



## Legislation Passed April 9, 2024

The Tacoma City Council, at its regular City Council meeting of April 9, 2024, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

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### **Resolution No. 41396**

A resolution setting April 23, 2024, upon completion of the Regular Agenda Items, no earlier than 5:15 p.m., as the date for a public hearing by the City on the 2024 Annual Action Plan for housing, community and economic development, and public services.

[Felicia Medlen, Housing Division Manager; Jeff Robinson, Director, Community and Economic Development; Allyson Griffith, Director, Neighborhood and Community Services]

### **Resolution No. 41397**

A resolution awarding a contract to R.L. Alia Company, in the amount of \$3,241,484.00, plus applicable taxes, plus a 15 percent contingency, for a cumulative total of \$3,727,706.60, budgeted from various departmental funds, for maintenance and infrastructure upgrades within approximately 13 blocks of residential streets and construction of ADA-compliant curb ramps - Specification No. PW23-0003F.

[Basel Kitmitto, P.E., Project Manager; Ramiro A. Chavez, P.E. PgMP, Director, Public Works]

### **Resolution No. 41398**

A resolution continuing the Downtown Tacoma Business Improvement Area (BIA), for the 37th year, providing for levy assessments and other income, in the amount of \$1,824,602; and approving the renewed BIA annual work plan, budget, and assessment rates from May 1, 2024, through April 30, 2025.

[Debbie Bingham, Program Manager; Jeff Robinson, Director, Community and Economic Development]

### **Resolution No. 41399**

A resolution authorizing an agreement with the Local Development Council of Tacoma d.b.a. the Downtown Tacoma Business Improvement Area, in the amount of \$1,843,800, budgeted from the Downtown Business Improvement Area Fund, for managing and providing the services included in the 2024-2025 annual work plan and budget.

[Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

**Resolution No. 41400**

A resolution authorizing the extension of a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with Proctor Investors LLC, for the extension of their original Multi-Family Housing 8-Year Limited Property Tax Exemption Agreement, located at 3910 North 28th Street, for 12 additional years.

[Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

**Resolution No. 41401**

A resolution authorizing the execution of a Letter of Agreement with the Professional and Technical Employees, Local 17, regarding shift incentive pay.

[Dylan Carlson, Labor Relations Division Manager; Chris Bacha, City Attorney]

**Resolution No. 41402**

A resolution authorizing the execution of amendments to the Lease Agreements with Tacoma Community College (TCC) for two buildings located on the TCC Campus, and the execution of amendments to the Operation and Use Agreement with Tacoma Area Coalition of Individuals with Disabilities Center and Tacoma Learning Community, for continued use of buildings and extending the leases through April 15, 2029.

[Joseph Romero, Senior Real Estate Specialist; Allyson Griffith, Director, Neighborhood and Community Services]

**Resolution No. 41403**

A resolution declaring surplus and authorizing the transfer of approximately 13,000 square feet of Tacoma Power property, located at 1801 North Orchard Street, to the Tacoma/Pierce County Habitat for Humanity, at no cost pursuant to Revised Code of Washington 39.33.015, for affordable housing.

[Greg Muller, Real Estate Officer; Chris Robinson, Power Superintendent]

**Ordinance No. 28961**

An ordinance amending Chapter 8.17 of the Municipal Code, relating to False Reports of Crime, by amending Section 8.17.010, to adopt by reference Revised Code of Washington Chapter 9A.84.040, and to amend Section 8.17.020, to update penalty provisions.

[Keith A. Echterling, Deputy City Attorney; Chris Bacha, City Attorney]



## RESOLUTION NO. 41396

1 A RESOLUTION setting Tuesday, April 23, 2024, upon completion of Regular  
2 Agenda Items, no earlier than 5:15 p.m., as the date for a public hearing by  
3 the City Council on a substantial amendment to the Tacoma-Lakewood  
HOME Consortium’s 2024 Annual Action Plan.

