CALL TO ORDER

ROLL CALL

FLAG SALUTE

MOMENT OF SILENCE

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

1. 20-0971 Minutes of the Public Utility Board special meeting, November 18, 2020.
   Attachments: PUBMin20201118SpMtg

CONSENT AGENDA

2. 20-0964 Minutes of the City Council study session, October 27, 2020.
   Attachments: SSMin20201027

   Attachments: SSMin20201103

4. 20-0969 Minutes of the City Council study session, November 10, 2020.
   Attachments: SSMin20201110

5. 20-0970 Minutes of the City Council study session, November 17, 2020.
   Attachments: SSMin20201117

   Attachments: CCMin20201103
7. **20-0967** Minutes of the City Council meeting, November 10, 2020.
   
   **Attachments:**  [CCMin20201110]

8. **20-0978** Minutes of the City Council meeting, November 17, 2020.
   
   **Attachments:**  [CCMin20201117]

**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]
   
   **Attachments:**  [Resolution No. 40711]
   [City Council Action Memorandum]

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]
    
    **Attachments:**  [Resolution No. 40712]
    [City Council Action Memorandum]
    [Maps]

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]
    
    **Attachments:**  [Resolution No. 40713]
    [City Council Action Memorandum]
    [Amendment]
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]

**Attachments:** Ordinance No. 28719
City Council Action Memorandum
Hearing Examiner's Report and Recommendation
Exhibits
Verbatim Recording of Public Hearing

PROCLAMATIONS/RECOGNITIONS/PRESENTATIONS/ANNOUNCEMENTS

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

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

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.
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]
   
   **Attachments:** Resolution No. 40714
   City Council Action Memorandum

16. **RES40715** A resolution appointing and reappointing individuals to the Transportation Commission.
   [Doris Sorum, City Clerk; Bill Fosbre, City Attorney]
   
   **Attachments:** Resolution No. 40715
   City Council Action Memorandum

COMMUNICATIONS

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

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]
   
   **Attachments:** Resolution No. 40716
   City Council Action Memorandum

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]
   
   **Attachments:** Resolution No. 40717
   City Council Action Memorandum
   Fiscal Impact Memorandum
   Agreement
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]

Attachments: Resolution No. 40718

City Council Action Memorandum

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]

Attachments: Ordinance No. 28726

City Council Action Memorandum

Board Action Memorandum

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]

Attachments: Ordinance No. 28727

City Council Action Memorandum

Fiscal Impact Memorandum

Ordinance Disclosure Memorandum

UNFINISHED BUSINESS

REPORTS BY THE CITY MANAGER

COMMMENTS AND COMMITTEE REPORTS OF THE CITY COUNCIL

Community Vitality and Safety 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.
MINUTES
City of Tacoma
Public Utility Special Board Meeting
November 18, 2020
3:00 p.m.

Chair Flint called the Public Utility Board meeting to order at 3:00 p.m.

Present via Zoom: Bryan Flint, Christine Cooley, Mark Patterson, Carlos Watson, Joe Bushnell

The meeting was quorate.

Minutes of the Previous Meetings
Mr. Patterson moved that the minutes of the previous meetings be adopted; seconded by Ms. Cooley. Voice vote was taken and carried. The minutes were declared adopted.

Guest Presentation: Port of Tacoma Strategic Plan
Chair Flint made welcoming remarks. John McCarthy, Port Commission President, provided an update of the 2020 Port of Tacoma (POT) strategic plan. As background, Washington is the most trade-dependent state in the nation, with 40 percent of jobs relating to international trade. As half of the Northwest Seaport Alliance (NWSA), it is the fourth largest cargo gateway in the country. A study released in 2019 highlighted the economic impact of the POT’s real estate and marine cargo operations in 2017: Supported more than 42,100 jobs; Generated nearly $3 billion in economic activity; Produced more than $100 million annually in state and local taxes to support education, police, fire services, and road improvements. The POT and TPU have a long history of partnerships and investment that bring economic development opportunities to the south sound and thousands of local, family-wage jobs. Recently, both organizations approved a clean-up agreement for the former-steam plant site. The POT inter-local agreement with Tacoma Power provided a framework to manage Port development projects that impact Tacoma Power’s infrastructure. POT and TPU work together on projects related to our clean air strategy including development of a special shore power rate and an exciting project in 2021 that will bring six electric yard trucks to the South Intermodal Yard. Early next year, the POT will also begin a two-year study of the Port’s future electricity needs associated with transitioning to zero emission technologies by 2050; TPU will be a core partner in this analysis. Tacoma Power’s conservation team partnered on several interior and exterior energy conservation projects. Tacoma Rail is a critical partner for all rail customers in and around the POT. There are daily conference calls between Tacoma Rail, each of the on-dock rail ramps, the NWSA, the Burlington Northern Santa Fe, and the Union Pacific railroads that help ensure efficient intermodal
operations throughout the POT. In addition, the NWSA and Tacoma Rail meet monthly via the Joint Operating Committee to review key performance indicators. The POT and the NWSA have extended their South Intermodal Yard Lease with the TPU through December 31, 2025. The previous strategic plan was prepared prior to the NWSA. When the Commission hired Eric Johnson as the Executive Director, one of his first tasks was to begin work on a strategic plan that focused on the non-marine cargo businesses in which the Port can statutorily engage. Maul, Foster & Alongi is the consulting firm helping the POT on this project. Public engagement is essential to the success of this planning process and the POT will be reaching out to ask for feedback at key milestones. Although the process is expected to go into 2021 Q1, it is important to provide feedback early so that it can be incorporated into the Commission’s discussions on goals and initiatives. Mr. McCarthy outlined ways for the public to engage in the strategic plan, including emailing at strategicplan@portoftacoma.com. Board Members made positive remarks about the partnership between POT and TPU and further collaborating for the benefit of the public served by both entities.

Recognition
Sonja Bert, Community Relations Officer, reported that TPU has received the MarCom Award from the Association of Marketing and Communication Professionals. Ms. Bert then outlined each of the recognized publications, which include UBits, Energy Conservation Rebate postcard, Water Quality Report, U*-Utilities & You, and Sustainability Logo.

Comments by the Public
Board Member Patterson moved to suspend the rules of Public Utility Board Government Process Eight (GP8) to allow all public comment for all topics, whether on or off the agenda, at one time; seconded by Board Member Cooley. Voice vote was taken and carried.

Kit Burns made public comments offering congratulations on the MarCom awards and in support of maintaining, not replacing, the current TPU customer portal.

Regular Agenda

E-1 Resolution U-11217– Award contracts and approve purchases:
1. Award five-year contract to Milestone Utility Services, Inc., for customer engagement portal technology implementation and services ($4,931,830, plus applicable taxes) [Treena Colby, Program Development Manager];
2. Award three-year contract to Cleaveland/Price, Inc., for the purchase of 115kV unitized transmission switches ($460,210, plus applicable taxes. Includes option to renew for two one-year periods for a projected contract of $814,439.13) [Joe Parris, T&D Contract Program Manager];
3. Award contract to Polydyne, Inc., for water treatment polymer chemicals ($154,740, plus applicable taxes. Includes option to renew for four additional one-year periods for a projected contract amount of $773,700, plus applicable taxes) [Kim DeFolo, Principal Engineer].

Mr. Patterson moved to adopt the resolution; seconded by Ms. Cooley.
In response to a Board request on item number one, Treena Collby, Development Manager, outlined the functionality that will be provided in addition to MyAccount; detailed usage analysis is the number one ask from customers. In response to a Board inquiry, Ms. Colby clarified that this project is related to AMI, but it is a distinct program; $250,000 is in the AMI budget to help with usage data display, but everything is outside the AMI project.

Voice vote was taken and carried. The resolution was adopted.

E-2 Resolution U-11218 – Approve and adopt TPU’s state and federal legislative policies [Clark Mather, Community and Government Relations Manager].

Mr. Patterson moved to adopt the resolution; seconded by Ms. Cooley.

Clark Mather, Community and Government Relations Manager, summarized the resolution. TPU’s legislative policies are generally updated and approved by the Public Utility Board on an annual basis. TPU’s legislative policies were last approved by the Public Utility Board via Resolution U-11125 on December 4, 2019.

Discussion ensued with the Board amending Exhibit A to the Resolution as follows: Tacoma Power / Comprehensive Section / page two / bullet three / line five: adds ‘and heating/building’ after the word ‘transportation’.

Voice vote was taken and carried. The resolution was adopted with Exhibit A amendment.

E-3 Resolution U-11219 – Approve and adopt TPU’s state and federal legislative agenda. [Clark Mather, Community and Government Relations Manager].

Mr. Patterson moved to adopt the resolution; seconded by Ms. Cooley.

Clark Mather, Community and Government Relations Manager, summarized the resolution. TPU’s legislative agenda includes some of the proactive policy objectives, consistent with TPU’s legislative policies, that TPU staff will advocate for at the state and federal levels. TPU’s legislative agenda was last approved by the Public Utility Board via Resolution U-11126 on December 4, 2019. Following PUB approval, TPU’s legislative agenda will be presented to the Tacoma Mayor and City Council for approval as part of the City’s Legislative Agenda before the end of the 2020 calendar year.

Voice vote was taken and carried. The resolution was adopted.

E-4 Resolution U-11220 – Authorize adoption of a letter of agreement as negotiated with the International Brotherhood of Electrical Workers, Local 483, Water Division Unit, regarding the voluntary recognition of a classification to be titled Water Systems Operations Supervisor [Dylan Carlson, Senior Labor Relations Manager].

Mr. Patterson moved to adopt the resolution; seconded by Ms. Cooley.
Dylan Carlson, Senior Labor Relations Manager, summarized the resolution. This resolution will authorize execution of a letter of agreement for the purpose of collective bargaining, and established rate of pay for the classification. This classification will be designated as hourly and eligible for overtime pay.

Voice vote was taken and carried. The resolution was adopted.

E-5 Resolution U-11221 – Adopt proposed revisions to TMC Chapters 12.01 and 12.06 to support implementation of the Advanced Metering Infrastructure Project and include the addition of an opt-out fee and associated fee discount, language specifying that PrePay customers will receive statements instead of invoices, and language specifying that remote meter disconnections, connections, and reconnections will not be charged a fee [Matt Hubbard, Power Engineer].

Mr. Patterson moved to adopt the resolution; seconded by Ms. Cooley.

Matt Hubbard, Power Engineer, summarized the resolution. TPU plans to deploy Advanced Metering Infrastructure (AMI) across its entire water and electric service territories, replacing or upgrading all non-communicating power and water meters with advanced two-way communicating technology. TPU has reviewed existing utility policies, procedures, and practices for essential changes required for implementation. Proposed revisions to the Tacoma Municipal Code, Title 12-Utilities include changes to Chapters 12.01 and 12.06 as follows: 12.01.010 B: The word “Fees” is added to the section title, to clarify this section includes both adjustments and fees. Language is added for the recommended $15.00 AMI Opt-Out service fee, to be charged each billing cycle for opt-out customers (e.g. monthly). Specification is added regarding a fee discount percentage and that low-income senior and/or disabled Discount Rate Program customers are eligible to receive that program’s discount on the fee. The fee is based on TPU’s costs to provide opt-out service and shall be effective January 1, 2021. Opt-Out of Advanced Metering Infrastructure is a voluntary option for customers; 12.01.010 B and C: Language is added specifying there will not be a disconnection, connection, or reconnection fee charged to the customer if the action may ordinarily be performed remotely. Remote meter disconnection and reconnection is a benefit enabled by AMI. Historically, TPU did not charge remote meter disconnection and reconnection fees for PayGo and the utility recommends to continue this practice for PrePay going forward. Expanding this to all meters with remote capability provides consistency and is also cost of service based, with new automated processes minimizing/eliminating manual office procedures and field visits. The primary benefit is to residential electric customers, with a small percentage of water meters also having remote disconnection/reconnection capability; 12.06.110 A: Language is added to clarify that PrePay customers will receive a statement, not an invoice, and that a PrePay statement itemizes activity during the previous billing period and does not have a due date. This aligns to the TPU Customer Services Policy regarding PrePay statements (section 4.2.2).

Board Members made positive remarks about this resolution.

Voice vote was taken and carried. The resolution was adopted.

E-6 - Resolution U-11222 – Declare surplus and authorize the negotiated sale of approximately 43 acres of Tacoma Water property identified as tax parcel No.
Mr. Patterson moved to adopt the resolution; seconded by Ms. Cooley.

Greg Muller, Real Estate Officer, summarized the resolution. Board Member Cooley moved to table Resolution U-11222 until staff are able to assess the possibility of a conservation mechanism such as covenant or easement to preserve the recreational and ecological value of the land to the surrounding community; seconded by Mr. Bushnell.

Voice vote to table the resolution taken and carried.

E-7 Resolution U-11223 – Authorize execution of a wholesale water supply agreement between the City of Fife and Tacoma Water [Marc Powell, Management Analyst].

Mr. Patterson moved to adopt the resolution; seconded by Ms. Cooley. Marc Powell, Management Analyst, summarized the resolution. Tacoma Water provides wholesale water service to 15 neighboring water utilities throughout south Puget Sound. In 2019, Tacoma water sold approximately 2.3 MGD of wholesale water to these utilities for approximately $2.7 million in revenue. Fife is Tacoma’s largest wholesale customer and has been purchasing water from Tacoma for 13 years. Fife has paid Tacoma $2.1 million in System Development Charges which provides them with access to an average of 1.47 MGD with a peak allowance of 2.9 MGD. Fife is expected to purchase approximately $1.2 million worth of wholesale water from Tacoma Water annually. The proposed agreement will clarify the rights and obligations related to Tacoma Water providing wholesale water service to Fife through an updated agreement that is similar to agreements Tacoma has with other large utilities. Fife will be charged for water usage in accordance with current rates as listed in TMC 12.10.400.

Voice vote was taken and carried. The resolution was adopted.

F. Reports of the Director

Covid-19 Update
Director Flowers reported that there are no changes, since the last report, in TPU’s operating response. Continuity staff is reporting to sites and the bulk of office staff is still in telework status; work from home has been extended through June 2021. TPU continues to ensure safety rigor and monitor the Governor’s phased approach. Director Flowers then reviewed the current emergency assistance program and CARES business assistance statistics.

Written Reports
Director Flowers mentioned that the quarterly financial outlook, budget performance report and performance metrics, and energy risk management report are in written form only and provided to the Board and posted on the website in advance of the meeting.

Tacoma Water Special Project Designation/Outreach Program
Jennifer Airey, Assistant Water Division Manager, provided an overview of the Community Outreach Workforce Planning Project. This project is directly linked to Water’s workforce development strategic initiative as a component of the pre-apprenticeship program. It provides an opportunity to enter the talent pipeline and gain
hands-on experience while earning a living wage. The goal and ultimate measure of combined success is gaining permanent employment status. Clifford Armstrong, Neighborhood and Community Services Program Manager, summarized the outreach purpose, components, partnerships, and timeline. Seth Doull, Assistant Water Division Manager, outlined the water utility worker position and benefits of a project position. These benefits include gaining real-life career experience, strengthening resumes, and learning skills to prepare for civil service testing. James Southern, Safety Coordinator, shared his experience with this program; he was hired permanently in 2004. Ms. Airey highlighted other employees who were successful in this program. A resolution requesting continuing and funding for this program for three water utility worker positions will come before the Board at a future meeting.

G. Comments by the Board
Chair Flinted commented that a Board workshop was scheduled for December 1 to discuss the content of the Director’s evaluation and work plan. Instead, the Mayor has called for a joint study session that day to discuss legislative priorities. The Director’s work plan will now be part of the Board meeting scheduled for December 9 under Reports of the Director. The timing and process for the Director’s evaluation will be discussed at that time.

Board Member Cooley expressed appreciation for the tabling of Resolution U-11222 and asked that in the future, detailed information about the surplus property be provided to the Board prior to seeking consideration.

H. Adjournment
There being no further business or comments, the Public Utility Board meeting was adjourned at 5:56 pm until December 9, 2020 at 3:00 p.m.

Approved:

Bryan Flint, Chair                                          Christine Cooley, Secretary
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

October 27, 2020
12:00 PM

Call to Order

Mayor Woodards called the study session to order at 12:03 p.m.

Roll Call

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

Briefing Items

2.  **20-0755**  Access Budget Workshop

This Item was discussed before Item No. 1.

At approximately 12:04 p.m., City Manager Elizabeth Pauli made opening remarks and introduced Katie Johnston, Budget Officer, Finance. Ms. Johnston introduced Jacques Colon, Tacoma 2025 Strategic Planning Manager, Media and Communications Office, and Reid Bennion, Lead Budget Analyst, Finance. Together, they presented the 2021-2022 budget related to access, including an agenda, priority area overview, the outreach summary, the City's role in advancing access and removing barriers, the operating program expense and funding, and general government capital budget overview for funding and expense.

Kurtis Kingsolver, Director, Public Works, presented on access related to public works, maintaining essential services, the Streets Initiative, Initiative 976, parking, Foss Waterway management, and other major projects.

Kate Larsen, Director, Tacoma Public Library, presented on access related to the Tacoma Public Library; and library changes in 2021-2022, noting reductions, impact, and possible alternatives contingent on union negotiations.
Kim Bedier, Director, Tacoma Venues and Events, presented on access related to Tacoma Venues and Events, noting venues, the Office of Arts and Cultural Vitality, and Travel Tacoma/Mt. Rainier; Tacoma venues; removing barriers to access to venues; arts and cultural services; Tacoma Creates; and destination sales and promotion.

At approximately 1:15 p.m., Ms. Johnston made opening remarks regarding the City's partnership with Metro Parks Tacoma (MPT) and introduced Pete Mayer, Deputy Executive Director, MPT. Mr. Mayer presented the MPT 2021-2022 Biennial Budget, entitled "Your Parks, Your Voice", including background on MPT; the relationship between the City and MPT; and funding, noting revenue sources and expenses. Marina Becker, Parks and Recreation Director, MPT, presented 2021-2022 City funding, noting maintaining essential services and changes in 2021-2022. Debbie Terwilleger, Planning Director, MPT, presented outreach and engagement, including budget process and engagement, collaboration between the City and MPT, capital improvements and planning, property transfers, and the Foss Waterway Development Authority property transfer critical path. Mr. Mayer presented on shared and re-aligned services.

Discussion ensued regarding library funding, library fine policies and collection, the process for speed bump and traffic circle installation, coordination between agencies to improve access to parks, funds saved by employee furloughs between May and July 2020, virtual access to library services, street maintenance and repaving goals, Initiative 976 funds, funding sources for MPT, funding cuts for MPT versus other departments, the Eastside Microlibrary, funding for traffic calming measures, hours and staffing levels in City libraries, why the Hilltop Microlibrary was never set up, alternative funding sources for libraries, the Tacoma Rail Mountain Division and funding, and Coronavirus Aid, Relief, and Economic Security Act funding for City venues.

Ms. Johnston gave an overview on the previous virtual Budget Town Hall, including participant statistics and main service area concerns of attendees.

Tory Green, Chief, Tacoma Fire Department, presented a follow-up on the Fire Department 2021-2022 budget, including key information, retaining engines on overtime, response impacts, and redeployed engine selection considerations.

Discussion ensued regarding impacts, minimum staffing and shifts, and next steps.
1. **20-0754** Pierce County Letter Discussion- Environmental Impact Study Relating to Community Plan Updates

At approximately 3:14 p.m., Mayor Woodards introduced Peter Huffman, Director, Planning and Development Services. Mr. Huffman presented a letter written to the Pierce County Council regarding the County's Centers and Corridors Community Plan updates, including areas to be opened, the Environmental Impact Statement, and issues the City wishes the Pierce County Council to address before the City gives full support.

MOTION: Council Member Ushka moved to have the full City Council sign on to the letter to the Pierce County Council.

SECONDED BY: Council Member Hunter.

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

3. **20-0756** Systems Transformation

At approximately 3:20 p.m., City Manager Pauli presented the systems transformation update, including new items, community feedback for police chief recruitment, community feedback to 21CP Solutions, the systems transformation update table, the next steps timeline, and the draft 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. **20-0764** Weekly Report to the Mayor and City Council, October 22, 2020

City Manager Pauli stated there is one ceremonial on tonight’s agenda, a recognition for the call takers of South Sound 911. She further stated there are no expected changes to tonight's agenda, and concluded by reminding the Council there will be a Transportation Benefit District Governing Board meeting after the Council meeting, and the Virtual Forum after that.
Executive Session - Pending and Potential Litigation

MOTION: Council Member Blocker moved to convene to Executive Session pursuant to RCW 42.30.110(1)(i) and RCW 42.30.110(1)(ii) to discuss pending and 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 3:52 p.m.
City Attorney Bill Fosbre was present.

The Executive Session concluded, and the study session reconvened at 4:22 p.m.

Adjournment

On proper motion, the study session was adjourned at 4:28 p.m.

_______________________________
Victoria R. Woodards, Mayor

_______________________________
Doris Sorum, City Clerk
Call to Order

Mayor Woodards called the study session to order at 12:01 p.m.

Roll Call

Present: 6 - Beale, Hines, McCarthy, Ushka, Walker and Mayor Woodards
Absent: 3 - Blocker, Hunter and Thoms

Deputy Mayor Blocker and Council Member Hunter arrived at 12:02 p.m.

Council Member Thoms arrived at 12:33 p.m.

All Council Members participated virtually.

Briefing Items

1. **20-0788** Livable Wage Jobs

At approximately 12:02 p.m., City Manager Elizabeth Pauli made opening remarks and introduced Katie Johnston, Budget Officer, Finance, and Jacques Colon, Tacoma 2025 Strategic Manager, Media and Communications Office (MCO). Together, they presented the 2021-2022 budget update with regards to livable wage jobs, including an agenda and overview of the priority area to increase the number of Tacoma households that have livable wage jobs within proximity to the City.

Reid Bennion, Lead Budget Analyst, Finance presented the outreach summary.

Ms. Johnston presented the City's role in advancing livable wage jobs, program overview, and funding overview.

Jeff Robinson, Director, Community and Economic Development, presented major actions in 2021-2022; direct business support, noting equity in contracting, training and technical assistance, business financial assistance, the COVID Stabilization Loan fund, the COVID Resiliency Grants, and
examples of business supported; focused business retention and expansion (BRE), noting the reduction of one full-time Business Development Manager, strengthening partnerships on core and essential BRE efforts, focusing BRE efforts with Black, Indigenous, people of color, and women-owned businesses in key sectors, 2019-2020 accomplishments, and growth and expansion potential by sector; regional and local partnerships; business recruitment, noting recruitment focused on specific sectors, developing customized recruitment proposals, working with private property owners and brokers, and the Maritime Blue Incubator; and workforce development, noting training programs, external contracts, and historical partners and performance.

Council Member Thoms arrived here, at 12:33 p.m.

Mr. Robinson continued with a review of the local business climate.

Cheryl Bidleman, Assistant Director, Human Resources, presented on workforce development with the City as the employer.

Discussion ensued regarding barriers to livable wage jobs, creating programs to help adults without a high school diploma, tracking race demographics of business owners, defining “livable wage”, resources for business assistance, bringing new businesses to Tacoma, and the livable wage in Tacoma versus other areas in the region.

2. **20-0789** Belief and Trust

At approximately 1:08 p.m., City Manager Pauli made opening remarks on the 2021-2022 budget regarding belief and trust. Mr. Colon presented the priority area overview related to increasing 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.

Mr. Bennion presented the outreach summary, noting the community survey and summer outreach.

Ms. Johnston presented the City role in belief and trust; the Citywide effort; transformation efforts, noting community systems-wide transformation, policing transformation, and organizational transformation; and program expense and funding for 2021-2022.

Tanisha Jumper, Director, MCO, presented on the MCO budget, including media and communications; community engagement; strategic alignment, noting Tacoma 2025 and beyond; and providing timely and reliable
Nick Bayard, Assistant Chief Equity Officer, Office of Equity and Human Rights (OEHR), presented on the City's anti-racist transformation efforts.

Mike Ake, Assistant Chief, Tacoma Police Department, presented on anti-racist transformation efforts related to police transformation and community engagement.

Linda Stewart, Director, Neighborhood and Community Services (NCS), presented on efforts to increase and diversify community voice, noting the Community Mobilization funding and Neighborhood Councils.

La'Toya Mason, Customer Support Service Center Manager, City Manager's Office, presented on actively responding to resident concerns, noting changes due to COVID-19, TacomaFIRST 311 service, and community engagement in 2021-2022.

Discussion ensued regarding the multilingual newsletter; increasing community outreach; virtual Neighborhood Council meetings; the effectiveness of Neighborhood Councils; the makeup of OEHR, NCS, and MCO, and comparing that to the budget for each office; salaries for proposed full-time positions and funding sources; funding for the Neighborhood Councils; social media and community communication; and public disclosure rules for organizations and groups within the City.

3. **20-0790** Systems Transformation

At approximately 2:38 p.m., City Manager Pauli presented the systems transformation update, including new items, community feedback to 21CP Solutions, the systems transformation update table, next steps timeline, and draft transformation timeline.

Discussion ensued regarding opportunities for community and Council engagement with the police chief search and the virtual town hall meeting.

**Other Items of Interest**

Deputy Mayor Blocker stated he is working on a resolution addressing further racial inequities in police interactions with Black community members by de-prioritizing certain traffic violations.

Discussion ensued regarding racial equity in police stops, non-motorized stops, similar resolutions other cities have passed and results, restricting the
police, possible conflicts with programs such as Vision Zero, utilizing solutions without inherent biases such as speed cameras, the resolution's intent, and data from policing in Tacoma.

Committee Reports

There were no committee reports given.

Agenda Review and City Manager's Weekly Report

4. **20-0791** Weekly Report to the Mayor and City Council, October 29, 2020

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

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

Adjournment

On proper motion, the study session was adjourned at 3:18 p.m.

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

_______________________________
Victoria R. Woodards, Mayor

_______________________________
Doris Sorum, City Clerk
Call to Order

Mayor Woodards called the study session to order at 12:05 p.m.

Roll Call

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

All Council Members participated virtually.

Briefing Items

1. 20-0819 Proposed Budget Updates 2021-2022

At approximately 12:06 p.m., City Manager Elizabeth Pauli provided opening remarks and introduced Katie Johnston, Budget Officer, Finance. Ms. Johnston presented the proposed budget updates for 2021-2022, including the agenda and the legislative calendar.

City Attorney Bill Fosbre reviewed the difference between fees and taxes.

Ms. Johnston presented the fee schedule; body camera fees; fire fees and transport fees; special events fees; cable franchise fees, noting the current state and the 2021-2022 proposed budget; Washington Initiative 976 updates, noting street operations adjustments and Real Estate Excise Tax adjustments; and general fund amendments.

Tory Green, Chief, Tacoma Fire Department, presented basic life support (BLS) implementation, noting staffing, timing, costs, and revenues; delayed or staggered implementation of BLS, noting relevant dates in 2021 and changes from the current proposal; a comparison of the implementation options; and additional implementation alternatives.

Discussion ensued regarding implementation options, budget cuts, selecting which fire engines would be cut, effects on level of service and response time, possible risks to fire fighters, impact on and factors of the City's fire
service rating, Emergency Medical Services (EMS) reserve levels and usage, service coverage, determining whether an emergency call requires advanced or basic life support and the difference between vehicles and personnel sent to each call, training capabilities, using General Fund reserves to cover expenses, using money from the General Fund versus money from the EMS fund, and impacts to the General Fund if no fire engines were cut.

2. **20-0820** Home In Tacoma Project Update

At approximately 2:01 p.m., Jacques Colon, Tacoma 2025 Manager, Media and Communications Office, presented the Home in Tacoma Project update, including a definition of the project related to affordable housing, noting objectives, goals, and actions; and an agenda.

Brian Boudet, Division Manager, Planning and Development Services (PDS), presented what the housing need is; Tacoma housing prices over the past five years; the shortage of affordable rental units; the challenges of homeownership; areas of high opportunity versus home values by area; housing actions to meet multiple goals; and policy direction for the goal of housing supply, affordability, and choice.

Elliot Barnett, Senior Planner, PDS, presented the Home in Tacoma Project actions, noting diversifying housing types, improving affordability tools, and key considerations; engagement and analysis; next steps; diverse housing types; what missing middle housing can look like; design features that are critical for infill; potential impacts of infill; affordable housing incentives; and topics for further discussion.

Discussion ensued regarding housing costs versus wages, public engagement, zoning, clarity in community outreach, public health, access to public transportation, urban gardening, wealth and race gaps in housing, design feature standards, housing density, requirements for infill development, off-street parking, lot sizes, affordability and wealth building, code enforcement, scale and functionality of existing neighborhoods, addressing impacts and stressors of growth and density, which policies are increasing housing availability in the City, detached accessory dwelling units and the housing they created, working with developers, and increasing density across the City and not just in certain neighborhoods.

3. **20-0821** Systems Transformation

At approximately 3:29 p.m., City Manager Elizabeth Pauli presented the systems transformation update, including new items, ways for the community to participate in the Chief of Police recruitment, community feedback to
21CP Solutions, 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. **20-0822** Weekly Report to the Mayor and City Council, November 5, 2020

City Manager Pauli stated there are two ceremonials on tonight's agenda, one proclaiming Wednesday, November 11, 2020, as Veterans Day, and one proclaiming November 2020 as Native American Heritage Month. She further stated there are no expected changes to tonight's agenda.

Adjournment

On proper motion, the study session was adjourned at 3:33 p.m.

_______________________________
Victoria R. Woodards, Mayor

_______________________________
Doris Sorum, City Clerk
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Call to Order

Mayor Woodards called the study session to order at 12:03 p.m.

Roll Call

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

Council Member Thoms arrived at 12:25 p.m.

All Council Members participated virtually.

Briefing Items

1a.  **20-0899** Guaranteed Income Pilot Project.

Mayor Woodards recused herself from the presentation and discussion to avoid the appearance of a potential conflict of interest, due to her membership in Mayors for a Guaranteed Income (MGI).

At approximately 12:05 p.m., Dona Ponepinto, President and CEO, United Way of Pierce County, provided information on a proposed guaranteed income pilot project in Tacoma, including background; partners who are working on the project; a definition of guaranteed income; the focus on asset-limited, income constrained, and employed families; data about how funds are used; COVID-19 impacts; a goal to identify private funding; startup funding available from MGI; and next steps.

Discussion ensued regarding upcoming legislation to accept startup funds; the public-private partnership; other cities working on similar programs; a request for more information; Council support of efforts to end poverty; scope of the pilot project; and potential funding sources.

Mayor Woodards rejoined the study session, and spoke about programs in other cities and the funds available from MGI.
1. Proposed Budget Updates 2021-2022

At approximately 12:20 p.m., City Manager Elizabeth Pauli provided opening remarks on the budget, including impacts of COVID-19, and introduced Andy Cherullo, Director, Finance, and Katie Johnston, Budget Officer, Finance.

Ms. Johnston presented the 2021-2022 proposed budget updates, including historic impacts on the City’s financial sustainability; and strategies to close the $40 million budget gap, including one-time and ongoing impacts, and projection of a $19 million budget gap in 2023-2024.

Council Member Thoms arrived here, at 12:25 p.m.

Mr. Cherullo reviewed factors leading to continued economic uncertainty, noting COVID-19 health emergencies, impacts of shutdowns, local employment, resetting the economy, and disparate impacts on women and low wage earners; and risk related to use of reserve funds.

The study session recessed at 12:45 p.m.

The study session reconvened at 12:55 p.m.

Ms. Johnston concluded by reviewing a summary of amendments based on City Council feedback, an option to revise the Tacoma Fire Department budget proposal for staggered Basic Life Support (BLS) implementation and adding one fire engine, and impacts on the projected budget gap in 2023-2024.

Discussion ensued regarding the City’s reserve policy; economic conditions; looking for additional one-time and ongoing revenue sources, such as the fire cost recovery program through Washington State Senate Bill 6078; using reserve funds; staff reductions through layoffs and internal placements; frontline and essential staff versus non-essential staff; phasing in the BLS program; reviewing programs for additional reductions; public perceptions; budget enhancements; fire staff reductions versus service changes; reserve fund use in the previous recession; equity in financial and health services; high levels of uncertainty; other potential budget impacts; impact of fire equipment and staffing changes; and timing of potential budget amendments.

The study session recessed at 2:32 p.m.

The study session reconvened at 2:47 p.m.
At approximately 2:47 p.m., Tammy Liddle Lobban, Senior Management and Budget Analyst, Finance, reviewed budget development outreach efforts, including themes from feedback in late 2019 and summer 2020; results from the October 21, 2020, Town Hall event, noting poll responses on areas of concern, and topics of interest from comments, questions, and responses about engagement; public hearing topics of interest; and feedback and demographics from the Balancing Act tool.

2. **20-0856**  
Foss Waterway Development Authority Transition Update

At approximately 2:57 p.m., Steve Victor, Deputy City Attorney; Jennifer Hines, Assistant Division Manager, Public Works; and Pat Beard, Business Development Manager, Community and Economic Development, presented the Foss Waterway Development Authority (FWDA) transition, including an overview, background, legal considerations, transfer of real estate assets, parcels to be transferred to Metro Parks Tacoma, updates on redevelopment, and next steps.

Discussion ensued regarding past budget allocations, expected revenues and expenses, loan forgiveness, cost to maintain FWDA properties, potential property sales and development, staffing, and future opportunities.

3. **20-0857**  
Systems Transformation

At approximately 3:14 p.m., City Manager Pauli provided an update on systems transformation, including new items, a reminder that feedback on the current state analysis of the Tacoma Police Department may be sent by email to voicesoftacoma@21cpsolutions.com, opportunities for community involvement in the Chief of Police recruitment process, the systems transformation update table, 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. 20-0858 Weekly Report to the Mayor and City Council, November 12, 2020

City Manager Pauli stated this evening’s meeting agenda includes one ceremonial, proclaiming November 16-22, 2020, as National Drone Safety Awareness Week, and several amendments to the budget are proposed.

Council Member Ushka stated she plans to bring forward an amendment to Ordinance No. 28701, to amend 2.02.015 to include the text “with input from the Tacoma Permit Advisory Task Force”, to address concerns about administrative authority over projects.

Discussion ensued regarding sponsors on the proposed amendment to Ordinance No. 28701, the proposed budget amendments, and which amendments are expected to be brought forward at tonight’s and next week’s meetings.

