



City of Tacoma City Council Minutes

747 Market Street, First Floor, Tacoma, WA 98402

City Council Chambers

November 19, 2013

5:00 PM

CALL TO ORDER

Deputy Mayor Campbell called the meeting to order at 5:06 p.m.

ROLL CALL

Present: 8 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker and Woodards

Absent: 1 - Mayor Strickland

FLAG SALUTE

The flag salute was led by Council Member Ibsen.

MOMENT OF SILENCE

ITEMS FILED IN THE OFFICE OF THE CITY CLERK

1. **13-0260** Minutes of the Joint Municipal Action Committee, October 11, 2013.
2. **13-0244** Minutes of the Tacoma Community Redevelopment Authority, October 10, 2013.
3. **13-0270** Minutes of the Tacoma Planning Commission, October 16, 2013.

CONSENT AGENDA

4. **13-0290** Minutes of the City Council business meeting of September 17, 2013.
5. **13-0291** Minutes of the City Council business meeting of September 24, 2013.

RESOLUTIONS

6. **RES38774** A resolution setting Tuesday, December 3, 2013, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the South Downtown Subarea Plan and minor amendments to Chapters 13.06, Zoning, and 13.06A, Downtown Tacoma, of the Tacoma Municipal Code. [Ian Munce, Assistant to the Director; Peter Huffman, Interim Director, Planning and Development Services]

MOTION: Council Member Woodards moved to adopt the Consent Agenda, including Resolution No. 38774.

SECONDED BY: Council Member Lonergan.

ACTION: Voice vote was taken and carried. The Consent Agenda, including Resolution No. 38774, was declared adopted.

Ayes: 8 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker and Woodards

Absent: 1 - Mayor Strickland

MOTION: Council Member Woodards moved to suspend the rules to consider Item No. 19 relating to the public hearing on the surplus and proposed sale of 27,499 square feet of Tacoma Water property located at 7704 6th Avenue, to David A. Sizemore, in the amount of \$22,500, at this time.

SECONDED BY: Council Member Lonergan.

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

Ayes: 8 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker and Woodards

Absent: 1 - Mayor Strickland

19. 13-0265 This is the date set for a public hearing by the City Council regarding the surplus and proposed sale of 27,499 square feet of Tacoma Water property located at 7704 6th Avenue, to David A. Sizemore, in the amount of \$22,500. (Continued from the meeting of November 19, 2013)
[Maureen Barnes, Real Estate Officer; Linda McCrea, Superintendent, Tacoma Water]

MOTION: Council Member Woodards moved to continue the public hearing to the meeting of November 26, 2013.

SECONDED BY: Council Member Lonergan.

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

Ayes: 8 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker and Woodards

Absent: 1 - Mayor Strickland

PROCLAMATIONS/RECOGNITIONS/PRESENTATIONS/ANNOUNCEMENTS

7. 13-0285 Proclaiming November 2013 as Pancreatic Cancer Awareness Month.

Deputy Mayor Campbell proclaimed November 2013 as Pancreatic Cancer Awareness Month and presented the proclamation to Chelsea Orvella and Todd Obermire, volunteers with the Puget Sound Affiliate of the Pancreatic Cancer Action Network.

8. 13-0286 Proclaiming the week of November 17-24, 2013 as Hunger and Homelessness Awareness Week.

Deputy Mayor Campbell proclaimed the week of November 17 - 24, 2013 as Hunger and Homeless Awareness Week and presented the proclamation to Dana Peterson and Patricia Menzies, on behalf of the Tacoma-Pierce County Coalition to End Homelessness.

PUBLIC COMMENT

Public comment began at 5:20 p.m.

No one came forward to address the Council.

Public comment ended at 5:21 p.m.

REGULAR AGENDA

COMMUNICATIONS

9. **13-0243** A Public Employment Relations Commission Notice to Employees will be read into the record.
[Karen Short, Sr. Human Resources Analyst; Joy St. Germain, Director, Human Resources]

Joy St. Germain, Human Resources Director, read the notice into the record.

PURCHASE RESOLUTIONS

10. **RES38775** A resolution awarding a contract to Green Earthworks Construction, Inc., in the amount of \$243,618.85, including sales tax, plus a 20 percent contingency for a cumulative amount of \$292,342.62, budgeted from the Surface Water Fund, for the replacement of approximately 600 linear feet of stormwater pipe from East 15th Street to St. Paul Avenue - Specification No. ES13-0053F.
[Geoffrey M. Smyth, P.E., Science and Engineering Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

MOTION: Council Member Woodards moved to adopt Resolution No. 38775.

SECONDED BY: Council Member Lonergan.