4 WHEREAS the City is obligated to submit an Annual Action Plan (“AAP”)  
5 to receive entitlement funding, and

6 WHEREAS the AAP outlines the uses of Community Development Fund  
7 Grant (“CDBG”), HOME Investment Partnerships (“HOME”), and Emergency  
8 Solutions Grant (“ESG”) funds, and the AAP also includes the distribution of  
9 funds to the City’s HOME Consortium partner, the City of Lakewood, and  
10

11 WHEREAS the City has drafted a spending plan for the following estimated  
12 grant amounts to be received from the United States Department of Housing and  
13 Urban Development (“HUD”) for program year 2024: CDBG funds in the amount  
14 of \$2,393,848, HOME funds in the amount of \$1,458,355, and ESG funds in the  
15 amount of \$209,987, and  
16

17 WHEREAS funding recommendations for the allocations stated above are  
18 incorporated into the AAP, and the AAP is required by HUD in order for the City  
19 to receive its entitlement funding, and  
20

21 WHEREAS the AAP also allocates HOME funds to be administered by the  
22 Tacoma Community Redevelopment Authority in support of Affordable Housing  
23 projects, and

24 WHEREAS on April 30, 2024, staff will present the AAP to the City Council  
25 and seek final action on its submittal to HUD, and prior to seeking final action  
26



1 from the City Council on submitting the AAP to HUD, the City is required to provide  
 2 the opportunity for public comment; Now, Therefore,

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

4 Section 1. That Tuesday, April 23, 2024, upon completion of Regular  
 5 Agenda Items, no earlier than 5:15 p.m., is hereby fixed as the time, and the City  
 6 Council Chambers on the First Floor of the Tacoma Municipal Building,  
 7 747 Market Street, Tacoma, Washington, or alternatively, a call-in option will be  
 8 provided, as the place when and where a public hearing shall be held on a  
 9 substantial amendment to the Tacoma-Lakewood HOME Consortium's 2024  
 10 Annual Action Plan to incorporate the spending plan for the Community  
 11 Development Block Grant, HOME Investment Partnerships Program, and  
 12 Emergency Solutions Grant funds.  
 13

14 Section 2. That the City Clerk shall give proper notice of the time and place  
 15 of said hearing.  
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17 Adopted \_\_\_\_\_

18 \_\_\_\_\_  
 19 Mayor

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

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



## RESOLUTION NO. 41397

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and  
2 the furnishing of services; authorizing the execution of a contract with  
3 R. L. Alia Company, in the amount of \$3,241,484.00, plus applicable taxes,  
4 plus a 15 percent contingency, budgeted from various departmental funds,  
5 for maintenance of and infrastructure upgrades within approximately 13  
6 blocks of residential streets and construction of ADA-compliant curb ramps,  
7 for a cumulative total of \$3,727,706.60, pursuant to Specification  
8 No. PW23-0003F.

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

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

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

16 Section 1. That the Council of the City of Tacoma concurs with the Board of  
17 Contracts and Awards to adopt the recommendation for award as set forth in the  
18 attached Exhibit "A."  
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Section 2. That the proper officers of the City are hereby authorized to enter into a contract with R. L. Alia Company, in the amount of \$3,241,484.00, plus applicable taxes, plus a 15 percent contingency, budgeted from various departmental funds, for maintenance of and infrastructure upgrades within approximately 13 blocks of residential streets and construction of ADA-compliant curb ramps, for a cumulative total of \$3,727,706.60, pursuant to Specification No. PW23-0003F, consistent with Exhibit "A."

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 41398

1 A RESOLUTION relating to the Downtown Tacoma Business Improvement Area;  
2 continuing the Downtown Tacoma Business Improvement Area ("BIA") for  
3 the 37th year, providing for levy assessments and other income, in the  
4 amount of \$1,824,602; and approving the renewed BIA annual work plan  
and budget, and assessment of rates from May 1, 2024, through  
April 30, 2025.

5 WHEREAS the Downtown Tacoma Business Improvement Area ("BIA"), at  
6 their annual meeting on February 22, 2024, approved their annual budget, work  
7 program, and assessment rates, and

8  
9 WHEREAS this resolution will authorize the levy of the 37th year of the  
10 renewed BIA annual assessment upon buildings and other real estate within the  
11 BIA boundaries for the period of May 1, 2024, through April 30, 2025, and

12 WHEREAS the BIA assesses each ratepayer for two categories, a Use Rate  
13 and a Land Rate, with the Use Rate split into High Intensity Use Rate and Low  
14 Intensity Use Rate, and