Adjournment

On proper motion, the study session was adjourned at 3:25 p.m.

_______________________________
Victoria R. Woodards, Mayor

_______________________________
Doris Sorum, City Clerk
City of Tacoma  
City Council Minutes  
Dial: 253-215-8782  Meeting ID: 848 3423 3126  
Webinar Link: www.zoom.us/j/84834233126  Passcode: 349099  
November 03, 2020  
5:00 PM  

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 Walker 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 Walker.

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  
5. **20-0776** Minutes of the Mayor’s Youth Commission of Tacoma special meeting, September 30, 2020.


8. **20-0784** Minutes of the Public Utility Board special meeting, October 14, 2020.

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**CONSENT AGENDA**

9. **20-0773** Minutes of the City Council meeting, September 15, 2020.

10. **20-0774** Minutes of the City Council special meeting, September 21, 2020.


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**FINAL READING OF ORDINANCES**

12. **ORD28654** An ordinance vacating a remnant portion of East 51st Street unopened, unimproved right-of-way, to facilitate access within a new residential subdivision.  
(Northwest Vintage Homes, LLC; File No. 124.1402) 
[Jeff H. Capell, Hearing Examiner]

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**FIRST READING OF ORDINANCES**

13. **ORD28697** An ordinance reclassifying approximately 28.4 acres of real property by adding a Planned Residential Development (“PRD”) Overlay District onto the existing “R-2” Single-Family Dwelling District to enable a PRD of 73 single-family residences concentrated on the southeasterly portion of the site located in the South End neighborhood of Tacoma at 7432 East “D” Street.  
(Green Harbor Communities, Inc.; File No. LU19-0100) 
[Jeff H. Capell, Hearing Examiner]

14. **ORD28698** An ordinance vacating a portion of the undeveloped north side of South 62nd Street right-of-way, to be incorporated into the adjacent residential parcel to cure an encroachment by a part of the existing residence. 
(Lee Pate; File No. 124.1415) 
[Jeff H. Capell, Hearing Examiner]
MOTION: Deputy Mayor Blocker moved to adopt the Consent Agenda, including final reading of Ordinance No. 28654 and first reading of Ordinance Nos. 28697 and 28698.

SECONDED BY: Council Member Thoms.

MOTION: Deputy Mayor Blocker moved to accept the Findings, Conclusions, and Recommendations of the Hearing Examiner for Ordinance Nos. 28697 and 28698.

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

ACTION: Voice vote was taken and carried to adopt the Consent Agenda, including final reading of Ordinance No. 28654 and setting Ordinance Nos. 28697 and 28698 over to a date to be determined. The Consent Agenda was declared adopted.

Ayes: 9 - 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 5:05 p.m.

The City Clerk’s Office received no written comments for Public Comment.

No individuals addressed the City Council.

Public Comment ended at 5:07 p.m.
REGULAR AGENDA

15. **20-0785** A motion may be considered to authorize the City’s full and final settlement of all claims against the City in the matter of Adrian Ciobanu v. City of Tacoma, Brad Jangard, Pierce County Superior Court Cause No. 20-2-04097-1, relating to a motor vehicle accident, upon payment by the City in the amount of $69,800.

   **MOTION:** Deputy Mayor Blocker moved to authorize the City’s full and final settlement of all claims against the City in the matter of Adrian Ciobanu v. City of Tacoma, Brad Jangard, Pierce County Superior Court Cause No. 20-2-04097-1, relating to a motor vehicle accident, upon payment by the City in the amount of $69,800.

   **SECONDED BY:** Council Member Thoms.

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

APPOINTMENTS

16. **RES40680** A resolution appointing and reassigning individuals to the City Events and Recognitions Committee.

   [Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

   **MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40680.

   **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

UNFINISHED BUSINESS

There was no unfinished business.
REPORTS BY THE CITY MANAGER

There was no report.

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 at the October 20, 2020, meeting, the Committee received presentations on the Tacoma Public Utilities (TPU) economic development plan and the Planning and Development Services fee schedule updates; and at today's meeting, the Committee conducted interviews for the Board of Ethics and received presentations on the proposed Office of Management and Budget fee schedule changes and TPU rate plans. She concluded by stating the next meeting will be held on November 17, 2020, at 10:00 a.m. through Zoom, and will include interviews for the Audit Advisory Board.

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ADJOURNMENT

Council Member Ushka reminded everyone to wear their mask, and stated that the Tacoma-Pierce County Health Department is hosting several free mobile clinics for COVID-19 testing and flu shots.

Mayor Woodards reminded everyone to get their flu shot; encouraged residents to vote in the 2020 General Election; provided information on how to vote; and spoke about election results, the public process, and community strength.

On proper motion, the meeting was adjourned at 5:15 p.m.

_______________________________
Victoria R. Woodards, Mayor

_______________________________
Doris Sorum, City Clerk
City of Tacoma  
City Council Minutes  
Dial: 253-215-8782  
Meeting ID: 848 3423 3126  
Webinar Link: www.zoom.us/j/84834233126  
Passcode: 349099  
November 10, 2020  
5:00 PM

CALL TO ORDER

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

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

1. 20-0810 Minutes of the Infrastructure, Planning, and Sustainability Committee special meeting, August 26, 2020.

2. 20-0780 Minutes of the Landmarks Preservation Commission, August 26, 2020.


5. 20-0777 Minutes of the Planning Commission, August 19, 2020.


8. **20-0798** Minutes of the Tacoma Public Library Board of Trustees, September 16, 2020.

9. **20-0799** Minutes of the Tacoma Public Library Board of Trustees study session, September 30, 2020.

**CONSENT AGENDA**

10. **20-0801** Minutes of the City Council study session, August 18, 2020.


14. **20-0828** Minutes of the City Council meeting, October 6, 2020.

**RESOLUTIONS**

15. **RES40681** A resolution setting Tuesday, November 24, 2020, 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 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]

**FINAL READING OF ORDINANCES**

16. **ORD28686** An ordinance vacating a portion of South 4th Street, lying between Broadway and Court C, to facilitate development of an affordable family housing project. (YWCA Home at Last LLC; File No. 124.1399)
   [Jeff H. Capell, Hearing Examiner]
17. **ORD28697**  
An ordinance reclassifying approximately 28.4 acres of real property by adding a Planned Residential Development ("PRD") Overlay District onto the existing "R-2" Single-Family Dwelling District to enable a PRD of 73 single-family residences concentrated on the southeasterly portion of the site located in the South End neighborhood of Tacoma at 7432 East “D” Street.  
(Green Harbor Communities, Inc.; File No. LU19-0100)  
[Jeff H. Capell, Hearing Examiner]

**MOTION:** Deputy Mayor Blocker moved to adopt the Consent Agenda, including Resolution No. 40681 and final reading of Ordinance Nos. 28686 and 28697.

**SECONDED BY:** Council Member Thoms.

**ACTION:** Voice vote was taken and carried to adopt the Consent Agenda, including Resolution No. 40681 and final reading of Ordinance Nos. 28686 and 28697. The Consent Agenda was declared adopted.

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

**PROCLAMATIONS/RECOGNITIONS/PRESENTATIONS/ANNOUNCEMENTS**

18. **20-0815**  
Proclaiming Wednesday, November 11, 2020, as Veterans Day.

Mayor Woodards proclaimed Wednesday, November 11, 2020, as Veterans Day, and acknowledged and thanked Council Members Thoms and Ushka for their military service.

19. **20-0818**  
Proclaiming November 2020 as Native American Heritage Month.

Mayor Woodards proclaimed November 2020 as Native American Heritage Month, and presented the proclamation to Puyallup Tribal Council Members Anna Bean and Annette Bryan.
PUBLIC COMMENT

Public Comment began at 5:21 p.m.

The City Clerk’s Office received no written comments for Public Comment.

Speaking before the City Council:
1. Devin Rydel Kelly, speaking on Resolution No. 40685.
2. Sally Perkins, speaking on Resolution No. 40685.
4. Marilyn Kimmerling, speaking on Resolution No. 40685.

Public Comment ended at 5:29 p.m.

REGULAR AGENDA

20. 20-0826

A motion may be considered to concur with the October 28, 2020, recommendation of the Public Utility Board to approve a cost-sharing arrangement and resolve issues regarding prior expenditures of the Port of Tacoma, in the amount of $661,263, through a Settlement and Cost Sharing Agreement in substantially the form as set forth in the document on file in the office of the City Clerk.

MOTION: Deputy Mayor Blocker moved to concur with the October 28, 2020, recommendation of the Public Utility Board to approve a cost-sharing arrangement and resolve issues regarding prior expenditures of the Port of Tacoma, in the amount of $661,263, through a Settlement and Cost Sharing Agreement in substantially the form as set forth in the document on file in the office of the City Clerk.

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

21. **RES40682** A resolution appointing Chelsea McElroy to the Board of Ethics. [Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

   **MOTION:** Deputy Mayor Blocker Moved to adopt Resolution No. 40682.

   **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

22. **RES40683** A resolution reappointing individuals to the Planning Commission. [Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

   **MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40683.

   **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
RESOLUTIONS

23. **RES40684** A resolution authorizing the execution of amendments to the South Intermodal Yard Lease Agreement and Operating Agreement with the Port of Tacoma, to allow for the option of a lower lease payment in exchange for extending the Operating Agreement. [Dale King, Rail Superintendent; Jackie Flowers, Director, Tacoma Public Utilities]

**MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40684.

**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

24. **RES40685** A resolution directing the City Manager to further study and implement collection and reporting of data that allows the City to effectively identify and address racial disparities in policing, including broader categories such a traffic stops and public calls for service. [Deputy Mayor Blocker]

**MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40685.

**SECONDED BY:** Council Member Thoms.

**MOTION:** Mayor Woodards moved to amend Resolution No. 40685, to add “by the end of first quarter 2021”.

**SECONDED BY:** Deputy Mayor Blocker.

**ACTION:** Voice vote was taken and carried on the motion to amend Resolution No. 40685. The motion was declared adopted.

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

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

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

25.  ORD28699  An ordinance authorizing Tacoma Rail to update the Rail Rate Policy to include a Volume Incentive Fund.
[Dan McCabe, Rail Chief Information and Financial Officer; Dale King, Rail Superintendent]

ACTION: Ordinance No. 28699 was set over for final reading next week.

[Dan McCabe, Rail Chief Information and Financial Officer; Dale King, Rail Superintendent]

ACTION: Ordinance No. 28700 was set over for final reading next week.

27.  ORD28701  An ordinance amending Title 2 of the Municipal Code, relating to Buildings, to change the name to “Building and Development Code,” to streamline administration for fees and to update language for expanded use, increased flexibility, and other assistance in strategic permit services advancements, and by adding a new Chapter 2.22, entitled “Right-of-Way Development Code,” to provide guidance for permitting construction and maintenance activities with the City right-of-way and other administrative provisions.
[Corey Newton, P.E., Site and Building Manager; Peter Huffman, Director, Planning and Development Services]

ACTION: Ordinance No. 28701 was set over for final reading next week.

PUBLIC HEARINGS AND APPEALS

28.  20-0688  This is the date set for the second public hearing by the City Council on the proposed 2021-2022 Biennial Operating Budget.
[Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

The public hearing began at 6:09 p.m.

The City Clerk’s Office received nine written comments for the public hearing.
Speaking before the City Council:
1. Irene Morrison, Food Not Bombs Tacoma.
4. Julia Mizutani, resident.
5. Megan Capes, resident.
6. Kit Burns, resident.
7. Dee Sonntag, Lawyers Against Systemic Racism.
10. Elle, resident.
11. Nolan Hibbard-Pelly, resident.
12. Les Pogue Jr., resident.
13. Leah Smillie, resident.
14. Danielle Chastaine, resident.
15. Jessica Campbell, Lawyers Against Systemic Racism.
17. Barret Carpenter, resident.
18. Dakota Tominus, resident.
20. Norinda Rosario Yancey, United Way of Pierce County.
21. Lana, resident.
22. Nathan Blackmer, resident.

The public hearing ended at 7:06 p.m.

29. **20-0689**

This is the date set for the second public hearing by the City Council on the proposed 2021-2022 Capital Budget and 2021-2026 Capital Facilities Program.

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

The public hearing began at 7:06 p.m.

No individuals addressed the City Council.

The public hearing ended at 7:07 p.m.

**UNFINISHED BUSINESS**

There was no unfinished business.
COMMUNITY FORUM

Community Forum began at 7:07 p.m.

The City Clerk’s Office received no written comments for Community Forum.

Speaking before the City Council:
1. Naomi Simila-Dickinson, regarding the Tacoma Police Department and Manuel Ellis.
2. Megan Capes, regarding homelessness.
3. Trevor Kagochi, regarding homelessness and policing.
4. Nolan Hibbard-Pelly, regarding Manuel Ellis, Benny Branch, and Said Joaquin; and homelessness.
5. Callista Brown, regarding police reform and Resolution No. 40622.
6. Kit Burns, regarding Tacoma Public Utilities bonds.
7. Alex Rodarmel, regarding students in schools.
8. Les Pogue Jr., regarding response to public comments.
9. Zee, regarding homelessness and requesting a moment of silence.

Community Forum ended at 7:25 p.m.

REPORTS BY THE CITY MANAGER

City Manager Elizabeth Pauli provided information on the Manuel Ellis case and stated that updates are posted on the City's "Police and Deadly Use of Force" webpage and on the City's transformation webpage at cityoftacoma.org/transform.

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 October 14, 2020, meeting, the Committee received presentations on the Building Development Code and community engagement enhancement, and water quality and fish habitat preservation; and at the October 28, 2020, meeting, the Committee conducted interviews for the Planning Commission and received a presentation on the Planning Commission's annual report and work program. He concluded by stating the November 11, 2020, meeting is cancelled and a special meeting will be held on November 18, 2020, at 4:30 p.m., through Zoom, where the Committee will conduct interviews for the Transportation Commission.
Council Member Hunter addressed a Community Forum question about how public feedback impacts City Council decisions.

Council Member Ushka stated that COVID-19 case numbers are increasing in Pierce County, and encouraged everyone to wear masks, wash their hands, minimize social gatherings, and social distance.

Council Member Beale expressed appreciation for public input and the Community Forum, and suggested that broader transformation updates be provided during public meetings.

Council Member Thoms further discussed communication between the public and City Council.

City Manager Pauli stated that residents can receive automatic updates by subscribing on the Use of Force webpage; and provided an update on homeless shelter beds, funding, and a sanctioned encampment location.

Mayor Woodards discussed COVID-19 cases and deaths, and asked everyone to reduce their social circles, skip indoor gatherings, limit time outside the house, social distance, wear masks, and get tested if they feel ill.

**ADJOURNMENT**

On proper motion, the meeting was adjourned at 7:47 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

Deputy Mayor Blocker 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 Deputy Mayor Blocker.

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

1. 20-0849  Minutes of the Community’s Police Advisory Committee, October 12, 2020.


4. 20-0837  Minutes of the Tacoma Arts Commission, October 12, 2020.

5. 20-0851  List of names and informal petition regarding justice for Manuel Ellis and defunding the police.
CONSENT AGENDA

RESOLUTIONS

6. RES40686  A resolution setting Monday, December 14, 2020, at 5:00 p.m., as the date for a hearing by the Hearing Examiner to consider Local Improvement District No. 8667, for placement of permanent street pavement with a structural section, concrete curbs, gutters, surface water mains, and catch basins at the following locations: Ruby Street from Baltimore Street to Shirley Street and Mullen Street from North 46th Street to North 47th Street.
   [Ralph Rodriguez, LID Administrator; Kurtis D. Kingsolver, P.E., Director, Public Works; Michael P. Slevin III, P.E., Director, Environmental Services]

7. RES40687  A resolution setting Monday, December 14, 2020, at 5:00 p.m., as the date for a hearing by the Hearing Examiner to consider Local Improvement District No. 8669, for placement of permanent street pavement with a structural section, concrete curbs, gutters, sidewalks, surface water mains, and catch basins, at Fir Street from North 13th Street to North 15th Street.
   [Ralph Rodriguez, LID Administrator; Kurtis D. Kingsolver, P.E., Director, Public Works; Michael P. Slevin III, P.E., Director, Environmental Services]

8. RES40688  A resolution setting Monday, December 14, 2020, at 5:00 p.m., as the date for a hearing by the Hearing Examiner to consider Local Improvement District No. 8670, for placement of permanent street pavement with a structural section, concrete curbs, gutters, surface water mains, and catch basins, at Ferry Street from South 12th Street to South 14th Street.
   [Ralph Rodriguez, LID Administrator; Kurtis D. Kingsolver, P.E., Director, Public Works; Michael P. Slevin III, P.E., Director, Environmental Services]

MOTION: Deputy Mayor Blocker moved to adopt the Consent Agenda, including Resolution Nos. 40686 through 40688.

SECONDED BY: Council Member Thoms.

ACTION: Voice vote was taken and carried to adopt the Consent Agenda, including Resolution Nos. 40686 through 40688. The Consent Agenda was declared adopted.

Ayes: 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
PROCLAMATIONS/RECOGNITIONS/PRESENTATIONS/ANNOUNCEMENTS

9. **20-0853**

Proclaiming November 16-22, 2020, as National Drone Safety Awareness Week.


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

**MOTION:** Deputy Mayor Blocker moved to suspend the rules to consider Item No. 11, Ordinance No. 28699, at this time.

**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

11. **ORD28699**

An ordinance authorizing Tacoma Rail to update the Rail Rate Policy to include a Volume Incentive Fund.

[Dan McCabe, Rail Chief Information and Financial Officer; Dale King, Rail Superintendent]

**MOTION:** Deputy Mayor Blocker moved to remove Ordinance No. 28699 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
PUBLIC COMMENT

Public Comment began at 5:13 p.m.

The City Clerk’s Office received nine written comments for Public Comment on Ordinance No. 28717, adopting the Capital Facilities Program and Capital Budget; and Ordinance No. 28718, adopting the Biennial Operating Budget.

Speaking before the City Council:
1. Kit Burns, speaking on Ordinance Nos. 28710 and 28711.
2. Megan Capes, speaking on Ordinance No. 28718.
3. Anique Zimmer, speaking on Ordinance No. 28718.
5. Lukas, speaking on Ordinance No. 28718.
6. Devin Rydel Kelly, speaking on Ordinance No. 28718.
7. Barb Shivers, speaking on Ordinance No. 28718.
8. Josh Strong, speaking on Ordinance No. 28718.

Public Comment ended at 5:29 p.m.

REGULAR AGENDA

MOTION: Deputy Mayor Blocker moved to confirm the Mayor’s Emergency Rule No. 4, capping the commission fee to a maximum of 15 percent of the purchase price on delivery or pick-up orders while restaurants are unable to provide unrestricted dine-in service, issued pursuant to the City of Tacoma’s November 15, 2020, Proclamation of Emergency.

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
RESOLUTIONS

10. **RES40689** A resolution stating a finding of substantial need, and authorizing an increase to the 2021 Ad Valorem property tax revenue collection for the General Fund property tax levy and Emergency Medical Services levy to 1 percent, as the implicit price deflator is less than 1 percent.

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

   **MOTION:** Deputy Mayor Blocker moved to adopt Resolution No. 40689.

   **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

11. **ORD28699** An ordinance authorizing Tacoma Rail to update the Rail Rate Policy to include a Volume Incentive Fund.

   [Dan McCabe, Rail Chief Information and Financial Officer; Dale King, Rail Superintendent]

   Ordinance No. 28699 was removed from the agenda earlier in the meeting.

12. **ORD28700** An ordinance authorizing the reissuance of Tacoma Municipal Belt Line 8807 series freight switching tariff, effective January 1, 2021, and a tariff supplement, effective January 1, 2022.

   [Dan McCabe, Rail Chief Information and Financial Officer; Dale King, Rail Superintendent]

   **ACTION:** Roll call vote was taken on Ordinance No. 28700. The Ordinance was declared passed by the following vote:

   **Ayes:** 9 - Beale, Blocker, Hines, Hunter, McCarthy, Thoms, Ushka, Walker and Mayor Woodards
13. **ORD28701**  
An ordinance amending Title 2 of the Municipal Code, relating to Buildings, to change the name to “Building and Development Code,” to streamline administration for fees and to update language for expanded use, increased flexibility, and other assistance in strategic permit services advancements, and by adding a new Chapter 2.22, entitled “Right-of-Way Development Code,” to provide guidance for permitting construction and maintenance activities with the City right-of-way and other administrative provisions.  
[Corey Newton, P.E., Site and Building Manager; Peter Huffman, Director, Planning and Development Services]

**MOTION:** Council Member Ushka moved to amend Ordinance No. 28701, Exhibit “A”, Section 2.02.015, to insert the words “with input from the Tacoma Permit Advisory Task Force or any other City Council-appointed permitting advisory body then in existence,” in the first paragraph after the word “Services”, to read as follows:

"The Director of Planning and Development Services, with input from the Tacoma Permit Advisory Task Force or any other City Council-appointed permitting advisory body then in existence, shall have the authority to develop rules, policies, and administrative procedures for, but not limited to, the following items:"

**SECONDED BY:** Council Member Hunter.

The amendment had substantive changes and public comment was taken.

No individuals addressed the City Council.

**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

**ACTION:** Roll call vote was taken on Ordinance No. 28701, as amended. The Ordinance, as amended, was declared passed by the following vote:

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

14. **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**: Ordinance No. 28702 was set over for final reading next week.

15. **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]

   **ACTION**: Ordinance No. 28703 was set over for final reading next week.

16. **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**: Ordinance No. 28704 was set over for final reading next week.
17. **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:** Ordinance No. 28705 was set over for final reading next week.

18. **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:** Ordinance No. 28706 was set over for final reading next week.

19. **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:** Ordinance No. 28707 was set over for final reading next week.

20. **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:** Ordinance No. 28708 was set over for final reading next week.

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

**ACTION:** Ordinance No. 28709 was set over for final reading next week.

22. **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 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:** Ordinance No. 28710 was set over for final reading next week.

23. **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:** Ordinance No. 28711 was set over for final reading next week.

24. **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:** Ordinance No. 28712 was set over for final reading next week.
25. **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:** Ordinance No. 28713 was set over for final reading next week.

26. **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:** Ordinance No. 28714 was set over for final reading next week.

27. **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:** Ordinance No. 28715 was set over for final reading next week.

28. **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:** Ordinance No. 28716 was set over for final reading next week.

29. **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]

**ACTION:** Ordinance No. 28717 was set over for final reading next week.
30. **ORD28718** An ordinance adopting the 2021-2022 Biennial Operating Budget.  
[Katie Johnston, Budget Officer; Andy Cherullo, Director, Finance]

MOTION: Mayor Woodards moved to amend Exhibit “A” of Ordinance No. 28718, to add $1,000,000 to the General Fund for the purpose of increasing library funding.

SECONDED BY: Deputy Mayor Blocker.

The amendment had substantive changes and public comment was taken.

Speaking before the City Council:
2. Chelsea McElroy.
3. Alexa.
4. Lexi Brewer.
5. Les Pogue, Jr.

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

MOTION: Council Member Ushka moved to amend Exhibit “A” of Amended Ordinance No. 28718, to add $480,000 to the General Fund for the purpose of funding Neighborhood Planning.

SECONDED BY: Deputy Mayor Blocker.

The amendment had substantive changes and public comment was taken.

Speaking before the City Council:
2. Devin Rydel Kelly.
3. Helen Edwards.

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
MOTION: Council Member McCarthy moved to amend Exhibit “A” of Amended Ordinance No. 28718, to add $120,000 to the General Fund for the purpose of funding opioid services, in partnership with Pierce County.

SECONDED BY: Deputy Mayor Blocker.

The amendment had substantive changes and public comment was taken.

Speaking before the City Council:
2. Lukas.

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

MOTION: Council Member Walker moved to amend Exhibit “A” of Amended Ordinance No. 28718, to add $100,000 to the General Fund for the purpose of increasing funding for the Downtown Retail Advocate.

SECONDED BY: Deputy Mayor Blocker.

The amendment had substantive changes and public comment was taken.

No individuals addressed the City Council.

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

ACTION: Amended Ordinance No. 28718, as amended, was set over for final reading next week.

UNFINISHED BUSINESS

There was no unfinished business.
REPORTS BY THE CITY MANAGER

City Manager Elizabeth Pauli stated that the Proposed Budget Book can be found at cityoftacoma.org/budgetdevelopment and updates regarding homeless shelter expenses and revenue sources will be available at cityoftacoma.org/authorizedencampments. She further stated that the City's Rental Assistance Program has served 493 households and applications are still being awarded. She concluded by reminding the City Council and community that homeless stabilization, mental health, and substance use disorder services are available at shelter sites and encampments.

COMMENTS 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 12, 2020, meeting, the Committee conducted interviews for the Tacoma Area Commission on Disabilities, and received an update on the Neighborhood and Community Services provider funding approaches for 2021-2022; and stated the next meeting will be a special meeting held on November 19, 2020, at 3:30 p.m., through Zoom, and will include a presentation on 2021-2022 provider funding approaches, and interviews for the Core Coordinating Team for the Heal the Heart of Tacoma initiative.

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

Council Member Ushka stated that 258 new COVID-19 cases and one new death were reported in Pierce County today, that cases are rising rapidly across the United States, and encouraged everyone to take precautions.

Mayor Woodards addressed Washington State initiatives to combat COVID-19 and their impacts on small businesses, and encouraged everyone to take personal actions to curb the pandemic, including avoiding gatherings with anyone outside of their households, wearing masks, washing hands, and socially distancing.
ADJOURNMENT

On proper motion, the meeting was adjourned at 7:52 p.m.

_______________________________
Victoria R. Woodards, Mayor

_______________________________
Doris Sorum, City Clerk
RESOLUTION NO. 40711

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.

WHEREAS, each year, the City submits an Annual Action Plan ("Plan") to the U.S. Department of Housing and Urban Development ("HUD") to fulfill the requirements associated with receipt of grant funding, in order to ensure that the City receives federal funds to manage its housing, community and economic development, neighborhood improvement, homeless assistance and social service programs, and

WHEREAS the Plan outlines the City’s use of Community Development Block Grant ("CDBG"), HOME Investment Partnership ("HOME"), and Emergency Solutions Grant ("ESG") funds, and

WHEREAS changes to a submitted Plan are sometimes necessary, and depending on the significance of the changes a "substantial amendment" process must be implemented, and

WHEREAS the City has received $1,372,676 in CDBG CARES Act emergency assistance to be made available in response to the circumstances created by the Covid-19 pandemic and as a result, on January 12, 2021, the City Council will receive a request to approve an amendment to the City’s 2019-2020 Plan, which incorporates the spending plan for CDBG funds, and
WHEREAS in accordance with the City’s Citizen Participation Plan, five
business days prior to the public hearing, beginning on December 28, 2020, and
ending on January 4, 2021, the City will publish an ad in The News Tribune
notifying the public of the opportunity to make verbal comments on the proposed
amendment; Now, Therefore,

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

Section 1. That Tuesday, January 5, 2021, upon completion of the
Regular Agenda Items, no earlier than 5:15 p.m., is hereby fixed as the time, and
the City Council Chambers on the First Floor of the Tacoma Municipal Building,
747 Market Street, Tacoma, Washington, unless the Governor's proclamation
limiting in-person meetings is still in effect and then a call in option will be
provided, as the place when and where a public hearing shall be held on the
recommendations of the Community and Economic Development Department for
the City’s proposed amendments to the 2019-2020 Annual Action Plan for
Housing and Community Development projects.
Section 2. That the City Clerk shall give proper notice of the time and place of said hearing.

Adopted ____________________________

Mayor

Attest:

______________________________

City Clerk

Approved as to form:

______________________________

Deputy City Attorney
This page intentionally left blank
TO: Elizabeth Pauli, City Manager
FROM: Jeff Robinson, Director, Community and Economic Development
Felicia Medlen, Housing Division Manager, Community and Economic Development
COPY: City Council and City Clerk
SUBJECT: Resolution to set January 5, 2021 Public Hearing – December 15, 2020
DATE: November 30, 2020

SUMMARY AND PURPOSE:
The Community and Economic Development Department requests that a Public Hearing be set for January 5, 2020 on an amendment to the City of Tacoma’s 2019-2020 Annual Action Plan (AAP).

BACKGROUND:
This Department’s Recommendation is Based On:
The City’s obligation to submit an AAP to the federal Department of Housing and Urban Development (HUD) as required to receive entitlement funding. The AAP outlines the uses of Community Development Block Grant (CDBG) HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds. Periodically, changes to submitted AAPs are necessary. Depending on the significance of the change, the City must implement a “substantial amendment” process.

The City has received $1,372,676 in CDBG CARES Act (CDBG-CV) emergency assistance to be made available in response to the circumstances created by the COVID-19 pandemic. As a result, on January 12, 2021, the City Council will receive a request to approve an amendment to the City of Tacoma’s 2019-2020 (July 1, 2019 – June 30, 2020) AAP, which incorporates the spending plan for CDBG-CV funds.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:
Eligibility criteria for CDBG-CV grant activities are set by HUD. Households and small business owners earning 80% or less of Pierce County’s Area Median Income (AMI) will benefit from the programs funded with this additional grant. All efforts will be made to ensure that historically underrepresented populations are aware of program requirements and benefits.

Five business days prior to the public hearing, beginning on December 28, 2020 and ending on January 4, 2021, the City will publish a legal ad in The News Tribune notifying the public of the opportunity to make verbal comment on the proposed amendment. As a HUD grantee, the City is required to respond to written comments. A summary of public comments and why the comments were accepted or rejected will be attached to the amendment prior to its submission to HUD.

2025 STRATEGIC PRIORITIES:
Equity and Accessibility:
The coronavirus pandemic has created unforeseeable circumstances for the City and its residents to respond to. The intention of CDBG-CV emergency funds is to respond to those circumstances, which we know are disproportionately impacting the city’s most vulnerable populations and small businesses. The City is required to comply with its CPP to implement the proposed amendment to the 2019-20 AAP, which incorporates the spending plan to deploy CDBG-CV emergency funds.
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. Representation at public meetings will reflect the diversity of the Tacoma community.

**Explain how your legislation will affect the selected indicator(s).**
In accordance with the City's Citizen Participation Plan (CPP) for substantial amendments responding to COVID-19 impacts, notice of the proposed change is published in the newspaper five business days prior to implementation. The City Council allows public comment at a regularly scheduled Council meeting before acting on the substantial amendment to an approved Consolidated Plan. This public comment opportunity takes the place of a formal public hearing. A summary of public comments and why the comments were accepted or rejected will be attached to the amendment prior to its submission to HUD.

**ALTERNATIVES:**

<table>
<thead>
<tr>
<th>Alternative(s)</th>
<th>Positive Impact(s)</th>
<th>Negative Impact(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Not hold a public hearing</td>
<td></td>
<td>This alternative would put the City out of compliance with its CPP and cause the City to not implement the proposed amendments.</td>
</tr>
</tbody>
</table>

**EVALUATION AND FOLLOW UP:**
Each program will track the demographic information of households and businesses served. Program outcomes and expenditures will be reported in the city's Consolidated Annual Performance and Evaluation Report.

**STAFF/SPONSOR RECOMMENDATION:**
Staff recommends setting date for the public hearing at the close of a five-day public comment period, as required by the City of Tacoma's CPP.

**FISCAL IMPACT:**
None
City of Tacoma

City Council Action Memorandum

What Funding is being used to support the expense?

Are the expenditures and revenues planned and budgeted in this biennium’s current budget?
Choose an item.
N/A

Are there financial costs or other impacts of not implementing the legislation?
Choose an item.
N/A

Will the legislation have an ongoing/recurring fiscal impact?
Choose an item.
N/A

Will the legislation change the City’s FTE/personnel counts?
Choose an item.
N/A

ATTACHMENTS:
None
A RESOLUTION relating to the vacation of City right-of-way; setting Thursday, January 21, 2021, at 1:30 p.m., as the date and time for a hearing before the City of Tacoma Hearing Examiner on the petition of Chandler Investment I, LLC, to vacate portions of South 37th Street, Union Avenue, and South Tacoma Way, for the business uses at 3505 and 3515 South Tacoma Way.

WHEREAS Chandler Investment I, LLC, having received the consent of the owners of more than two-thirds of the properties abutting those portions to be vacated, has petitioned for the vacation of the following legally described right-of-way area:

Those portions of South 37th Street, Union Avenue, and South Tacoma Way, currently fenced, paved and striped for the business uses of 3505 and 3515 South Tacoma Way;

Now, Therefore,

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

Section 1. That Thursday, January 21, 2021, at 1:30 p.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, unless the Governor's proclamation limiting in-person meetings is still in effect and then a call in option will be provided, as the place when and where said request 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: Portions of South 37th Street, Union Avenue, and South Tacoma Way currently fenced, paved and striped for the business uses of 3505 and 3515 South Tacoma Way.

Petitioner: Chandler Investment I, LLC

File No.: 124.1408
TO: Elizabeth A. Pauli, City Manager
FROM: Ronda Van Allen, Senior Real Estate Specialist, Facilities Management Division
        Kurtis D. Kingsolver, P.E., Public Works Director/City Engineer
COPY: City Council and City Clerk
SUBJECT: Resolution – Setting Public Hearing – December 15, 2020
Street Vacation 124.1408 – Chandler Investment I, LLC
DATE: November 16, 2020

SUMMARY AND PURPOSE:
A resolution setting Thursday, January 21, 2021, at 1:30 p.m., as the date and time for a hearing before the Hearing
Examiner for petitioner’s request to vacate portions of South 37th Street, Union Avenue and South Tacoma Way,
currently fenced, paved and striped for the business uses of 3505 and 3515 South Tacoma Way.

BACKGROUND:
This Department’s Recommendation is Based On: Receipt of a Petition to Vacate public right of way, as filed by
Chandler Investment I, LLC, for continued and expanded business uses.

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: (Mandatory)
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>
</tr>
</thead>
<tbody>
<tr>
<td>1. City 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>
</tr>
</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, at 1:30 p.m.

