



City of Tukwila
**Finance and Governance
 Committee**

- ◆ De'Sean Quinn, Chair
- ◆ Kate Kruller
- ◆ Cynthia Delostrinos Johnson

<u>Distribution:</u>	
D. Quinn	Mayor Ekberg
K. Kruller	D. Cline
C. Delostrinos Johnson	R. Bianchi
T. McLeod	C. O'Flaherty
K. Hougardy	A. Youn
M. Abdi	L. Humphrey
T. Sharp	

AGENDA

MONDAY, APRIL 25, 2022 – 5:30 PM

THIS MEETING WILL BE CONDUCTED BOTH ON-SITE AT TUKWILA CITY HALL AND ALSO VIRTUALLY, BASED ON THE GOVERNOR'S PROCLAMATION 20-28.

ON-SITE PRESENCE WILL BE IN THE DUWAMISH CONFERENCE ROOM (2ND FLOOR, 6300 SOUTHCENTER BOULEVARD)

THE PHONE NUMBER FOR THE PUBLIC TO LISTEN TO THIS MEETING IS: 1-253-292-9750, Access Code 49933731#

Click here to: [Join Microsoft Teams Meeting](#)

For Technical Support during the meeting call: 1-206-433-7155.

Item	Recommended Action	
1. BUSINESS AGENDA		
a. A Puget Sound Regional Council grant application for the South 144th Street Bridge Sidewalks Project in the amount of \$475,750.00 (local match of \$74,250.00). <i>Brittany Robinson, Public Works Analyst</i>	a. Committee consideration/ decision.	Pg.1
b. An update on the Public Works Fleet & Facilities Tenant Improvement Project. <i>Hari Ponnekanti, Public Works Director</i>	b. Discussion only.	Pg.5
c. An update on the Minimum Wage Initiative effort. <i>Laurel Humphrey, Legislative Analyst</i>	c. Discussion only.	Pg.21
2. MISCELLANEOUS		

Next Scheduled Meeting: *May 9, 2022*



The City of Tukwila strives to accommodate individuals with disabilities.

Please contact the City Clerk's Office at **206-433-1800** (TukwilaCityClerk@TukwilaWA.gov) for assistance.



INFORMATIONAL MEMORANDUM

TO: **Finance & Governance Committee**
 FROM: **Hari Ponnekanti, Public Works Director/City Engineer**
 BY: **Brittany Robinson, Public Works Grant Analyst**
 CC: **Mayor Allan Ekberg**
 DATE: **April 22, 2022**
 SUBJECT: **S 144th Street Bridge Sidewalks Project**
Project No. 90310404
PSRC Surface Transportation Program Grant Application

ISSUE

Approval to submit an application to the Puget Sound Regional Council’s (PSRC) Surface Transportation Program (STP) grant for the S 144th Street Bridge Sidewalks Project in the amount of \$475,750.

BACKGROUND

The S 144th Street Bridge Sidewalks Project will widen the existing pedestrian pathway on the bridge from three feet to six feet with a barrier to separate automobile and pedestrian traffic. It will also make the sidewalks ADA accessible.

This project is of high importance to the City and the Tukwila School District as it is a primary route for students to access Foster High School and Showalter Middle School students. The Tukwila School Board has reached out to the City to express their support of this project and they will be reaching out to State Representatives this year to request funding for this project.

DISCUSSION

On April 21, 2022, the City’s screening form was approved by PSRC to apply for STP funds for the S 144th Street Bridge Sidewalks project. The STP program is a federal funding source to preserve and improve highway, bridge and tunnel project conditions on any public road, and pedestrian and bicycle infrastructure. The deadline to apply for funding is April 29, 2022.

FINANCIAL IMPACT

The City is requesting \$475,750 from PSRC’s STP grant to fund the design of the S 144th Street Bridge Sidewalks project. This grant requires a 13.5% local City match of \$74,250. Traffic Impact Fees (TIF) can be used to fund the project match. A portion of the project match is allocated in the 2023 CIP budget, and the remaining match will be requested as part of the 2023-2024 biennium budget process. If accepted, the grant funds would be available to the City starting October 1, 2024.

	<u>Design Cost Estimate</u>	<u>Match Source</u>	<u>2023-2025 Budget</u>
PSRC Grant	\$475,750	Project CIP	\$43,000
City Match	<u>74,250</u>	Unallocated TIF	<u>31,250</u>
Total	\$550,000		\$74,250

RECOMMENDATION

The Finance and Governance Committee is being asked to approve a grant submittal for the Puget Sound Regional Council’s Surface Transportation Program grant for the S 144th Street Bridge Sidewalks Project in the amount of \$475,750.