15  
16 WHEREAS the High Intensity Use Rate is assessed to improved property,  
17 and the Low Intensity Use Rate to undeveloped and surface area parking lots, with  
18 the Land Rate applying to all parcels, and

19  
20 WHEREAS the assessment rates for the 37th year of the BIA will be \$0.15  
21 per square foot for the High Intensity Use Rate, \$0.08 for the Low Intensity Use  
22 Rate, and \$0.06 for the Land Rate, and

23 WHEREAS the income collected is projected to be 8 percent higher than the  
24 previous year due to the increase in rates as well as new developments within the  
25 BIA boundary, and  
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WHEREAS total expenditures are projected to increase by 10 percent, to \$1,843,800; the difference between expenses and income will be funded through the BIA Reserve Fund held at the City; Now, Therefore,

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

Section 1. That the proper officers of the City are hereby authorized to continue the Downtown Tacoma Business Improvement Area (“BIA”) for the 37th year, providing for the levy assessments and other income, in the amount of \$1, 824,602; and approving the renewed BIA annual work plan and annual budget, and assessment of rates from May 1, 2024, through April 30, 2025.

Section 2. That the City Manager, or designee, is hereby authorized to take and execute any additional measures or documents that may be necessary to complete this transaction which are consistent with the approved form of documents referenced by this Resolution, and the intent of this Resolution.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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





## RESOLUTION NO. 41399

1 A RESOLUTION relating to the Downtown Tacoma Business Improvement Area;  
2 authorizing the execution of an agreement with the Local Development  
3 Council of Tacoma, d.b.a. the Downtown Business Improvement Area  
4 (“BIA”), also known as the Downtown Tacoma Partnership, in the amount of  
5 \$1,843,800, budgeted from the Downtown Business Improvement Area  
6 Fund, to provide administration services for BIA operations, as set forth in  
7 the 2024-2025 BIA annual work plan and budget.

8 WHEREAS, on April 5, 1988, upon presentation of a petition from downtown  
9 property owners representing 50 percent or more of the property assessments, the  
10 City Council, with the Local Development Council of Tacoma, established a  
11 Downtown Tacoma Business Improvement Area, currently d.b.a. the Downtown  
12 Business Improvement Area (“BIA”), by Substitute Ordinance No. 24058 for a  
13 period of ten years, and

14 WHEREAS the BIA was renewed for additional ten-year periods in 1998,  
15 pursuant to Ordinance No. 26205; in 2008, pursuant to Ordinance No. 27696; and  
16 in 2018, pursuant to Ordinance No. 28496, and

17 WHEREAS, pursuant to Ordinance No. 28496, special assessments shall  
18 be collected by the City on an annual or semiannual basis and deposited in the  
19 Downtown Business Improvement Area Fund, and expenditures from the fund are  
20 used exclusively for the purposes specified in the BIA, and

21 WHEREAS it is necessary to enter into an agreement with the Local  
22 Development Council of Tacoma, d.b.a. BIA, in the amount of \$1,843,800,  
23 budgeted from the Downtown Business Improvement Area Fund, for the purpose  
24 of providing administration services for operations as set forth in the 2024-2025  
25 BIA annual work plan and annual budget; Now, Therefore,  
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to enter into an agreement with the Local Development Council of Tacoma, d.b.a. the Downtown Business Improvement Area ("BIA"), formerly known as the Downtown Tacoma Partnership, in the amount of \$1,843,800, budgeted from the Downtown Business Improvement Area Fund, to provide administration services for operations as set forth in the 2024-2025 BIA annual work plan and annual budget, said agreement to be substantially in the form of the document on file in the Office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 41400

1 A RESOLUTION relating to the multi-family property tax exemption program;  
 2 authorizing the extension of a Multi-Family Housing 12-Year Limited Property  
 3 Tax Exemption Agreement with Proctor Investors LLC, for the extension of  
 4 their original Multi-Family Housing Eight-Year Property Tax Exemption  
 Agreement, located at 3910 North 28th Street and 2710 to 2714 North  
 Proctor Street, for 12 additional years.

