City would not be in conflict with the WSFC.</td>
<td>The City would be in conflict with the WSFC, which would create confusion for developers. On-demand mobile fueling businesses would be unable to operate. There could be undesirable response times to patients in some multifamily and assisted living facilities.</td>
</tr>
<tr>
<td>2. Make clerical changes only such as renumbering and changing language to match model code.</td>
<td>On-demand mobile fueling businesses would be unable to operate. There could be undesirable response times to patients in some multifamily and assisted living facilities.</td>
<td></td>
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</tbody>
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EVALUATION AND FOLLOW UP:
We will know that we are successful if we receive fewer questions about how to interpret our Fire Prevention Code. Staff will continue to document where issues of interpretation and conflicts with other development standards occur and return to Council with recommendations for improvements during the next adoption cycle of the WSFC.

STAFF/SPONSOR RECOMMENDATION:
Staff recommends adoption of the proposed changes to TMC 3.02 and TMC 3.10 with an effective date of February 1, 2021 to coincide with the effective date of WAC 51-54A.

FISCAL IMPACT:
No fiscal impact

ATTACHMENTS:
- Code Change Summary Forms
A. Subject of Hearing:

Substantial Amendment to Annual Action Plan for Housing and Community Development

B. Background:

The City of Tacoma is proposing to substantially amend its program year 2019-2020 (July 1, 2019 – June 30, 2020) Annual Action Plan to program CARES Act III Community Development Block Grant (CDBG-CV) funds. CDBG-CV funds are provided to the City of Tacoma by the U.S. Department of Housing and Urban Development for use in Housing and Community Development activities that prevent, prepare for, and respond to coronavirus.

This amendment is to allocate $1,372,676 in CDBG-CV funding to the City’s 2019-2020 Annual Action Plan.

The following activities will be funded using this allocation:

- CDBG-CV Public Services: $922,676
- CDBG-CV Economic Development Assistance: $450,000

Public comments regarding the proposed amendment will be heard during a public hearing to occur at approximately 5:15 p.m., on Tuesday, January 5, 2021, as part of a regularly scheduled Tacoma City Council meeting. The meeting can be heard by dialing 253-215-8782 or through Zoom at www.zoom.us/j/84834233126 and entering the meeting ID 848 3423 3126 and passcode 349099, when prompted.

To access the hearing in an alternative format or to request a reasonable accommodation, please contact the City Clerk’s Office at 253-591-5505, before 5:00 p.m., on the Monday preceding the City Council meeting. TTY or speech-to-speech users please dial 711 to connect to Washington Relay Services.

A draft of the amendment is available for public review at:

https://www.cityoftacoma.org/government/city_departments/community_and_economic_development/housing_division/consolidated_plan

Written comment will be accepted during a five-day public comment period commencing on December 28, 2020 and concluding at 5 p.m. on January 4, 2021.

Electronic comments may be submitted by email to cedhousingdivision@cityoftacoma.org, or by using the survey link posted with the draft amendment. Written comments may be submitted to:

Erika Bartlett, Contract Program Auditor
Community & Economic Development Department
747 Market Street, Room 900
Tacoma, WA 98402

For more detailed information on the proposed amendment, contact Erika Bartlett at (253) 591-5645 or ebartlett@cityoftacoma.org.
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