ATTACHMENTS: 2021 CIP, Page 21 (Revised)
2021 CIP, Page 21

CITY OF TUKWILA CAPITAL PROJECT SUMMARY

2023 to 2028

PROJECT: **S 144th St Bridge - Sidewalks** Project No. 90310404

DESCRIPTION: Design of pedestrian improvements to the S 144th Street bridge over I-5, to include structural, civil, environmental, and traffic design to obtain PS&E. Project will widen the existing pedestrian pathway on the bridge from three feet to six feet with a barrier to separate automobile and pedestrian traffic.

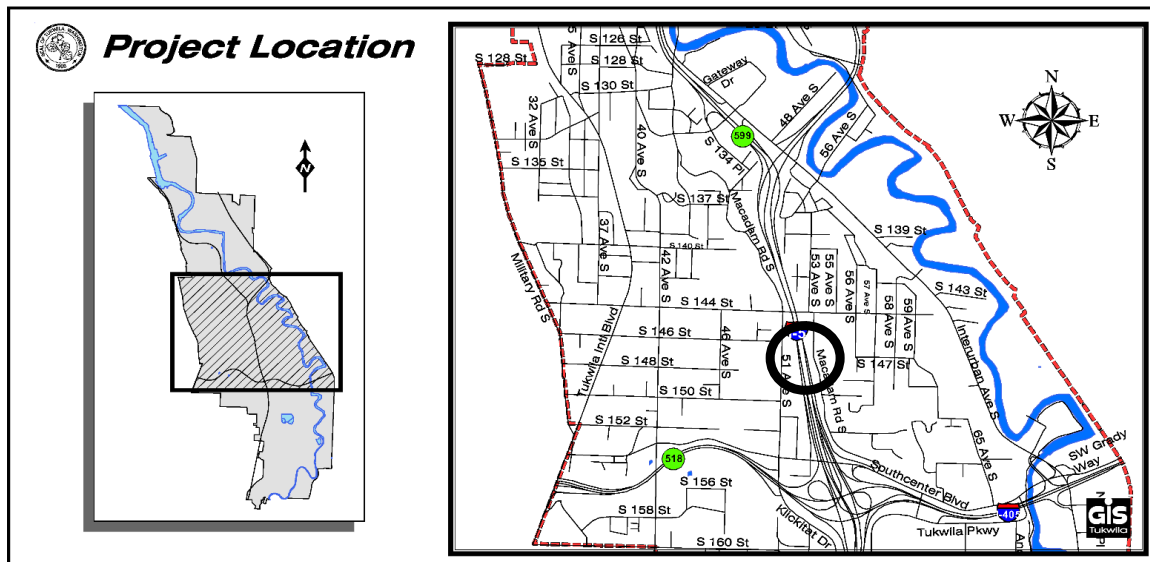
JUSTIFICATION: Improve pedestrian safety, particularly for Foster High School and Showalter Middle School students.

STATUS: Design work to determine feasibility of widening the sidewalk on the existing bridge over I-5 and gain WSDOT approval. If feasible, construction funding will need to be identified.

MAINT. IMPACT: Minimal for additional sidewalk width.

COMMENT: New approach is to widen the sidewalks on the existing bridge instead of modifying the bridge to provide extra width as was originally proposed. Grant applications submitted in 2013, 2016 and 2018 were unsuccessful. Apply for SRTS or Ped/Bike Grant in 2020.

FINANCIAL (in \$000's)	Through Estimated									
	2019	2020	2021	2022	2023	2024	2025	2026	BEYOND	TOTAL
EXPENSES										
Design	29					50	500			579
Land (R/W)										0
Const. Mgmt.									240	240
Construction									2,450	2,450
TOTAL EXPENSES	29	0	0	0	0	50	500	0	2,690	3,269
FUND SOURCES										
Awarded Grant										0
Proposed Grant						7	468		1,512	1,987
Mitigation Actual										0
Traffic Impact Fees						43	32		1,178	1,253
City Oper. Revenue	29	0	0	0	0	0	0	0	0	29
TOTAL SOURCES	29	0	0	0	0	50	500	0	2,690	3,269