5 WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of  
 6 Washington, designated several Residential Target Areas for the allowance of a  
 7 limited property tax exemption for new multi-family residential housing, and

8 WHEREAS the City has, through Ordinance No. 28798, enacted a program  
 9 allowing applications for a 12-year extension for projects under a current eight or  
 10 twelve-year limited property tax exemption if twenty percent of the units become  
 11 affordable to households at 70 percent of Pierce County area median income, and

12 WHEREAS under Resolution No. 38926, Proctor Investors LLC was  
 13 approved for a property tax exemption on June 26, 2014, which runs from  
 14 2017-2024, and is now requesting a 12-year extension to their original exemption  
 15 for the project, and

16 WHEREAS Proctor Investors LLC is proposing to add 20 percent affordability  
 17 to their original project to consist of:

| Number of Units        | Type of Unit          | Average Size     |
|------------------------|-----------------------|------------------|
| <b>Market Rate</b>     |                       |                  |
| 26                     | Studio                | 560 Square Feet  |
| 74                     | One bedroom, one bath | 669 Square Feet  |
| 23                     | Two bedroom, two bath | 1100 Square Feet |
| <b>Affordable Rate</b> |                       |                  |
| 7                      | Studio                | 560 Square Feet  |
| 19                     | One bedroom, one bath | 669 Square Feet  |
| 5                      | Two bedroom, two bath | 1100 Square Feet |



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WHEREAS the affordable units will be rented to households whose income is at or below 70 percent of Pierce County Area Median Income, adjusted for household size, as determined by the Department of Housing and Urban Development on an annual basis, and rent will be capped at 30 percent of those income levels, adjusted annually, and

WHEREAS the Director of Community and Economic Development has reviewed the proposed property extension and recommends that the extension be approved for the property located at 3910 North 28th Street and 2710 to 2714 North Proctor Street, as more particularly described in the attached Exhibit "A"; Now, Therefore,

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

That the City Council does hereby approve and authorize an extension of a Multi-Family Housing 12 Year Limited Property Tax Exemption Agreement with Proctor Investors LLC, for the extension of their original Multi-Family Housing



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Eight-Year Property Tax Exemption Agreement, located at 3910 North 28th Street and 2710 to 2714 North Proctor Street, for 12 additional years, as more particularly described in the attached Exhibit "A."

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

Legal description approved:

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

\_\_\_\_\_  
Chief Surveyor  
Public Works Department



**EXHIBIT "A"**

**PROJECT DESCRIPTION**

Address: 3910 North 28th Street and 2710 to 2714 North Proctor Street

Tax Parcel: 4180000141 and 7475010643

| Number of Units        | Type of Unit          | Average Size     | Expected Rental Rate                  |
|------------------------|-----------------------|------------------|---------------------------------------|
| <b>Market Rate</b>     |                       |                  |                                       |
| 26                     | Studio                | 560 Square Feet  | \$1,628                               |
| 74                     | One bedroom, one bath | 669 Square Feet  | \$1,937                               |
| 23                     | Two bedroom, two bath | 1100 Square Feet | \$2,547                               |
| <b>Affordable Rate</b> |                       |                  |                                       |
| 7                      | Studio                | 560 Square Feet  | \$1,379 (including utility allowance) |
| 19                     | One bedroom, one bath | 669 Square Feet  | \$1,576 (including utility allowance) |
| 5                      | Two bedroom, two bath | 1100 Square Feet | \$1,773 (including utility allowance) |

The affordable units will be rented to households whose income is at or below 70 percent of Pierce County Area Median Income, adjusted for household size, as determined by the Department of Housing and Urban Development on an annual basis. Rent will be capped at 30 percent of those income levels, adjusted annually.

**LEGAL DESCRIPTION**

Legal Description:

LOTS 1 THROUGH 8, INCLUSIVE, BLOCK 5, OF GRANDIN ADDITION TO TACOMA, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS, PAGE 97, RECORDS OF PIERCE COUNTY AUDITOR

TOGETHER WITH LOTS 1, 2 AND 3, BLOCK 21, OF LAWRENCE ADDITION TO TACOMA, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 40, RECORDS OF PIERCE COUNTY AUDITOR; TOGETHER WITH THE WEST 10 FEET OF VACATED PROCTOR STREET ADJOINING, WHICH, UPON VACATION, ATTACHED TO SAID PREMISES BY OPERATION OF LAW, AS VACATED BY CITY OF TACOMA ORDINANCE NO. 13316.