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

Ayes: 8 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker and Woodards

Absent: 1 - Mayor Strickland

- 11. RES38776** A resolution awarding a contract to Pease & Sons, Inc., in the amount of \$476,694,00 plus sales tax, plus a 10 percent contingency for a cumulative total of \$524,363.40, budgeted from the Solid Waste Fund, for the construction of a material storage canopy and Recycled Asphalt Pavement/Recycled Asphalt Shingles equipment foundation - Specification No. ES13-0453F.
[Geoffrey M. Smyth, P.E., Science and Engineering Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

MOTION: Council Member Woodards moved to adopt Resolution No. 38776.

SECONDED BY: Council Member Lonergan.

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

Ayes: 7 - Campbell, Ibsen, Lonergan, Mello, Thoms, Walker and Woodards

Absent: 1 - Mayor Strickland

Recused: 1 - Boe

- 12. RES38777** A resolution authorizing the execution of an amendment to the agreement with Ceccanti, Inc., to increase the contract by \$1,900,000.00 including sales tax, for a cumulative total of \$12,640,776.99, budgeted from the Wastewater, Surface Water 2006 Bond Construction, Capital Projects REET, 2010 LTGO Bond Fund D, and Streets Special Revenue Funds, for added roadway and stormwater work, unforeseen subsurface conditions, and improvements to mitigate flooding on Commerce Street. -Specification No. PW12-0083F.
[Chris Larson, P.E., Engineering Division Manager; Kurtis D. Kingsolver, P.E., Interim Director, Public Works]

MOTION: Council Member Woodards moved to adopt Resolution No. 38777.

SECONDED BY: Council Member Lonergan.

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

Ayes: 8 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker and Woodards

Absent: 1 - Mayor Strickland

- 13. RES38778** A resolution authorizing the execution of an amendment to the agreement with Tucci and Sons, Inc., in the amount of \$895,000.00 sales tax not applicable, for a cumulative total of \$8,593,152.85, budgeted from the Wastewater, Surface Water, Capital Projects REET, 2010 LTGO Bond Fund D, and Streets Special Revenue Funds, for grade issues, rain garden modifications, subsurface conflicts, unforeseen conditions, structural walk repairs, and stormwater improvements - Specification No. PW12-0346F.
[Chris Larson, P.E., Engineering Division Manager; Kurtis D. Kingsolver, P.E., Interim Director, Public Works]

MOTION: Council Member Woodards moved to adopt Resolution No. 38778.

SECONDED BY: Council Member Lonergan.

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

Ayes: 8 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker and Woodards

Absent: 1 - Mayor Strickland

PUBLIC HEARINGS AND APPEALS

- 20. 13-0266** This is the date set for a public hearing by the City Council regarding the proposed sale of four former substation sites located at 5001 North Visscher Street, 1801 North Orchard Street, 4924 North 31st Street, and 1009 South 35th Street, owned by Tacoma Power, previously declared as surplus, to Reggie Brown for the cumulative total of \$317,000.
[Maureen Barnes, Real Estate Officer; Ted Coates, Superintendent, Tacoma Power]

The public hearing began at 6:03 p.m.

No one came forward to address the Council.

The public hearing ended at 6:12 p.m.

FIRST READING OF ORDINANCES

14. **ORD28185** An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation, and changes in classifications for the following bargaining units: the International Association of Machinists and Aerospace Workers District Lodge No. 160, on behalf of Local Lodge 297, Rail Mechanics, Track Workers, and Yard Clerk Units; International Brotherhood of Electrical Workers, Local 483, Court Clerk, Customer and Field Services, Supervisors', Water Division, and Water Pollution Control Units; Brotherhood of Locomotive Engineers; and Professional and Technical Employees, Local 17.
[Joy St. Germain, Director, Human Resources]

ACTION: Ordinance No. 28185 was set over for final reading next week.

15. **ORD28186** An ordinance relating to property tax levies, authorizing an increase in terms of both dollars and percentages for the 2014 Emergency Medical Services property tax levy.
[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]

ACTION: Ordinance No. 28186 was set over for final reading next week.

16. **ORD28187** An ordinance setting the 2014 property tax levy for Emergency Medical Services.
[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]

ACTION: Ordinance No. 28187 was set over for final reading next week.

17. **ORD28188** An ordinance authorizing a zero percent and zero dollar increase in the 2014 general property tax revenue collection.
[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]

ACTION: Ordinance No. 28188 was set over for final reading next week.

18. **ORD28189** An ordinance setting the 2014 Ad Valorem property tax levy.
[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]

ACTION: Ordinance No. 28189 was set over for final reading next week.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS BY THE CITY MANAGER

21. 13-0278 Weekly Report to the City Council, November 14, 2013

City Manager T.C. Broadnax reported the Tacoma Police Department obtained national accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA) in 2010. He announced the department recently attended a commission hearing regarding reaccreditation and the board unanimously voted that the Tacoma Police Department receive full reaccreditation, noting only 2 percent of the police force agencies in the country are accredited. He commended Chief Ramsdell and staff for their hard work and adherence to the high standards related to their accreditation.