CITY OF TUKWILA CAPITAL PROJECT SUMMARY

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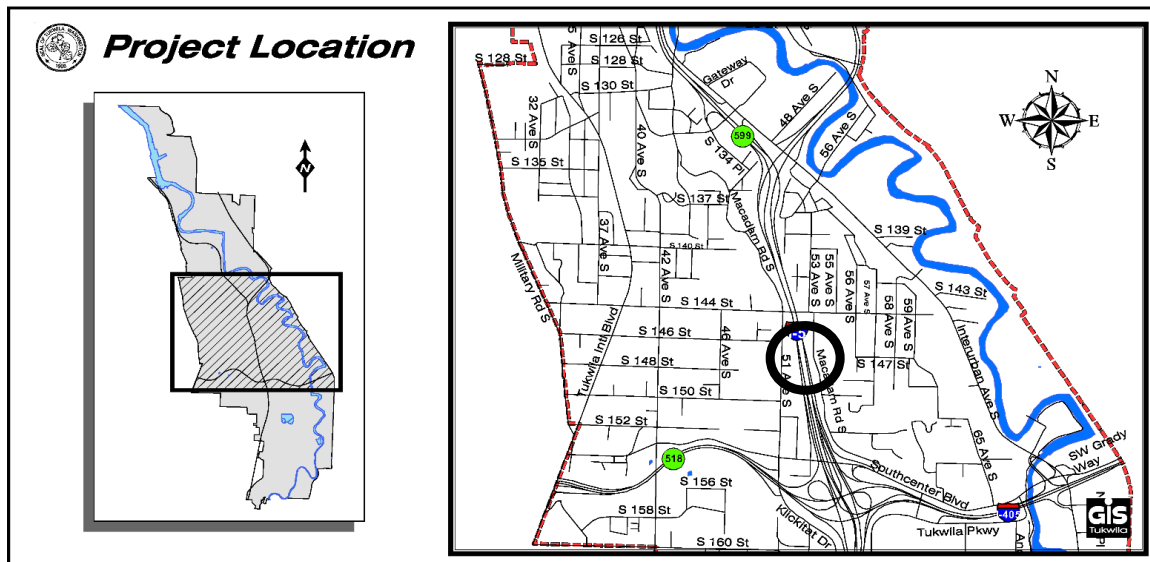
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FINANCIAL (in \$000's)	Through Estimated									TOTAL
	2019	2020	2021	2022	2023	2024	2025	2026	BEYOND	
EXPENSES										
Design	29				443					472
Land (R/W)										0
Const. Mgmt.									160	160
Construction									1,050	1,050
TOTAL EXPENSES	29	0	0	0	443	0	0	0	1,210	1,682
FUND SOURCES										
Awarded Grant										0
Proposed Grant					400					400
Mitigation Actual										0
Traffic Impact Fees										0
City Oper. Revenue	29	0	0	0	43	0	0	0	1,210	1,282
TOTAL SOURCES	29	0	0	0	443	0	0	0	1,210	1,682





INFORMATIONAL MEMORANDUM

TO: Transportation and Infrastructure Services Committee
FROM: Hari Ponnekanti, Public Works Director/ City Engineer
CC: Mayor Allan Ekberg
DATE: April 15, 2022
SUBJECT: Public Works Shops Phase 2 Introduction
Project Next Steps

Issue

Recommendation on next steps for Public Works Phase 2 (Administration Building Project) and ensuring full development potential within the shoreline and critical areas for the City-owned property.

Background

As we are completing Phase One of the Fleet & Facilities Tenant Improvement Project, located on the western parcel of the new Public Works property, we are anticipating moving forward with development of the eastern parcel of the same property, where the UPS site currently resides. This eastern parcel will house the Public Works Utilities and Street Maintenance employees, and all of their functions, that are currently located at the Minkler Shop and consolidate all remaining public work storage areas. The eastern parcel will include an Administration building, covered storage for all vehicles and equipment, as well as other functions.

Total Public Works site (10.86 acres) configuration (see attached map):

Overall, the City Public Works Department purchased a total of approximately 10.86 acres, which are generally flat, consisting of industrial buildings and paved areas. The properties are zoned Manufacturing Industrial Center/Heavy (MIC/H).

Western parcels – Fleet and Facilities building – approximately 4 acres – houses all functions formerly at George Long Shops – City secured property in 2018, designed in 2019-2020, built Phase One in 2021-2022 – expected move in date May 2022.

Eastern Parcel – Public Works Utilities, Street Maintenance and Administration Building – approximately 6.8 acres – houses all functions currently at Minker shops, Longacres property and other storage areas within the City - City secured purchase in 2018, City will secure full ownership on November 1, 2023, once current UPS lease expires.

City Secured Full Property Build Out via Department of Ecology Waiver in 2021

On October 5, 2021, City of Tukwila received regulatory relief from the Department of Ecology under the Shoreline Management Act (SMA) and the Tukwila Shoreline Master Program (SMP) under RCW 90.58.580. The development of the new shoreline restoration project, Chinook Winds, just due South of the Western parcel, created a landward shift to the Ordinary High Water Mark, pushing the shoreline jurisdiction area into the City-owned property. This will allow construction of some structures located within those portions of the property that were not already in shoreline jurisdiction prior to the restoration construction and aforementioned change to the Ordinary High Water Mark, caused by the development of Chinook Winds (see next page for diagram).