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>
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<tbody>
<tr>
<td>1. N/A</td>
<td></td>
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</tbody>
</table>

What Funding is being used to support the expense?
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 Vacation, 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
Chandler Investment I, LLC

STREET VACATION NO. 124.1408

Portions of South 37th Street, Union Avenue and South Tacoma Way currently improved as parking

NW 1/4 SEC. 18, T20N, R03E

NOT TO SCALE
Chandler Investment I, LLC

STREET VACATION NO. 124.1408

Portions of South 37th Street, Union Avenue and South Tacoma Way currently improved as parking

NW 1/4 SEC. 18, T20N, R03E

NOT TO SCALE
RESOLUTION NO. 40713

A RESOLUTION relating to solid waste management; authorizing the execution of an amendment to the Interlocal Agreement to Formalize the Partnership Between Pierce County and the City of Tacoma for Solid Waste Programs, to extend the termination date from December 31, 2020, to December 31, 2021.

WHEREAS, in January 2011, pursuant to Resolution No. 38181, the City entered into an interlocal agreement with Pierce County for Solid Waste Programs, to formalize the partnership for purposes of developing and operating under a joint Solid Waste Management Plan (“SWMP”) for the state, and

WHEREAS the agreement expires at the end of this year; however, development of the new 20-year plan is in process and is anticipated to be completed in 2021, and

WHEREAS Pierce County has proposed amending the current agreement to extend the term for one additional year, to allow the SWMP update to be completed, and then a new agreement or amendment to the existing agreement can be developed with a more thorough update, based on the new SWMP, and

WHEREAS development of the new SWMP affects all residents and businesses within the City and Pierce County, and will include engagement with representatives of many stakeholder groups, including the Pierce County Solid Waste Advisory Committee and Sustainable Tacoma Commission, and

WHEREAS development of the new SWMP will incorporate equity considerations, including evaluating the current Solid Waste infrastructure in Pierce County to assess and address barriers to access, and will attempt to align with the City’s Climate Justice Action Plan goals and Pierce County’s Sustainability Plan
goals to reduce greenhouse gas impacts within the Solid Waste system; Now, Therefore,

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

That the proper officers of the City are hereby authorized to enter into the First Amendment to the Interlocal Agreement to Formalize the Partnership Between Pierce County and the City of Tacoma for Solid Waste Programs, to extend the termination date from December 31, 2020, to December 31, 2021, said amendment 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:

________________________
Chief Deputy City Attorney
TO: Elizabeth A. Pauli, City Manager
FROM: Lewis T. Griffith, P.E., Division Manager, Solid Waste Management, Environmental Services
Michael P. Slevin III, P.E., Director, Environmental Services
COPY: City Council and City Clerk
SUBJECT: Request for Resolution: Amendment to Interlocal Agreement 78509/SC-101171 with Pierce County for Solid Waste Programs – December 15, 2020
DATE: November 19, 2020

SUMMARY AND PURPOSE:
A resolution authorizing the execution of an amendment to Interlocal Agreement 78509/SC-101171 with Pierce County for Solid Waste Programs, extending the termination date from December 31, 2020 to December 31, 2021.

BACKGROUND:
This Department’s Recommendation is Based On: The City of Tacoma entered into this agreement with Pierce County in January 2011 to formalize the partnership for the purposes of developing and operating under a joint Solid Waste Management Plan (SWMP) for the State. The agreement expires at the end of this year, however, the development of the new 20-year SWMP is in process and is anticipated to be completed in 2021. Pierce County has proposed amending this agreement to extend the term one year, to allow the plan update to finish, and then a new agreement or amendment can be developed with a more thorough update based on the new SWMP.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:
The development of the joint SWMP affects all residents and businesses within the City of Tacoma and Pierce County. The development process will include engagement with representatives of many stakeholder groups, including the Pierce County Solid Waste Advisory Committee and the Sustainable Tacoma Commission.

2025 STRATEGIC PRIORITIES:
Equity and Accessibility:
Environmental Services seeks City Council approval to extend the term of this agreement with Pierce County to allow for the development of a new SWMP to be completed prior to establishing a new agreement. The development process will include engagement with stakeholders from throughout the county, with a specific aim at engaging with underrepresented communities to solicit feedback. The City and the County are also committed to building equity into the components of the new plan.

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(s).
The development of the new SWMP will incorporate equity considerations, including evaluating the current Solid Waste infrastructure in the county to assess and address barriers to access. The new SWMP plan will also attempt to align with the City of Tacoma’s Climate Justice Action Plan goals and Pierce County’s Sustainability plan goals to reduce greenhouse gas impacts within the Solid Waste system.
ALTERNATIVES:

<table>
<thead>
<tr>
<th>Alternative(s)</th>
<th>Positive Impact(s)</th>
<th>Negative Impact(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Allow agreement to expire</td>
<td>none</td>
<td>City of Tacoma will not have formal authorization to develop the State required SWMP in partnership with the County</td>
</tr>
</tbody>
</table>

EVALUATION AND FOLLOW UP:
The SWMP development is being led by the County with the assistance of a consultant who is facilitating the process. Milestones have been established to complete the new SWMP in the first half of 2021. Staff will provide update to the Council on the new SWMP when it is completed, and develop a new agreement with Pierce County.

STAFF/SPONSOR RECOMMENDATION:
Environmental Services recommends authorizing the execution of an amendment to the Interlocal Agreement with Pierce County to extend the term to end December 31, 2021 to allow for the completion of a new 20-year SWMP.

FISCAL IMPACT:
No cost to the City of Tacoma.

What Funding is being used to support the expense?
N/A

Are the expenditures and revenues planned and budgeted in this biennium's current budget?
N/A

Are there financial costs or other impacts of not implementing the legislation?
Yes
Not extending the term of the agreement will leave the City without formal authorization to develop and operate under a joint SWMP with Pierce County.

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

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

ATTACHMENTS:
Proposed 2020 ILA Amendment
Executed 2011 ILA
FIRST AMENDMENT TO
AGREEMENT NO. 78509/SC-101171
BETWEEN PIERCE COUNTY AND THE CITY OF TACOMA
FOR SOLID WASTE PROGRAMS

THIS FIRST AMENDMENT to Agreement 78509/SC-101171 is entered by Pierce County, a political subdivision of the State of Washington (“County”), and the City of Tacoma, a municipal corporation of the State of Washington (“City”);

WHEREAS, the parties hereto have previously entered into Agreement No. SC-101171 fully executed on January 28, 2011;

WHEREAS, the parties desire to execute the first amendment to extend the termination date from December 31, 2020 to December 31, 2021.

NOW, THEREFORE, in consideration of the mutual benefits and covenants described herein, the parties hereby agree, and covenant as follows:

1. Per Section 2, Duration of Agreement, the contract termination date will be extended from December 31, 2020 to December 31, 2021 as outlined in Attachment 1.

2. ALL OTHER TERMS AND CONDITIONS OF THE ORIGINAL AGREEMENT AND ALL SUPPLEMENTS, MODIFICATIONS, AND AMENDMENTS THERETO SHALL REMAIN IN FULL FORCE AND EFFECT.
IN WITNESS WHEREOF, the parties hereto have caused this amendment to be duly executed, such parties acting by their representatives being there unto duly authorized.

**PIERCE COUNTY:**
Approved as to legal form only

Deputy Prosecuting Attorney  Date

Approved:

Department Director  Date

Finance Director  Date

**CITY OF TACOMA:**
Approved as to legal form only:

Deputy City Attorney  Date

Approved:

City Manager  Date

Environmental Services Department Director  Date

Finance  Date
2. **Duration of Agreement:**
   This Agreement shall become effective upon final signature, and remain in effect through December 31, 2020 **December 31, 2021**, unless terminated sooner pursuant to Section 11 below.
ORDINANCE NO. 28719

AN ORDINANCE related to the vacation of City right-of-way; 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; 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. 124.1410 and dated October 30, 2020, which Report is on file in the office of the City Clerk.
Section 2. That the portions of Commerce Street and South 7th Street, legally described as follows:

A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 04, TOWNSHIP 20 NORTH, RANGE 03 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, MORE PARTICULARLY DESCRIBED AS;

THE SOUTHERLY 127 FEET OF THE EASTERLY 1.0 FEET OF THE EASTERLY 40 FEET OF COMMERCE STREET RIGHT OF WAY NORTH OF SOUTH 7TH STREET;

TOGETHER WITH THE NORTHERLY 2.0 FEET OF THE NORTHERLY 38.4 FEET OF THE EASTERLY 16.0 FEET OF THE EASTERLY 63.5 FEET OF SOUTH 7TH STREET RIGHT OF WAY, ABUTTING THAT PORTION VACATED BY ORDINANCE NO. 19882 OF THE CITY OF TACOMA, RECORDED UNDER AUDITOR’S FEE NO. 2529850; AND TOGETHER WITH THAT PORTION COMMENCING AT THE SURFACE BRASS DISK MARKING THE INTERSECTION OF SOUTH 7TH STREET AND PACIFIC AVENUE, THENCE NORTH ALONG THE CENTERLINE OF PACIFIC AVENUE EXTENDED NORTHERLY NORTH 7°25’20” WEST A DISTANCE OF 40.00 FEET;

THENCE SOUTH 82°37’08” WEST A DISTANCE OF 49.87 FEET TO THE SOUTHWEST CORNER OF CITY OF TACOMA VACATION ORDINANCE NO. 19982;

THENCE NORTH 67°04’40” EAST A DISTANCE OF 1.00 FEET TO THE SOUTHEAST CORNER OF SAID VACATION ORDINANCE AND TRUE POINT OF BEGINNING;

THENCE NORTH 22°55’20” WEST ALONG THE EASTERLY LIMIT OF SAID CITY OF TACOMA VACATION ORDINANCE NO. 19982 A DISTANCE OF 6.37 FEET;
THENCE NORTH 66°53'25" EAST A DISTANCE OF 1.00 FEET;  
THENCE SOUTH 22°55'20" EAST A DISTANCE OF 6.37 FEET;  
THENCE SOUTH 67°04'40" WEST A DISTANCE OF 1.00 FEET  
TO THE POINT OF BEGINNING;  

ALL SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE,  
STATE OF WASHINGTON;  

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 (ES)  

A utility easement should be reserved for an 18" City surface  
water main (#6295687) that runs along the west side of the  
building on or near to one of the requested vacation areas. An  
easement will need to be reserved for this segment based on the  
pipe diameter and needed excavation/maintenance area.  

An easement will need to be reserved for a catch basin and a  
private surface water pipe on the east side of the building (at  
least in part) in the South 7th Street right-of-way.
TACOMA POWER/CLICK!

Tacoma Power/Click! has requested that an easement be retained for an underground system on the west side of the building in or near the vacation area along Commerce Street.

Passed ______________________

____________________________________
Mayor

Attest:

____________________________________
City Clerk

Approved as to form: Property description approved:

____________________________________
Deputy City Attorney Chief Surveyor
Public Works Department

Location: Portions of Commerce Street and South 7th Street.
Petitioner: City of Tacoma
Vacation Req. No. 124.1410

Req. #20-0825 -4-
TO: Elizabeth A. Pauli, City Manager
FROM: Jeff H. Capell, Hearing Examiner
Troy Stevens, Senior Real Estate Specialist, Public Works Real Property Services
COPY: City Council and City Clerk
SUBJECT: Ordinance Request No. 20-0825 - Street Vacation 124.1410 – November 24, 2020
DATE: November 6, 2020

SUMMARY AND PURPOSE:
An ordinance to vacate portions of Commerce Street and South 7th Street, to cure existing building encroachments on the perimeter of the building known as Old City Hall.

BACKGROUND:
The Hearing Examiner's Recommendation is based on the evidence and testimony presented at a public hearing held on October 22, 2020, as well as additional clarifying information provided post-hearing by the Petitioner City of Tacoma (the "Petitioner" or "City") at the Examiner's request. The Vacation Areas (as defined in the Hearing Examiner's Report and Recommendation) consist of portions of Commerce Street and South 7th Street. The City initiated a petition to vacate the Vacation Areas to cure existing building and infrastructure encroachments. As originally filed, the petition included a section of right-of-way in Pacific Avenue as well, but due to Public Works Traffic Engineering’s opposition to this section being vacated, all involved agreed to remove this section from the petition. Approving the vacation will not landlock any abutting property nor is any access to any property affected. In addition, the City does not see any future need for the Vacation Areas as public right-of-way. It has been determined that the petition meets the vacation criteria set forth in Tacoma Municipal Code 9.22.070 and is not in violation of RCW 35.79.035 regarding proximity to bodies of water. The City has requested that no interfund payment of fees be required for this vacation and the Examiner concurs with this request and recommends that there be no payment attached as a condition to approval.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:
A public hearing was held on this petition on October 22, 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 clearing the encroachments, establishing a clear delineation between the Petitioner’s proprietary property interest and the usable public right-of-way interest. Clearing the encroachments also paves the way for future redevelopment of this historic property.

2025 STRATEGIC PRIORITIES:
Equity and Accessibility:
The primary positive impact on equity, equality, diversity or inclusion that could result from approving this street vacation would be the decrease in vacant properties downtown and the increase in possible new business developments when the building is conveyed out of the City’s ownership as intended in the future.

Economy/Workforce: Equity Index Score: Very Low Opportunity
Decrease the number of vacant properties downtown and in the neighborhood business districts.
Increase the number of infrastructure projects and improvements that support existing and new business developments.
Explain how your legislation will affect the selected indicator(s).
Clearing the existing encroachments will help facilitate later third party redevelopment and preservation of this historic property.

ALTERNATIVES:

<table>
<thead>
<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</td>
<td>Any positive impact arising from different conditions would depend on what those</td>
<td>Any difference in conditions imposed would have to find justification outside of the</td>
</tr>
<tr>
<td>than those recommended, and/or deny the request to waive interfund payment of</td>
<td>conditions are.</td>
<td>City's current position, i.e., of not needing the Vacation Areas for any public purpose</td>
</tr>
<tr>
<td>fees.</td>
<td></td>
<td>and being supportive of the waiver. Also, it would leave unresolved encroachments.</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</td>
<td>The most positive impacts come from approving the vacation. Denial simply</td>
</tr>
<tr>
<td></td>
<td>maintains the status quo.</td>
<td>maintains the status quo preserving the City’s unneeded public right-of-way</td>
</tr>
<tr>
<td></td>
<td></td>
<td>interests.</td>
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</table>

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 October 30, 2020. All review 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 condition(s) listed 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. Unencumbering the Vacation Area from the City's right-of-way interest will add taxable square footage to the abutting real property, which may generate some additional tax revenue if the property is conveyed out of City ownership.

ATTACHMENTS:
List attachments using bullet points.
- The Hearing Examiner's City Council Action Memorandum, dated November 6, 2020.
- The Hearing Examiner’s Report and Recommendation to the City Council, issued on October 30, 2020.
- The City's Exhibit List and Exhibits C-1 through C-17.
- Verbatim electronic recording from the hearing held on October 22, 2020.
Dear Parties,

In regard to the above reference matter, please find attached the Hearing Examiner’s Findings of Fact, Conclusions of Law, and Recommendation, to the Tacoma City Council, entered on October 30, 2020.

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

PETITIONER: City of Tacoma  FILE NO: HEX2020-028 (124.1410)

SUMMARY OF REQUEST

Real Property Services (“RPS”) received a petition initiated by the City of Tacoma (the “City”) to vacate portions of Commerce Street and South 7th Street, to cure existing building encroachments on the perimeter of the building known as Old City Hall. As filed, the petition included a section of right-of-way in Pacific Avenue as well, but due to Public Works Traffic Engineering’s opposition to this section being vacated, all involved agreed at the hearing to remove this section from the petition.

RECOMMENDATION OF THE HEARING EXAMINER

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

PUBLIC HEARING

After reviewing Real Property Services’ 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 October 22, 2020.1 Susie Rogers of RPS represented the City of Tacoma in its role as the abutting property owner petitioner. Troy Stevens, also of RPS, appeared for the City in its regulatory role as the processor and reviewer of the petition. Testimony was taken2 and exhibits were admitted. The hearing record was briefly opened and closed from October 27th to October 29th to take receipt of a revised legal description removing the Pacific Avenue section, clarifying legal descriptions,

---

1 Due to National, State of Washington and City of Tacoma Proclamations of Emergency caused by the COVID-19 virus the City closed the Tacoma Municipal Building to the public until further notice on or around March 17, 2020. As a result, the public hearing in this matter was conducted virtually using Zoom teleconferencing with both internet visual and audio access, as well as separate telephonic (only) access via call in number on Zoom.

2 Because no third-party members of the public were present at the hearing, testimony primarily consisted of City answers to Hearing Examiner questions from having reviewed the written record prior to the hearing.
and addressing other ambiguities in the Report. Based on the record, the Hearing Examiner now makes the following:

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION:**

**FINDINGS:**

1. The City of Tacoma (“City” or “Petitioner”), as the owner of the real property abutting the Vacation Areas (defined below), initiated a petition to vacate present right-of-way interests in what appeared, from prehearing submissions, to be three different areas around the perimeter of the real property known as “Old City Hall,” at the address of 625 Commerce Street. The state purpose of the vacation(s) is to cure existing building and infrastructure encroachments. At the hearing, all City representatives agreed to remove from the petition the section of right-of-way shown in City exhibits in Pacific Avenue due to Public Works Traffic Engineering’s opposition to this section being vacated. Post-hearing questioning from the Examiner and related submissions (Exhibit C-17) clarified that there is an additional small area³ proposed for vacation more or less right next to the now removed area in Pacific Avenue that is essentially on the corner of South 7th Street and Pacific Avenue in the South 7th Street right-of-way.

2. After the conclusion of the hearing, and due to the City having removed the Pacific Avenue vacation area from the petition, the following revised (from what was included in Exhibit C-1) metes and bounds legal descriptions were provided for the remaining vacation areas:

   A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 04, TOWNSHIP 20 NORTH, RANGE 03 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, MORE PARTICULARLY DESCRIBED AS;

   THE SOUTHERLY 127 FEET OF THE EASTERLY 1.0 FEET OF THE EASTERLY 40 FEET OF COMMERCE STREET RIGHT OF WAY NORTH OF SOUTH 7TH STREET;

   TOGETHER WITH THE NORTHERLY 2.0 FEET OF THE NORTHERLY 38.4 FEET OF THE EASTERLY 16.0 FEET OF THE EASTERLY 63.5 FEET OF SOUTH 7TH STREET RIGHT OF WAY, ABUTTING THAT PORTION VACATED BY ORDINANCE NO. 19882 OF THE CITY OF TACOMA, RECORDED UNDER AUDITOR’S FEE NO. 2529850;

   AND TOGETHER WITH THAT PORTION COMMENCING AT THE SURFACE BRASS DISK MARKING THE INTERSECTION OF SOUTH 7TH STREET AND PACIFIC AVENUE, THENCE NORTH ALONG THE CENTERLINE OF PACIFIC AVENUE EXTENDED NORTHERLY NORTH 7° 25’ 20” WEST A DISTANCE OF 40.00 FEET;

³ This area was not clearly shown in the City’s map exhibits submitted prehearing, but is now more clearly depicted in Exhibit C-17.

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION**

-2-
THENCE SOUTH 82°37’08” WEST A DISTANCE OF 49.87 FEET TO THE SOUTHWEST CORNER OF CITY OF TACOMA VACATION ORDINANCE NO. 19982;

THENCE NORTH 67°04’40” EAST A DISTANCE OF 1.00 FEET TO THE SOUTHEAST CORNER OF SAID VACATION ORDINANCE AND TRUE POINT OF BEGINNING;

THENCE NORTH 22°55’20” WEST ALONG THE EASTERLY LIMIT OF SAID CITY OF TACOMA VACATION ORDINANCE NO. 19982 A DISTANCE OF 6.37 FEET;

THENCE NORTH 66°53’25” EAST A DISTANCE OF 1.00 FEET;

THENCE SOUTH 22°55’20” EAST A DISTANCE OF 6.37 FEET;

THENCE SOUTH 67°04’40” WEST A DISTANCE OF 1.00 FEET TO THE POINT OF BEGINNING.

ALL SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON. Ex. C-17, (the “Vacation Areas”).

3. The City acquired Commerce Street and South 7th Street as public right-of-way in the Map of New Tacoma, W.T., according to the plat thereof filed February 3, 1875, records of Pierce County, Washington. Portions of South 7th Street and Pacific Avenue were previously vacated for Old City Hall under City Ordinance Numbers 19982 and 20255. Ex. C-1.

4. The City, as the Petitioner, is the sole property owner abutting the Vacation Areas. Ex. C-1.

5. Commerce Street is an approximately 66-foot wide, mostly level right-of-way, and includes sidewalk curb, and gutter. It has recently been improved with light rail improvements for Sound Transit’s Link light rail expansion project. South 7th Street varies in width because of the irregular shape of the Old City Hall parcel from between approximately 60 feet to 82 feet, depending on the location. It is sloped and includes sidewalk and curb and gutter. Id.

6. No abutting real property becomes landlocked by the granting of this vacation, nor is access to any property affected in any way. The Vacation Areas (as amended) serve no material public right-of-way purpose at present, and they are not contemplated by the City for future right-of-way use. Id.

7. The proposed vacation provides public benefit or serves a public purpose because unencumbering the Vacation Areas from the City’s right-of-way interest will add taxable square footage
to the abutting real property, which may generate some additional tax revenue once the property is conveyed out of City ownership. Clearing the encumbrances benefits the City as well by establishing a clear delineation between the Petitioner’s proprietary property interest and the usable public right-of-way interest. *Id.*

8. No members of the public appeared at the hearing. No written public comments were received.

9. 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.*

10. 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 had the opportunity to recommend/request conditions to RPS. With Public Works Traffic Engineering’s objection to the Pacific Avenue vacation area as the exception, no other objections were received. Traffic Engineering objected to the now-removed Pacific Avenue vacation area because of potential future right-of-way needs at that location. Requests for utility easement reservations are addressed at Conclusion 8 below. *Kammerzell Testimony; Ex. C-1, Ex. C-6.*

11. Notices of the Public Hearing were posted/published at the following locations on September 24, 2020:

   - 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.
   - A public notice memo was advertised on the City of Tacoma web site at address: http://www.cityoftacoma.org/page.aspx?nid=596.
   - Public Notice was advertised in the Daily Index newspaper.
   - A public notice mailing was mailed to all parties of record within a 300-foot radius of the Vacation Area.
   - Public Notice was advertised on Municipal Television Channel 12.

Public hearing notices were posted at the following locations on September 25, 2020:

   - A yellow public notice sign was placed 60 feet west of the northwest corner of South 7th Street and Pacific Avenue.
   - A yellow public notice sign was placed 90 feet north of the northeast corner of South 7th and Commerce Street. *Ex. C-1.*

12. RPS’s Report, which is entered into the record as Exhibit C-1, as supplemented/amended by Exhibit C-17, accurately describes the proposed vacation, general and specific facts about the site and Vacation Area, as well as referencing applicable laws. The Report (as amended) 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.

**FINDINGS OF FACT,**
**CONCLUSIONS OF LAW,**
**AND RECOMMENDATION** -4-
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.” Puget Sound Alumni of Kappa Sigma v. Seattle, 70 Wn.2d 222, 238-239, 422 P.2d 799, 808-809 (1967).

5. Petitions for the vacation of public right-of-way 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 9.22.070.4

4 For consistency, outline numbering of the criteria is kept the same as in the original TMC text.
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 vacation conforms to the criteria for the vacation of street right-of-way set forth at Conclusion 5 above. No potential for landlocking an abutting owner exists from granting the petition, nor is there any future need for, or public right-of-way purpose served by retaining the Vacation Areas. No access is substantially impaired by the requested vacation. The provisions of RCW 35.79.035, governing areas close to bodies of water do not apply to these locations. The vacation meets the public benefit/public purpose criterion above because it adds taxable square footage to the property for its return to the tax rolls when the City sells it, it facilitates the sale, redevelopment, and ultimately the preservation of this historic property, and cures existing encroachments.

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 City, participating as both Petitioner and regulating agency in this matter, has requested that no interfund payment of fees be required for this vacation. The Examiner concurs with this request and recommends that there be no payment attached as a condition to any approval.

2. **ENVIRONMENTAL SERVICES (ES)**

   A utility easement should be reserved for an 18" City surface water main (#6295687) that runs along the west side of the building on or near to one of the requested vacation areas. An easement will need to be reserved for this segment based on the pipe diameter and needed excavation/maintenance area.

   An easement will need to be reserved for a catch basin and a private surface water pipe on the east side of the building (at least in part) in the South 7th Street right-of-way.

4. **TACOMA POWER/CLICK!**

   Tacoma Power/Click! has requested that an easement be retained for an underground system on the west side of the building in or near the vacation area along Commerce Street.
5. **Puget Sound Energy (PSE)**

An additional easement for PSE facilities may need to be reserved at the time of vacation finalization if PSE facilities are actually located in the Vacation Areas.

**B. ADVISORY COMMENTS:**

**Easement Legal Consideration-Timing of Reservations**

All reservation of City easements referenced herein should take place when the City sells the Old City Hall property to a third party rather than at the time of vacation in order to avoid complications from the legal principle known as the merger doctrine which dictates that “[o]ne cannot have an easement in one's own property.” *Schlager v. Bellport*, 118 Wn. App. 536, 539, 76 P.3d 778 (2003).

**Real Property Services (RPS) – In-Lieu**

An In-Lieu amount of $1,769.17 for sanitary sewer is outstanding on the Petitioner’s property abutting the Vacation Areas. The amount is not required to be paid as part of the vacation process; however, if the Petitioner chooses not to pay, it will be an obligation on title and the In-lieu amount may increase over time. The amount will likely become a required payment if future development permits for the property are requested.

**C. USUAL CONDITIONS/COMMENTS:**

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.

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

**FINDINGS OF FACT,**
**CONCLUSIONS OF LAW,**
**AND RECOMMENDATION**
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 the conditions contained in Conclusion 8 above.

DATED this 30th day of October, 2020.

JEFF H. CAPELL, Hearing Examiner
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, October 22, 2020, at 9:00 a.m.

**FILE NUMBER:** HEX2020-028 (SV 124.1410)

**FILE NAME:** City of Tacoma for Old City Hall

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**KEY**

A = Admitted  
E = Excluded  
W = Withdrawn
CITY EXHIBIT LIST

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Updated legal description filed on 10/27/2020 and email chain with attachment filed on 10/28/2020.

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, October 22, 2020 at 9:00 AM

PETITIONER: CITY OF TACOMA

FILE NO. 124.1410

A. SUMMARY OF REQUEST:

Real Property Services has received a petition to vacate portions of Commerce Street, South 7th Street, and Pacific Avenue, to cure existing building encroachments. The area is shown on the attached map, Exhibit 2.

B. GENERAL INFORMATION:

1. Legal Description of Vacation:

LEGAL DESCRIPTIONS OF THE FOUR DIFFERENT AREAS OF OLD CITY HALL TO BE VACATED – COMBINED:

A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 04, TOWNSHIP 20 NORTH, RANGE 03 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, MORE PARTICULARLY DESCRIBED AS;
THE SOUTHERLY 127 FEET OF THE EASTERLY 1.0 FEET OF THE EASTERLY 40 FEET OF COMMERCE STREET RIGHT OF WAY NORTH OF SOUTH 7TH STREET;
TOGETHER WITH THE NORTHERLY 2.0 FEET OF THE NORTHERLY 38.4 FEET OF THE EASTERLY 16.0 FEET OF THE EASTERLY 63.5 FEET OF SOUTH 7TH STREET RIGHT OF WAY, ABUTTING THAT PORTION VACATED BY ORDINANCE NO. 19882 OF THE CITY OF TACOMA, RECORDED UNDER AUDITOR’S FEE NO. 2529850;
AND TOGETHER WITH THAT PORTION COMMENCING AT THE SURFACE BRASS DISK MARKING THE INTERSECTION OF SOUTH 7TH STREET AND PACIFIC AVENUE, THENCE NORTH ALONG THE CENTERLINE OF PACIFIC AVENUE EXTENDED NORTHERLY NORTH 7° 25' 20" WEST A DISTANCE OF 40.00 FEET;
THENCE SOUTH 82° 37' 08" WEST A DISTANCE OF 49.87 FEET TO THE SOUTHWEST CORNER OF CITY OF TACOMA VACATION ORDINANCE NO. 19982;
THENCE NORTH 67°04'40" EAST A DISTANCE OF 1.00 FEET TO THE
SOUTHEAST CORNER OF SAID VACATION ORDINANCE HEREINAFTER
REFERRED TO AS ‘POINT A’;
THENCE ALONG THE EASTERLY LIMIT OF SAID VACATION NORTH 22°55'20"
WEST A DISTANCE OF 6.37 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH 22°55'20" WEST ALONG SAID WESTERLY LIMIT
A DISTANCE OF 35.16 FEET MORE OR LESS TO THE SOUTHERLY LIMIT OF
CITY OF TACOMA VACATION ORDINANCE NO. 20255;
THENCE NORTH 66°53’25” EAST ALONG SAID SOUTHERLY LIMIT A DISTANCE
OF 12.00 FEET;
THENCE SOUTH 22°55’20” EAST A DISTANCE OF 35.16 FEET;
THENCE SOUTH 66°53’25” WEST A DISTANCE OF 12.00 FEET TO THE POINT OF
BEGINNING.

AND TOGETHER WITH THAT PORTION BEGINNING AT ‘POINT A’, THENCE
NORTH 22°55’20” WEST ALONG THE EASTERLY LIMIT OF SAID CITY OF
TACOMA VACATION ORDINANCE NO. 19982 A DISTANCE OF 6.37 FEET;
THENCE NORTH 66°53’25” EAST A DISTANCE OF 1.00 FEET;
THENCE SOUTH 22°55’20” EAST A DISTANCE OF 6.37 FEET;
THENCE SOUTH 66°53’25” WEST A DISTANCE OF 1.00 FEET TO THE POINT OF
BEGINNING.

ALL SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF
WASHINGTON.
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 were posted on September 24, 2020, and the yellow public notice signs were posted on September 25, 2020.

1. Placed yellow public notice sign 60 feet west of the northwest corner of South 7th and Pacific Avenue.
2. Place yellow public notice sign 90 feet north of the northeast corner of South 7th and Commerce Street.
3. Public notice memo placed into the glass display case located on the first floor of the Municipal building abutting the Finance Department.
5. Public Notice advertised in the Daily Index newspaper.
6. Public Notice mailed to all parties of record within the 300 feet of vacation request.
D. **PURPOSE OF REQUEST:**

The Petitioner plans on acquiring the right of way to cure existing building encroachments.

E. **HISTORY:**

The City acquired the Commerce Street, South 7th Street, and Pacific Avenue rights of way in the Map of New Tacoma, W.T., according to the plat thereof filed February 3, 1875, records of Pierce County, Washington.

Portions of South 7th Street and Pacific Avenue were previously vacated for Old City Hall under City Ordinance Numbers 19982 and 20255.

F. **PHYSICAL LAND CHARACTERISTICS:**

Commerce Street is an approximately 66 feet wide right of way, mostly level, and includes sidewalk curb, and gutter. It has recently been improved with link light rail improvements for Sound Transit Link Light rail. South 7th Street varies in width because of the irregular shape of Old City Hall from between approximately 60 to 82 feet, depending on the location; and, it is sloped and includes sidewalk and curb and gutter. Pacific Avenue is fairly level, approximately 72 feet wide adjacent to Old City Hall, and includes sidewalk, curb and gutter as well.

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 it places the property on the tax rolls and facilitates private development.
2. City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object to the Commerce Street and South 7th Street locations; but does object to the Pacific Avenue location.
3. The petition has been considered by City staff and outside quasi-governmental agencies and it does not adversely affect the public need; and
4. The right of way is not needed for future public use.
5. No abutting owner becomes landlocked nor will their access be substantially impaired.
6. The vacated 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. Should the petitioner wish to clear this item from title, please contact Public Works Department, Real Property Services, for the assessment amount. Please note that the ordinance establishing the rate of assessment is updated every few years, and the amount quoted may increase in the future. When the petitioner has submitted a development plan, an in lieu of amount will be computed.
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.

Preliminary Report – Exhibit C-1
Aerial Maps (2) – Exhibit C-2
Petitioner Petition Submittal Map – Exhibit C-3
Plat Map – Exhibit C-4
City Ordinance Numbers 19982 and 20255 – Exhibit C-5

Recommended Conditions

Payment of Fees
Traffic Engineering – No Objection – Exhibit C-6
Environmental Services – No Objection – Exhibit C-7
Tacoma Power/Click! Network – No Objection – Exhibit C-8
Puget Sound Energy – No Objection – Exhibit C-9

Advisory Comments

RPS (LID) – In-Lieu Fee $1,769.17 - Exhibit C-10
Tacoma Fire – No Objection – Exhibit C-11
Tacoma Water – No Objection – Exhibit C-12
CenturyLink – No Objection with comment - Exhibit C-13
Comcast – No Objection – Exhibit C-14
Pierce Transit – No Objection – Exhibit C-15
Community & Economic Development – No Objection – Exhibit C-16

J. RECOMMENDED CONDITIONS OF APPROVAL:

Should this street vacation request be approved, the Real Property Services Division recommends that the following conditions be made conditions of approval for this street vacation petition.

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**

**Note:** Given this is a City initiated petition, the Petitioner is requesting waiver of the market value payment by City Council.

2. **PW/TRAFFIC ENGINEERING**
   a. Please contact Jennifer Kammerzell at (253) 591-5511 regarding PW Traffic Engineering's comments.
   
   b. Traffic Engineering has no objection to the Commerce Street and South 7th Street proposed vacate areas; however it does object to the Pacific Avenue location. Please see below:

   Based on the anticipated development in this area, high traffic volumes of cars/bikes/peds/transit, and future planned improvements to serve active transportation, Public Works Traffic Engineering has the following comments and concerns:

   i. **Commerce Street:**
      Traffic has no objections to the proposed one (1) foot vacation to accommodate the building façade. The vacation does not negatively impact the sidewalk area that accommodates angle parking and pedestrian access. Future requests for use of the right-of-way that may be associated with a sidewalk café may be limited.

   ii. **South 7th Street:**
      Traffic has no objections to the proposed two (2) foot vacation to accommodate the stairwell. The vacation does not negatively impact the sidewalk area that accommodates angle parking and pedestrian access. Future requests for use of the right-of-way that may be associated with a sidewalk café may be limited.

   iii. **Pacific Avenue:**
      Traffic has significant concerns with this request and objects to any vacation on Pacific Avenue in this area that would narrow the right-of-way. This portion of Pacific Avenue is part of the future Schuster Parkway Promenade that connects downtown Tacoma to Ruston Way, as listed in the Transportation Master Plan and 6 YR Transportation Improvement Program. The west side of Pacific is the most feasible location for the shared use path to be located; planning for the project is funded and will begin next year. If any portion of right-of-way is deemed unnecessary, Traffic would be willing to entertain a revised vacation proposal. As part of that proposal, Traffic would require justification on infeasibility for accommodation of the grade within the building or that this entrance needs to remain.
3. **ENVIRONMENTAL SERVICES (ES)**
   a. Please contact Rod Rossi at (253) 502-2127 regarding ES' comments.
   b. ES has no objection; however, ES has an 18" surface water main (#6295687) that runs along the west side of the building; it will be on or near to the requested vacation. An easement will need to be reserved for this segment based on the pipe diameter and needed excavation area.
   c. There is also a catch basin (c/b) on the East side of the building, and a private surface water pipe, that will also require an easement.