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THE NORTH 65.47 FEET OF THE EAST 75 FEET OF BLOCK 11, SECOND SCHOOL LAND ADDITION TO THE CITY OF TACOMA, AS PER PLAT RECORDED IN VOLUME 7 OF PLATS, PAGE 79, RECORDS OF PIERCE COUNTY AUDITOR;

TOGETHER WITH LOTS 1, 2 AND 3 IN BLOCK 22 OF LAWRENCE ADDITION TO THE CITY OF TACOMA, W.T., AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 40, RECORDS OF THE PIERCE COUNTY AUDITOR; TOGETHER WITH THE WEST 10 FEET OF VACATED PROCTOR STREET ADJOINING, WHICH, UPON VACATION, ATTACHED TO SAID PREMISES BY OPERATION OF LAW, AS VACATED BY CITY OF TACOMA ORDINANCE NO. 10191.

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



## RESOLUTION NO. 41401

1 A RESOLUTION relating to collective bargaining; authorizing the execution of a  
2 Letter of Agreement negotiated between the City of Tacoma and the  
3 Professional and Technical Employees, Local 17 (PROTEC17), regarding  
4 shift incentive pay.

4 WHEREAS the City has, for years, adopted the policy of collective  
5 bargaining between the various labor organizations representing employees and  
6 the administration, and

7  
8 WHEREAS Resolution No. 41250, adopted July 25, 2023, authorized the  
9 execution of the four-year Collective Bargaining Agreement (“CBA”) between the  
10 City of Tacoma and the Professional and Technical Employees Local 17  
11 (PROTEC17) (“Union”), on behalf of the employees represented by said Union, and

12  
13 WHEREAS the current CBA contains language regarding shift incentive pay  
14 for employees working swing or graveyard shifts, but the language only applies to  
15 employees in the Public Works and Environmental Services departments, and

16  
17 WHEREAS the City and Union have negotiated a Letter of Agreement  
18 (“LOA”) to the CBA which provides for the following: 1) a revision to the current shift  
19 incentive pay language of the CBA so that it also applies to the Tacoma Public  
20 Utilities, Power Division; and 2) a provision of shift incentive pay to two employees  
21 in the Power Division who have worked swing shift since May 1, 2023, with the  
22 estimated 2023 retroactive payment for the agreement being approximately \$350,  
23 and

24  
25 WHEREAS it appears in the best interest of the City that the LOA negotiated  
26 by said Union and the City be approved; Now, Therefore,





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

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That the proper officers of the City are hereby authorized to execute the Letter of Agreement negotiated between the City of Tacoma and the Professional and Technical Employees Local 17 (PROTEC17), said document to be substantially in the form of the document on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 41402

1 A RESOLUTION relating to the leasing of City facilities; authorizing the execution  
2 of amended leases with Tacoma Community College (“TCC”) for two  
3 buildings located on the TCC Campus, for an additional five-year period,  
4 from April 15, 2024, through April 15, 2029; and amending the Operation  
5 and Use Agreement with the Tacoma Area Coalition of Individuals with  
6 Disabilities Center and Tacoma Learning Communities, by renewing said  
7 agreement for two years, with an option to extend the term for additional  
8 one-year periods up to a maximum of three years, for the continued  
9 purpose of providing services for persons with disabilities.

7 WHEREAS, in 1982 and 1985, the City entered into two ground leases  
8 with Tacoma Community College (“TCC”), with a lease amount of \$1 per year,  
9 and

10 WHEREAS these leases allowed the City to construct two buildings on  
11 the TCC Campus for use by the Tacoma Area Coalition of Individuals with  
12 Disabilities Center (“TACID”) and Tacoma Learning Communities, (PAVE and  
13 HopeSparks) (“TLC”), for the operation of learning facilities for adults and  
14 children with disabilities, and

15 WHEREAS the City owns the structures, while TCC retains ownership of  
16 the land, and

17 WHEREAS the leases were amended in 2019, and will expire on  
18 April 15, 2024, unless otherwise amended or extended, and

19 WHEREAS the City and TCC have negotiated amended leases for the two  
20 buildings located on the TCC Campus, for continued use by TACID and TLC, and

21 WHEREAS the City further desires to amend the Operation and Use  
22 Agreement with TACID and TLC for a period of two years beginning  
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April 15, 2024, and ending April 15, 2026, with an option to extend the term of this agreement for additional one-year periods up to a maximum of three years, and