This is an important milestone in the overall plan for the Public Works campus development, as it preserves the buildable area for the property, as long as the shoreline regulations do not change in the near future. The next change in shoreline regulations, expected in the next 7 to 8 years (2028), could inhibit the City’s ability to build on the entire property; thus, we should begin the next phase now to ensure being protected by ‘legacy status’ approval of the project.

Analysis

The need for a new, safe, and efficient Public Works Shop Facility has been recognized and studied for several years. This includes the 2007 Seismic Study of all City Facilities and the 2014 Facility Need Study. In 2016, City Council adopted the Public Safety Plan, which included a new combined Public Works Shops.

As part of the combined Public Works Shops project, the Phase One Fleet & Facilities Tenant Improvement (TI) building was constructed, including seismic, building systems, and functional upgrades. This will allow the Fleets and Facilities group to relocate from the existing inefficient and seismically unsafe George Long facility to a seismically updated facility with much more space for daily operations, not only for today’s workload, but also to serve future capacity. Moving the Fleet and Facilities functions to the new Fleet & Facilities building will be a significant improvement of the work environment for staff and enhance their ability to work efficiently, particularly for the Fleet division.

After these uses have been relocated, the George Long Shops and Longacres Sites will be sold and used to finance the Public Safety Plan, including the Public Works Shop, per the Council adopted D20 Financing Model. Following Council’s direction, staff is now preparing to plan for Phase Two of the Public Works Shops project, which will entail moving staff from Minkler into a new Administration building for Public Works.

The City will receive full ownership of the Eastern Parcel on November 1, 2023 once the current UPS lease expires. It is recommended to begin preparing now for the construction of the structures on this site and especially those structures that will be located within the shoreline jurisdiction buffer areas – thereby securing the Public Works department’s full potential for buildable areas. As project design, permitting and bidding process can take up to two years on a substantial development of a new building, it is recommended that the Public Works Utilities and Street Administration building (which is planned in the protected area) design process begin as soon as possible.

In order to preserve the full scope of buildable lands, the City must begin the process to get the project to the permitting phase, which vests the project and therefore preserves the ability for the City to fully utilize the land. The total costs to get the project to the permitting phase is \$3.4M.

The \$3.4M will complete 100% design of the Administration building and move the City closer to accomplishing the goal of a combined Public Works Shops site. There will be additional design and construction of storage, covered parking areas, and decant facility to achieve the combined Public Works Shops site to meet program projections

Architects & Engineering Fee	\$2,600,000
Geotechnical Engineer and Survey Team	\$300,000
Construction Management	\$450,000
Other Owner Consultants	\$50,000
Total Administration Building Design Costs	\$3,400,000



City of Tukwila

Allan Ekberg, Mayor

Public Works Department - Hari Ponnekanti, Director/City Engineer

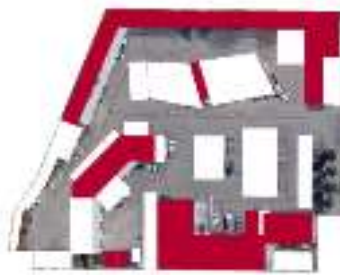


Fleet & Facility Services - 14000 Interurban Avenue, Tukwila, WA 98168 - 206-431-0166


Tukwila City Hall • 6200 Southcenter Boulevard • Tukwila, WA 98188 • 206-433-1800 • Website: TukwilaWA.gov




4 TUKWILA PUBLIC WORKS FACILITY: EXISTING FACILITIES vs. New Fleet & Facilities Building Site



MINUTE
2.52 ACRES




LANDSCAPE
SITE 4 ACRES



REDROSE LOOPS
3.02 ACRES

S E A T L E



LONGBUSHES
3.75 ACRES

3



Funding Path

As has been stated by Councilmembers, there is more funding available for public projects through grants this year. Recognizing these additional funding opportunities and knowing of these tight deadlines, on April 8th, the City applied for Congressman Adam Smith Community Project Funding, which would cover \$1.7M in design costs (with no match required) over the period of September 2022-September 2023. Staff also plan to apply for further grant funding in June or July. These grant funds could be used to offset the general fund portion of the design costs.

For this Public Works project, there has been a Council policy that the users who benefit pay their proportionate share. Therefore, 50% is funded from the general fund and 50% is funded from utilities (sewer, water, surface water), as outlined in the D20 Financing Model.

With the expected \$3.4M cost for design, \$1.7M will be paid for by the Enterprise Funds, which was included in the 2021-2022 Council Adopted Budget, and \$1.7M will come from the General Fund. Staff anticipate that the General Fund portion of the revenue could come from various sources. These could include grants, additional land sale proceeds, or other means.