4. **TACOMA POWER/CLICK!**
   a. Please contact Greg Netcher at (253) 502-8868 regarding Tacoma Power/Click’s comments.
   b. Tacoma Power/Click! has no objection; however, it does have an underground system on the west side of the proposed vacate area as shown in the map attachment.

5. **PUGET SOUND ENERGY (PSE)**
   a. Please contact Megan Tuche at (253) 476-6417 regarding PSE’s comments.
   b. PSE has no objection; however, it may have infrastructure in the vacate area. At this time, PSE will require a 3rd party easement be negotiated before final reading of the ordinance, unless PSE determines its gas lines are outside the vacate area.

K. **ADVISORY COMMENTS:**

1. **Real Property Services (RPS) – In-Lieu**
   a. Please contact Lee Russell at (253) 591-5277 regarding RPS In-Lieu comments.
   b. An In-Lieu amount of $1,769.17 is due for sanitary sewer.

   The amount is not required to be paid at this time; however, if the Petitioner chooses not to pay, it will be an obligation on title and the In-lieu amount may increase.

2. **NO OBJECTION**
   No objection or additional comment was received from Tacoma Fire; Tacoma Water; CenturyLink, Comcast; Pierce Transit; and Community and Economic Development.

**ATTACHMENT:** Vacation Jacket containing all pertinent maps and papers.
CITY OF TACOMA

STREET VACATION NO. 124.1410

PORTIONS OF COMMERCE STREET, SOUTH 7TH STREET, & PACIFIC AVENUE

NW 1/4 SEC. 4, T20N, R3E

NOT TO SCALE
CITY OF TACOMA
STREET VACATION NO. 124.1410

PORTIONS OF COMMERCE STREET, SOUTH 7TH STREET, & PACIFIC AVENUE

NW 1/4 SEC. 4, T20N, R3E

NOT TO SCALE
ORDINANCE NO. 19983

AN ORDINANCE vacating the north 1.6 feet of South 7th Street in the northwest quarter of Section 4, Township 20 North, Range 3 East of the Willamette Meridian, lying between the easterly line of Commerce Street produced and the westerly line of Pacific Avenue produced being 100 feet in length, more or less; and the westerly 1.0 foot of Pacific Avenue in the northwest quarter of Section 4, Township 20 North, Range 3 East of the Willamette Meridian, beginning at a point 38.4 feet north, measured at right angles to the center line of South 7th Street and extending northerly 159 feet.

WHEREAS all steps and proceedings required by law and by resolution of the Council to vacate the portions of the streets herinafter named have been duly taken and performed; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the following described property:

The north 1.6 feet of South 7th Street in the northwest quarter of Section 4, Township 20 North, Range 3 East of the Willamette Meridian, lying between the easterly line of Commerce Street produced and the westerly line of Pacific Avenue produced, being 100 feet in length more or less;

and

The westerly 1.0 foot of Pacific Avenue in the northwest quarter of Section 4, Township 20 North, Range 3 East of the Willamette Meridian, beginning at a point 38.4 feet north, measured at right angles to the center line of South 7th Street and extending northerly 159 feet;

all in the City of Tacoma, Pierce County, Washington,

be and the same are hereby vacated, and the land so vacated be and is hereby surrendered and attached to the lots bordering thereon, respectively, as a part thereof, and all right or title of said City of Tacoma and the public in and to the portions of said streets so vacated shall and does hereby vest in the owners of said property abutting thereon, all in the manner provided by law.

Passed Nov 13 1973

GORDON W. JOHNSTON
Mayor

Attest: H. B. BOND
City Clerk

Location: Portion of S. 7th St. between Pacific Ave. & Commerce St. and portion of Pacific Ave. & S. 7th St. occupied by City
ORDINANCE NO. 20255

AN ORDINANCE vacating the westerly portion (16-foot wide) of Pacific Avenue beginning approximately 43½ feet north of South 7th Street and extending north 115.34 feet.

WHEREAS, all steps and proceedings required by law and by resolution of the Council to vacate the portion of the street hereinafter named have been duly taken and performed;

Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the following described property, to wit:

Commencing at a point on the westerly line of Pacific Avenue 725 feet northerly, along the westerly line of Pacific Avenue, from the centerline of South 9th Street, as designated upon the map entitled "Map of New Tacoma, Washington Territory" which map was filed for record in the office of the Auditor of Pierce County on February 3, 1875; thence easterly on a line parallel with the centerline of South 9th Street, and more particularly along the northerly line of South 7th Street extended for a distance of 17.25 feet; thence north 14°01'10" west parallel to and 17.00 feet northeasterly of the westerly line of Pacific Avenue as designated upon the above mentioned "Map of New Tacoma, Washington Territory" for a distance of 46.31 feet to a point of beginning; thence North 14°01'10" west a distance of 115.34 feet; thence south 75°47'35" west a distance of 17.00 feet; thence south 14°01'10" east a distance of 115.34 feet; thence north 75°47'35" east a distance of 17.00 feet to the point of beginning. Less that portion of Pacific Avenue vacated by Ordinance No. 19982. Situate in the City of Tacoma, Pierce County, Washington.

be and the same is hereby vacated, and the land so vacated be and is hereby surrendered and attached to the lots bordering thereon, respectively, as a part thereof, and all right or title of said City of Tacoma and the public in and to the portions of said street so vacated shall and does hereby vest in
the owners of said property abutting thereon, all in the manner
provided by law.

Passed   NOV 26 1974

GORDON N. JOHNSTON
Mayor

Attest    H. B. BOND
          City Clerk

Petition submitted by Old Tacoma City Hall Ltd. Partnership.
Vac. file #124.505.
Thank you for the opportunity to review the proposed request. Based on the anticipated development in this area, high traffic volumes of cars/bikes/peds/transit, and future planned improvements to serve active transportation, Public Works Traffic Engineering has the following comments and concerns:

1. **Commerce Street:**
   a. Traffic has no objections to the proposed 1 ft vacation to accommodate the building façade. The vacation does not negatively impact the sidewalk area that accommodates angle parking and pedestrian access. Future requests for use of the right-of-way that may be associated with a sidewalk café may be limited.

2. **South 7th Street:**
   a. Traffic has no objections to the proposed 2 ft vacation to accommodate the stairwell. The vacation does not negatively impact the sidewalk area that accommodates angle parking and pedestrian access. Future requests for use of the right-of-way that may be associated with a sidewalk café may be limited.

3. **Pacific Avenue:**
   a. Traffic has significant concerns with this request and objects to any vacation on Pacific Avenue in this area that would narrow the right-of-way. This portion of Pacific Avenue is part of the future Schuster Parkway Promenade that connects downtown Tacoma to Ruston Way, as listed in the Transportation Master Plan and 6 YR Transportation Improvement Program. The west side of Pacific is the most feasible location for the shared use path to be located. Planning for the project is funded and will begin next year. If any portion of right-of-way is deemed unnecessary, Traffic would be willing to entertain a revised vacation proposal. As part of that proposal, Traffic would require justification on infeasibility for accommodation of the grade within the building or that this entrance needs to remain.

Jennifer Kammerzell
Principal Engineer
City of Tacoma - Public Works Dept.
she/her

voice: 253.591.5511
jkammerzell@cityoftacoma.org
www.cityoftacoma.org

she/her/hers
Please review the attached memo and map exhibits for proposed Street Vacation Petition 124.1410, as requested by City of Tacoma, Real Property Services, and provide comment for your respective utility/agency on or before May 22, 2020. Responses received later than May 22, 2020 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Please note: In the event that conditions do not comport to RCW 35.79.030, which limits conditions of the vacation to the bounds of the proposed vacate area, a representative from your respective utility will be required to attend the public hearing to present the perceived merits of your conditions. Failure to attend may result in the automatic dismissal of any such condition that does not comport to statute.

Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us
Hi Troy,

Working from home I hope it will be sufficient to provide ES comments via email for this vacation request.

ES has a 18" surface water main (6295687) that runs along the west side of the building that looks as though it will be on or near to the requested vacation. An easement will need to be in place for this segment based on the pipe diameter and needed excavation area.

There is a C/B on the East side of the building and a private surface water pipe that would need to be addressed. There are other pipes within the requested vacation area but they appear to be abandoned.

Hopefully this email works for a department response.

Let me know if you have any questions.

Rod Rossi, PMP
City of Tacoma, Environmental Services
Science & Engineering Division
326 East D Street
Tacoma, WA 98421
253.502.2127
Agency Reviewer,

Please review the attached memo and map exhibits for proposed Street Vacation Petition 124.1410, as requested by City of Tacoma, Real Property Services, and provide comment for your respective utility/agency on or before May 22, 2020. Responses received later than May 22, 2020 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

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Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us
Yes, Troy.

Don’t need an easement to cover the vault, but Tacoma Power Fiber HFC (Click!) still needs the easement for the telecom and appurtenances.

Thanks!

Greg

From: Stevens, Troy <tstevens@cityoftacoma.org>
Sent: Tuesday, October 6, 2020 1:29 PM
To: Muller, Gregory <GMuller@cityoftacoma.org>
Subject: FW: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

Greg,

Did Greg Horodyski’s concerns get satisfied?
Was your email about the possibility of additional easement no longer be required referring to his comment?

Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacomaw.us

From: Muller, Gregory <GMuller@cityoftacoma.org>
Sent: Friday, May 22, 2020 4:59 PM
To: Stevens, Troy <tstevens@cityoftacoma.org>
Subject: FW: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

Troy,

Attached are the responses received for this Street Vacation request. Tacoma Water does not need an easement. However, Tacoma Power, its successors and assigns, needs an easement for telecommunications and appurtenances to cover the facilities in the attached exhibit. Additionally, Tacoma Power may need an easement for the vault depending on your response to my question below.

Please let me know if you have any questions.
Good morning, Troy.

No additional easement for the vault needed by Tacoma Power.

Thank you!

Greg

Troy,

Attached are the responses received for this Street Vacation request. Tacoma Water does not need an easement. However, Tacoma Power, its successors and assigns, needs an easement for telecommunications and appurtenances to cover the facilities in the attached exhibit. Additionally, Tacoma Power may need an easement for the vault depending on your response to my question below.

Please let me know if you have any questions.

Thanks!

Greg Muller, Real Estate Officer
Tacoma Public Utilities

Troy,

Do you have a legal description prepared or a survey showing the vault in relation to the proposed vacation to help us identify whether there’s a conflict with Tacoma Power’s vault?

Thanks!

Greg
Stevens, Troy

From: Muller, Gregory
Sent: Friday, May 22, 2020 4:59 PM
To: Stevens, Troy
Subject: FW: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)
Attachments: RE: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall); Street Vacation 124_HFC Response.pdf; RE: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall); RE: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall); RE: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

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Please let me know if you have any questions.

Thanks!

Greg Muller, Real Estate Officer
Tacoma Public Utilities

From: Muller, Gregory
Sent: Thursday, May 21, 2020 6:39 PM
To: Stevens, Troy <tstevens@cityoftacoma.org>
Cc: Horodyski, Greg <GHorodyski@ci.tacoma.wa.us>; Barrutia, Rich <rbarruti@ci.tacoma.wa.us>; Rogers, Susie <srogers@cityoftacoma.org>
Subject: RE: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

Troy,

Do you have a legal description prepared or a survey showing the vault in relation to the proposed vacation to help us identify whether there's a conflict with Tacoma Power's vault?

Thanks!

Greg

From: Horodyski, Greg <GHorodyski@ci.tacoma.wa.us>
Sent: Thursday, May 21, 2020 5:50 PM
To: Muller, Gregory <GMuller@cityoftacoma.org>; Reed, Daniel <DLReed@ci.tacoma.wa.us>; Barrutia, Rich <rbarruti@ci.tacoma.wa.us>
Cc: Martinson, John <jmartins@ci.tacoma.wa.us>
Subject: RE: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)
Greg,

CBD has no objections to this vacation, provided that the vacation listed in Exhibit 2 as 1’ for 127’ does not extend beyond the SW corner of the building. Exhibit 1 indicates that it doesn’t, Exhibit 2 looks like it does. If it does it may conflict with our vault CB701, which feeds the site and is part of the Grid Network.

Gregory J Horodyski, P.E.
Tacoma Power | Central Business District
253-502-8557

From: Muller, Gregory
Sent: Wednesday, May 20, 2020 4:48 PM
To: Reed, Daniel; Barrutia, Rich; Horodyski, Greg
Cc: Martinson, John
Subject: RE: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

Good afternoon, gentlemen.

Reminder that response due this Friday, May 22, 2020.

Thanks, and please let me know if any questions.

Greg

From: Muller, Gregory
Sent: Tuesday, May 5, 2020 4:04 PM
To: Shaffer, Shelly <sshaffer@ci.tacoma.wa.us>; Goodman, James <jgoodman@ci.tacoma.wa.us>; Glassy, Thad <TGGLASSY@ci.tacoma.wa.us>; Reed, Daniel <DLReed@ci.tacoma.wa.us>; Barrutia, Rich <rbarruti@ci.tacoma.wa.us>; Horodyski, Greg <GHorodyski@ci.tacoma.wa.us>; Netcher, Greg <gnetcher@ci.tacoma.wa.us>; Collier, Regina <rcollier@ci.tacoma.wa.us>
Cc: Volkhardt, Greg <gvolkhardt@ci.tacoma.wa.us>; Martinson, John <jmartins@ci.tacoma.wa.us>; Quinones, Kimberly <kquinones@ci.tacoma.wa.us>; Angel, Jesse <jangel@ci.tacoma.wa.us>
Subject: FW: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

Good afternoon,

Please review the attached Street Vacation request and send me your comments or questions by Friday, May 22, 2020.

Thank you!

Greg Muller, Real Estate Officer
Tacoma Public Utilities

From: Stevens, Troy <tstevens@cityoftacoma.org>
Sent: Tuesday, May 5, 2020 12:57 PM
To: Atkinson, Chris <c.atkinson@ci.tacoma.wa.us>; Atkinson, Stephen <s.atkinson@ci.tacoma.wa.us>; Baker, Brad (Brad.Baker@centurylink.com) <Brad.Baker@centurylink.com>; Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BBOUDET@ci.tacoma.wa.us>; Brock, Stephanie <sbrock@ci.tacoma.wa.us>; Cantrel, Aaron <Aaron_Cantrel@cable.comcast.com>; CenturyLink <nre.easement@centurylink.com>; Cornforth (Van Allen), Ronda <cornforth@cityoftacoma.org>; Daniels, Heather <hdaniels@ci.tacoma.wa.us>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Fletcher, Gloria <GFletcher@cityoftacoma.org>; Himes, Gail <ghimes@cityoftacoma.org>; Holt, Megan (megan.holt@pse.com) <megan.holt@pse.com>; Johnson, Christopher <cjohnso2@ci.tacoma.wa.us>;
Agency Reviewer,

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Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us
Hello Greg,

Tacoma Power Fiber HFC (Click!) does have underground system on the west side of the proposed area. Please see the attached map.

Please let me know if you need further information.

Thank you

Greg Netcher
HFC Engineering | Transmission & Distribution
Desk: 253-502-8868 | Cell: 253-370-4415 gnetcher@cityoftacoma.org

Good afternoon,

Please review the attached Street Vacation request and send me your comments or questions by Friday, May 22, 2020.

Thank you!

Greg Muller, Real Estate Officer
Tacoma Public Utilities

From: Stevens, Troy <tstevens@cityoftacoma.org>
Sent: Tuesday, May 5, 2020 12:57 PM
To: Atkinson, Chris <catkinson@ci.tacoma.wa.us>; Atkinson, Stephen <satkinson@ci.tacoma.wa.us>; Baker, Brad (Brad.Baker@centurylink.com) <Brad.Baker@centurylink.com>; Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BBBOUDET@ci.tacoma.wa.us>; Brock, Stephanie <sbrock@ci.tacoma.wa.us>; Cantrel, Aaron <Aaron_Cantrel@cable.comcast.com>; CenturyLink <nre.easement@centurylink.com>; Cornforth (Van Allen), Ronda <rcornforth@cityoftacoma.org>; Daniels, Heather <hdaniels@ci.tacoma.wa.us>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Fletcher, Gloria <GFletcher@cityoftacoma.org>; Himes, Gail <ghimes@cityoftacoma.org>;
Agency Reviewer,

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Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us
Potential conflict for Tacoma Data HFC
Stevens, Troy

From: Horodyski, Greg
Sent: Thursday, May 21, 2020 5:50 PM
To: Muller, Gregory; Reed, Daniel; Barrutia, Rich
Cc: Martinson, John
Subject: RE: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

Greg,

CBD has no objections to this vacation, provided that the vacation listed in Exhibit 2 as 1' for 127' does not extend beyond the SW corner of the building. Exhibit 1 indicates that it doesn't, Exhibit 2 looks like it does. If it does it may conflict with our vault CB701, which feeds the site and is part of the Grid Network.

Gregory J Horodyski, P.E.
Tacoma Power | Central Business District
253-502-8557

From: Muller, Gregory
Sent: Wednesday, May 20, 2020 4:48 PM
To: Reed, Daniel; Barrutia, Rich; Horodyski, Greg
Cc: Martinson, John
Subject: RE: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

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From: Muller, Gregory
Sent: Tuesday, May 5, 2020 4:04 PM
To: Shaffer, Shelly <sshaffer@ci.tacoma.wa.us>; Goodman, James <jgoodman@ci.tacoma.wa.us>; Glassy, Thad <TGLASSY@ci.tacoma.wa.us>; Reed, Daniel <DLReed@ci.tacoma.wa.us>; Barrutia, Rich <rbarruti@ci.tacoma.wa.us>; Horodyski, Greg <GHorodyski@ci.tacoma.wa.us>; Netcher, Greg <gnetcher@ci.tacoma.wa.us>; Collier, Regina <rcoller@ci.tacoma.wa.us>
Cc: Volkhardt, Greg <gvolkhardt@ci.tacoma.wa.us>; Martinson, John <jmartins@ci.tacoma.wa.us>; Quinones, Kimberly <kquinones@ci.tacoma.wa.us>; Angel, Jesse <jangel@ci.tacoma.wa.us>
Subject: FW: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

Good afternoon,

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Thank you!

Greg Muller, Real Estate Officer
Agency Reviewer,

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Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-533
 tstevens@ci.tacoma.wa.us
Hi Troy,

Sorry about that, I must have missed this one. This one is a little tough because I can’t find the actual ROW widths for Commerce St., S. 7th St. and Pac Ave. I’ve attached the PSE gas map which shows distances from C/L, curb etc. I think the gas is outside the proposed vacate areas but I’m not completely sure. Let me know if you have any trouble viewing the attachment.

Megan Tuche SR/WA
Sr. Real Estate Representative
Puget Sound Energy, Inc.
253-476-6417 (O) | 253-495-1427 (C)

Hi Megan,

Do you have anything for me on this one?

Thanks,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us
Agency Reviewer,

Please review the attached memo and map exhibits for proposed Street Vacation Petition 124.1410, as requested by City of Tacoma, Real Property Services, and provide comment for your respective utility/agency on or before May 22, 2020. Responses received later than May 22, 2020 risk NOT being incorporated into the vacation action.

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Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us
Troy,

The in-lieu sewer assessment owing for the portion of vacated right of way is $1,769.17.

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: Stevens, Troy <tstevens@cityoftacoma.org>
Sent: Tuesday, October 6, 2020 1:32 PM
To: Russell, Lee <LRussell@cityoftacoma.org>
Subject: FW: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

There is no In-Lieu on this, right?

Thanks,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us

From: Stevens, Troy <tstevens@cityoftacoma.org>
Sent: Tuesday, May 5, 2020 12:57 PM
To: Atkinson, Chris <catkinson@ci.tacoma.wa.us>; Atkinson, Stephen <satkinson@ci.tacoma.wa.us>; Baker, Brad (Brad.Baker@centurylink.com); Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BBouDEt@ci.tacoma.wa.us>; Brock, Stephanie <sbrock@ci.tacoma.wa.us>; Cantrel, Aaron <Aaron_Cantrel@cable.comcast.com>; CenturyLink <nre.easement@centurylink.com>; Cornforth (Van Allen), Ronda <rcornforth@cityoftacoma.org>; Daniels, Heather <hdaniels@ci.tacoma.wa.us>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Fletcher, Gloria <GFletcher@cityoftacoma.org>; Himes, Gail <ghimes@cityoftacoma.org>; Holt, Megan (megan.holt@pse.com) <megan.holt@pse.com>; Johnson, Christopher <cjohnso2@ci.tacoma.wa.us>; Johnson, David (PDS) <DJohnson2@ci.tacoma.wa.us>; Kammerzell, Jennifer <HKammerzell@cityoftacoma.org>; Kidd, Brennan <bkidd@cityoftacoma.org>; Larson, Chris <CLARSON@cityoftacoma.org>; Lynett, Kristin <kristin.lynett@cityoftacoma.org>; Marsten, Vicki <umarsten@cityoftacoma.org>; Muller, Gregory <GMuller@cityoftacoma.org>; Newton, Corey <cnewton@ci.tacoma.wa.us>; Parvey, James
Agency Reviewer,

Please review the attached memo and map exhibits for proposed Street Vacation Petition 124.1410, as requested by City of Tacoma, Real Property Services, and provide comment for your respective utility/agency on or before May 22, 2020. Responses received later than May 22, 2020 risk NOT being incorporated into the vacation action.

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Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacomawa.us
From: Stevens, Troy <tstevens@cityoftacoma.org>
Sent: Tuesday, May 5, 2020 12:57 PM
To: Atkinson, Chris <catkinson@ci.tacoma.wa.us>; Atkinson, Stephen <satkinson@ci.tacoma.wa.us>; Baker, Brad (Brad.Baker@centurylink.com) <Brad.Baker@centurylink.com>; Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BBouDET@ci.tacoma.wa.us>; Brock, Stephanie <sbrock@ci.tacoma.wa.us>; Cantrel, Aaron <Aaron_Cantrel@cable.comcast.com>; CenturyLink <nre.easement@centurylink.com>; Cornforth (Van Allen), Ronda <rcornforth@cityoftacoma.org>; Daniels, Heather <hdaniels@ci.tacoma.wa.us>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Fletcher, Gloria <GFletcher@cityoftacoma.org>; Himes, Gail <ghimes@cityoftacoma.org>; Holt, Megan (megan.holt@pse.com) <megan.holt@pse.com>; Johnson, Christopher <cjohnson2@ci.tacoma.wa.us>; Johnson, David (PDS) <DJohnson2@ci.tacoma.wa.us>; Kammerzell, Jennifer <JKammerzell@cityoftacoma.org>; Kidd, Brennan <bkidd@cityoftacoma.org>; Larson, Chris <CLRSON@cityoftacoma.org>; Lynett, Kristin <kristin.lynett@cityoftacoma.org>; Marsten, Vicki <vmarsten@cityoftacoma.org>; Muller, Gregory <GMuller@cityoftacoma.org>; Newton, Corey <cnewton@ci.tacoma.wa.us>; Parvey, James <JPARVEY@cityoftacoma.org>; Rob.Bair@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>; Torres, Andrew <ATORRES@cityoftacoma.org>
Cc: Stevens, Troy <tstevens@cityoftacoma.org>
Subject: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

Agency Reviewer,

Please review the attached memo and map exhibits for proposed Street Vacation Petition 124.1410, as requested by City of Tacoma, Real Property Services, and provide comment for your respective utility/agency on or before May 22, 2020. Responses received later than May 22, 2020 risk NOT being incorporated into the vacation action.

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Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us
Tacoma Water does not have any conflicts with this street vacancy.

Hi, Chris.

Yes, please respond to this e-mail. I've attached a sample from a previous SV request for which Tacoma Water did not have a conflict with the proposed vacation or needed to reserve an easement to protect any of its infrastructure.

Please let me know if any questions.

Thanks!

Greg

Good afternoon Greg,

Is this something in Acella or do I respond to this email?

Hi, Chris.

Following up on Shelly's e-mail forwarding the following Street Vacation request for your review and comment.

Please let me know if you have any questions.

Thanks!

Greg Muller, Real Estate Officer
Good afternoon,

Please review the attached Street Vacation request and send me your comments or questions by **Friday, May 22, 2020**.

Thank you!

Greg Muller, Real Estate Officer
Tacoma Public Utilities

---

Agency Reviewer,

Please review the attached memo and map exhibits for proposed Street Vacation Petition 124.1410, as requested by City of Tacoma, Real Property Services, and provide comment for your respective utility/agency on or before **May 22, 2020**. Responses received later than May 22, 2020 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Please note: In the event that conditions do not comport to **RCW 35.79.030, which limits conditions of the vacation to the bounds of the proposed vacate area**, a representative from your respective utility will be required to attend the
public hearing to present the perceived merits of your conditions. Failure to attend may result in the automatic dismissal of any such condition that does not comport to statute.

Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us
Stevens, Troy

Goodman, James

Wednesday, May 20, 2020 9:14 AM

Muller, Gregory

RE: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

Gregory,

Tacoma Water's Supply section has no conflicts with this Street Vacation request.

Thank you,

Jim Goodman | Tacoma Water
Interim Operations Manager/Water Supply Section
Cell: 253-606-0287

Muller, Gregory <GMuller@cityoftacoma.org>

Tuesday, May 5, 2020 4:04 PM

Shaffer, Shelly <sshaffer@ci.tacoma.wa.us>; Goodman, James <jgoodman@ci.tacoma.wa.us>; Glassy, Thad <TGLASSY@ci.tacoma.wa.us>; Reed, Daniel <DLReed@ci.tacoma.wa.us>; Barrutia, Rich <rbarrutia@ci.tacoma.wa.us>; Horodyski, Greg <GHorodyski@ci.tacoma.wa.us>; Netcher, Greg <gnetcher@ci.tacoma.wa.us>; Collier, Regina <rcollier@ci.tacoma.wa.us>

Volkhardt, Greg <gvolkhardt@ci.tacoma.wa.us>; Martinson, John <jmartins@ci.tacoma.wa.us>; Quinones, Kimberly <kquinones@ci.tacoma.wa.us>; Angel, Jesse <jangel@ci.tacoma.wa.us>

Subject: FW: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

Good afternoon,

Please review the attached Street Vacation request and send me your comments or questions by Friday, May 22, 2020.

Thank you!

Greg Muller, Real Estate Officer
Tacoma Public Utilities

Stevens, Troy <tstevens@cityoftacoma.org>

Tuesday, May 5, 2020 12:57 PM

Atkinson, Chris <catkinson@ci.tacoma.wa.us>; Atkinson, Stephen <satkinson@ci.tacoma.wa.us>; Baker, Brad (Brad.Baker@centurylink.com) <Brad.Baker@centurylink.com>; Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BBOUDET@ci.tacoma.wa.us>; Brock, Stephanie <sbrock@ci.tacoma.wa.us>; Cantrel, Aaron <Aaron_Cantrel@cable.comcast.com>; CenturyLink <nre.easement@centurylink.com>; Cornforth (Van Allen), Ronda <rcornforth@cityoftacoma.org>; Daniels, Heather <hdaniels@ci.tacoma.wa.us>; Erickson, Ryan
Agency Reviewer,

Please review the attached memo and map exhibits for proposed Street Vacation Petition 124.1410, as requested by City of Tacoma, Real Property Services, and provide comment for your respective utility/agency on or before May 22, 2020. Responses received later than May 22, 2020 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Please note: In the event that conditions do not comport to RCW 35.79.030, which limits conditions of the vacation to the bounds of the proposed vacate area, a representative from your respective utility will be required to attend the public hearing to present the perceived merits of your conditions. Failure to attend may result in the automatic dismissal of any such condition that does not comport to statute.

Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us
Hello Troy,
I've attached our no objections response letter for review. We do have a vacant 4" conduit that enters the building on the west side that probably crosses over the 1' x 127' vacate area but I'm sure the new property owner will just have to adjust or accommodate that conduit. The other two noted areas are clear of any CTL.

Regards,

Robert Bair
Engineer II
7850B S Trafton St BLDG B Tacoma, WA 98409
rob.bair@centurylink.com

From: Stevens, Troy <tstevens@cityoftacoma.org>
Sent: Tuesday, May 05, 2020 12:57 PM
To: Atkinson, Chris <catkinson@ci.tacoma.wa.us>; Atkinson, Stephen <satkinson@ci.tacoma.wa.us>; Baker, Brad <Brad.Baker@centurylink.com>; Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BBOUDET@ci.tacoma.wa.us>; Brock, Stephanie <sbrock@ci.tacoma.wa.us>; Cantrel, Aaron <Aaron_Cantrel@cable.comcast.com>; Easement, Nre <Nre.Easement@centurylink.com>; Cornforth (Van Allen), Ronda <rcornforth@cityoftacoma.org>; Daniels, Heather <hdaniels@ci.tacoma.wa.us>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Fletcher, Gloria <GFletcher@cityoftacoma.org>; Himes, Gail <ghimes@cityoftacoma.org>; Holt, Megan <megan.holt@pse.com>; 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 <CLRSON@cityoftacoma.org>; Lynett, Kristin <klynett@cityoftacoma.org>; Marsten, Vicki <vmarsten@cityoftacoma.org>; Muller, Gregory <GMuller@cityoftacoma.org>; Newton, Corey <cnewton@ci.tacoma.wa.us>; Parvey, James <JPARVEY@cityoftacoma.org>; Bair, Rob <Rob.Bair@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>; Torres, Andrew <ATORRES@cityoftacoma.org>
Cc: Stevens, Troy <tstevens@cityoftacoma.org>
Subject: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

Agency Reviewer,
Please review the attached memo and map exhibits for proposed Street Vacation Petition 124.1410, as requested by City of Tacoma, Real Property Services, and provide comment for your respective utility/agency on or before **May 22, 2020**. Responses received later than May 22, 2020 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Please note: In the event that conditions do not comport to **RCW 35.79.030, which limits conditions of the vacation to the bounds of the proposed vacate area**, a representative from your respective utility will be required to attend the public hearing to present the perceived merits of your conditions. Failure to attend may result in the automatic dismissal of any such condition that does not comport to statute.

Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us

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TO: ALL CONCERNED AGENCIES & DEPARTMENTS

FROM: TROY STEVENS
PUBLIC WORKS /REAL PROPERTY SERVICES

SUBJECT: STREET VACATION REQUEST NO. 124.1410

DATE: May 5, 2020

Real Property Services is processing a City initiated petition to vacate a portion of Commerce Street, South 7th Street, and Pacific Avenue to cure existing Old City Hall right of way building encroachments as shown on the vicinity maps attached to this email.

In order to be considered, your comments must be received by Real Property Services, TMB, Room 737, by May 22, 2020. 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

X No Objections

________ Comments Attached

5/5/2020 Date

[Signature] Signature

ENGINEERING Department
Comcast comments attached.

From: Stevens, Troy <tstevens@cityoftacoma.org>
Sent: Tuesday, May 05, 2020 12:57 PM
To: Atkinson, Chris <catkinson@ci.tacoma.wa.us>; Atkinson, Stephen <satkinson@ci.tacoma.wa.us>; Baker, Brad (Brad.Baker@centurylink.com) <Brad.Baker@centurylink.com>; Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BBOUDET@ci.tacoma.wa.us>; Brock, Stephanie <sbrock@ci.tacoma.wa.us>; Cantrel, Aaron R <Aaron_Cantrel@cable.comcast.com>; CenturyLink <nre.easement@centurylink.com>; Cornforth (Van Allen), Ronda <rcornforth@cityoftacoma.org>; Daniels, Heather <hdaniels@ci.tacoma.wa.us>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Fletcher, Gloria <GFletcher@cityoftacoma.org>; Himes, Gail <ghimes@cityoftacoma.org>; Holt, Megan (megan.holt@pse.com) <megan.holt@pse.com>; 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>; Lynett, Kristin <kristin.lynett@cityoftacoma.org>; Marsten, Vicki <vmarsten@cityoftacoma.org>; Muller, Gregory <GMuller@cityoftacoma.org>; Newton, Corey <cnewton@ci.tacoma.wa.us>; Parvey, James <JPARVEY@cityoftacoma.org>; Rob.Bair@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 <SStringer@ci.tacoma.wa.us>; Tina Vaslet <tvaslet@piercetransit.org>; Torres, Andrew <ATORRES@cityoftacoma.org>
Cc: Stevens, Troy <tstevens@cityoftacoma.org>
Subject: [EXTERNAL] Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

Agency Reviewer,

Please review the attached memo and map exhibits for proposed Street Vacation Petition 124.1410, as requested by City of Tacoma, Real Property Services, and provide comment for your respective utility/agency on or before May 22, 2020. Responses received later than May 22, 2020 risk NOT being incorporated into the vacation action.

Please email me with any questions you may have.

Please note: In the event that conditions do not comport to RCW 35.79.030, which limits conditions of the vacation to the bounds of the proposed vacate area, a representative from your respective utility will be required to attend the public hearing to present the perceived merits of your conditions. Failure to attend may result in the automatic dismissal of any such condition that does not comport to statute.

Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
TO: ALL CONCERNED AGENCIES & DEPARTMENTS

FROM: TROY STEVENS
PUBLIC WORKS /REAL PROPERTY SERVICES

SUBJECT: STREET VACATION REQUEST NO. 124.1410

DATE: May 5, 2020

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Pierce Transit
Puget Sound Energy
Qwest Communications
Fire Department
Police Department
TPU/Power/T&D
TPU/Water/LID
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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

X No Objections

X Comments Attached

Date

5-11-20

Signature

Planning & Design

Department

"If Comcast has no facilities within the vacation areas"
Good Afternoon Troy,

Thank you for the opportunity to review this. Since Pierce Transit does not have bus stops in the immediate vicinity of this property, we have no comments.