WHEREAS, additionally, TCC has notified the City of its plans for future campus expansion and similarly, the City does not intend to extend the Operation and Use, and Lease agreements past 2029; Now, Therefore,

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

Section 1. That the proper officers of the City are hereby authorized to execute amended leases with Tacoma Community College (“TCC”) for the two buildings located on the TCC Campus, for continued use by the Tacoma Area Coalition of Individuals with Disabilities Center (“TACID”) and Tacoma Learning Communities (“TLC”), for an additional five-year period, from April 15, 2024, through April 15, 2029, said documents to be substantially in the form of the amendments on file in the office of the City Clerk.



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Section 2. That the proper officers of the City are hereby authorized to execute amendments to the Operation and Use Agreement with TACID and TLC for the purpose of renewing said agreement for two years, with an option to extend the term of the agreement for additional one-year periods up to a maximum of three years, said documents to be substantially in the form of the agreements on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 41403

1 A RESOLUTION related to Tacoma Power; declaring the property located at 1801  
2 North Orchard Street surplus to the needs of the Department of Public  
3 Utilities, Light Division (d.b.a. "Tacoma Power") and authorizing Tacoma  
4 Power to transfer such property to the Tacoma/Pierce County Habitat for  
Humanity at no cost pursuant to Revised Code of Washington 39.33.015 for  
affordable housing.

5 WHEREAS the City of Tacoma, Department of Public Utilities, Light  
6 Division (d.b.a. "Tacoma Power"), originally acquired the property located at  
7 1801 North Orchard Street (the "Property") for public utility purposes, and such  
8 property was formerly known as the Downing Substation; and  
9

10 WHEREAS in 2009 the Property was declared surplus to Tacoma  
11 Power's needs and no longer necessary for continued utility operations by  
12 Public Utility Board Resolution No. U-10270 and Tacoma City Council  
13 Resolution No. 37730, but failed to sell through a sealed-bid process; and  
14

15 WHEREAS in 2013, the Public Utility Board passed Resolution No.  
16 U-10663 and the Tacoma City Council, after a public hearing, passed  
17 Resolution No. 38784, authorizing the conveyance of the property through a  
18 negotiated sale; and  
19

20 WHEREAS the sale of the Property was never finalized as the buyer  
21 failed to complete the transaction; and

22 WHEREAS the Property was then offered to the Puyallup Tribe who did  
23 not express any interest, and

24 WHEREAS in 2021, the Property was among six parcels included in a  
25 request for proposal process for affordable housing under Revised Code of  
26



1 Washington (“RCW”) 39.33.015 and the only party that expressed an interest in  
2 the Property was the Tacoma/Pierce County Habitat for Humanity, and

3 WHEREAS the Tacoma/Pierce County Habitat for Humanity agreed to  
4 develop the property as affordable housing in accordance with a development  
5 agreement negotiated by Tacoma Power and Real Property Services (the  
6 “Development Agreement”), and

7 WHEREAS the Public Utility Board declared the Property surplus to  
8 Tacoma Power’s needs and approved the Development Agreement via  
9 Resolution No. U-11446 adopted March 13, 2024, together with a request for  
10 the Council to pass a resolution authorizing the proper officers of the City to  
11 execute and implement a development agreement and a purchase and sale  
12 agreement; and

13 WHEREAS a Public Hearing regarding the Property was held before City  
14 Council on April 2, 2024, and

15 WHEREAS, there being no foreseeable need for continued City ownership of  
16 the Property, the sale of said Property appears to be in the best interests of the  
17 City; Now, Therefore,

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19  
20 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

21 Section 1. That the City Council does hereby find and concur with the  
22 Tacoma Utility Board’s determination and declaration, pursuant to Public Utility  
23 Board Resolution No. U-11446, that the 13,000 square feet of Tacoma Power  
24 vacant property located at 1801 North Orchard Street, identified as Pierce County  
25 Assessor Tax Parcel No. 7475022110 (the “Property”), owned by the City of  
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Tacoma, through its Department of Public Utilities, Light Division, is surplus to the needs of Tacoma Power and Tacoma Public Utilities.