Funding Path Scenario 1	
Enterprise Funds (Water, Sewer, Surface Water)	\$1,700,000
State Grant Funding	\$1,700,000
Total	\$3,400,000

Funding Path Scenario 2	
Enterprise Funds (Water, Sewer, Surface Water)	\$1,700,000
Portion of Excess Funds from George Long Shop Proceeds	\$1,700,000
Total	\$3,400,000

Staff will seek a Request for Qualifications proposal for the design work and return to Council in the next months with the results of the RFQ along with cost proposals to present opportunities to move forward, maintain project momentum, and ensure the City is prepared for the property transfer in the last quarter of 2023.

Next Steps

1. Staff works on the Council-adopted policy to consolidate all PW buildings in one place.
2. Completion of the Phase One Tenant Improvement Project and staff move in May 2023.
3. Start the procurement process for the A/E project team for the new Administration Building by advertising the Request for Qualifications in the second quarter of 2022.
4. Select the consultant and bring the contract to the Council for approval in the third quarter of 2022.
5. Bring the Schematic Design to Council to discuss updated cost estimates, square footage, design process, and project delivery options.
6. Examine funding path after grant options are finalized.
7. Start the building design and permitting process. In preparation for the design starting after the A/E team procurement, some of the Owner consultants, such as geotechnical engineers and survey team, will have to be selected and contracted to begin work on reports and survey.
8. Take ownership of the UPS property on November 1, 2023.

Fleet & Facility Services – 14000 Interurban Avenue, Tukwila, WA 98168 – 206-431-0166

9. Start construction of Administration Building to maximize development potential of newly acquired City property.
10. Test to fit for storage, covered parking areas, and decant facility.
11. Design the storage, covered parking areas, and decant facility.
12. Construct the storage, covered parking areas, and decant facility.
13. Achieve the combined Public Works Shops site to meet program projections.

Recommendation

Discussion Only.

Attachments: 2021 CIP page 56
A/E consultant RFQ Draft

CITY OF TUKWILA CAPITAL PROJECT SUMMARY

2021 to 2026

PROJECT: Public Works Shops

Project No. 91630601

DESCRIPTION: Construct a new City Public Works maintenance and operations center, combining all operational functions at one location. Facility may also include a City Clerk & Police Records Center and Police evidence storage.

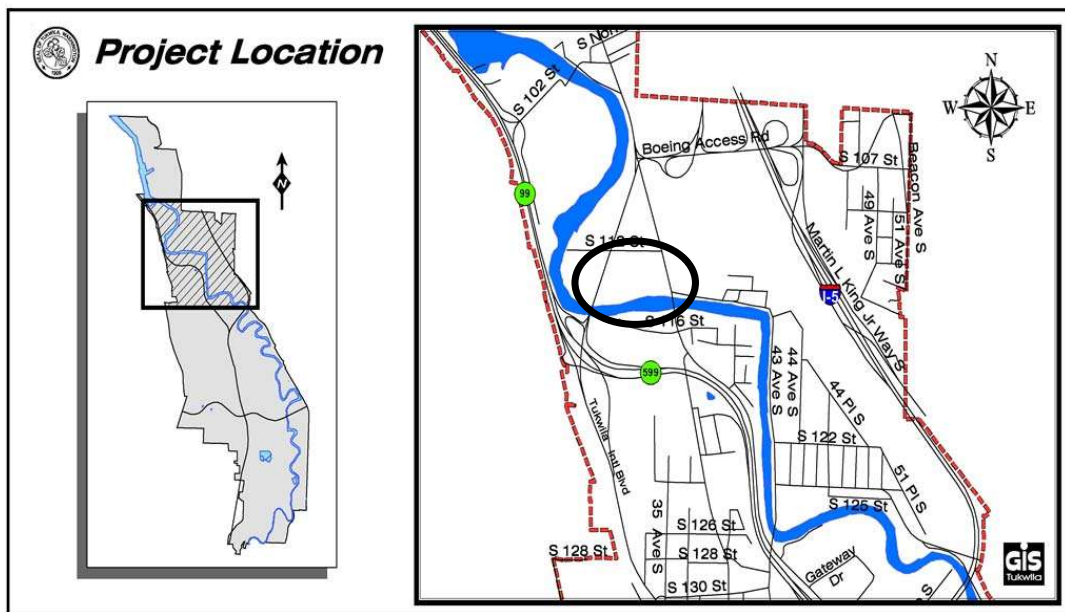
JUSTIFICATION: Existing Public Works operations and maintenance areas are inadequate structurally and seismically. Current land for staging dirt and vector materials is only temporary. Project includes selling dirt/vector land, Minkler Shops, and George Long Shops to acquire the real estate to build an equipment operations center that meets current codes.

STATUS: Separate from the Public Safety Plan. Was formerly known as City Maintenance Facility.

MAINT. IMPACT: Improves safety and efficiency for First Responders and maintenance operations.

COMMENT: Based on usage and benefits, it is estimated that the Water, Sewer, and Surface water enterprise funds will fund 50% of the Public Works Shops with the other 50% funded by Streets, Facilities, & Equipment Rental.