Kind Regards,
Tina

Tina Vaslet
Planner II - Bus Stops
Desk: 253.983.2706 | Cell: 253.255-8521
3701 96th St. SW, Lakewood, WA 98499
Providing 40 years of service
public hearing to present the perceived merits of your conditions. Failure to attend may result in the automatic dismissal of any such condition that does not comport to statute.

Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us
Stevens, Troy

From: Walkowiak, Ellen (Elly)
Sent: Wednesday, May 6, 2020 5:29 PM
To: Stevens, Troy
Subject: Fw: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)
Attachments: Map Exhibit 1 - Old City Hall 5_5_2020.pdf; Map Exhibit 2 - Old City Hall 5_5_2020.pdf; SV124.1410 (City of Tacoma) - Request for Agency Comments 5_5_2020.pdf

Troy,

Thank you for the opportunity to comment. The Community and Economic Development Department supports the Street Vacation Petition for Old City Hall. Thank you.

Elly Walkowiak, Assistant Director
City of Tacoma
Community and Economic Development Department
(253) 591-5209

From: Fletcher, Gloria <GFletcher@cityoftacoma.org>
Sent: Tuesday, May 5, 2020 1:56 PM
To: Walkowiak, Ellen (Elly) <Ellen.Walkowiak@cityoftacoma.org>
Subject: FW: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

FYI

From: Stevens, Troy <tstevens@cityoftacoma.org>
Sent: Tuesday, May 5, 2020 12:57 PM
To: Atkinson, Chris <catkinson@ci.tacoma.wa.us>; Atkinson, Stephen <satkinson@ci.tacoma.wa.us>; Baker, Brad (Brad.Baker@centurylink.com) <Brad.Baker@centurylink.com>; Barnett, Elliott <elliott.barnett@ci.tacoma.wa.us>; Boudet, Brian <BOUDET@ci.tacoma.wa.us>; Brock, Stephanie <sbrock@ci.tacoma.wa.us>; Cantrel, Aaron <Aaron_Cantrel@cable.comcast.com>; CenturyLink <nre.easement@centurylink.com>; Cornforth (Van Allen), Ronda <rcornforth@cityoftacoma.org>; Daniels, Heather <hdaniels@ci.tacoma.wa.us>; Erickson, Ryan <RErickso@ci.tacoma.wa.us>; Fletcher, Gloria <GFletcher@cityoftacoma.org>; Himes, Gail <ghimes@cityoftacoma.org>; Holt, Megan (megan.holt@pse.com) <megan.holt@pse.com>; 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>; Lynett, Kristin <kristin.lynett@cityoftacoma.org>; Marsten, Vicki <vmarsten@cityoftacoma.org>; Muller, Gregory <GMuller@cityoftacoma.org>; Newton, Corey <cnewton@ci.tacoma.wa.us>; Parvey, James <JPARVEY@cityoftacoma.org>; Rob.Bair@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>; Torres, Andrew <ATORRES@cityoftacoma.org>
Cc: Stevens, Troy <tstevens@cityoftacoma.org>
Subject: Street Vacation 124.1410 - Comments DUE May 22, 2020 - City of Tacoma (Old City Hall)

Agency Reviewer,
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Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us
Mr. Examiner,

Apologies for the confusion. The map you reference below does appear to show three (3) areas; however, there are actually four (4) areas in the vacation proposal. The fourth area is a 1’ X 6’ strip that covers a portion of a concrete lip and metal rail located in the SE corner of the building. Please refer to image below.

The area was so small that it was consumed by the larger area along Pacific Avenue and can be considered as either part of Pacific Avenue or 7th Street; we are interpreting it as part of 7th Street for street vacation purposes. The area is more clearly shown in the attached - Exhibit C-3.

As requested, the areas of revised street vacation legals are marked on your exhibit below:
The lack of precisions here persists. I still have three legal descriptions for only two identifiable areas from the hearing. Given that what are supposedly still three vacation areas have been numbered 1 through 3, using the maps that were admitted as part of the record, please show where each of these is labelling them 1 through 3. The record only shows three areas at the outset of the hearing, one of which was removed at the City’s motion as below. The circled area was removed from the petition at the City’s motion.
Vacate Areas

From: Legg, Louisa <llegg@cityoftacoma.org>
Sent: Wednesday, October 28, 2020 7:58 AM
To: Capell, Jeff <jcapell@cityoftacoma.org>
Cc: Meyers, Aundrea <AMeyers@cityoftacoma.org>
Subject: FW: SV124.1410 - Old City Hall - Post Hearing Comment - Vacate Area (REVISED)
Importance: High
Good morning,
We went from four areas to three different vacation areas as one large vacation along Pacific Ave was apparently eliminated at the hearing.

Please see attached – easements are follows:

1 – Commerce St side of Old City Hall
2 – South 7th Ave side
3 – Southerly projection into South 7th Ave at SE corner of building

Please let me know if there are any other questions, or if any further clarification is required.

Sincerely,

Gary Allen, PLS
City of Tacoma, Public Works
Chief Surveyor
(253) 591-5772 Work
(253) 278-2176 Cel
The title of the attached legal description says: **LEGAL DESCRIPTIONS OF THE THREE DIFFERENT AREAS OF OLD CITY HALL TO BE VACATED COMBINED INTO ONE DOCUMENT.** It seems we may have missed. We went from three areas to two. What am I missing here?

Thank you,

Aundrea Meyers
Office Assistant
Tacoma City Hearing Examiner’s Office
253.591.5195
hearing.examiner@cityoftacoma.org

---

From: Allen, Gary <gallen@cityoftacoma.org>
Sent: Tuesday, October 27, 2020 3:58 PM
To: Hearing Examiner <hexcal@cityoftacoma.org>; Stevens, Troy <tstevens@cityoftacoma.org>; Rogers, Susie <srogers@cityoftacoma.org>; Kammerzell, Jennifer <JKammerzell@cityoftacoma.org>
Cc: Meyers, Aundrea <AMeyers@cityoftacoma.org>
Subject: RE: SV124.1410 - Old City Hall - Post Hearing Comment - Vacate Area (REVISED)

Good afternoon,

As requested and determined by further review/acknowledgment by Susie & Jennifer earlier today, enclosed is the REVISED combined legal for the 3 different vacation areas. The proposed, large vacation area along Pacific Avenue has been eliminated.

Please let me know if you have any questions or concerns.

Sincerely,

Gary Allen, PLS
City of Tacoma, Public Works
Chief Surveyor
(253) 591-5772 Work
(253) 278-2176 Cel

---

From: Legg, Louisa <legg@cityoftacoma.org> On Behalf Of Hearing Examiner
Sent: Monday, October 26, 2020 4:01 PM
To: Stevens, Troy <tstevens@cityoftacoma.org>; Allen, Gary <gallen@cityoftacoma.org>; Hearing Examiner <hexcal@cityoftacoma.org>; Rogers, Susie <srogers@cityoftacoma.org>; Kammerzell, Jennifer <JKammerzell@cityoftacoma.org>
Cc: Meyers, Aundrea <AMeyers@cityoftacoma.org>
Subject: RE: SV124.1410 - Old City Hall - Post Hearing Comment - Vacate Area

Hello All! I spoke with the Examiner since receiving Gary’s response moments ago. The Examiner believes that the Pacific Avenue piece of this vacation was to be removed from this vacation request. This would eliminate the need for any part of Pacific Avenue being included in the vacation request’s legal description. I would like confirmation that is the City’s understanding as well. He is simply waiting for a new legal description sans the Pacific Avenue portion original language. Thanks.

Sincerely,
From: Stevens, Troy <tstevens@cityoftacoma.org>
Sent: Monday, October 26, 2020 3:51 PM
To: Allen, Gary <gallen@cityoftacoma.org>; Hearing Examiner <hexcal@cityoftacoma.org>; Rogers, Susie <srogers@cityoftacoma.org>; Kammerzell, Jennifer <JKammerzell@cityoftacoma.org>
Cc: Meyers, Aundrea <AMeyers@cityoftacoma.org>
Subject: RE: SV124.1410 - Old City Hall - Post Hearing Comment - Vacate Area

Thanks everyone!

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us

From: Allen, Gary <gallen@cityoftacoma.org>
Sent: Monday, October 26, 2020 3:29 PM
To: Hearing Examiner <hexcal@cityoftacoma.org>; Stevens, Troy <tstevens@cityoftacoma.org>; Rogers, Susie <srogers@cityoftacoma.org>; Kammerzell, Jennifer <JKammerzell@cityoftacoma.org>
Cc: Meyers, Aundrea <AMeyers@cityoftacoma.org>
Subject: RE: SV124.1410 - Old City Hall - Post Hearing Comment - Vacate Area

Louisa,
I am waiting for exact limits from Traffic for what they want to keep open for the future Parkway trail along Pacific, then once I have that, I can generate a revised legal description for the portion to be vacated.

Sincerely,

Gary Allen, PLS
City of Tacoma, Public Works
Chief Surveyor
(253) 591-5772 Work
(253) 278-2176 Cel

From: Legg, Louisa <llegg@cityoftacoma.org> On Behalf Of Hearing Examiner
Sent: Monday, October 26, 2020 3:26 PM
To: Stevens, Troy <tstevens@cityoftacoma.org>; Allen, Gary <gallen@cityoftacoma.org>; Rogers, Susie <srogers@cityoftacoma.org>; Kammerzell, Jennifer <JKammerzell@cityoftacoma.org>
Cc: Meyers, Aundrea <AMeyers@cityoftacoma.org>
Subject: RE: SV124.1410 - Old City Hall - Post Hearing Comment - Vacate Area

Hello! Can one of you give me an ETA for the new legal description? Thanks.

Sincerely,
From: Stevens, Troy <tstevens@cityoftacoma.org>
Sent: Thursday, October 22, 2020 12:19 PM
To: Allen, Gary <gallen@cityoftacoma.org>; Rogers, Susie <srogers@cityoftacoma.org>; Kammerzell, Jennifer <JKammerzell@cityoftacoma.org>
Cc: Hearing Examiner <hexcal@cityoftacoma.org>
Subject: RE: SV124.1410 - Old City Hall - Post Hearing Comment - Vacate Area

Thank you, Gary!

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us

From: Allen, Gary <gallen@cityoftacoma.org>
Sent: Thursday, October 22, 2020 12:01 PM
To: Stevens, Troy <tstevens@cityoftacoma.org>; Rogers, Susie <srogers@cityoftacoma.org>; Kammerzell, Jennifer <JKammerzell@cityoftacoma.org>
Cc: Hearing Examiner <hexcal@cityoftacoma.org>
Subject: RE: SV124.1410 - Old City Hall - Post Hearing Comment - Vacate Area

Susie/Troy
I can generate a new legal – Jennifer, just let me know what the reduced dimensions are based on the CAD I had sent on Oct 11th (or dimensions relative to existing surface features).

Sincerely,

Gary Allen, PLS
City of Tacoma, Public Works
Chief Surveyor
(253) 591-5772 Work
(253) 278-2176 Cel

From: Stevens, Troy <tstevens@cityoftacoma.org>
Sent: Thursday, October 22, 2020 9:54 AM
To: Rogers, Susie <srogers@cityoftacoma.org>
Cc: Hearing Examiner <hexcal@cityoftacoma.org>; Kammerzell, Jennifer <JKammerzell@cityoftacoma.org>; Allen, Gary <gallen@cityoftacoma.org>
Subject: SV124.1410 - Old City Hall - Post Hearing Comment - Vacate Area

Susie,
In talking to Jennifer Kammerzell after the hearing, realized that we need to address the reduced vacate area and legal description. 
Will you work with City Survey to provide the HEX with the updated legal description?

Thank you,

Troy Stevens, MSML
City of Tacoma, Public Works
Sr. Real Estate Specialist
(253) 591-5535
tstevens@ci.tacoma.wa.us
Exhibit C-3

Legal Description 1

Legal Description 2

Legal Description 3

Legal Description 4 (now known as Legal Description 3 on revised legals)
LEGAL DESCRIPTIONS OF THE THREE DIFFERENT AREAS OF OLD CITY HALL TO BE VACATED COMBINED INTO ONE DOCUMENT

A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 04, TOWNSHIP 20 NORTH, RANGE 03 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, MORE PARTICULARLY DESCRIBED AS;

THE SOUTHERLY 127 FEET OF THE EASTERLY 1.0 FEET OF THE EASTERLY 40 FEET OF COMMERCE STREET RIGHT OF WAY NORTH OF SOUTH 7TH STREET;

TOGETHER WITH THE NORTHERLY 2.0 FEET OF THE NORTHERLY 38.4 FEET OF THE EASTERLY 16.0 FEET OF THE EASTERLY 63.5 FEET OF SOUTH 7TH STREET RIGHT OF WAY, ABUTTING THAT PORTION VACATED BY ORDINANCE NO. 19882 OF THE CITY OF TACOMA, RECORDED UNDER AUDITOR’S FEE NO. 2529850;

AND TOGETHER WITH THAT PORTION COMMENCING AT THE SURFACE BRASS DISK MARKING THE INTERSECTION OF SOUTH 7TH STREET AND PACIFIC AVENUE, THENCE NORTH ALONG THE CENTERLINE OF PACIFIC AVENUE EXTENDED NORTHERLY NORTH 7° 25' 20" WEST A DISTANCE OF 40.00 FEET; THENCE SOUTH 82° 37' 08" WEST A DISTANCE OF 49.87 FEET TO THE SOUTHWEST CORNER OF CITY OF TACOMA VACATION ORDINANCE NO. 19982; THENCE NORTH 67° 04' 40" EAST A DISTANCE OF 1.00 FEET TO THE SOUTHEAST CORNER OF SAID VACATION ORDINANCE AND TRUE POINT OF BEGINNING; THENCE NORTH 22° 55' 20" WEST ALONG THE EASTERLY LIMIT OF SAID CITY OF TACOMA VACATION ORDINANCE NO. 19982 A DISTANCE OF 6.37 FEET; THENCE SOUTH 22° 55' 20" EAST A DISTANCE OF 6.37 FEET; THENCE SOUTH 67° 04' 40" WEST A DISTANCE OF 1.00 FEET TO THE POINT OF BEGINNING.

ALL SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.

FILENAME: COMBO LEGAL OF THE THREE DIFFERENT AREAS OF OLD CITY HALL.DOCX
RESOLUTION NO. 40714

BY REQUEST OF MAYOR WOODARDS, DEPUTY MAYOR BLOCKER, AND COUNCIL MEMBER USHKA

A RESOLUTION relating to committees, boards, and commissions; appointing an individual to the Mayor’s Youth Commission of Tacoma leadership team.

WHEREAS a vacancy exists on the Mayor’s Youth Commission of Tacoma (“Commission”) leadership team, and

WHEREAS each year the Commission elects a 10-member leadership team that represents the diversity of the City who will represent them, and on July 14, 2020, eight members were appointed, leaving two vacancies, and

WHEREAS, at its meeting of November 21, 2020, the Commission voted to recommend the appointment of Rita Tumbusch to the Commission’s leadership team, and

WHEREAS, pursuant to City Charter 2.4 and the Rules, Regulations, and Procedures of the City Council, Rita Tumbusch has been nominated to serve on the Commission; Now, Therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That Rita Tumbusch is hereby confirmed and appointed as a member of the Mayor’s Youth Commission of Tacoma leadership team to fill a vacant term to expire June 30, 2021.

Adopted ________________

__________________________
Mayor

Attest:

__________________________
City Clerk

Approved as to form:

__________________________
City Attorney
TO: Elizabeth Pauli, Manager  
FROM: Bucoda Warren, Strategic Initiatives Coordinator, Media and Communications Office  
        Tadd Wille, Deputy City Manager  
COPY: City Council and City Clerk  
SUBJECT: Resolution – Appointing an individual to the Mayor’s Youth Commission of Tacoma –  
        Requested for December 15, 2020  
DATE: November 24, 2020

SUMMARY AND PURPOSE:  
A resolution appointing the following individual to the Mayor’s Youth Commission of Tacoma leadership team to  
vacant term to expire June 30, 2021.  
- Rita Tumbusch

COUNCIL SPONSORS:  
Mayor Woodards, Deputy Mayor Blocker, and Council Member Ushka

BACKGROUND:  
Each year the Mayor’s Youth Commission elects a 10-member leadership team that represents the diversity of  
Tacoma who will represent them and will be presented to and be confirmed by the City Council. On July 14, 2020  
eight members were appointed to the Mayor’s Youth Commission, leaving two vacancies. At the youth  
commission’s November 21 meeting, they voted to recommend the appointment of Rita Tumbusch to the  
leadership team. Rita is an 11th grade student from the Science and Math Institute, and will be taking the role of  
Vice Chair of the Environmental Health Committee within the commission.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:  
The leadership team of the Mayor’s Youth Commission has been meeting since July with two vacancies. On  
October 27, 2020 the City Council appointed Logan Cornwell, filling one of the two vacancies. The Environmental  
Health had asked its members if someone was ready to take a leadership role. After discussing within their team,  
they asked Rita Tumbusch to accept the appointment.

2025 STRATEGIC PRIORITIES:

Education: *Equity Index Score*: High Opportunity  
Increase the number of quality out of school time learning opportunities distributed equitably across the city.

Civic Engagement: *Equity Index Score*: Moderate Opportunity  
Increase the number of residents who participate civically through volunteering and voting.  
Elected officials, boards, commissions, and volunteer leadership will reflect the diversity of the Tacoma  
community.  
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).*  
The Mayor’s Youth Commission provides opportunities for out of school learning opportunities and engagement
with city and community leaders in different areas of the city. As a commission that engages middle and high school students, the Mayor's Youth Commission provides the City an opportunity to get young people engaged with government thus improving many of the Civic Engagement indicators.

**ALTERNATIVES:**

<table>
<thead>
<tr>
<th>Alternative(s)</th>
<th>Positive Impact(s)</th>
<th>Negative Impact(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Do not appoint new member</td>
<td></td>
<td>The commission will function with one vacancy</td>
</tr>
</tbody>
</table>

**EVALUATION AND FOLLOW UP:**
Each year, the outgoing leadership team submits an annual report to the City Council that shares what they have accomplished, and goals to be continued by the next leadership team. This serves as an opportunity for the Council to evaluate their work and engage in discussions with them on continued actions.

**STAFF/SPONSOR RECOMMENDATION:**
Staff recommends appointment of Rita Tumbusch selected by the youth commission leadership team to their team.
RESOLUTION NO. 40715

BY REQUEST OF COUNCIL MEMBERS HUNTER, McCARTHY, AND WALKER

A RESOLUTION relating to committees, boards, and commissions; appointing and reappointing individuals to the Transportation Commission.

WHEREAS vacancies exist on the Transportation Commission, and

WHEREAS, at its special meeting of November 18, 2020, the Infrastructure, Planning, and Sustainability Committee conducted interviews and recommended the appointment and reappointment of individuals to said commission, 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 Transportation Commission; Now, Therefore,

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

That those nominees to the Transportation Commission, listed on Exhibit “A,” are hereby confirmed and appointed or reappointed as members of such commission, 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”

TRANSPORTATION COMMISSION

Appointing Erin Anderson to the “At-Large No. 2” position to fill an unexpired term to expire August 31, 2023.

Reappointing Evette Mason to the “At-Large No. 1” position to fill an unexpired term to expire August 31, 2023.

Reappointing Bruce Morris to the “Council District No. 4” position to fill an unexpired term to expire August 31, 2023.
TO: Elizabeth Pauli, City Manager
FROM: Doris Sorum, City Clerk
Bill Fosbre, City Attorney
COPY: City Council
SUBJECT: Resolution – Appointing and reappointing individuals to the Transportation Commission
DATE: December 15, 2020

SUMMARY:
Appointing and reappointing the following individuals to the Transportation Commission:

- Appointing Erin Anderson to the “At-Large No. 2” position to fill an unexpired term to expire August 31, 2023.
- Reappointing Evette Mason to the “At-Large No. 1” position to fill an unexpired term to expire August 31, 2023.
- Reappointing Bruce Morris to the “Council District No. 4” position to fill an unexpired term to expire August 31, 2023.

COUNCIL SPONSORS:
Council Members Hunter, McCarthy, and Walker.

STRATEGIC POLICY PRIORITY:
Appointing individuals to the Commission best aligns with the strategic priority policy related to planning for and improving public infrastructure that meets the transportation needs of all Tacoma residents and visitors because the Commission advises the City Council on transportation-related matters.

BACKGROUND:
At the November 18, 2020 Infrastructure, Planning, and Sustainability Committee special meeting, the Committee conducted interviews and recommended the appointment and reappointment of the individuals listed above.

ISSUE:
Positions need to be filled on the Transportation Commission.

ALTERNATIVES:
The Commission will continue to operate without full membership.

RECOMMENDATION:
The Infrastructure, Planning, and Sustainability Committee is recommending the appointment and reappointment of the individuals listed above.

FISCAL IMPACT:
There is no fiscal impact.
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December 10, 2020

Honorable Mayor Woodards and
Members of the City Council

SUBJECT: Citizen Commission on Elected Salaries

I am forwarding the attached memorandum from the Citizen Commission on Elected Salaries, regarding the 2021 elected official salaries and benefits.

Please let me know if you have any questions.

Sincerely,

Doris Sorum
City Clerk

Attachment
The 2021 salaries and benefits of Tacoma elected officials will remain the same as in 2020. The decision at the Commission's special meeting of August 27, 2020 was unanimous of the quorum present.

The decision was driven by financial difficulties facing the Tacoma city government and by the favorable comparison of current elected official salaries to the median household income of Tacoma residents.

Sincerely,

Richard Wilkinson
Commission Chair
RESOLUTION NO. 40716

A RESOLUTION relating to Special Projects; designating the Strategic Permitting Projects, Affordable Housing Streamlining, and Neighborhood Planning Projects as Special Projects of Limited Duration, and designating general salary classifications and benefits for persons employed on the projects pursuant to Sections 1.12.155, 1.24.187, 1.24.980 through 1.24.986, and 1.30.300 of the Municipal Code and Section 6.1(h) of the City Charter.

WHEREAS the Planning and Development Services Department ("PDS") desires to designate the following projects as Special Projects of Limited Duration, for the purpose of acquiring project staff to supplement permanent staffing levels on an as-needed basis: (1) Strategic Permitting Projects, (2) Affordable Housing Streamlining, and (3) Neighborhood Planning Projects, and

WHEREAS the Strategic Permitting Projects are intended to provide PDS with additional fiscally responsible resources for the purpose of positively transforming the way it interacts with the community, including proactive community engagement to provide a better understanding of the development process, associated standards, and how best to engage in the process, for an estimated cost of $3,942,324, to continue through December 31, 2026, and

WHEREAS the Affordable Housing Streamlining Project will focus on affordable housing projects across the City, with the goal of assessing projects quickly, providing options, prioritizing affordable housing projects, and helping incentivize new units, for an estimated cost of $527,028, to continue through December 31, 2024, and

WHEREAS the Neighborhood Planning Projects are intended to prioritize new and existing projects involving Comprehensive Plan and Land Use Regulatory...
Code amendments, to include projects related to affordable housing, urban design, and specific neighborhood and corridor planning projects, for an estimated cost of $498,911, to continue through December 31, 2024, and

WHEREAS project staff may include, but not be limited to, construction inspectors, inspectors, project managers, development specialists, engineers, engineering technicians, planners, natural resource specialists, management analysts, customer service representatives, and permit specialists, and

WHEREAS, pursuant to the provisions of TMC 1.12.155, 1.24.187, and 1.24.980 through 1.24.986, and Tacoma City Charter Section 6.1(h), employees who are not regular employees and are hired as special project employees are unclassified and paid as provided for by ordinance or resolution of the City Council;

Now, Therefore,

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

Section 1. That the Strategic Permitting Projects Program is hereby designated as a special project of limited duration for a period of six years, ending December 31, 2026.

Section 2. That the Affordable Housing Streamlining Program is hereby designated as a special project of limited duration for a period of four years, ending December 31, 2024.

Section 3. That the Neighborhood Planning Projects Program is hereby designated as a special project of limited duration for a period of four years, ending December 31, 2024.
Section 4. That, in accordance with the provisions of TMC 1.12.155, 1.24.187, 1.24.980 through 1.24.986, and 1.30.300, and Tacoma City Charter Section 6.1(h), employees who have been hired or may be hired for positions expected to be of limited duration shall be designated as unclassified special project employees as of the date of hire.

Section 5. That the salaries and classifications set forth in the Compensation Plan of the City of Tacoma for permanent employees, or the closest classifications, shall be applied, contingent upon funding, to similar positions of the special projects. The Compensation Plan is incorporated herein by reference as if fully set forth.

Section 6. That employees who have been hired or may be hired as special project employees herein shall receive benefits in accordance with and pursuant to the provisions of the Compensation Plan of the City of Tacoma. They shall be given a one-time binding and irrevocable election to participate in the City’s Retirement System pursuant to TMC 1.30. Special project employees hired to work on the identified special projects shall not be eligible for longevity pay; and further, that should any current regular employee eligible for longevity pay be assigned to any of the special projects, the employee so assigned shall continue to be eligible for longevity pay and shall become or remain a member of the City’s Retirement System pursuant to any applicable provisions of TMC 1.30, and contributions shall be paid therein by the City pursuant to TMC 1.30.360.

Section 7. That, inasmuch as the positions to be filled pursuant to this resolution are of a temporary nature and are unique in that they pertain only to the
aforementioned special projects, they are deemed unclassified, temporary
positions of limited duration and persons so employed in such positions shall have
no claim to further or continued employment with the City of Tacoma after
cessation of such special projects or after cessation of activities funded by said
programs, except pursuant to obtaining status as regular City of Tacoma
employees under the provisions of the TMC or pursuant to further action of the City
Council relating to these special projects.

Section 8. That all acts by agents or employees of the City consistent
herewith are hereby ratified.

Section 9. That the City Manager is hereby authorized to direct the
appropriate City officers to proceed with the necessary actions for the completion
of these special projects.

Adopted ____________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
TO:       Elizabeth A. Pauli, City Manager
FROM:    Peter Huffman, Planning and Development Services Director
COPY:    Corey Newton, P.E., Planning and Development Services Division Manager
SUBJECT: Resolution – Planning and Development Services Special Projects of Limited Duration – December 15, 2020
DATE:    November 30, 2020

SUMMARY AND PURPOSE:
A resolution relating to Special Projects; designating three Planning and Development Services projects as special projects of limited duration; and designating general salary classifications and benefits for persons employed on said projects pursuant to Tacoma Municipal Code Sections 1.12.155, 1.24.187, 1.24.980 through 1.24.986, 130.300, and Section 61(h) of the Tacoma City Charter.

BACKGROUND:
This resolution will identify and designate the projects listed below as special projects of limited duration and allow the Planning and Development Services (PDS) Department to acquire project staff to supplement permanent staffing levels on an as-needed basis to support the following projects:

- Strategic Permitting Projects
- Affordable Housing Streamlining
- Neighborhood Planning Projects

Project staff may include, but not be limited to, construction inspectors, inspectors, project managers, development specialists, engineers, engineering technicians, planners, natural resource specialists, management analysts, customer service representatives, and permit specialists. Project staff would receive all appropriate employee benefits.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:
This resolution will allow PDS to provide resources to assist, engage, and outreach with the community on civic partnership projects, strategic permitting advancements, affordable housing permitting improvements, and neighborhood planning project.

2025 STRATEGIC PRIORITIES:
Equity and Accessibility:
This resolution is intended to ensure PDS can meet our equity and accessibility commitments. By allowing PDS to hire project positions, this ensures PDS can make fiscal responsible hiring decisions. This helps to demonstrate that our actions show accountability for our decisions, alignment to our values and principles of operation, equity and transparency in communication and outreach, service levels, and staffing that meet the needs of the community.

Economy/Workforce: Equity Index Score: High Opportunity
Increase the number of infrastructure projects and improvements that support existing and new business developments.
Civic Engagement: *Equity Index Score:* High 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.

Livability: *Equity Index Score:* High Opportunity
Increase the number of Complete Compact Communities/ 20-Minute Neighborhoods throughout the city.
Select an indicator.

**Explain how your legislation will affect the selected indicator(s).**
Designating these special projects of limited duration allows PDS to demonstrate its commitment to fiscal responsibility by hiring limited duration positions to advance specific projects. This helps to ensure PDS can meet its mission of partnering with the community to build a livable, sustainable, and safe City by providing strategic, timely, predictable, cost-effective planning and development services with a culture focused on community engagement, customer service, creativity, accountability, and continuous improvement.

**ALTERNATIVES:**
Alternatives include hiring additional regular staff, versus hiring project staff on an as-needed basis, or outsourcing. Hiring project staff as needed provides the most benefit at the least cost.

**FISCAL IMPACT:**
This resolution will have no fiscal impact on listed project budgets. Projects have been or will be budgeted through the biennium budgeting process.

**ATTACHMENTS:**
2020 PDS Special Projects of Limited Duration
2020 PDS Special Projects of Limited Duration

Strategic Permitting Projects:
These projects are intended to provide PDS with additional fiscally responsible resources. PDS's objective is to positively transform the way we interact with our community. Engagement is intended to be proactive so the community can better understand the development process, associated standards, and how best to engage in the process. These projects will also focus on our existing processes and identify opportunities for improvements, and provide necessary resources for external civic partnership projects. These projects include but are not limited to:

- Permitting System Improvements
- Critical Area Permitting
- Wetland Mapping
- Continuity of Operation Update
- FEMA Community Rating System
- Unreinforced Masonry Building Mapping
- Technology Improvements
- Civic Partnership Projects

Total Estimated Project Cost: $3,942,324
Contact: Corey Newton, P.E., 253-591-5765
Designation Duration: Continues until December 31, 2026

Affordable Housing Streamlining:
This project will focus on affordable housing projects across the City with the goal of assessing projects quickly, providing options, prioritizing affordable housing projects, and helping incentivize new units. This project will allow staff to coordinate projects to address permitting concerns proactively, and provide coordination between review and inspection, which will promote clarity during pre-development and reduce delays to permitting, construction, and occupancy.

Total Estimated Project Cost: $527,028
Contact: Philip Kao, 253-591-5611
Designation Duration: Continues until December 31, 2024

Neighborhood Planning Projects:
These projects are intended to prioritize new and existing projects. These involve Comprehensive Plan and Land Use Regulatory Code amendments, including projects related to affordable housing, urban design and specific neighborhood and corridor planning projects.

Total Estimated Project Cost: $498,911
Contact: Brian Boudet, 253-573-2389
Designation Duration: Continues until December 31, 2024
RESOLUTION NO. 40717

A RESOLUTION related to collective bargaining; authorizing the execution of a two-year Collective Bargaining Agreement between 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, effective January 1, 2021, through December 31, 2022.

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 two-year Collective Bargaining Agreement (“CBA”) between 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 (“Union”), on behalf of the employees represented by said Union, and

WHEREAS the bargaining unit consists of approximately 162.4 budgeted, full-time equivalent (“FTE”) positions, and

WHEREAS the CBA will provide for a wage increase of 1 percent effective January 1, 2021; a wage increase of 1 percent effective January 1, 2022; and a wage increase of 1 percent effective July 1, 2022, and

WHEREAS the CBA was approved by the Public Utility Board at its special meeting of December 9, 2020, pursuant to Public Utility Board Resolution No. 11225, 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 two-year Collective Bargaining Agreement between 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, effective January 1, 2021, through December 31, 2022, 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

Requested by Public Utility Board Resolution No. U-11225
SUMMARY AND PURPOSE:
A resolution authorizing the adoption of a Collective Bargaining Agreement as negotiated with the City of Tacoma, Washington, City and Pierce County Employees, Local Number 120 of the Washington State Council of County and City Employees, effective January 1, 2021 through December 31, 2022.

BACKGROUND:
The resolution will authorize the execution of the Collective Bargaining Agreement negotiated with the City of Tacoma, Washington, City and Pierce County Employees, Local Number 120, of the Washington State Council of County & City Employees, effective January 1, 2021 through December 31, 2022. The Collective Bargaining Agreement is scheduled for consideration by the Public Utility Board as a resolution on December 9, 2020.

The agreement is for two years, covers approximately 162.4 budgeted, full-time equivalent employees, and provides for the following wage increases: Effective January 1, 2021, employees shall receive a wage increase of 1 percent. Effective January 1, 2022, employees shall receive a wage increase of 1 percent, and effective July 1, 2022, employees will receive an increase of 1 percent.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:
The agreement has been reached with the City of Tacoma, Washington, City and Pierce County Employees, Local Number 120 of the Washington State Council of County and City Employees, 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 drop-downs 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 execution of the Letter of Agreement</td>
<td>N/A</td>
<td>unknown</td>
</tr>
</tbody>
</table>

**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 City of Tacoma, Washington, City and Pierce County Employees, Local Number 120 of the Washington State Council of County and City Employees.

**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**
No. 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
Overview
The following provides an estimate fiscal impact of the Tentative Agreement between the City of Tacoma and the WSCCCE Local 120 General bargaining unit has been reached for a successor collective bargaining agreement effective from January 1, 2021 to and including December 31, 2022.

Financial Impact
Effective January 1, 2021, bargaining unit employees shall receive a wage increase of one percent (1.00%).

Effective January 1, 2022, bargaining unit employees shall receive a wage increase of one percent (1.00%).

Effective July 1, 2022, bargaining unit employees shall receive a wage increase of one percent (1.00%).

<table>
<thead>
<tr>
<th>Fund/Department</th>
<th>FTE</th>
<th>2021 Incremental Expense</th>
<th>2022 Incremental Expense</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>8.0</td>
<td>$7,000</td>
<td>$16,000</td>
</tr>
<tr>
<td>General Fund Supported</td>
<td>1.0</td>
<td>1,000</td>
<td>2,000</td>
</tr>
<tr>
<td>Environmental Services</td>
<td>6.0</td>
<td>6,000</td>
<td>14,000</td>
</tr>
<tr>
<td>All Other General Gov</td>
<td>107.0</td>
<td>105,000</td>
<td>265,000</td>
</tr>
<tr>
<td>Tacoma Public Utilities</td>
<td>40.4</td>
<td>32,000</td>
<td>81,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>162.4</td>
<td><strong>$151,000</strong></td>
<td><strong>$380,000</strong></td>
</tr>
</tbody>
</table>

Local 120 General bargaining unit employees in the Tacoma Police Department who are employed as of the date of City Council approval of this Agreement, shall receive an annual lump sum payment for 2021 and 2022 in the amount of five hundred dollars ($500) in recognition of their assistance in the Tacoma Police Department CALEA accreditation and successful maintenance of the accreditation.