COMMENTS AND COMMITTEE REPORTS OF THE CITY COUNCIL

Economic Development Committee

Council Member Boe stated the Committee has met three times since the last report and during this time the Committee heard an update from the Port of Tacoma CEO John Wolfe on the ten year strategic plan and the new business opportunities that exist in the Port. He stated the Committee heard an update on activities that took place in 2013 in the neighborhood business districts as they relate to the city's economic development strategic framework plan. He then reported the Committee interviewed a total of eight candidates for the Foss Waterway Development Authority and the Council voted to reappoint two of the members and appoint two new members at the Council Meeting on November 12, 2013. He reported the next Economic Development Committee meeting will be held on November 26, 2013.

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Council Member Boe stated on Sunday, November 24, 2013, at the Pantages Theater, the Tacoma Concert Band will play a full program, the Christmas Revels will perform December 14 through 18, 2013, at the Rialto Theater, and the Grease sing-along will be held at the Pantages on November 20, 2013 and will be followed by the Christmas tree lighting. He invited everyone to come downtown, visit Pacific Avenue, the Broadway Center, and Polar Plaza.

Council Member Mello stated Sustainable Works is having a free energy efficiency fair and expo at the University of Puget Sound rotunda tomorrow evening at 5:30 p.m. and will include free workshops and tools to make your home even more energy efficient and save money. He then requested the City Manager provide information to the City Council on the property disposition policy passed earlier this year and for a staff review of the public hearing and community feedback that happened in 2009 regarding the

disposition of properties from tonight’s public hearing.

Deputy Mayor Campbell stated tomorrow night at 6:30 p.m. at the Portland Avenue Community Center there will be a public hearing on polychlorinated biphenyls in the storm water system, which was caught by staff and tracked back to the source. He then stated on Thursday at 3:00 p.m. at Urban Grace Church there will be a memorial for Pastor Ron Vignec, who was a tireless and incredible advocate for the east side of Tacoma and will be greatly missed.

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MOTION: Council Member Woodards moved to excuse Mayor Strickland from tonight's meeting.

SECONDED BY: Council Member Lonergan.

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

Ayes: 8 - Boe, Campbell, Ibsen, Lonergan, Mello, Thoms, Walker and Woodards

Absent: 1 - Mayor Strickland

ADJOURNMENT

On proper motion, the meeting was adjourned at 6:31 p.m.

Marty Campbell, Deputy Mayor

Doris Sorum, City Clerk



CASE 25298-U-12-6475
DECISION 11878 - PECB

PUBLIC EMPLOYMENT RELATIONS COMMISSION

NOTICE TO EMPLOYEES

STATE LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist an employee organization (union)
- Bargain collectively with your employer through a union chosen by a majority of employees
- Refrain from any or all of these activities except you may be required to make payments to a union or charity under a lawful union security provision

THE WASHINGTON PUBLIC EMPLOYMENT RELATIONS COMMISSION CONDUCTED A LEGAL PROCEEDING AND RULED THAT THE CITY OF TACOMA COMMITTED AN UNFAIR LABOR PRACTICE AND ORDERED US TO POST THIS NOTICE TO EMPLOYEES:

WE UNLAWFULLY breached our good faith bargaining obligations by making a regressive wage proposal.

TO REMEDY OUR UNFAIR LABOR PRACTICES:

WE WILL give notice to and, upon request, negotiate in good faith with the International Brotherhood of Electrical Workers, Local 483, on wages, hours and working conditions for a successor collective bargaining agreement.

WE WILL NOT, in any other manner, interfere with, restrain, or coerce our employees in the exercise of their collective bargaining rights under the laws of the State of Washington.

CITY OF TACOMA

BY: Goy St. Germain, HR Director DATE: October 21, 2013
Name and Title of Authorized Representative

This notice must remain posted for 60 consecutive days, and must not be altered or covered by any other material. The full decision in this case is published at www.perc.wa.gov

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE.

PERC is an independent State agency that enforces public sector collective bargaining laws in the State of Washington. Our mission is to prevent or minimize disruptions to public services by the uniform, impartial, efficient and expert resolution of labor-management disputes. PERC conducts secret ballot elections to determine whether employees want union representation, provides mediation services and conducts unfair labor practice and arbitration hearings. Questions about this notice or compliance with the Commission's order may be directed to PERC, 112 Henry Street NE, Suite 300, PO Box 40919, Olympia, Washington 98504-0919. To find out more about your rights, you may call our office: (360) 570-7300 or go to our website www.perc.wa.gov.