FINANCIAL (in \$000's)	Through 2019	Estimated 2020	2021	2022	2023	2024	2025	2026	BEYOND	TOTAL
EXPENSES										
Design/PM	722	300			500					1,522
Land (R/W)	25,462									25,462
Const. Mgmt.	11		1,050							1,061
Construction	14	624	7,517			20,000	20,000			48,155
TOTAL EXPENSES	26,209	924	8,567	0	500	20,000	20,000	0	0	76,200
FUND SOURCES										
Enterprise Funds	8,572	462	4,284		250	20,000				33,568
Councilmatic Bond	5,572					20,000				25,572
REET/ Funds	3,000		3,000							6,000
General Fund		462	1,283		250					1,995
306 Fund Balance	9,065	0	0	0	0	(20,000)	20,000	0	0	9,065
TOTAL SOURCES	26,209	924	8,567	0	500	20,000	20,000	0	0	76,200



City of Tukwila

PW Shops Admin Building Design

**Request for Qualifications Architectural
and Engineering Services**



April, 2022

**City of Tukwila
Request for Statement of Qualifications and Proposals
For Architectural Design Services for Tukwila PW
Department Maintenance Admin Building
at 11231 E Marginal Way S**

Submittal Deadline: March 14, 2022 by 5:00 PM

The City of Tukwila is soliciting Statements of Qualifications (SOQs) and requesting proposals for Architectural and Engineering Design Services for the planning and design of the Tukwila Public Works (PW) maintenance administration building.

The City requests a limit of thirty (30) pages total for the SOQ and proposal, including cover page, project examples and supplements. It is the City's intent to select an architectural firm based on qualifications, abilities, past performance, and availability to complete the work within the timeframe specified. Once the City has reviewed the qualifications, one or more firms may be requested to provide additional information and/or participate in an interview process.

Review of the SOQs and proposals and the final selection will be performed by a committee comprised of City staff and others.

Background information, consultant selection criteria and instructions for the preparation and submittal of SOQs and proposals may be obtained by contacting Hari Ponnekanti via email at hari.ponnekanti@tukwilawa.gov

SOQs and proposals are due by May XX, 2022, at 5:00 PM. The City will evaluate the proposals and select the highest-ranking firms for additional information and/or interviews. The final selection will be based on the combined score of the written SOQs and proposals and the interviews.

BACKGROUND:

City of Tukwila is consolidating its PW maintenance activities into one site. City of Tukwila Public Works Department started Phase 1 improvements for PW maintenance facilities at 11210 Tukwila International Blvd in 2019.

Then in July 2019, the City purchased property located at 11231 E Marginal Way South (Site). The City will have possession of the Site in October 2023. The City is soliciting proposals from qualified firms to study the existing Site facilities, prepare for demolition of the existing facilities, and design a new administration building meeting all current applicable codes.

In the final configuration, the consolidated site will house the Facilities, Fleet, Utilities and Streets departments of the Maintenance and Operations division of Public Works.

SCOPE OF WORK:

The City of Tukwila is seeking a firm to provide professional architectural services required for facilities assessment, planning, design, and construction of new facilities, and demolition of existing structures. Services will include, but are not limited to architectural services, programming, master plan development with phases, cost estimating, structural engineering, MEP (mechanical, electrical, plumbing), and civil engineering.

SUBMITTAL DEADLINE:

The City must receive SOQs and proposals by 5:00 PM on March 14, 2022. SOQs and proposals must be delivered to the address listed below. Faxed or emailed SOQs and proposals will not be accepted. Please direct all questions to Cody Gray via email to Cody.Gray@tukwilawa.gov

City of Tukwila
Attention: Cody Gray
6200 Southcenter Boulevard STE 100
Tukwila, WA 98188

QUESTIONS

All questions should be directed to Cody Gray via email to Cody.Gray@tukwilawa.gov. No other form of questions will be accepted. Questions received after 5:00 pm on February 28, 2022, may not be answered. If an addendum to this RFQ is needed, it will be published no later than 4:00pm on March 7, 2022.

Rejection of Submittals

The City reserves the right to reject any and all submittals and to waive irregularities and informalities in the submittal and evaluation process. This request for SOQs and proposals does not obligate the City to pay any costs incurred by respondents in the preparation and submission of their SOQs and proposals. Furthermore, this request for SOQs and proposals does not obligate the City to accept or contract for any expressed or implied services.

SUBMITTAL REQUIREMENTS:

- 1) Cover Letter: The cover letter shall briefly summarize the firm's qualifications and past experience relevant to the scope. A principal or officer of the firm authorized to execute contracts or other similar documents on the firm's behalf must sign the letter.
- 2) Outline your firm's experience on the scope of work required for the appropriate discipline.
- 3) Describe your firm's overall approach, including organization and work tasks necessary to accomplish the objectives. If it is your firm's practice to have specific sub-categories of the Scope of Work, performed by consultant(s), please identify the consultant(s) you anticipate using for a Contract, indicate their specific role(s), and outline their experience on similar or related work.