The 2021-2022 lump sum payments in recognition of assistance in the CALEA accreditation will cost $4,300, which includes payroll taxes and benefits.

Funding for 2021-2022 Budgets
The cost of the wage adjustments are included in the Proposed 2021-2022 Adopted Budget.

CC:  Dylan Carlson, Labor Relations Manager, Senior
     Hayley Falk, Lead Management Analyst
     Karen Short, Human Resources Analyst, Senior
     Jennifer Watts, Labor Relations Analyst
2021-2022
AGREEMENT

By and Between

the

CITY OF TACOMA

and

TACOMA, WASHINGTON, CITY AND PIERCE COUNTY EMPLOYEES LOCAL NUMBER 120 OF THE WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES, AFSCME, AFL-CIO
# TABLE OF CONTENTS

2021-2022

TACOMA, WASHINGTON, CITY AND PIERCE COUNTY EMPLOYEES
LOCAL NUMBER 120 OF THE WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES, AFSCME, AFL-CIO

PREAMBLE ........................................................................................................2
ARTICLE 1 – SUBORDINATION OF AGREEMENT ........................................2
ARTICLE 2 – JOINT LABOR COMMITTEE ..................................................2
ARTICLE 3 – RECOGNITION AND BARGAINING UNIT ...............................3
ARTICLE 4 – UNION MEMBERSHIP AND DUES ........................................3
ARTICLE 5 – GRIEVANCE PROCEDURE ......................................................4
ARTICLE 6 – WORK STOPPAGES .................................................................6
ARTICLE 7 – MANAGEMENT RIGHTS ........................................................7
ARTICLE 8 – VISITATION BY UNION REPRESENTATIVES .............................7
ARTICLE 9 – SAFETY STANDARDS ............................................................7
ARTICLE 10 – COMPENSATION PLAN .......................................................8
ARTICLE 11 – BENEFITS .............................................................................8
ARTICLE 12 – WORK RULES .................................................................9
ARTICLE 13 – NON-DISCRIMINATION ......................................................18
ARTICLE 14 – LABOR MANAGEMENT COMMITTEE ................................18
ARTICLE 15 – DISCIPLINE .......................................................................19
ARTICLE 16 – SUBCONTRACTING ............................................................20
ARTICLE 17 – VEBA PARTICIPATION .......................................................20
ARTICLE 18 – SAVING CLAUSE ..............................................................21
ARTICLE 19 – TERM OF AGREEMENT ....................................................21
APPENDIX A .............................................................................................22
APPENDIX B .............................................................................................24
APPENDIX C .............................................................................................243
INDEX TO LETTERS OF AGREEMENT AND UNDERSTANDING .............344
2021-2022

AGREEMENT

By and Between
the
CITY OF TACOMA
and
TACOMA, WASHINGTON, CITY AND PIERCE COUNTY EMPLOYEES LOCAL NUMBER 120
OF THE WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES, AFSCME,
AFL-CIO

THIS AGREEMENT is between the CITY OF TACOMA (hereinafter called the City) and the
TACOMA, WASHINGTON, CITY AND PIERCE COUNTY EMPLOYEES LOCAL NUMBER 120
OF THE WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES, AFSCME,
AFL-CIO (hereinafter called the Union), for the purpose of setting forth mutual understanding of
the parties as to wages, hours, working conditions, and other conditions of employment of those
employees for whom the City has recognized the Union as the exclusive collective bargaining
representative.

PREAMBLE

The City and the Union agree that the efficient 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 the employees of this City. This Agreement has been
reached through the process of collective bargaining with the objective of serving the
aforementioned purposes and with the further objective of fostering effective cooperation
between the City and its employees. Therefore, this Agreement and procedures which it
establishes for the resolution of differences are 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 federal and state laws, the city charter, and city ordinances. When any
provisions thereof are in conflict with or different than the provisions of this Agreement, such
provisions of federal or state laws and City Charter are paramount and shall prevail.

ARTICLE 2 – JOINT LABOR COMMITTEE

Section 2.1 It is the intent of the Union to carry out its collective bargaining responsibility as a
member of the Joint Labor Committee, an organization consisting of various unions which have
been recognized as collective bargaining representatives by the City. To this end, the City
agrees to confer with officials of the Joint Labor Committee regarding fringe benefits only in the
same manner as it would confer with officials of the Union on matters subject to collective bargaining.

The Union agrees that all representations made on its behalf by the Joint Labor Committee or its agents shall have the same force and effect as if made by the Union itself and that notices or other communications exchanged between the City and the Joint Labor Committee shall have the same effect as notices exchanged directly between the parties to this Agreement.

Section 2.2 The parties agree that for the sake of equity among employees, as well as administrative efficiency, it is desirable to standardize conditions of employment pertaining to employees represented by unions affiliated with the Joint Labor Committee. Therefore, the parties hereto agree to encourage standardization of benefits and other conditions of employment wherever appropriate and to utilize the good offices of the Joint Labor Committee to effect this end.

ARTICLE 3 – RECOGNITION AND BARGAINING UNIT

Section 3.1 The City hereby recognizes the Union as the exclusive collective bargaining representative for the purposes stated in Chapter 41.56 RCW as last amended for all employees employed in classifications listed in Appendix A to this Agreement.

Section 3.2 The bargaining unit may be amended during the term of this Agreement where the Union has established that it represents the majority of employees in a classification to be added to an existing bargaining unit.

The parties shall negotiate terms and conditions for accretion for classifications added to the existing bargaining unit. Majority status for representational purposes shall be determined through the procedures set forth in Chapter 41.56 RCW. The City agrees to notify the Union in advance when it proposes to establish a new classification, the duties of which are similar to those in the classifications covered by this Agreement.

Section 3.3 Except as provided by this Article or elsewhere in this Agreement, the Union retains the right to bargain a decision that is a mandatory subject of bargaining, or the impact of any decision that affects hours, wages and working conditions, in accordance with RCW 41.56. Further, the City will provide timely notice to the Union of any proposed reassignments of exclusive bargaining unit work to any other represented or non-represented classification in accordance with RCW 41.56. Such assignments may be discussed and coordinated in a Labor Management Committee meeting pursuant to Article 14.

ARTICLE 4 – UNION MEMBERSHIP AND DUES

Section 4.1 The City agrees to deduct from the pay of each employee, who has so authorized it, the initiation fees, monthly dues, and assessments as certified by the Secretary of the Union. The City will rely upon 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 employees’ authorization from the Union, the City will deduct from the employee’s pay initiation fees, monthly dues, and assessments 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, and assessments.

Upon receipt of a new, original payroll deduction authorization, the City will make a copy available 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.

**Section 4.2** 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 4.3** The Union agrees to indemnify and save the City harmless from any and all claims, demands, suits or other forms of liability that arise against the City for or on account of compliance with this Article and any and all issues related to the deduction of dues and fees. In all such cases, the City's reasonable attorney's fees will be paid by the Union. If requested by the Union in writing, the City will surrender any such claim, demand or suit or other form of liability ("Claim") to the Union for defense and resolution. The Union shall not concede, settle, compromise, or resolve any Claim without the prior written approval of the City.

**Section 4.4** Upon request, the City will furnish to the Union a roster and pay status of current bargaining unit employees. It is understood that this tabulation will be used by the Union for the sole purpose of compiling the Union dues formula and that the Union will not divulge any information from the subject tabulation to any other person or agency.

**Section 4.5** The City will inform new bargaining unit employees of the Union's exclusive representation status. Consistent with R.C. W. 41.56.037, the City will provide union access to new employees entering the bargaining unit within ninety (90) days of hire. The City will allow the Union thirty (30) minutes to meet with such individuals during work hours and at their usual worksite or a mutually agreed upon location. During such meetings, a Union Officer, Shop Steward, or Union designee shall be permitted, for up to thirty (30) minutes and without loss of pay, to meet with new represented employee(s). The Employer shall incur no costs for travel time or mileage, nor shall the Union use City vehicles or resources in the conduct of this union business.

**ARTICLE 5 – GRIEVANCE PROCEDURE**

**Section 5.1** A grievance under this Agreement is defined as an alleged violation, filed by an employee or the Union, of a specific item within an Article of this Agreement. Time limits set forth in the following steps will be stated in calendar days. If the deadline for any action under the grievance procedure falls on a weekend or holiday, the deadline will be extended to the next working day. By written mutual agreement of the parties, any and all timelines may be

L120 AFSCME 2021-2022
extended, and grievance steps may be waived, that are specified in Section 5.2 below. Failure of the Union 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 a waiver, the Union may automatically submit the grievance to the next step.

It is the goal of both the Union and the City to settle problems at the lowest possible level in a cooperative and objective manner. The parties agree that in many instances this goal may be met through meeting to discuss the issue that led to a grievance at the Steps outlined in Section 5.2 below.

Section 5.2 Grievances that cannot be resolved at Step 1 may be filed at Step 2 no later than twenty-one (21) calendar days after the employee could have reasonably known of the occurrence of the circumstances giving rise to the grievance.

Step 1 Any employee having a grievance shall first take up the matter with their immediate supervisor. If no satisfactory answer or disposition is received within seven (7) calendar days, the grievance shall be processed as follows:

Step 2 Failing to resolve the grievance in the first step, the employee and/or their Union representative may, as soon as possible but not later than fourteen (14) calendar days after the supervisor's answer in Step 1, reduce the matter to written form, stating all facts in detail, citing section or sections violated and a proposed remedy, and submit same to the Manager most immediately involved, with a copy to the City's Labor Relations Division. The Manager shall within fourteen (14) calendar days, record their disposition in written detail, returning same to the Union representative and the employee, with a copy to the City's Labor Relations Division.

Step 3 Failing to resolve the grievance in the second step, the Union representative may, within fourteen (14) calendar days of receipt of the Manager's disposition, submit the grievance in writing to the head of the employee's department (General Government) or Utilities division, or his/her designated representative, with a copy to the City's Labor Relations Division. Management shall, within fourteen (14) calendar days of receipt of the grievance respond in writing to the union representative and employee, with a copy to the City's Labor Relations Division.

Step 4 Failing to resolve the grievance in the third step, the Union representative, within fourteen (14) calendar days of receipt of the department/division head's disposition, may submit the grievance to the Director of Human Resources, with a copy to the head of the employee's department (General Government) or Utilities division, and the City's Labor Relations Division. The Director of Human Resources shall, within twenty-one (21) calendar days of receipt of the grievance, schedule a meeting with the grievant and the Union representative. The Director of Human Resources will issue a written decision to the Union representative and the grievant within fourteen (14) calendar days of the meeting, with a copy to the head
of the employee’s department (General Government) or Utilities division, and the City’s Labor Relations Division. The decision of the Director of Human Resources will be final and binding only for suspensions without pay of three (3) days or less.

Optional Grievance Mediation If the parties are unable to resolve a grievance at the Step 4 level, upon mutual agreement of the City and the Union, the parties may request grievance mediation utilizing services provided by the Public Employment Relations Commission. If mediation is agreed to, the parties shall hold timelines of the grievance in abeyance until the conclusion of mediation.

Section 5.3 (Step 5) Grievances not resolved may be referred to arbitration by either party to this Agreement. Either party may give notice of its intention to arbitrate within twenty-one (21) calendar days following completion of the steps listed above. A list of seven (7) arbitrators shall be requested from the Public Employment Relations Commission or the Federal Mediation and Conciliation Service, both parties shall meet and each shall strike a name, with the Union striking first, until one (1) arbitrator is selected.

The arbitrator’s decision shall be final and binding; however, the arbitrator shall have no power to render a decision that will add to, subtract from or alter, change or modify the terms of this Agreement, and their power shall be limited to the interpretation or application of this Agreement. 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.

Each party shall bear the expense of its own costs of preparing and presenting its own case, including compensating its own representatives, attorneys and witnesses. The Union and the Employer shall share equally in the cost of services from the neutral arbitrator.

Section 5.4 Any and all grievances resolved by agreement of all parties at any step of the grievance procedure as contained in this Agreement shall be final and binding on the City, the Union and employees represented by the Union and covered by this contract. At any step of the procedure time limits may be extended by mutual agreement of the City and the Union.

Section 5.5 It is understood that there shall be no suspension of work, slowdown, or curtailment of services while any difference is in process of adjustment or arbitration pursuant to the terms of this Agreement.

Section 5.6 It is understood that no disciplinary action by the City shall be considered cause for a grievance unless it is specifically alleged that such action represents an incorrect application of the terms of this Agreement. In no event shall this Agreement alter or interfere with disciplinary procedure heretofore followed by the City or provided for by city charter, ordinance, or law, including the procedure for appeals thereof. This clause shall not however, prevent the Union from affording to its members such representation in any other proceeding as it may see fit.

ARTICLE 6 – WORK STOPPAGES
The City and the Union 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 Union 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 Union 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 appropriate disciplinary action as may be determined by the City. There will be no lockout of employees in the Union by the City as a consequence of any dispute arising during the life and duration of this agreement.

ARTICLE 7 – MANAGEMENT RIGHTS

The Union recognizes the prerogative of the City to operate and manage its affairs in all respects in accordance with its lawful mandate, and the powers of 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 legitimate disciplinary action against employees for just cause; (d) relieve employees from duty because of lack of work, lack of funds, 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, personnel rules, and/or the existing collective bargaining agreement.

ARTICLE 8 – VISITATION BY UNION REPRESENTATIVES

Authorized representatives of the Union may, after notifying the City official in charge, visit the work location of employees covered by this Agreement at any reasonable time for the purpose of investigating conditions of the job. Such representatives shall confine their activities during such investigations to matters relating to this Agreement. City work hours shall not be used by employees or Union representatives for the conduct of Union business or the promotion of Union affairs.

ARTICLE 9 – SAFETY STANDARDS

All work shall be done in a competent and professional manner and in accordance with applicable federal, state, city, and department codes and regulations. Where higher standards are specified by the City than called for as a minimum by state codes, city standards shall prevail. WAC 296-360-150 entitled "Refusal to Work in an Unsafe Condition" and WAC 296-360-170, "Employee Refusal to Comply with Safety Rules" are incorporated herein. Grievances alleging violations of this section shall be directly submitted to the department/division head level of the grievance procedure and a grievance hearing shall be promptly scheduled.

L120 AFSCME 2021-2022
ARTICLE 10 – COMPENSATION PLAN

The Compensation Plan contained in Chapter 1.12 of the Tacoma Municipal Code (TMC) as now enacted or hereafter amended is hereby incorporated as part of this agreement for the purpose of information for the members of the Union.

In the event an employee(s) requests a job audit by the Human Resources Department, they shall complete and submit the initiating form included in this collective bargaining agreement to begin the job audit. If the job audit results in reclassification due to changes in duties or original improper classification, the employee(s) shall receive the results of the job audit and reclassification and shall be placed in the appropriate classification within 120 calendar days from the date that an appropriate classification for that position is made. Any increase or decrease in salary and seniority in that classification shall be retroactive to the day of submission of the initiating job audit form. Alternatively, the employer may adjust duties to align the employee(s) position with the original classification. Upon a determination by the Human Resources Department to implement forthcoming changes to the job audit process, the parties shall meet to negotiate any impacts on this Article.

ARTICLE 11 – BENEFITS

The parties are participants in a Joint Labor Agreement, through which they have determined the amount of and basic rules regarding vacation leave, holidays, sick leave, personal time off and other benefits. Provisions of the Joint Labor Agreement governing these benefits are attached in Appendix B which shall independently expire with the expiration of the Joint Labor Agreement. Appendix B shall be automatically updated and replaced in its entirety with any changes to the provisions of the Joint Labor Agreement during the term of this Agreement as long as both parties remain signatories to the Joint Labor Agreement. Should a party choose not to sign on to a future Joint Labor Agreement the provisions in Appendix B shall be “status quo” until expiration of this Agreement.

Items covered by Appendix B may be grieved through this Collective Bargaining Agreement, except those items challenging the interpretation or application of the Joint Labor Agreement provisions which may be grieved only through the grievance procedure included in the Joint Labor Agreement.

Section 11.1 Vacations shall be as provided in Section 1.12.220 of the Tacoma Municipal Code and the Joint Labor Agreement.

Section 11.2 Personal Time Off (PTO) with pay shall be as provided for in Section 1.12.248 of the Tacoma Municipal Code and the Joint Labor Agreement.

A. Employees may enroll in the PTO program on a voluntary basis during the City’s PTO open enrollment period.

B. An employee of the City of Tacoma who is accruing Paid Time Off (PTO) in lieu of Vacation and Sick Leave who accepts a position covered by this bargaining unit shall have the option of converting to Vacation and Sick Leave as provided in this Agreement, OR may opt to continue to accrue PTO in accordance with the
applicable provisions(s) of the Tacoma Municipal Code. Such election shall be made no later than upon the employee’s successful completion of the probationary period.

Section 11.3 Sick allowance with pay shall be as provided in Section 1.12.230 of the Tacoma Municipal Code and the Joint Labor Agreement.

Section 11.4 On-the-job injury shall be as provided in Section 1.12.090 of the Tacoma Municipal Code and the Joint Labor Agreement.

Section 11.5 Holidays shall be as provided in Section 1.12.200 of the Tacoma Municipal Code and the Joint Labor Agreement.

Section 11.6 Medical and hospital, dental, vision and long term disability insurance for employees and dependents under this Agreement shall be as provided in Section 1.12.095 of the Tacoma Municipal Code and the Joint Labor Agreement.

Section 11.7 Group life insurance shall be as provided in Section 1.12.096 of the Tacoma Municipal Code and the Joint Labor Agreement.

ARTICLE 12 – WORK RULES

Section 12.1 - Shop Steward’s Right to Process Grievance Shop Stewards shall be permitted to devote reasonable periods of time during normal working hours without loss of pay for the investigation, presentation, and settlement of employee grievances. Such periods of time shall be devoted only with the approval of the steward's immediate supervisor and further provided that such approval shall be not unreasonably withheld. Shop Stewards shall report back to their supervisors upon return to work. Shop Stewards will not use work time for preparation for contract negotiations. The Union agrees to provide a current list of Shop Stewards to each division or department head in those divisions or departments employing classifications represented by the Union.

Section 12.2 Employees shall be entitled to reimbursement for board, lodging, transportation, and other expenditures lawfully incurred during official City business, as provided in Sections 1.12.100 and 1.12.110 of the Tacoma Municipal Code.

Section 12.3 - Overtime

Any work performed in excess of forty (40) hours in a defined workweek shall be compensated at the appropriate overtime rate. The overtime rate is time and one-half the regular rate of pay, or double time cash compensation, equivalent compensatory time off or a combination thereof pursuant to Section 1.12.080 of the Tacoma Municipal Code.

A minimum of two (2) hours’ compensation at the overtime rate shall be allowed for work performed outside the employee’s assigned shift unless the employee commences this work less than two (2) hours before the beginning of his/her regular shift, or continues after his/her regular shift. When management requires the employee to travel to City premises or property, provided the employee is immediately available to work, the minimum of two (2) hours’ compensated time shall begin when an employee responds affirmatively to the call.
Section 12.3.1

A. For purposes of application of the provision of Section 1.12.080, Sunday shall be considered the seventh day for all employees in the following classifications: Fleet Services Parts Technician; Graphic Arts Specialist; Graphic Arts Specialist, Lead; Vehicle Parts Assistant; Vehicle Parts Assistant +3%; Warehouse Technician; Warehouse Technician, Senior.

B. For purposes of application of the provision of Section 1.12.080, for bargaining unit employees in classifications other than those listed in paragraph A. above:

1. Sunday shall be considered the seventh day for employees covered by this Agreement as of the date of ratification by the Union of this Agreement, unless and until such employee voluntarily requests and receives approval for a transfer, promotion and/or demotion to a position that has a seventh day that is not a Sunday, in which case the employee will receive double-time for work performed on the seventh day of the employee’s defined work week.

2. After the date of ratification by the Union of this Agreement, for all other employees, including new hires and employees previously outside of the bargaining unit, employees will receive double-time for work performed on the seventh day of the employees’ defined workweek.

Section 12.4 The names on the call-out list for Light and Water stores emergency calls shall be rotated on a bimonthly basis.

Section 12.5 – Setups and Temporary Assignments to a Higher Classification

A. A setup is defined as temporarily assuming the duties of a higher classification. In order to be compensated at the rate of the higher classification, an employee temporarily reassigned to the higher classification shall meet the minimum qualifications of such classification and substantially assume the duties of such classification for one (1) or more hours. The temporary assignment shall result in the relinquishing of the employee’s regular duties to a substantial degree. An employee in a setup status will be placed at a pay step in the higher classification that is at least 5% above the employee’s permanent classification, if such a pay step exists. Employees temporarily setup to a higher classification will be paid in accordance with Section 1.12.050 B of the Compensation Plan, for actual hours worked.

B. An employee temporarily assigned to a higher position for four (4) or more hours per day shall be given a temporary appointment to the higher class when he/she is assigned the duties of such position. Employees temporarily appointed to a position in a higher class shall be paid in accordance with Section 1.12.050 B of the Compensation Plan.

C. In the event an eligible employee refuses two (2) offers of temporary upgrade, he/she will be notified in writing that he/she will not be considered for future
upgrades until such time as he/she notifies his/her supervisor in writing that he/she again wishes to be considered for upgrade opportunities.

Section 12.6 Standby Employees required to serve in a standby capacity outside regular work hours, shall receive $3.00 per hour in a standby status. Employees are not eligible for standby pay for any hours for which they are in any other paid status. No employee will be assigned to a standby status for more than seven consecutive days without his/her concurrence, nor shall an employee be assigned to a standby shift of less than eight (8) consecutive hours without his/her concurrence. The City maintains the right to assign any qualified person to a standby assignment where no qualified bargaining unit employee volunteers to do so, providing that no employee will be assigned to a standby assignment for more than seven days at a time without his/her concurrence.

Employees serving on standby must be in telecommunications, beeper, radio or phone range to ensure their availability to return to duty if necessary. All employees on standby assignment must remain fit for duty and must respond/call back to the call or page within 15 minutes.

Should any other Joint Labor bargaining unit at the City of Tacoma receive a higher hourly standby rate of pay, the parties agree to re-open the Agreement to discuss the hourly standby rate paid to bargaining unit employees. This re-opener shall be limited in scope to the hourly standby rate, and this re-opener provision shall expire independently from the Collective Bargaining Agreement on December 31, 2020.

Section 12.7 Meal Allowance

A. An employee working non-scheduled overtime at least two hours before or beyond his/her regular shift and at four (4) hour intervals thereafter shall be eligible for a meal allowance of $18.00.

B. Employees called in to work non-scheduled overtime (such as in response to an emergency) shall be eligible for a meal allowance after the first four hours worked and in four-hour intervals thereafter.

C. Employees will not be eligible for a meal allowance when working scheduled overtime on their regularly scheduled days off.

Section 12.8 Call In List - Information Technology Employees The following provisions of Section 12.8 shall apply to employees in the classifications who are not receiving standby compensation pursuant to Section 12.6: IT Analyst, Senior IT Analyst, Senior Technical IT Analyst, Principal Technical IT Analyst, Integration Developer, Web Developer, Business Analyst I, Business Analyst II, Business Analyst III, IT Helpdesk Specialist, and Computer Support Technician:

A. A call in list for off hour critical systems may be maintained by the responsible Division/Department. Employees in an on-leave status such as vacation or sick leave will not appear as a primary or secondary call-in. The Division/Department will make every effort to remove the names of those employees on short-term sick leave from the call-in list.
B. If the employee affirmatively accepts the opportunity, the employee may attempt to resolve the problem remotely or report to work, however, the Division/Department retains the right to require an employee to report to work when in the opinion of the Division/Department, the problem cannot be resolved remotely. In the event the employee reports to work, the call-in and overtime provisions of the contract will apply.

C. A log of all call-in attempts to employees in a non-work status shall be maintained by the Division/Department and copies shall be furnished to the Union upon request.

Section 12.9 Hours of Work

A. Alternate work schedules may be agreed to by the employee and appropriate supervisor/manager. Alternate work schedules may consist of four (4) consecutive ten (10) hour days, eighty (80) hours worked in nine (9) days or other appropriate schedules. Absent continued mutual agreement between the employee and his immediate supervisor to continue an alternate work schedule, then, with 30 calendar days’ written notice, the work schedule shall revert to the normal work week. Implementation of alternative work schedules shall comply with the provisions of the Fair Labor Standards Act. An employee and the Supervisor shall sign a written document documenting an employee is working an alternate schedule which shall be made available to the Union, upon the Union’s request.

B. Incidental time off shall be defined as when an employee is authorized to take time off that does not count as vacation, compensatory time or sick leave, when the time off is made up by working during the workweek.

In the interest of meeting the needs of employees and maintaining productivity, employees covered by this agreement may be allowed up to four (4) hours per pay period of incidental time off, provided however, that the employee must work additional hours equal to the amount of time that is taken as incidental time off.

To qualify for incidental time off, the following criteria must be met:

1. The employee must initiate the request.
2. The employee would be compensated hour for hour.
3. All incidental time off must be taken off and made up within the same workweek.
4. No more than four hours of incidental time may be taken off within a two-week pay period.
5. To prevent overtime liability, if the employee's request for incidental time off is approved and the time is worked in advance, the employee must take the time off. Incidental time off may not be converted into overtime, vacation, compensatory time or sick leave.
6. If the employee takes time off and does not make up the time, the time off must be charged to vacation, compensatory time or sick leave as may be appropriate for the nature of the absence.
7. The time to be made up shall be worked and be agreed to by the employee and supervisor, depending upon the nature of the work and the standard operating hours.

8. Employee cannot take incidental time off on Saturdays, Sundays or outside the normal work hours for the work group. Hours that would be paid at the overtime rate do not qualify for incidental time use.

9. Management retains the right, based on operational needs and the nature of the request, to refuse authorization of incidental time off.

Section 12.10 Seniority, Layoff and Bumping

Following ratification of this Agreement, the parties agree to participate in regular Labor/Management Committee meetings to consider and discuss changes to the Seniority, Layoff, and Bumping procedures set forth in this section.

A seniority list (TMC 1.24.920) shall be established for each classification and sub-classification in the bargaining unit and such seniority list shall be provided to the Union annually, or when requested by the Union.

Layoff, if necessary, except for the IT Analyst series (listed in paragraphs A, B, C, and D) and Business Analyst series (listed in paragraph F), shall be by classification on the basis of seniority as follows: The employee selected for layoff shall be the employee with the least amount of seniority in the affected classification within the Department where the layoff occurs. That employee has the right to “bump” the employee with the least amount of seniority in the same classification within the City (provided that that employee has less seniority).

For employees in the Broadband Services Technician class series, aggregate seniority shall accrue for all time served in the Broadband Services Technician (CSC 5525) and Broadband Services Technician, Lead (CSC 5524) classifications.

Employees exercising a bumping right shall be provided and shall serve a training and experience trial service period of not less than three (3) months and not more than six (6) months. During this time, the employee will be provided appropriate training and experience relevant to the new position. At the end of the period, if the employee is unable to perform the duties of the position, he/she may be subject to layoff.

A. The IT Analyst class series shall be defined as classifications both current (IT Analyst CSC 0150, IT Analyst Senior CSC 0151, IT Analyst Senior Technical CSC 0152 and IT Analyst Principal Technical CSC 0153), and historic (Application Development Systems Analyst, Computer Systems Programmer, Database Analyst, Data Analyst, GIS Analyst, Systems Analyst, Systems Programmer, Senior Technical Analyst, Programmer, Programmer Analyst or equivalent classifications). Current sub-classifications include Application Development Systems Analyst, Computer Systems Programmer, Database Analyst, Data Analyst, and GIS Analyst.

Seniority for the IT Analyst class series shall be by aggregate service in all IT Analyst classifications as described above. Aggregate service shall be the total of all employment in the IT Analyst class series, inclusive of authorized leaves of absence, as
a probationary, regular, employee, or as an employee who took a project or appointive position after serving in a regular permanent classified position.

Layoffs within the IT Analyst class series shall be by General Government department or Tacoma Public Utilities division (hereinafter: department) based on the Employer’s business needs pursuant to Article 7. The decision for layoff will be made in the following order: by department, by sub-classification, by classification. The employee selected for layoff will be the employee with the least amount of seniority in the affected sub-classification/classification within the department where the layoff occurs. Ties in seniority dates shall be broken by date of original hire with the City, then by coin flip.

When multiple employees are laid off at the same time, or nearly the same time, the least senior employee in the group of laid off employees shall exercise their bumping rights first, followed by the next least senior employee, until all employees have been given an opportunity to bump.

B. Employees holding permanent appointments as of January 1, 1995 as a Systems Analyst, Systems Programmer or Senior Technical Analyst are grandfathered at the “Senior” or “Senior Technical” IT Analyst classification. Employees specific to this group are listed on Exhibit A, attached to this agreement.

C. Employees in the IT Analyst Series who have been selected for layoff may choose whether to exercise available bumping rights. Bumping rights shall occur in the following order:

1. The employee may first bump the least senior employee in an equal IT Analyst classification in any other sub-classification in which they have previously held status within their current department, starting with the sub-classification most recently held.

2. If no equivalent bumping option exists within the department, then the employee may bump the least senior employee in an equal IT Analyst classification in their current sub-classification in another department within the City.

3. If none of the above options exist, the employee may then bump the least senior employee in an equal IT Analyst classification in any other sub-classification in which they have previously held status in another department within the City, starting with the sub-classification most recently held.

4. Finally, if there exists no bumping option at an equal IT Analyst classification, the employee may repeat the above steps 1 through 3 at the next lower IT Analyst classification(s), and continuing down the IT Analyst classification series, until all potential bumping options have been eliminated.

In all cases, the bumping employee must have more IT Analyst seniority (12.10.A) than the employee bumped.

In all cases, the bumping employee must be qualified to perform the duties of the new classification, and subject to the three to six month trial service specified in Section 12.10, above.
D. Employees holding permanent status as of January 1, 1995 who were reclassified into the classes of GIS Analyst, Database Analyst, and Data Analyst, were given a one day appointment as an Application Development Systems Analyst specifically for the purpose of establishing bumping rights into that classification, which is now sub-classification.

E. IT Helpdesk Specialists reclassified as Computer Support Technicians shall continue to accrue seniority as an IT Helpdesk Specialist and maintain a right to bump the least senior IT Helpdesk Specialist if they are subject to layoff as a Computer Support Technician.

F. For purposes of layoff and bumping, seniority for employees in the Business Analyst class series shall be aggregate seniority in the following classifications: both current (Business Analyst I, Business Analyst II, Business Analyst III) and historic within the IT Department (IT Business Analyst 1, IT Business Analyst 2, IT Business Analyst 3, Management Analyst 1, Management Analyst 2, Management Analyst 3). Ties in seniority dates shall be broken by date of original hire with the City, then by coin flip. Employees specific to this group are listed on Exhibit B, attached to this agreement.

The employee selected for layoff shall be the least senior employee in the affected classification within the department. Bumping rights shall occur in the following order:

1. The employee may first bump the least senior employee in the same Business Analyst classification in another department within the City.

2. If no bumping option exists for Business Analysts hired prior to January 1, 2011, the employee may then bump the least senior employee in the next lower Business Analyst classification within their current department. For Business Analysts hired on or after January 1, 2011, the employee may only bump a less senior employee in the next lower Business Analyst classification in which they held status in their current department.

3. If none of the above options exist for Business Analysts hired prior to January 1, 2011, the employee may then bump the least senior employee in the next lower Business Analyst classification in another department within the City. For Business Analysts hired on or after January 1, 2011, the employee may only bump a less senior employee in the next lower Business Analyst classification in which they held status in another department within the City.

4. Finally, if there exists no bumping option at the next lower Business Analyst classification, the employee may repeat the above steps 2 and 3 at the lowest classification, until all potential bumping options have been eliminated.

In all cases, the bumping employee must have more Business Analyst seniority than the employee bumped.
In all cases, the bumping employee must be qualified to perform the duties of the new classification, and is subject to the three to six month trial service specified in Section 12.10, above.

Section 12.11 Filling of Vacancies  The City and the Union encourage employees in their career development, and agree that promotions should be based on merit. Pursuant to Article 7, Management Rights, the City reserves the right to hire, promote, transfer, assign and retain our employees. In doing so, it is the City’s intent to use eligible lists in the following order, if they exist, pursuant to Tacoma Municipal Code Section 1.24.650 when filling permanent vacancies including (a) reemployment lists, (b) departmental promotional lists, (c) promotional lists, and (d) open lists.

Management will consider employees who have requested transfer and demotion, and who possess the knowledge, skill, adaptability and ability required for the job when filling vacancies. An employee may waive without prejudice, a position offered under this section.

A. Employees desiring consideration for a vacancy (transfer, demotion) shall so indicate by timely completing the appropriate transfer or demotion request paperwork. The appointing authority may consider these employees as well as applicants on the applicable eligibility list.

B. Permanent employees of the classified City service may be appointed to positions on projects as defined in the personnel rules sections 1.24.980 through 1.24.986. Such employees shall continue to accrue seniority and other rights of the classified service in their permanent position.

C. Permanent employees who have been granted a leave of absence by the Director of Human Resources shall have the right, at the end of the project, to return to their permanent classification in their previous department.

D. When the City deems it necessary to staff a position at the Senior IT Analyst level or higher, it will first recall laid-off employees from the reemployment list per the TMC 1.24.650, if such list exists. Any remaining openings may be filled as follows:

1. Consider an interview of members who have requested transfer and demotion.

2. Select an applicant from the IT Analyst classification series applicable eligibility list.

3. With prior written notice to the Union, the Union agrees that the City may petition the Civil Service Board for a noncompetitive appointment according to Personnel Rule 1.24.570.

E. When the City deems it necessary to staff a position at the Business Analyst II level or higher, it will first recall laid-off employees from the reemployment list per the TMC 1.24.650, if such list exists. Any remaining openings may be filled as follows:

1. Consider an interview of members who have requested transfer and demotion.
2. Select an applicant from the Business Analyst classification series applicable eligibility list.

3. With prior written notice to the Union, the Union agrees that the City may petition the Civil Service Board for a noncompetitive appointment according to Personnel Rule 1.24.570.