Section 2. That, consistent with RCW 35.94.040, RCW 35.22.020, and Article I, Section 1.2 and Article IX, Section 9.1 of the City Charter, the City Council does hereby find and determine that the Property is not required for, and is not essential to, continued public utility service or continued effective utility service and, pursuant to applicable law, is properly declared surplus property and excess to the needs of Tacoma Power, Tacoma Public Utilities, and the City.

Section 3. That the request of the Public Utility Board to transfer the Property at no cost to Tacoma/Pierce County Habitat for Humanity pursuant to RCW 39.33.015 and the negotiated development agreement and purchase and sale agreement, is hereby approved.

Section 4. That the proper officers of the City are hereby authorized to execute and implement all necessary documents to convey the Property consistent with the terms of this resolution to the Tacoma/Pierce County Habitat for Humanity, said documents to be substantially in the form of those on file in the



office of the City Clerk, with the final forms to be approved by the City Attorney's  
Office.

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Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

Requested by Public Utility Board  
Resolution No. U-11446





## ORDINANCE NO. 28961

1 AN ORDINANCE relating to public safety; amending Chapter 8.17 of the  
2 Municipal Code, relating to False Reports of Crime by amending Section  
3 8.17.010, to adopt by reference Revised Code of Washington (“RCW”)  
4 Chapter 9A.84.040, and to amend Section 8.17.020, to update penalty  
5 provisions.

6 WHEREAS Tacoma Municipal Code (TMC) 8.17.010 was created by  
7 Ordinance Number 11551 Section 1, passed July 6, 1938, and has not been  
8 amended or updated since, and

9 WHEREAS TMC 8.17.010 prohibits false reports or representations to  
10 police that a person has suffered financial or property loss due to robbery, assault,  
11 holdup, larceny or burglary, and

12 WHEREAS the ordinance does not capture the gravamen of the offense of  
13 knowingly misusing 911 to generate an emergency response by making a false  
14 report, and

15 WHEREAS, the criminal misuse of 911 potentially negatively impacts  
16 availability of resources to respond to other calls for services throughout the City  
17 thereby potentially jeopardizing public safety, and

18 WHEREAS, while TMC 8.17.015, related to obstructing a public servant,  
19 can potentially apply in certain factual circumstances, it lacks clarity in effective  
20 application for these types of circumstances, and

21 WHEREAS, RCW 9A.84.040 is more expansive than the City’s current code  
22 provisions and would augment the City’s current law enforcement tools, and would  
23 harmonize the City’s false reporting provision with State law to effectively capture  
24 criminal conduct that might otherwise be inadequately addressed by the City, and  
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WHEREAS the Community Vitality and Safety Committee considered this proposal on December 14, 2023, and voted to forward the proposal on to the full City Council for consideration; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That Chapter 8.17 of the Tacoma Municipal Code is hereby amended, as set forth in the attached Exhibit "A."

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 8.17  
FALSE REPORTS OF CRIME

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Sections:

- 8.17.010 ~~Unlawful to make false crime report.~~ False Reporting.
- 8.17.015 Obstructing a public servant.
- 8.17.020 Violation – Penalty.

**8.17.010 ~~Unlawful to make false crime report.~~ False Reporting.**

~~It is unlawful for any person to knowingly falsely report or represent to any police officer that he or she has suffered the loss of any money or property as the result of robbery, assault, holdup, larceny or burglary.~~ RCW 9A.84.040 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

**8.17.015 Obstructing a public servant.**

A. A person shall be guilty of a gross misdemeanor if he or she knowingly:

- 1. Files false criminal charges against another person or makes any false or misleading material statement to a public servant in the discharge of his or her official duties, or
- 2. Hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.

B. For the purposes of this section, a law enforcement officer is a City of Tacoma police officer, Fire Department official, animal control officer, park patrol officer, warrant officer, bailiff, Pierce County Sheriff or deputy sheriff, Washington State Patrol Officer, or other law enforcement officer as defined in RCW 9A.76.020.

C. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

D. "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a council member, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function.

**8.17.020 Violation – Penalty.**

Any person violating the provisions of Section ~~8.17.010 or~~ 8.17.015 hereof shall be guilty of a gross misdemeanor and, upon conviction thereof, shall be punished by a fine in any sum not exceeding \$5,000.00 or by imprisonment for a term not exceeding 364 days~~one year~~, or by both such fine and imprisonment.