- 4) Describe your quality control process.
- 5) Identify qualifications/expertise of the key personnel on your team; and evidence of availability of staff to begin immediately upon awarding of the contract.
- 6) Provide a list of key personnel, including consultants' personnel indicating the specific role of each, and clearly identify the Project Manager.
- 7) Provide a professional resume for each of the named key personnel, indicating the extent of his/her experience on projects related to this type of work. Each of the key personnel suggested for use on the project must have current professional registration or certification and, if applicable, be currently licensed with the State of Washington.
- 8) Past performance and record of successful completion of public works shops facilities of similar size and scope:
 - a) Describe any previous projects (firm and individual) of similar scope to our project and include a description of specific responsibilities of relevant team members on such projects.
 - b) Note any information useful in demonstrating successful results on prior projects.
 - c) Provide reference contact names, phone numbers, and addresses related to the above prior projects.
- 9) Provide written summary of firm's history of collaborating with DBE/WMBE firms as part of your team on previous similar projects. Describe approach to maximize their participation.

CONSULTANT EVALUATION CRITERIA:

Consultant's SOQ and proposal will be evaluated based on the criteria listed in this section. In preparing the SOQ and proposal, it is important to clearly demonstrate expertise in the areas described in this document. The SOQ must demonstrate expertise and the availability of experienced personnel in all of the areas described in the appropriate disciplines, either through in-house staff or with consultants.

Firms are encouraged to identify and clearly label in their SOQ how each criterion is being fully addressed. Evaluation of responses to this RFQ will be based only on the information provided in the RFQ package, and if applicable, during an interview and reference review process. The City reserves the right to request additional information or documentation from the firm regarding its SOQ documents, personnel, or other items in order to complete the selection process.

The following criteria, with a point system of relative importance with an aggregate total of 100 points, will be utilized to evaluate the qualifications of each firm:

Evaluation Criteria Weighting

Statement of Qualifications (SOQ)

- a) Staff Qualifications: **14 points**
- b) Past performance on other campus facilities study projects or relevant projects:**10 points**
- c) Project approach: **10 points**
- d) Past examples of Master Planning efforts with multiple phases: **6 points**
- e) Self-performed work, firm location, current workload: **6 points**
- f) DBE/MWBE approach: **4 points**

Subtotal: 50 points

Interviews

- a) Presentation: Clarity and thoroughness of presentation and the firms
- b) understanding of and approach to the requirements of the Project. **20 points**
- c) Specific Questions: Thoroughness and insight in providing direct and clear answers to the questions asked. **20 points**
- d) Communication: Overall quality of the team's presentation, including interpersonal communications between team members and the interview panel. Quality of questions asked by the firm. **10 points**

Subtotal: 50 points

The firm receiving the highest combined score as a result of the SOQ and Proposals and interviews will be selected to enter into an agreement with the City.

As part of the evaluation, the City will consider prior experience with similar types of project planning and design to be a significant component of the proposal from the successful firm or team. In particular, the City places substantial emphasis on providing an efficient public facilities campus that minimizes on-going maintenance efforts by its crew.

SUBMISSION REQUIREMENTS:

- 1) Upon receipt of each SOQ and proposal, the City will stamp it to confirm that it was submitted prior to the deadline. Upon request, the City will provide the firm with an acknowledgement of receipt. All SOQs and proposals received will become the property of the City and will not be returned.
- 2) Required Number of Copies: Firms responding to this RFQ shall submit five (5) hard copies and one (1) electronic copy on a flash drive of its SOQ and proposal to the address listed above.

SELECTION PROCESS:

All responses to this RFQ will be screened for eligibility. As time permits, a selection panel will rate eligible responses, according to the criteria listed above, and may conduct reference checks as part of the process. If there is insufficient information, the City reserves the right to

request additional information, and to interview firms to discuss their SOQs. It is the City's intent to interview up to three firms based upon the submitted written materials.