F. A vacancy filled by time card upgrade shall be filled in the following priority order:
   1. A departmental layoff list.
   2. Departmental employees on the current applicable eligibility list.
   3. The employee within the department with the longest permanent length of service in the next in line lower classification.

Paragraph F shall not apply to the classes of IT Analyst; IT Analyst, Senior; IT Analyst, Senior Technical; IT Analyst, Principal Technical; Business Analyst I; Business Analyst II; and Business Analyst III.

The Department/Division need not consider for upgrade an employee who does not possess the knowledge, skill, adaptability and physical ability required for the job. An employee may waive without prejudice, an upgrade offered under this section.

Section 12.12 – Layoff In the event of a layoff, employees will be notified as soon as possible, with a copy of the layoff notice provide to the Union, provided that in no event will an employee be laid off with less than 14 days’ notice.

Section 12.13 – Web-site access Represented employees may access the Local 120, Council 2 and AFSCME web-site through the City’s internet system while remaining in compliance with the City Ethics Code.

Section 12.14 – Safety Footwear Incumbents in the classifications Converter Inventory Technician, Warehouse Technician, Senior Warehouse Technician, Vehicle Parts Assistant, and Fleet Services Parts Technician are eligible to receive an allowance of $200 per year for safety footwear, retroactive to July 1, 2017 for those eligible employees hired as of July 1, 2017.

Section 12.15 This section shall apply only to the following classifications: Fleet Service Parts Technician; Buyer; Buyer, Senior; Vehicle Parts Assistant; Warehouse Technician; Senior Warehouse Technician; Graphic Arts Specialist; Lead Graphics Arts Specialist; and Converter Inventory Technician.

Employees assigned to work the swing or graveyard shift will have an unpaid lunch period and will receive an application of rate of three percent above his/her regular rate of pay. Swing and graveyard shifts for purposes of this paragraph are defined as 8-or-more-hour shifts scheduled to begin from 3 p.m. to 3 a.m.
Incumbents who are currently assigned to work a shift that begins prior to 3:00 p.m., and who are currently receiving the 3% application of rate specified in the above paragraph, will continue to receive the application of rate in the same manner as incumbents who are assigned to work a shift that begins at 3:00 p.m.

Employees who are scheduled to work the 3:00pm to 3:00am swing shift will continue to receive the 3% AOR for all hours spent attending meetings scheduled by management that occur prior to 3:00pm.

Section 12.16 – Tacoma Police Department CALEA Pay Local 120 General bargaining unit employees in the Tacoma Police Department who are employed as of the date of City Council approval of this Agreement, in the first pay period thereafter, shall receive a lump sum payment for each year of this agreement that CALEA accreditation is maintained in the amount of five hundred dollars ($500) in recognition of their assistance in the Tacoma Police Department CALEA accreditation and successful maintenance of the accreditation.

ARTICLE 13 – NON-DISCRIMINATION

Section 13.1 Pursuant to RCW 41.56 there shall be no discrimination against union members or union officers.

Section 13.2 It is mutually agreed that there shall be no discrimination based on applicable state or federal laws. Union and management representatives shall work cooperatively to assure the achievement of equal employment opportunity.

Section 13.3 It is mutually agreed that there shall be no unlawful harassment. The City’s Anti-Discrimination and Anti-Harassment Policy is set forth in Personnel Management Policy #130.

ARTICLE 14 – LABOR MANAGEMENT COMMITTEE

The City and Union are interested in developing and maintaining collaborative working relationships. Both parties agree that communication and working together to resolve issues are in the best interest of all involved. To that end, a Labor/Management Committee (Committee) shall be maintained consisting of three members of Labor, to include the Union Business Representative or a designee and two bargaining unit employees appointed by the Union; the Human Resources Director or a designee; and two management personnel. The parties may mutually agree to invite guests to facilitate discussion of relevant topics.

The Committee shall be advisory in nature. The Committee shall be used to discuss and investigate issues of common concern but shall not be used to discuss negotiable issues unless both parties so agree. Issues surrounding employee training and staff development for bargaining unit members may be brought to the Labor Management Committee. If the committee deems is appropriate, after a one year period from ratification of this agreement, a training subcommittee may be formed.
The Committee shall establish its own rules of procedure and time and place of meetings. Bargaining unit members appointed by the Union to attend Committee meetings or attending Committee meetings as invited guests during their work hours will (a) request approval from their Supervisor in advance to attend meetings, for which approval shall not be unreasonably withheld, (b) record release time on their timesheets and (c) shall attend meetings without loss of pay, however, no overtime or compensatory time will be incurred during Committee meetings or as a result of meetings that occur outside an employee’s regular work hours.

Chairmanship of the Committee rotates between Labor and Management.

**ARTICLE 15 – DISCIPLINE**

**Section 15.1** Employees may be disciplined or discharged for just cause and with due process, in conformance with Sections 1.24.940 and 1.24.955 of the Tacoma Municipal Code. The discipline will be based on the severity of offense and prior record of discipline.

**Section 15.2** The employee shall be entitled to have a Union representative present at any meeting held with the Employer to discuss potential disciplinary action.

**Section 15.3** The Employer agrees to notify the Union in writing that an employee may be dismissed, suspended or reduced in rank or pay.

**Section 15.4** At the request of the employee, the Employer shall hold a pre-disciplinary hearing within ten (10) working days from the time the employee was notified in writing of the specific alleged violation and of intent to dismiss, suspend, or reduce in rank or pay. At this hearing, the employee will be given an opportunity to present their side of the issue.

**Section 15.5** No later than five (5) working days prior to the pre-disciplinary hearing, the Employer shall make available to the employee and the employee’s Union representative, a copy of all documents relevant to the alleged violation the Employer has in their possession.

**Section 15.6** The Employer may place an employee on paid administrative leave pending the final decision resulting from the pre-disciplinary hearing.

**Section 15.7** The employee and the employee’s Union representative shall have the right to inspect the contents of the personnel file maintained by the Employer.

**Section 15.8** No disciplinary document may be placed in the personnel file without the employee having first been notified of said document and given a copy. The employee shall be required to sign a written reprimand or other disciplinary action acknowledging that they have read the contents of the document. An employee who disagrees with the content of any letter of reprimand added to the personnel file shall have the opportunity to place a rebuttal statement in the personnel file, which shall be signed by the employee. Letters of reprimand shall not be subject to the grievance procedure. Letters of reprimand shall be subject to only Steps 1 and 2 of the grievance procedure.

**Section 15.9** A suspension without pay of more than three (3) days, a dismissal or a disciplinary reduction in rank or pay may be processed through all steps of the grievance
procedure provided for in Article 5 of this Agreement. Suspensions of three days or less are not subject to Step 5.3 of the Grievance Procedure, but may be appealed only to the Director of Human Resources pursuant to Step 4, Article 5 Grievance Procedure, for a final and binding decision. 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.

**ARTICLE 16 – SUBCONTRACTING**

The City shall retain the right to determine whether and to what extent any work shall be performed by employees. The management of the City's operations and the direction of the work force, including, but not limited to, the contracting or subcontracting of work performed by the City shall be retained by the City.

First Notice: Prior to a final decision to contract/subcontract out bargaining unit work, and no less than fourteen (14) calendar days prior to offering a contract/subcontract or issuing a solicitation for services such as a Request for Proposals (RFP), Request for Bids (RFB) or Request for Quotations (RFQ) the City shall notify by email the Union Staff Representative and the bargaining unit chairperson that it is considering contracting/subcontracting, the scope, quantity and duration of the work to be contracted, and the reasons why the City is considering contracting/subcontracting out bargaining unit work.

Second Notice: Should the City determine to contract/subcontract out the identified work, it shall notify the Union, in writing, within fourteen (14) calendar days of awarding the contract. This notice will include the anticipated professional services amount and any changes from the First Notice.

Request to Bargain: Upon written request by the Union, the City will bargain the impacts of such proposed contracting/subcontracting out of bargaining unit work pursuant to the requirements of RCW 41.56 and this Agreement.

The City of Tacoma will provide contracting departments with the current e-mail address of the Union Staff Representative and the bargaining unit chairperson.

**ARTICLE 17 – VEBA PARTICIPATION**

The City of Tacoma and Washington State Council of County and City Employees, Local 120 AFSCME agree that the bargaining unit members in the Washington State Council of County and City Employees, Local 120 AFSCME, 2001 – 2003 collective bargaining agreement are eligible to participate in the VEBA program provided by Council Ordinance 26070 adopted October 12, 1997.

This Letter of Understanding is not be used as a precedent with respect to any other contracts for any other divisions or departments of the City nor by other employees represented by this Union or any other Union. This Letter of Understanding will expire with the expiration of the current collective bargaining agreement. Additionally, either Party to this Agreement shall be able to cancel this Agreement with thirty (30) days written notice to the other Party of its intent.
ARTICLE 18 – SAVING CLAUSE

Should any provision of this Agreement be found to be in violation of any federal, state, or local law, all other provisions shall remain in full force and effect for the duration of this Agreement.

ARTICLE 19 – TERM OF AGREEMENT

This agreement shall remain in full force and effect from January 1, 2021 to and including December 31, 2022, provided however, that this Agreement shall be subject to change or modification as may be mutually agreed upon by the parties hereto. It is the intent of the parties to this Agreement that negotiations for change or modification shall begin one hundred-twenty (120) days, in no event later than ninety (90) days prior to the expiration date for this agreement.

EXECTED THIS ____________________________ DAY OF ____________________________ 2020.

City of Tacoma
a municipal corporation

Tacoma City and Pierce County
Employees Local Number 120

______________________________
City Manager

______________________________
Policy Chair

______________________________
Director of Public Utilities

WSCCCE Council 2 Staff Representative

______________________________
Senior Labor Relations Manager

______________________________
Finance Director

Approved as to form:

______________________________
City Attorney

Attest:

______________________________
City Clerk
Effective January 1, 2021, bargaining unit employees shall receive a wage increase of one percent (1.00%).

Effective January 1, 2022, bargaining unit employees shall receive a wage increase of one percent (1.00%).

Effective July 1, 2022, bargaining unit employees shall receive a wage increase of one percent (1.00%).

2021 Wages

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<td>57.51</td>
</tr>
</tbody>
</table>

1 Salary schedule is reset in the first year of the agreement to provide a 5% differential between steps, with the exception of the Buyer, Senior classification, which is calculated up fifteen percent (15%) from the top step of the Buyer classification and then the steps are equalized for a flat rate increase between steps.
“Me too” If, during the term of this Agreement, all non-represented classifications at the City of Tacoma receive a same-year across-the-board general wage increase in excess of the general wage increase provided to classifications covered by this Agreement, or another City of Tacoma bargaining unit signs a new collective bargaining agreement after the ratification of this Agreement which provides for a same-year across-the-board general wage increase to all classifications in excess of the general wage increase provided to classifications covered by this Agreement, then the classifications covered by this Agreement will receive an equivalent across-the-board general wage increase.

This provision shall not apply to customary within-range step increases, targeted market-based wage adjustments for specific classifications, adjustments to elected officials’ salaries, public safety bargaining units eligible for interest arbitration, Tacoma Rail bargaining units governed by the Railway Labor Act, the Local 483 Tacoma Power bargaining unit, or adjustments to salaries of the Utilities Director or City Manager. This Section will expire independently from the Collective Bargaining Agreement on December 31, 2022.

All of the above classifications shall receive longevity pay as per Ordinance 20938 as follows:

1% of base pay with aggregate service for 5 through 9 years of service
2% of base pay with aggregate service for 10 through 14 years of service
3% of base pay with aggregate service for 15 through 19 years of service
4% of base pay with aggregate service for 20 or more years of service
APPENDIX B

This Appendix expires independently from the collective bargaining agreement to which it is attached. The following text is contained in the Joint Labor Agreement for the period 2020-2021:

3.4 Payroll Deduction.

3.4.1 Union Dues. As evidence of its recognition of employee membership in unions and organizations affiliated with the Joint Labor Committee and other bona fide unions and employees organizations and professional societies, the City of Tacoma agrees that upon written authority given to it by any member of the Union or other representative organization, it will deduct from the wages payable by the employer to such member, in the manner provided by law, such amounts as such member shall authorize, as dues to the organization, and transmit such dues to the organization. The City shall be given one full pay period advance notice of all dues changes. There shall be no retroactive deduction of dues.

3.4.2 Voluntary Contribution to Labor Funds, Committees or Subsidiary Organizations. The City will deduct from the pay of each employee, each month, the amount the employee wishes to voluntarily contribute to a fund, committee or subsidiary organization maintained or established by a labor organization; provided that the employee has submitted a written original authorization form signed by the employee to the City's Payroll Department, and further provided that a minimum of twenty-five (25) employees have authorized a contribution to the same fund, committee or organization. The first deduction will take effect at the end of the month following the City's receipt of sufficient authorization forms. The deduction will occur once per month on the second pay period of the month.

ARTICLE 6 - ENUMERATION OF BENEFITS

6.1 Domestic Partners. The City will make available to domestic partners benefits, including insurance, paid leave and statutory Family and Medical Leave, on the same basis that those benefits are provided to employee spouses. Domestic partners will be recognized if the domestic partnership is registered with or recognized by the State of Washington pursuant to RCW 26.60; provided, that the City will continue to recognize domestic partnerships on file with the City as of December 31, 2016, until the participating employee’s separation from employment or dissolution of the domestic partnership, whichever occurs first.

6.2 Medical Insurance. The City of Tacoma and the Joint Labor Committee have negotiated and put in effect medical insurance programs which will continue in effect for the duration of this Agreement. During the term of this Agreement, the City will provide medical insurance to employees and their eligible dependents through the plans described in Appendix A of the Joint Labor Agreement.
6.2.1 Eligibility. Permanent, project, appointive, and temporary pending exam employees and their dependents are eligible for coverage beginning on the first day of the calendar month following the date of hire, unless the date of hire is also the first working day of the calendar month, in which case benefits eligibility begins on the date of hire. All other temporary employees and their dependents are eligible for coverage beginning on the first day of the calendar month following 60 days of continuous employment from the date of hire.

6.2.2 Default Options. If permanent, project, appointive and temporary pending exam employees fail to enroll or waive medical coverage within the required enrollment period, the employee will be enrolled automatically in the City’s default medical plan. The default plan shall be the Regence BlueShield PPO Plan. If a temporary employee fails to timely enroll or waive coverage, the employee will be determined to have waived coverage, until such time as they enroll pursuant to a qualifying life event or an open enrollment period.

6.2.3 City Payment of Claims/Premiums. Except as provided below, the City will pay the claims or premiums (according to the plan selected by the employee) associated with the medical insurance selected by the employee and eligible dependents from the City’s Health Care Trust. The City will not use reserve funds for purposes other than paying costs associated with the maintenance and administration of its health insurance plans without the express negotiation and consent of the Joint Labor Committee.

6.2.4 Employee Contributions to Premiums.

Effective January 1, 2020 through December 31, 2020, Employees selecting employee-only coverage will contribute $40 per month towards the premium costs of medical insurance. Employees insuring dependents will contribute $80 per month towards the premium costs of medical insurance.

Effective January 1, 2021, Employees selecting employee-only coverage will contribute $50 per month towards the premium costs of medical insurance. Employees insuring dependents will contribute $100 per month towards the premium costs of medical insurance.

Effective January 1, 2020, in addition to these amounts, part-time employees working at least twenty (20), but less than thirty (30) hours per week will be responsible for the remainder of the premium cost of the plan they have selected after the City has made a prorated contribution toward the cost of the plan based on the percentage that the part-time employee’s FTE actual hours compensated in the previous month bears to full-time (40 hours per week). Employees will be eligible for benefits based on assigned work schedule. The work schedule shall be determined monthly, for pay periods in the upcoming month. Such schedules will be rounded up to the nearest four (4) hour increment. Part-time employees working thirty (30) or more hours per week will make contributions equal to those of full time employees. For all other purposes or benefit calculations, the City’s definitions and policies regarding part-time employment will govern.
6.2.5 Wellness Credit. Employees participating in wellness will receive a $20 per month credit toward their premium contribution for medical insurance coverage under the Regence PPO Plan or Kaiser Permanente HMO Plan, or a $40 per month credit toward their premium contribution for coverage under the Regence HDHP/HSA Plan. Employees in a temporary status are not eligible to receive the credit.

6.2.6 Contributions to HSA Accounts. Employees who select the Regence HDHP/HSA Plan will receive the following annual contributions to a health savings account. Contributions will be deposited on a monthly basis. Employees may contribute to their own accounts up to the maximum dollar value permitted by applicable law.

a. Employees Who Participate in Wellness – $1250 per year for employees selecting employee-only coverage; $2500 per year for employees insuring one or more dependents.

b. Employees Who Do Not Participate in Wellness – $500 per year for employees selecting employee-only coverage; $1000 per year for employees insuring one or more dependents.

6.3 Dental and Vision Insurance. The City will provide dental and vision insurance to employees and eligible dependents according to the terms of its insurance plans. The City will not make changes to its dental or vision insurance plans during the term of this Agreement without first bargaining with the Joint Labor Committee. The City will pay the full premium cost for dental and vision insurance for employees and eligible dependents. Part-time employees working at least twenty (20), but less than thirty (30) hours per week will be responsible for a prorated contribution toward the cost of the plan based on the percentage that the part-time employee’s FTE actual hours compensated in the previous month bears to full-time (40 hours per week). Part-time employees working thirty (30) or more hours per week will make contributions equal to those of full-time employees. For all other purposes or benefit calculations, the City’s definitions and policies regarding part-time employment will govern.

6.4 Dual Coverage. No City employee or eligible dependent may be insured under more than one City medical, dental, or vision insurance plan. Employees whose spouses/domestic partners/children up to age 26 are eligible for medical insurance benefits through the City will share the costs of insurance as follows:

6.4.1 Employees Choosing the Same Plan – One spouse/domestic partner will be placed on the other’s medical, dental, or vision insurance, and the primary spouse/domestic partner will pay the appropriate premium cost for family coverage.

6.4.2 Employees Choosing Different Plans – If spouses/domestic partners elect coverage under different plans, they may not provide coverage to their spouse/domestic partner on their medical, dental, or vision insurance plan. Each employee will pay the appropriate cost share (individual or family) depending on whether they include children on their plan.
6.4.3 Children up to Age 26 – Benefit-eligible employees whose parents are City employees must elect coverage in their name (paying the applicable premium contribution) or coverage as a dependent on their parent’s plan (with no premium contribution), but may not receive coverage under two medical, dental or vision insurance plans.

6.5 Opt Out With Proof of Insurance. Subject to any applicable legal restrictions imposed by the Employer’s medical, dental and vision insurance providers, full-time and part-time employees may choose to opt out of the Employer provided medical, dental and/or vision insurance. To be eligible to opt out of the medical, dental and/or vision insurance, full-time permanent, project, appointive, and temporary pending exam employees shall be required to: (i) provide the Employer with written proof of alternative medical, dental and vision insurance coverage; and (ii) notify the Employer in writing within thirty (30) calendar days if he/she should lose their alternative medical, dental and vision coverage.

6.6 Vacations shall be as provided in Section 1.12.220 of the Tacoma Municipal Code. This section provides in part for the following:

6.6.1 Full-time employees shall accrue vacation leave hours for each biweekly pay period pursuant to the following schedule:

<table>
<thead>
<tr>
<th>Completed Years of Aggregate Service</th>
<th>Accrued Hours per Pay Period</th>
<th>Hours of Vacation Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completion of years 0, 1, 2, 3</td>
<td>3.69</td>
<td>96</td>
</tr>
<tr>
<td>Completion of years 4, 5, 6, 7</td>
<td>4.60</td>
<td>120</td>
</tr>
<tr>
<td>Completion of years 8, 9, 10, 11, 12, 13</td>
<td>5.22</td>
<td>136</td>
</tr>
<tr>
<td>Completion of years 14, 15, 16, 17, 18</td>
<td>6.14</td>
<td>160</td>
</tr>
<tr>
<td>Completion of 19 years</td>
<td>6.45</td>
<td>168</td>
</tr>
<tr>
<td>Completion of 20 years</td>
<td>6.76</td>
<td>176</td>
</tr>
<tr>
<td>Completion of 21 years</td>
<td>7.07</td>
<td>184</td>
</tr>
<tr>
<td>Completion of 22 years</td>
<td>7.38</td>
<td>192</td>
</tr>
<tr>
<td>Completion of 23 years</td>
<td>7.69</td>
<td>200</td>
</tr>
<tr>
<td>Completion of 24 years</td>
<td>8.00</td>
<td>208</td>
</tr>
<tr>
<td>Completion of 25 years</td>
<td>8.31</td>
<td>216</td>
</tr>
<tr>
<td>Completion of 26 years</td>
<td>8.62</td>
<td>224</td>
</tr>
<tr>
<td>Completion of 27 years</td>
<td>8.93</td>
<td>232</td>
</tr>
<tr>
<td>Completion of 28 years or more</td>
<td>9.24</td>
<td>240</td>
</tr>
</tbody>
</table>

Employees vacation accrual rates shall be established as of January 1 of each calendar year and shall be based on the rate applicable to the number of years of aggregate service the employee will complete within that calendar year.

6.6.2 Part time employees will accrue vacation on a pro-rated basis according to the percentage their FTE bears to full-time.
6.6.3 Employees accrue vacation in each pay period in which they are in a paid status. An eligible employee shall accrue vacation based on the above schedule beginning from the date of their appointment.

6.6.4 Vacation accrual balances shall not exceed an amount equal to two (2) years’ accrual at the employee’s then-current accrual rate.

6.6.5 Vacation leave may not be taken without the prior approval of the appointing authority and may not be taken in the pay period in which it was earned. Vacation leave shall be scheduled so as to meet the operating requirements of the City and, as far as practicable, the preferences of the employees. Authorized vacation time may be used in increments of one tenth (1/10) of an hour.

6.6.6 For the purposes of this Section, permanent employees of the Municipal Belt Line Railway who are assigned to the extra board will be considered as full-time employees.

6.7 Sick allowance with pay shall be as provided in Section 1.12.230 - 1.12.232 of the Tacoma Municipal Code. This section provides in part the following:

6.7.1 Each regularly employed full-time employee, including temporary employees, shall accrue sick leave at the rate of 3.69 hours for each biweekly pay period in which he or she has been in a paid status. There is no limit to the number of sick leave days an employee may accrue. Part-time employees shall accrue sick leave on a prorated basis according to the percentage their FTE bears to full-time.

6.7.2 An employee separated from service due to death or retirement for disability or length of service is compensated to the extent of twenty five percent (25%) of his/her sick leave accruals. An employee separated in good standing from service for any other reason who has a minimum of ten (10) days accrual, is compensated to the extent of ten percent (10%) of his/her sick leave accruals, up to a maximum accrual of one hundred twenty (120) days.


6.8 Personal Time Off shall be as provided in Section 1.12.248 of the Tacoma Municipal Code. This section provides in part for the following:

6.8.1 Employees enrolled in the Personal Time Off (PTO) Plan shall accrue PTO hours for each bi-weekly pay period pursuant to the following schedule. Employees receive PTO in lieu of vacation and sick leave.
<table>
<thead>
<tr>
<th>Completed Years of Aggregate Service</th>
<th>Hours per Year</th>
<th>Hours per Pay Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completion of years 0, 1, 2, 3</td>
<td>144</td>
<td>5.54</td>
</tr>
<tr>
<td>Completion of years 4, 5, 6, 7</td>
<td>168</td>
<td>6.46</td>
</tr>
<tr>
<td>Completion of years 8, 9, 10, 11, 12, 13</td>
<td>184</td>
<td>7.08</td>
</tr>
<tr>
<td>Completion of years 14, 15, 16, 17, 18</td>
<td>208</td>
<td>8.00</td>
</tr>
<tr>
<td>Completion 19 years</td>
<td>216</td>
<td>8.31</td>
</tr>
<tr>
<td>Completion of 20 years</td>
<td>224</td>
<td>8.62</td>
</tr>
<tr>
<td>Completion of 21 years</td>
<td>232</td>
<td>8.92</td>
</tr>
<tr>
<td>Completion of 22 years</td>
<td>240</td>
<td>9.23</td>
</tr>
<tr>
<td>Completion of 23 years</td>
<td>248</td>
<td>9.54</td>
</tr>
<tr>
<td>Completion of 24 years</td>
<td>256</td>
<td>9.85</td>
</tr>
<tr>
<td>Completion of 25 years</td>
<td>264</td>
<td>10.15</td>
</tr>
<tr>
<td>Completion of 26 years</td>
<td>272</td>
<td>10.46</td>
</tr>
<tr>
<td>Completion of 27 years</td>
<td>280</td>
<td>10.77</td>
</tr>
<tr>
<td>Completion of 28 years or more</td>
<td>288</td>
<td>11.08</td>
</tr>
</tbody>
</table>

6.8.2 Employees shall accrue PTO on a prorated basis according to the percentage their FTE bears to full-time. Employees’ PTO accrual rates shall be established as of January 1 of each calendar year and shall be based on the rate applicable to the number of years of aggregate service the employee will complete within that calendar year. An employee may accrue a maximum of 960 hours of PTO.

6.9 On-the-job injury shall be as provided in Section 1.12.090 of the Tacoma Municipal Code. That section provides in part:

6.9.1 In the case of a disability covered by State Industrial Insurance or Worker Compensation, the first three (3) calendar days shall be paid at the regular normal pay and charged to earned leave, in the event the time loss is less than fifteen (15) calendar days.

6.9.2 For one-hundred-twenty (120) working days, the City will pay a supplement payment such that State payment plus City supplement equals eighty-five percent (85%) of regular normal pay.

6.9.3 Pursuant to Ordinance 27753, adopted November 18, 2008, after the payment and use of the one hundred twenty (120) working days, the employee may request to use accumulated sick leave and/or planned time off (PTO) balances to supplement the time loss pay such that the combination of the supplement and the time loss pay equals eighty-five percent (85%) of the employee’s normal wage (the employee’s rate at the time of injury plus any longevity pay to which the employee is eligible). If the employee elects to use paid sick leave and/or PTO the election will continue until such balances are exhausted or until the employee returns to work. Hours deductions from the employee’s PTO or sick leave balances shall be determined by dividing the supplement by the employee’s regular hourly wage. Example: Assume a supplement amount of $596 dollars is necessary to bring the total to 85%. If the employee’s regular
wage is assumed to be $23.84, the deduction from sick leave and/or PTO would be $596/$23.84=25 hours.

6.9.4 Any employee who becomes disabled prior to completing thirty (30) working days' employment with the City, shall receive the compensation disability allowance for a maximum of thirty (30) working days.

6.9.5 The above does not apply to Police and Fire commissioned hired prior to October 1, 1977, however, such employees shall have on-the-job injury claims charged against their sick leave accruals in the same manner as other employees of the City.

6.9.6 For the purposes of this Section, regular normal pay shall be that rate of the classification in which he/she was working in on the date of injury.

6.10 Group Life Insurance shall be as provided in Section 1.12.096 of the Tacoma Municipal Code. The City will pay one hundred percent (100%) of the cost of premiums for those employees electing to participate. The amount of insurance an employee may purchase is based on his/her annual salary rounded to the next highest $1,000 of coverage.

6.11 Longevity pay may be provided to employees of member unions pursuant to the terms of Ordinance 20938, which reads in part as follows:

6.11.1 Regular, probationary, and appointive employees who through union agreement have elected the option of longevity pay shall receive additional compensation based on a percentage of their base rate of pay received for the class in which they are currently being paid. No application of rate may be used in computing longevity pay.

6.11.2 Eligible employees shall receive longevity pay in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Service Period</th>
<th>Longevity Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 5 through 9 years aggregate</td>
<td>1% per month</td>
</tr>
<tr>
<td>From 10 through 14 years aggregate</td>
<td>2% per month</td>
</tr>
<tr>
<td>From 15 through 19 years aggregate</td>
<td>3% per month</td>
</tr>
<tr>
<td>20 years or more aggregate service</td>
<td>4% per month</td>
</tr>
</tbody>
</table>

6.11.3 Eligibility for longevity pay shall be determined by the length of aggregate City service and will be paid to an employee at the first of the calendar year in which any of the above stipulated periods of aggregate service will be completed.

6.12 Holidays shall be as provided in Section 1.12.200 of the Tacoma Municipal Code. This section provides in part that the following and such other days as the City Council, by resolution, may fix, are holidays for all regularly employed full-time employees of the City and shall be granted to employees or days off in lieu thereof.

New Year's Day (January 1)
Martin Luther King Day (third Monday in January)
Presidents' Day (third Monday in February)
Memorial Day (last Monday in May)
Fourth of July
Labor Day (first Monday in September)
Veterans’ Day (November 11)
Thanksgiving Day (fourth Thursday in November)
The day immediately following Thanksgiving Day
Christmas Day (December 25)

6.12.1 A full-time employee shall receive eight (8) hours of holiday pay for each holiday listed above, provided he/she is in a paid status on both the entire regularly scheduled workday immediately preceding the holiday and the entire regularly scheduled workday following the holiday.

6.12.2 In addition to the days listed above, eligible employees shall receive two (2) additional eight (8) hour paid floating holidays per calendar year for which time off shall be mandatory. Floating holidays may not be carried over from one calendar year to the next, and may not be converted to cash in any circumstances. To be eligible for these floating holidays, employees must have been or scheduled to be continuously employed by the City for four (4) months as a full-time or part-time regular, probationary, or appointive employee during the calendar year of entitlement. An employee hired into a part time status shall receive holiday pay on a prorated basis on the hours that he/she is hired to work.

6.12.3 Full time employees working alternate schedules who are normally scheduled to work more than eight (8) hours on a day observed as a holiday may use vacation leave, personal time off, compensatory time, or leave without pay at the employee’s option to make up the difference between the employee’s normally scheduled shift and the eight (8) hours of holiday pay.

6.12.4 Unpaid Holidays. Employees will be granted two (2) unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. The employee will select the days on which to take the unpaid holiday(s) after consultation with his or her supervisor as provided by City policy. To the extent reasonably possible, employees should submit leave requests with at least thirty (30) calendar days’ notice. Employees may elect to use accrued vacation leave, PTO, compensatory time or floating holidays to remain in paid status on a requested holiday to the extent that such leave is available on the requested date under applicable policies, procedures and/or collective bargaining agreements governing the use of paid leave. An unpaid holiday requested pursuant to City policy will not be denied unless the employee’s absence would impose an undue hardship on the City, as defined by applicable rule or regulation.

6.13 The City shall contribute up to $3.00 per month for long term disability coverage for all permanent non-commissioned City employees.

6.14 The City will maintain an Internal Revenue Service Code Section 125 flexible benefits plan. The City shall pay the monthly per participant administrative fee. Employees
cannot utilize this plan for Long Term Disability premium payments. Employees who participate in the City medical plan will be eligible to participate in the Section 125 flexible benefits plan. The maximum annual allowable employee contribution for medical reimbursement shall be based on IRS regulations. At the end of each year any unspent monies in employee flexible benefits accounts will revert to the Labor/Management Health Care Trust Account.

6.15 Wellness

6.15.1 Wellness Committee. The parties will maintain a Labor Management Health Care Committee (aka Wellness Committee) during the term of the Agreement to discuss and address issues regarding the City’s insurance programs and wellness program. The Wellness Committee will be comprised of four (4) City and four (4) Labor representatives. The Committee will:

a. Develop monthly or bimonthly newsletters to help educate and encourage the City employees.

b. Review all Health Trust Fund/Flex Account balances monthly.

c. Review experience reports monthly.

6.15.2 Wellness Funds. The City and Tacoma Joint Labor Committee will establish a budget amount to fund activities associated with its Wellness Program using the Health Care Flex Account. Expenditures of such budgeted funds will be reviewed and approved by the Wellness Committee.

6.15.3 Participation. To receive the benefits associated with participating during each year of the Agreement, employees must complete participation requirements established by the Wellness Committee.

6.16 Meal allowances may be paid to employees pursuant to TMC Section 1.12.195 and the applicable collective bargaining agreement covering an individual member union of the Joint Labor Committee. Effective January 1, 2020, the meal allowance shall increase to $18 per occurrence unless an applicable collective bargaining agreement covering an individual member union provides for a higher amount.
Appendix C

CLASSIFICATION REVIEW REQUEST FORM FOR AFSCME Local 120 EMPLOYEES

Instructions for Employee: Fill out all information above the dotted line. Submit the completed and signed form both a hard copy and an electronic copy (if possible).

Employee Name: Click or tap here to enter text.

Employee ID #: Click or tap here to enter text.

Supervisor’s Name: Click or tap here to enter text.

Current Classification: Click or tap here to enter text.

Classification You Feel Better Describes the Duties You Perform: Click or tap here to enter text.

Please briefly summarize how your duties have changed since your position was last reviewed? Please feel free to attach supplemental pages if needed.

Click or tap here to enter text.

How long have you been performing the new duties? Click or tap here to enter text.

X

Employee Signature and Date Signed

Instructions for Supervisor: Once you’ve filled out your portion, submit to the City of Tacoma Human Resources – Class & Comp team at your earliest convenience. Please include a copy of the updated PDF if applicable.

Supervisor’s Comments:

Click or tap here to enter text.
## INDEX TO LETTERS OF AGREEMENT AND UNDERSTANDING

**TACOMA, WASHINGTON, CITY AND PIERCE COUNTY EMPLOYEES**  
**LOCAL NUMBER 120 OF THE WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES, AFSCME, AFL-CIO**

<table>
<thead>
<tr>
<th>Description</th>
<th>Date Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. UTS Technology LOA</td>
<td>09/26/2016</td>
</tr>
<tr>
<td>2. IT Intern Classifications LOA</td>
<td>06/20/2016</td>
</tr>
<tr>
<td>3. ESD Transf. Warehouse Duties From Sewer Wker to Warehouse Tech LOA</td>
<td>12/03/2015</td>
</tr>
<tr>
<td>4. VEBA Participation LOU</td>
<td>05/07/2003</td>
</tr>
</tbody>
</table>
Letter of Agreement
Between
City of Tacoma
And
City of Tacoma Washington, City and Pierce County Employees
Local Number 120, AFSCME, AFL-CIO

Subject: UTS Technology
Date: September 26, 2016

Advances in technology have presented opportunities for Labor & Management to consider opportunities for consolidation and the ability to leverage common platforms to serve multiple business needs. As the current technology landscape continues to evolve, Labor & Management will need to identify the necessary tools, processes and skill sets for employees that are vital to improving performance, reliability, business needs, and on-going operational efficiencies. As a result, Tacoma Power Utility Technology Section (UTS) desires to reduce redundant efforts and duplicative equipment by investing in a shared resource infrastructure and a new TPU Business LAN. UTS and Local 120 have worked together to understand anticipated technological changes in the utility business, the differences between information technology and operational technology, and the associated opportunities. Both parties are interested in continuing a collaborative working relationship and have agreed to the following:

1. UTS and Local 120 will work together through a labor management sub-committee to identify relevant training and/or certification opportunities related to current and future technologies necessary for their positions. With prior approval from management, and as part of a training and development plan, Local 120 employees within UTS may take training and/or certification courses. It is expected that satisfactory progress will be made towards completing the training and any fees related to training and/or certification testing will either be paid for by UTS or be reimbursed to the employee upon successful completion. Both parties recognize the benefits gained from the investment and commitment being made by UTS in employee training and that such investment is aimed at developing and maintaining highly skilled, competitive employees.

2. It is recognized that positions outside of the bargaining unit working on operational technology located at Tacoma Public Utilities, have been and will continue to perform and be assigned work that is similar in nature to work performed by classifications covered by Local 120. UTS and Local 120 will work together through labor management committee to identify opportunities for future efficiencies.

3. A new classification titled Integration Developer will be created with five (5) pay steps as follows:

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>44.06</td>
<td>46.25</td>
<td>48.56</td>
<td>50.99</td>
<td>53.54</td>
</tr>
</tbody>
</table>

The Integration Developer classification will be overtime eligible, in accordance with Article 12 of the collective bargaining agreement (CBA) and will be listed in Appendix A
of the successor CBA. For technology systems utilized by TPU, UTS will designate the environments the Integrator classification will be assigned.

4. If after hours stand-by is required, UTS will establish a rotational stand-by list. Employees assigned to serve in a standby status will be compensated and so assigned consistent with Section 12.6 of the CBA. The standby schedule will include those individuals that are qualified, demonstrate responsiveness and follow the appropriate after hour procedures. UTS will establish the minimum requirements necessary for employees to be eligible for stand-by. Employees on standby are expected to respond/call back to call within fifteen minutes. Processes and procedures will be established by UTS for handling after hour emergencies.

The parties will continue to work together to address issues and foster collaborative labor relations.

ORIGINAL SIGNED BY:

For WSCCCE, Local 120:
Dylan Carlson, Staff Representative
9/28/16

For the City of Tacoma:
Joy St. Germain, Human Resources Director
Chris Robinson, Power Superintendent
William A. Gaines, Utilities Director
Letter of Agreement
Between
City of Tacoma
And
City of Tacoma Washington, City and Pierce County Employees
Local Number 120, AFL-CIO

Subject: IT Intern Classifications
Original LOA Date: June 20, 2016
Updated Concurrent with 2020 CBA

In accordance with Article 3 of the collective bargaining agreement between the City and Local 120, the City hereby acknowledges Local 120 as the exclusive bargaining representative for the classifications of IT Analyst Intern, IT Business Analyst, IT CST Intern, IT Helpdesk Intern, and Buyer Intern.

The Parties agree as follows:

1. Four Intern classifications shall be retained and one created to support recruitment and retention into their respective classifications.

2. The rates of pay for the Intern classifications will be set as follows:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Step 1 Rate of Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>IT Analyst Intern</td>
<td>80% of Step 1 IT Analyst (CSC 0150)</td>
</tr>
<tr>
<td>IT CST Intern</td>
<td>80% of Step 1 Computer Support Technician (CSC 0124)</td>
</tr>
<tr>
<td>IT Helpdesk Intern</td>
<td>80% of Step 1 IT Helpdesk Specialist (CSC 0118)</td>
</tr>
<tr>
<td>IT Business Analyst Intern</td>
<td>80% of Step 1 Business Analyst 1 (CSC 0141)</td>
</tr>
<tr>
<td>Buyer Intern</td>
<td>80% of Step 1 Buyer (CSC 0304)</td>
</tr>
</tbody>
</table>

3. The Union hereby acknowledges its support of the Intern programs.

4. All Interns will meet membership requirements pursuant to Article 4 of the Collective Bargaining Agreement (CBA).

5. The Intern classifications are intended to be educational positions, to learn and perform work covered by Local 120 classification. When used, the intern classifications will be filled with only temporary employees and the duration of each intern's employment shall not exceed twelve (12) months aggregate time per classification in any two-year period, per Section 1.24.710.

6. Interns shall not have rights or protections under the CBA related to continued employment, including protections under the layoff, recall, and/or bumping provisions.

This Letter of Understanding is not to be used as a precedent with respect to any other contracts for any other divisions or departments of the City, nor by other employees represented by this Union, or any other Union.

ORIGINAL SIGNED BY:
For WSCCCE, Local 120: For the City of Tacoma:

L120 AFSCME 2021-2022
LETTER OF AGREEMENT

By and Between
City of Tacoma and
Teamsters Local 313 and
AFSCME Local Number 120

Subject: ESD Transferring Warehouse Duties from Sewer Worker to Warehouse Technician

Date: December 3, 2015

This Letter of Agreement (LOA) hereby recognizes the arrangement made between the City of Tacoma Environmental Services Department (ESD), Teamsters Local Union 313, and AFSCME Local 120, hereinafter referred to as “the Parties”.

Environmental Services Operations and Maintenance has decided to consolidate warehouse functions to a central location at the Waste Wastewater Treatment Facility. As a result of this decision, and the closure of the small separate warehouse facility, the Sewer Worker who has been assigned Expeditor duties will be reassigned to Sewer Worker duties.

The Parties agree as follows:

1. The work currently assigned to the Sewer Worker at the facility being closed will henceforth be performed by members of Local 120, except that

2. In the event the warehouse being closed by this agreement is at some future date reopened, the Expeditor work will be considered as Local 313 work and will be reassigned to a 313 represented Sewer Worker.

3. In the event the work currently known as Expeditor duties is assigned to a 313 represented Sewer Worker at some future date, based on the reopening of the separate facility, Local 120 will not file skimming charges against the City or Teamsters Local 313.

This Letter of Agreement shall remain in effect for the duration of the Teamster Local Union 313 2014-2017 Collective Bargaining Agreement.

This agreement is not to be used as a precedent with respect to any other contracts for any other Sections or Division in any Department represented by this Union or other employees employed by the City of Tacoma and represented by any other Union.

ORIGINAL SIGNED BY:
For City of Tacoma
Joy St. Germain
Human Resources Director
Michael P. Slevin III, P.E.
Environmental Services Director
T.C. Broadnax
City Manager
Approved as to form:
Cheryl Comer
Deputy City Attorney

For Teamsters Local 313
Terra Ament
Business Representative

For Local 120
Dylan Carlson
Business Representative

Approved as to form:
Cheryl Comer
Deputy City Attorney
MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
CITY OF TACOMA AND
WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES
AFSCME, AFL-CIO, LOCAL 120-TACOMA

In contract negotiations between the City of Tacoma and WSCCCE, Local 120-Tacoma (hereinafter, referred to as ‘the parties’) the following understanding and agreement has been reached:

The parties agree:

1. The City will conduct a thorough review of each classification specification within the IT Analyst series, to determine if any need to be updated.
2. Once the City has determined what changes need to be made to properly update the classifications within the IT Analyst series, if any, the City will provide their proposed changes to the Union so they may provide feedback before publication. The City agrees to complete their work and provide the classifications to the Union by February 28, 2022.
3. To the extent that changes to any classification specification impact any mandatory subject of bargaining, the City will bargain those impacts consistent with RCW 41.56. The City does not bargain classification specifications or the process for management and review of those classification specifications.

The parties agree to review the IT Analyst classification series upon request and mutual agreement.

In WITNESS WHEREOF, the parties hereby execute this memorandum of understanding this _____ day of _______________ 2020.

WSCCCE, Local 120-Tacoma

By: __________________________
Abbie Zulock
Staff Representative

City of Tacoma

By: __________________________
John Henry
Labor Negotiator
MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
CITY OF TACOMA AND
WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES
AFSCME, AFL-CIO, LOCAL 120-TACOMA

As a result of contract negotiations between City of Tacoma and WSCCCE, Local 120Tacoma (hereinafter, referred to as ‘the parties’) the following understanding and agreement has been reached:

The parties agree that a thorough market analysis of all job classifications represented by Local 120-Tacoma is in the mutual interest of the parties.

The parties agree:

1. The City will complete a market analysis on or before June 30, 2022 and provide same to the Union, excluding any proprietary information from vendors or other information that the City is prohibited from providing by State or Federal law.  

2. The parties will meet in July of 2022 in a subcommittee of the bargaining teams to discuss the market analysis.

3. The market analysis will be discussed in contract negotiations between the two parties, to appropriately bargain any proposed changes in wages, hours, or working conditions.

This MOU shall expire on December 31, 2022. In WITNESS WHEREOF, the parties hereby execute this memorandum of understanding this _____ day of ______________ 2020.

WSCCCE, Local 120-Tacoma

By: ____________________________
Abbie Zulock
Staff Representative

City of Tacoma

By: ____________________________
John Henry
Labor Negotiator

2 The City does not bargain the process or procedure of how it conducts market analysis, nor who comparable employers and what comparable job classifications are. The City agrees to discuss its market analysis and to consider the Union’s input and feedback in good faith.
RESOLUTION NO. 40718

BY REQUEST OF MAYOR WOODARDS

A RESOLUTION relating to City Council meetings; approving the cancellation of six regular City Council Meetings in 2021.

WHEREAS, pursuant to City Charter Section 2.8, the City Council shall meet weekly at least 46 times per calendar year, and

WHEREAS the City Council can, by a majority vote, cancel up to six meetings in 2021 while still meeting its regular meeting requirements, and

WHEREAS, after discussion at the December 8, 2020, Study Session, the City Council determined that the following regular City Council meetings scheduled for 2021 would be cancelled: January 19, June 1, July 6, September 7, December 21, and December 28; Now, Therefore,

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

That the following City Council meetings scheduled for 2021 are hereby cancelled: January 19, June 1, July 6, September 7, December 21, and December 28.

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  
COPY: City Council  
SUBJECT: 2021 Cancelled City Council Meetings – December 15, 2020  
DATE: December 1, 2020

SUMMARY:  
A resolution approving the cancellation of six regular City Council meetings in 2021: January 19th, June 1st, July 6th, September 7th, December 21st, and December 28th.

SPONSOR:  
Mayor Woodards

BACKGROUND:  
Per Section 2.8 of the City Charter, entitled Procedure of the Council, the City Council shall hold at least forty-six regular meetings each calendar year. Therefore, the City Council, by a majority vote, can cancel up to six meetings in 2021, and still meet the regular meeting requirements.

At the December 8, 2020 Study Session, the City Council will discuss options for the six meetings they can consider cancelling in 2021. Staff recommends cancelling the following six City Council meetings: January 19th, June 1st, July 6th, September 7th, December 21st, and December 28th. Most of the dates selected fall before or after a legal holiday.

STRATEGIC PRIORITY:  
- Encourage and promote an open, effective, results-orientated organization

ISSUE:  
For agenda planning purposes, each year the City Council discusses their preference for which City Council meetings to cancel in the next calendar year. They must hold at least forty-six regular meetings each year, which gives the Council the option of cancelling six meetings in 2021.

RECOMMENDATION:  
Staff recommends that these six City Council meetings be cancelled in 2021 and requests City Council consideration at the December 15th Council meeting.

FISCAL IMPACT:  
There is no fiscal impact.
ORDINANCE NO. 28726


WHEREAS, the City of Tacoma, Department of Public Utilities (“TPU”) has reviewed existing policies, procedures, and practices for essential changes required to implement advanced metering, and to make other updates, as needed, and

WHEREAS TPU is requesting a proposed fee and other changes to Tacoma Municipal Code (“TMC”) Chapter 12.01, “Utility Charges,” and Chapter 12.06 “Electric Energy – Regulations and Rates,” which are necessary to support the Advanced Metering Infrastructure (“AMI”) Project and to clarify billing practices related to the PrePay program, and

WHEREAS the proposed amendments to TMC 12.01.010 will add an AMI Opt-Out fee; language allowing the low-income senior and/or disabled Discount Rate Program percentage fee discount to apply to the Opt-Out fee; and language specifying there will not be a disconnection, connection, or reconnection fee charged to customers if the action may normally be performed remotely, and

WHEREAS the proposed amendments to TMC 12.06.110 will add language clarifying that PrePay customers will receive a billing statement that itemizes service activity during the previous period, and
WHEREAS, by adoption of Public Utility Board Resolution No. U-11221 on November 18, 2020, the proposed TMC amendments were approved, pending confirmation from the City Council; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 12.01 of the Tacoma Municipal Code ("TMC") relating to Utility charges, is hereby amended as set forth in the attached Exhibit "A," to become effective January 1, 2021.

Section 2. That Chapter 12.06 of the TMC, relating to Electric Energy - Regulations and Rates, is hereby amended as set forth in the attached Exhibit "B," to become effective on January 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
EXHIBIT “A”

CHAPTER 12.01
UTILITY CHARGES

* * *

12.01.010 Utility services establishment.

A utility service establishment charge shall be imposed for each customer's service order for all utilities provided by the City of Tacoma as set forth below:

A. A utility service establishment charge shall be paid by each utility customer at the time of the service request. The charge includes turn-on and turn-off services if required. The establishment charge shall be as indicated in the table below for each service:

- Power (metered) $10.50
- Water (metered) $6.10
- Solid Waste $3.00
- Wastewater $1.00
- Surface Water $1.00

Such utility service establishment charge will be allocated to, and recorded as revenue for City tax purposes by each utility providing service.

B. Adjustments/Fees. A service charge shall be paid by each utility customer if a field call is required to adjust service to a new or different type of service or rate, or for turn-off or turn-on of service. For purposes of this chapter, normal City business hours means 8:00 a.m. to 5:00 p.m., Monday through Friday, except City recognized holidays. The service charge shall be the sum of the following applicable fees:

1. $10.00 for collection or disconnection for nonpayment.
2. $12.00 for service connection during normal City business hours.
3. $60.00 for turn-on or turn-off during all other hours.
4. Plus an additional $35.00 if a pole or vault cut-in or termination is necessary.
5. $6.00 for failure to appear for utility turn-on.
6. $20.00 for self cut-in.
7. $5.00 for verification of meter reading at the customer's request after second reading within 12 consecutive months.
8. $5.00 for lock-out during a reasonable attempt to read a meter.
9. $5.00 for service provided to prepare information for collection on accounts closed over 30 days.
10. $10.00 for service provided to prepare information for bankruptcy administration.

Effective January 1, 2021, a $15.00 recurring billing cycle fee shall be charged for service provided for Opt-Out of Advanced Metering Infrastructure. The low-income senior and/or disabled discount rate percentage, as specified in subsection 12.06.165.C, shall be applied to the Opt-Out fee for qualified eligible customers as determined by subsection 12.06.165.

There will not be a disconnection or connection fee charged if the action may ordinarily be performed remotely. Such adjustment charges will be allocated to and recorded as revenue for City tax purposes by each utility providing service.

C. Reconnection fees resulting from delinquency cut-offs shall be as follows:

1. $12.00 during normal City business hours and $60.00 during all other hours.
2. $40.00 for a pole reconnection during normal City business hours and $65.00 for a pole reconnection during all other hours.
3. $75.00 for a URD reconnection during normal City business hours.
4. No URD reconnection after normal City business hours.
   There will not be a reconnection fee charged if the action may ordinarily be performed remotely. Such reconnection fees will be allocated to and recorded as revenue for City tax purposes by each utility providing service.

***
CHAPTER 12.06
ELECTRIC ENERGY – REGULATIONS AND RATES

** Billing - Payment of bills and delinquency. 
A. The Director shall cause a bill, or statement, to be rendered to each customer for electric energy consumed and/or services rendered during the preceding period. The utility bill shall become due and payable at the office of the City Treasurer or such other places designated by the Director within 15 days from the date an invoice is issued per TMC 12.01.030 and shall become delinquent thereafter. PrePay customers will not receive invoices, but will receive statements that itemize PrePay service activity during the previous period. PrePay customers will receive an invoice for any services not enrolled in PrePay. The Power Division shall compute any bill due under TMC 12.06 by carrying the computation to the third decimal place and rounding to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.
B. If said bills are not paid when due, they shall become delinquent and the Director shall, if the same is necessary to enforce payment of said bills, cause a discontinuance of the service from the premises affected by such delinquency and service shall remain off until arrangement satisfactory to the Director has been made covering payment of the delinquent bill. In addition, any invoice that becomes delinquent shall be subject to a late payment fee as set forth in TMC 12.01.030.
C. All charges for electric energy or service shall be the personal obligation of the customer applying for or signing for and/or receiving such service, and in addition thereto, the City shall have all the lien rights granted by state laws against the premises where such service is furnished. The Director shall have the absolute authority, except as limited by said state laws, to refuse to furnish service to, to discontinue service to, or to refuse to resume service to any applicant or customer on account of the failure to pay delinquent bills owing Tacoma Power by such person, whether such bills cover service at the premises sought to be served or elsewhere.
D. The owner of the premises or the owner of a delinquent mortgage thereon to which electric energy has been furnished, when giving notice to cut off service to said premises shall give notice upon a form approved, furnished and provided by Tacoma Power and shall specifically state therein the right, title and/or interest of such person in said premises and the name or names of any other person having an interest therein.
E. Any tax now or hereafter imposed upon the sale and/or delivery of electric energy shall be added by the Department to the bills rendered for service, which bills shall be paid by the customers.
F. Meter readings may be made by the Department on a bi-monthly or other periodic basis. The Department may for any reason implement and impose charges based on estimated electrical consumption or an estimated meter reading.

**
TO: Elizabeth Pauli, City Manager  
FROM: Matt Hubbard, Power Engineer, Tacoma Public Utilities  
Jackie Flowers, Utilities Director, Tacoma Public Utilities  
COPY: City Council and City Clerk  
SUBJECT: Request for Ordinance to Adopt Revisions to TMC Chapters 12.01 and 12.06 in Support of the Advanced Metering Project/ First Reading December 8, 2020  
DATE: November 6, 2020  

SUMMARY AND PURPOSE:  
Tacoma Public Utilities requests a resolution to adopt proposed revisions to the Tacoma Municipal Code, Chapters 12.01 and 12.06. These revisions support implementation of the Advanced Metering Infrastructure Project, and include the addition of an advanced metering opt-out fee and associated fee discount, language specifying that PrePay customers will receive statements instead of invoices, and language specifying that remote meter disconnections, connections, and reconnections will not be charged a fee.

BACKGROUND:  
Tacoma Public Utilities (TPU) plans to deploy Advanced Metering Infrastructure (AMI) across its entire water and electric service territories, replacing or upgrading all non-communicating power and water meters with advanced two-way communicating technology. Advanced metering is a foundational element of Tacoma Public Utilities’ Utility Modernization Strategy and will deliver customers new key benefits over time related to their power and water usage. Advanced metering technology will capture interval data, enable two-way communications, include remote capabilities, and provide advanced outage/issue detection and verification. Advanced metering will modernize utility operations and be a cornerstone to deliver customers improved services and benefits.

As a transformative initiative, the Advanced Metering Project has and continues to require a significant effort across TPU to implement the new processes, applications, technologies, and integrations needed to fully enable the functions and features of the solution. As part of this initiative, TPU has reviewed existing utility policies, procedures, and practices for essential changes required to implement advanced metering or to make other essential updates as needed.

Proposed revisions to the Tacoma Municipal Code, Title 12-Utilities (attached, with explanatory comments) include changes to Chapters 12.01 and 12.06 in the following sections:

- **12.01.010 B**: The word “Fees” is added to the section title and language is added for the recommended $15.00 AMI Opt-Out service fee and discount, to be charged each billing cycle for opt-out customers. The fee is based on TPU’s costs to provide opt-out service. Opt-Out of AMI is a voluntary option for customers.

- **12.01.010 B and C**: Language is added specifying there will not be a disconnection, connection, or reconneccion fee charged to the customer if the action may ordinarily be performed remotely (without a field visit).

- **12.06.110 A**: Language is added to clarify that PrePay customers will receive a statement, not an invoice, and that a PrePay statement itemizes activity during the previous billing period and does not have a due date.
COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:
The Advanced Metering Project will provide new benefits to residential and commercial utility customers. Before commencing on the project, market research was conducted across all customer groups and showed strong interest in new, modernized benefits, such as a web portal to view granular daily/hourly usage data, alert notifications, PrePay, and monthly billing. In addition, TPU continues ongoing community outreach with Tacoma’s Neighborhood Council Meetings, the Black Collective, Neighborhood Block Groups, Community Organizations (such as the Sunrise Rotary Club), Franchise Cities, Pierce County, and the Joint Municipal Action Committee.

ALTERNATIVES:
The alternative to this recommendation would be to **make no code changes**. Impacts of this alternative are that:

- An opt-out fee for Advanced Metering Infrastructure would not be implemented, and revenue would not be collected to directly offset TPU’s estimated cost of providing customers an opt-out option.
- Disconnection, connection, and reconnection fees would continue to be charged as they are today, regardless if the action is performed remotely or manually (e.g. with or without a field visit).
- The TMC would not accurately reflect that PrePay customers will receive statements instead of invoices.

EVALUATION AND FOLLOW UP:
As the Advanced Meter program progresses, TPU will review necessary policy/code changes to ensure consistency between the TMC and TPU’s new operational state. Recommended code revisions will be brought forward as needed.

STAFF/SPONSOR RECOMMENDATION:
TPU recommends adoption of the proposed revisions to the Tacoma Municipal Code Title 12 – Utilities. It is recommended that the proposed revisions be effective 1/1/2021.

These revisions include changes to Chapters 12.01 and 12.06 in the following sections:

- **12.01.010 B**: The word “Fees” is added to the section title, to clarify this section includes both adjustments and fees.

  Language is added for the recommended $15.00 AMI Opt-Out service fee, to be charged each billing cycle for opt-out customers (e.g. monthly). Specification is added regarding a fee discount percentage and that low-income senior and/or disabled Discount Rate Program customers are eligible to receive that program’s discount on the fee. The fee is based on TPU’s costs to provide opt-out service and shall be effective January 1st, 2021. Opt-Out of Advanced Metering Infrastructure is a voluntary option for customers.

- **12.01.010 B and C**: Language is added specifying there will not be a disconnection, connection, or reconnection fee charged to the customer if the action may ordinarily be performed remotely (without a field visit). Remote meter disconnection and reconnection is a benefit enabled by Advanced Metering Infrastructure.
Historically, TPU did not charge remote meter disconnection and reconnection fees for PayGo (TPU’s pilot prepayment program) and the utility recommends to continue this practice for PrePay going forward (TPU’s upcoming prepayment program). Expanding this to all meters with remote capability provides consistency and is also cost of service based, with new automated processes minimizing/eliminating manual office procedures and field visits.

The primary benefit is to residential electric customers, with a small percentage of water meters also having remote disconnection/reconnection capability (not planned for wide use; approximately 200 bellwether water meters primarily to collect pressure/temperature in addition to usage).

- **12.06.110 A**: Language is added to clarify that PrePay customers will receive a statement, not an invoice, and that a PrePay statement itemizes activity during the previous billing period and does not have a due date. This aligns to the TPU Customer Services Policy regarding PrePay statements (section 4.2.2).

**FISCAL IMPACT:**

Following the effective date of the recommended revisions:
- A new Advanced Metering Infrastructure Opt-Out fee will be charged each billing cycle (for voluntary, participating opt-out customers) and
- Disconnection, connection, and reconnection fees will not be charged if the action may ordinarily be performed remotely.

**What Funding is being used to support the expense?**

N/A

**Are the expenditures and revenues planned and budgeted in this biennium's current budget?**

N/A – No impact is expected to the 2019-2020 biennium budget.

**Are there financial costs or other impacts of not implementing the legislation?**

YES

Other impacts if not implemented:

- Customers may not immediately or fully benefit from Advanced Metering Infrastructure (e.g. disconnect, connection, and reconnection fees would continue to be charged as they are today).
- Select sections of TMC Title 12 – Utilities would not reflect the updated operational state of TPU following the implementation of advanced meters.
- Additional technical software and application work may be required to modify planned fee structures.
Will the legislation have an ongoing/recurring fiscal impact?
Yes
Yes, fee related revenue changes continue to be reviewed and planned for as advanced meters are deployed to customers.

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

ATTACHMENTS:
Proposed Tacoma Municipal Code Revisions and Explanatory Comments
TO: Jackie Flowers, Director of Utilities
COPY: Charleen Jacobs, Director and Board Offices
FROM: Chris Robinson, Power Superintendent/COO
Scott Dewhirst, Water Superintendent/COO
MEETING DATE: November 18, 2020
DATE: November 6, 2020

SUMMARY: Tacoma Public Utilities requests a resolution to adopt proposed revisions to the Tacoma Municipal Code, Chapters 12.01 and 12.06. These revisions support implementation of the Advanced Metering Infrastructure Project, and include the addition of an advanced metering opt-out fee and associated fee discount, language specifying that PrePay customers will receive statements instead of invoices, and language specifying that remote meter disconnections, connections, and reconnections will not be charged a fee.

BACKGROUND: Tacoma Public Utilities (TPU) plans to deploy Advanced Metering Infrastructure (AMI) across its entire water and electric service territories, replacing or upgrading all non-communicating power and water meters with advanced two-way communicating technology. Advanced metering is a foundational element of Tacoma Public Utilities’ Utility Modernization Strategy and will deliver customers new key benefits over time related to their power and water usage. Advanced metering technology will capture interval data, enable two-way communications, include remote capabilities, and provide advanced outage/issue detection and verification. Advanced metering will modernize utility operations and be a cornerstone to deliver customers improved services and benefits.

As a transformative initiative, the Advanced Metering Project has and continues to require a significant effort across TPU to implement the new processes, applications, technologies, and integrations needed to fully enable the functions and features of the solution. As part of this initiative, TPU has reviewed existing utility policies, procedures, and practices for essential changes required to implement advanced metering or to make other essential updates as needed.

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• **12.01.010 B and C**: Language is added specifying there will not be a disconnection, connection, or reconnection fee charged to the customer if the action may ordinarily be performed remotely (without a field visit). Remote meter disconnection and reconnection is a benefit enabled by Advanced Metering Infrastructure.
Historically, TPU did not charge remote meter disconnection and reconnection fees for PayGo (TPU’s pilot prepayment program) and the utility recommends to continue this practice for PrePay going forward (TPU’s upcoming prepayment program). Expanding this to all meters with remote capability provides consistency and is also cost of service based, with new automated processes minimizing/eliminating manual office procedures and field visits.

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- 12.06.110 A: Language is added to clarify that PrePay customers will receive a statement, not an invoice, and that a PrePay statement itemizes activity during the previous billing period and does not have a due date. This aligns to the TPU Customer Services Policy regarding PrePay statements (section 4.2.2).

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED?
Yes, fee related revenue changes continue to be reviewed and planned for as advanced meters are deployed to customers.

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: Proposed Tacoma Municipal Code Revisions and Explanatory Comments

CONTACT: Andre’ Pedeferri, Utility Technology Services, Advanced Meter Program Manager, (253) 502-8997; Matt Hubbard, Utility Technology Services, Power Engineer, (253) 345-1662
ORDINANCE NO. 28727

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 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; and declaring the effective dates thereof.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby corrected, effective retroactive to January 1, 2020, to read as follows:

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Section 2. That Section 1.12.355 of the Tacoma Municipal Code is hereby effective January 1, 2021, to read as follows:

| Code | A | Job Title                                | 1   | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  |
|------|---|-----------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 5525 |   | Broadband Services Technician            | 32.93 | 34.58 | 36.34 | 38.13 | 40.04 | 42.04 | 44.04 | 46.04 |     |     |
| 5524 |   | Broadband Services Technician, Lead      | 36.59 | 38.42 | 40.34 | 42.36 | 44.48 | 46.70 | 49.04 | 51.49 |     |     |
| 0141 |   | Business Analyst I                       | 25.20 | 26.46 | 27.78 | 29.17 | 30.63 | 32.16 |     |     |     |     |
| 0142 |   | Business Analyst II                      | 32.80 | 34.44 | 36.16 | 37.97 | 39.87 | 41.86 |     |     |     |     |
| 0143 |   | Business Analyst III                     | 39.55 | 41.53 | 43.61 | 45.79 | 48.08 | 50.48 |     |     |     |     |
| 0304 |   | Buyer                                    | 29.96 | 31.46 | 33.03 | 34.68 | 36.44 |     |     |     |     |     |
| 4612 |   | Buyer Intern                             | 23.97 |     |     |     |     |     |     |     |     |     |
| 0307 |   | Buyer, Senior                            | 36.44 | 38.23 | 40.05 | 41.87 |     |     |     |     |     |     |
| 1225 |   | Communications Service Technician        | 29.60 | 31.08 | 32.63 | 34.26 | 35.97 | 37.77 |     |     |     |     |

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</table>

Section 5. That Section 1.12.640 of the Tacoma Municipal Code is hereby effective January 1, 2021, to read as follows:

* * *

L120. An employee represented by the Washington State Council of County and City Employees, Local 120, assigned to work within the Tacoma Police Department, and employed as of the date of City Council approval of the 2020-2021-22 collective bargaining agreement, shall receive a lump sum payment for each year of the agreement the CALEA accreditation is maintained in the amount of $500 in recognition of their assistance in the Tacoma Police Department CALEA accreditation and successful maintenance of the accreditation.

* * *
Section 6. Contingent upon approval of the Local 120 Collective Bargaining Agreement, effective January 1, 2021, through December 31, 2022, by the Public Utility Board at its December 9, 2020, special meeting (U-11225) and the City Council at its December 15, 2020, meeting, effective dates are as follows: Section 1 is corrected, effective retroactive to January 1, 2020; Sections 2 and 5 are effective January 1, 2021; Section 3 is effective January 1, 2022; and Section 4 is effective July 1, 2022.

Passed ______________________________

______________________________ Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
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 City of Tacoma, Washington, City and Pierce County employees, Local Number 120 of the Washington State Council of County & City Employees.

BACKGROUND:
The ordinance will provide for the implementation of the provisions of the Collective Bargaining Agreement negotiated with the City of Tacoma, Washington, City and Pierce County Employees, Local Number 120, of the Washington State Council of County & City Employees, effective January 1, 2021 through December 31, 2022. The Collective Bargaining Agreement covers approximately 162.4 budgeted, full-time equivalent employees, and is scheduled for consideration by the City Council as a resolution on December 8, 2020, and the Public Utility Board as a resolution on December 9, 2020.

The ordinance provides for the following wage increases: Effective January 1, 2021, employees shall receive a wage increase of 1 percent. Effective January 1, 2022, employee shall receive a wage increase of 1 percent, and effective July 1, 2022, employees will receive an increase of 1 percent.

The ordinance will also correct a clerical error in the pay rate table effective January 1, 2020, contained in Ordinance 28680, passed on July 14, 2020, for the classifications of Computer Systems Technician Intern, Warehouse Technician, Warehouse Technician, Senior, and Web Developer.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:
The collective bargaining agreement was reached with the City of Tacoma, Washington, City and Pierce County employees, Local Number 120 of the Washington State Council of County & City Employees, 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.

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<th>Alternative(s)</th>
<th>Positive Impact(s)</th>
<th>Negative Impact(s)</th>
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**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 City of Tacoma, Washington, City and Pierce County, Local Number 120 of the Washington State Council of County & City Employees.

**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**
No. 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
Overview
The following provides an estimate fiscal impact of the Tentative Agreement between the City of Tacoma and the WSCCCE Local 120 General bargaining unit has been reached for a successor collective bargaining agreement effective from January 1, 2021 to and including December 31, 2022.

Financial Impact
Effective January 1, 2021, bargaining unit employees shall receive a wage increase of one percent (1.00%).

Effective January 1, 2022, bargaining unit employees shall receive a wage increase of one percent (1.00%).

Effective July 1, 2022, bargaining unit employees shall receive a wage increase of one percent (1.00%).

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<td><strong>$151,000</strong></td>
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Local 120 General bargaining unit employees in the Tacoma Police Department who are employed as of the date of City Council approval of this Agreement, shall receive an annual lump sum payment for 2021 and 2022 in the amount of five hundred dollars ($500) in recognition of their assistance in the Tacoma Police Department CALEA accreditation and successful maintenance of the accreditation.

The 2021-2022 lump sum payments in recognition of assistance in the CALEA accreditation will cost $4,300, which includes payroll taxes and benefits.

Funding for 2021-2022 Budgets
The cost of the wage adjustments are included in the Proposed 2021-2022 Adopted Budget.

CC: Dylan Carlson, Labor Relations Manager, Senior
    Hayley Falk, Lead Management Analyst
    Karen Short, Human Resources Analyst, Senior
    Jennifer Watts, Labor Relations Analyst
On the agenda for City Council action on December 8, 2020, 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 1.12.355 to correct a clerical error contained in Ordinance 28680, passed July 14, 2020, for the classifications of Information Technology Computer Systems Technician Intern, Warehouse Technician, Senior Warehouse Technician and Web Developer, effective January 1, 2020.

**Section 2:** Amends Section 1.12.355 to provide for the implementation of provisions of the collective bargaining agreement with the City of Tacoma, Washington, City and Pierce County Employees, Local Number 120, of the Washington State Council of County & City Employees. The agreement will be considered by the Public Utility Board as a resolution on December 9, 2020, and by the City Council as a resolution on December 15, 2020. This section provides for a general wage increase of 1 percent, effective January 1, 2021.

**Section 3 and 4:** Amends Section 1.12.355 to provide for a general wage increase of 1 percent, effective January 1, 2022, and an increase of 1 percent effective July 1, 2022, for classifications represented by the City of Tacoma, Washington, City and Pierce County Employees, Local Number 120, of the Washington State Council of County & City Employees.

**Section 5:** Amends Section 1.12.640, Application of additional rates, to provide for provisions of the collective bargaining agreement with the City of Tacoma, Washington, City and Pierce County Employees, Local Number 120, of the Washington State Council of County & City Employees. This section modifies language to provide employees assigned to work within the Tacoma Police Department, a lump-sum payment for each year of the agreement that the CALEA accreditation is maintained, in recognition of their assistance with and successful maintenance of the accreditation.

**Section 6:** Provides for the effective dates of the sections above.

I would be happy to answer any questions you may have.