- 1) This solicitation does not obligate the City to award a contract to any respondent. At its option, the City reserves the right to waive any informality or irregularities in the SOQs and proposals and/or to reject any or all submittals.
- 2) The City reserves the right to request clarification of information submitted, and to request additional information from any firm.
- 3) If the City awards a firm the contract to provide architectural services, the successful firm shall be issued a written Notice of Intent to Award. The successful firm shall execute an agreement acceptable to the City within thirty (30) days from the date of Notice of Intent to Award. Failure by the successful firm to execute an agreement within the stipulated 30-day period shall constitute non-conformance with the RFQ, allowing the City to unilaterally withdraw and terminate such intent to award.
- 4) The City reserves the right to award the contract to the next most qualified firm, if the successful firm does not execute a contract within the 30 days from the date of the Notice of Intent to Award.
- 5) The City shall not be responsible for any costs incurred by the firm in preparing, submitting, or presenting its response to the RFQ.
- 6) Approximate Selection Timeline:

Questions Deadline:	February 28, 2022
RFQ Deadline:	March 14, 2022, at 5:00pm
Consultant Shortlist:	Week of April 4, 2022
Consultant Interviews:	Week of April 11, 2022
Consultant Selected:	Approximately May 2, 2022
Scope and Fee Negotiations:	Week of May 2, 2022
Agreement Approval by Council:	June 2022
Execute Contract:	Approximately July 2022

ADMINISTRATIVE INFORMATION:

- 1) Minority-owned and Women-owned Business Enterprises: The City strongly encourages minority owned and women owned businesses, socially and economically disadvantaged business enterprises, and small businesses to respond to this RFQ, to participate as partners, or to participate in other business activity in response to this RFQ.
- 2) Basic Eligibility: Any successful firm must be licensed to do business in the State of Washington, the City of Tukwila and must have a state Unified Business Identifier (UBI) number. In addition, the successful firm must not be debarred, suspended, or otherwise ineligible to contract with the City.
- 3) Payment Requirements: Firms should be aware that the City will only make payments on invoices after the work being billed has been completed and will pay reimbursable expenses to the firm only upon receipt of an itemized invoice for the reimbursable expenses. No advance payments will be made to the firm and the firm must have the capacity to meet all project expenses in advance of payments by the City.

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- 4) Approval of Consultants: The City retains the right of final approval of any consultant of the selected firm who must inform all consultants of this provision.
- 5) Documents Produced: All construction drawings, reports, specifications, and other documents produced under contract to the City must be submitted to the City in both hard copy (Mylar) and a digital format that meets the City's requirements, using Microsoft Office, Adobe Acrobat and/or AutoCAD products. All documents shall become the exclusive property of the City.
- 6) Civil Rights: The City of Tukwila embraces civil rights and equal opportunity. If any events occur involving the firm or subcontractors that would violate those rights, then the firm shall take full responsibility for said actions.
- 7) Insurance: Successful consultant will be expected to enter into a standard City of Tukwila Consultant Agreement (Agreement), that includes the standard general insurance requirements as follows:

The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees. Consultant's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

- 8) Minimum Amounts and Scope of Insurance: Consultant shall obtain insurance of the types and with the limits described below:
 - a) Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident. Automobile Liability insurance shall cover all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
 - b) Commercial General Liability insurance with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO endorsement form CG 20 26.
 - c) Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
 - d) Professional Liability with limits no less than \$2,000,000 per claim and \$2,000,000 policy aggregate limit. Professional Liability insurance shall be appropriate to the Consultant's profession.
- 9) City Full Availability of Contractor Limits. If the Contractor maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the

Contractor, irrespective of whether such limits maintained by the Contractor are greater than those required by this Contract or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Contractor.

- 10) Other Insurance Provision: The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain or be endorsed to contain that they shall be primary insurance with respect to the City. Any Insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not be contributed or combined with it.
- 11) Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.
- 12) Verification of Coverage: Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Contractor before commencement of the work. Upon request by the City, the Consultant shall furnish certified copies of all required insurance policies, including endorsements, required in this Agreement and evidence of all subcontractors' coverage.
- 13) Notice of Cancellation: The Consultant shall provide the City with written notice of any policy cancellation, within two business days of their receipt of such notice.
- 14) Failure to Maintain Insurance: Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to the Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

PUBLICATION:

The RFQ shall be published in Seattle Times and The Daily Journal of Commerce.

END OF REQUEST FOR QUALIFICATIONS



INFORMATIONAL MEMORANDUM

TO: **Finance & Governance Committee**
FROM: **Laurel Humphrey, Legislative Analyst**
DATE: **April 14, 2022**
SUBJECT: **Minimum Wage Initiative**

ISSUE

The Finance & Governance Committee requested information on the current minimum wage initiative effort, the initiative process and the City Council's role, and minimum wage laws in SeaTac and Seattle.

BACKGROUND

Power of Initiative

Tukwila Municipal Code Section 1.12.010 grants Tukwila residents the power of initiative and referendum according to State law. The power of initiative refers to the authority of the voters to directly initiate and enact legislation. To do this, an individual or group must create a petition and obtain signatures from at least 15% of the total number of registered voters on the day of the last preceding general election. If the proper form and number of signatures is sufficient, the City Council is required to either pass the proposed ordinance or place it on the ballot. The City Council could also pass its own ordinance related to minimum wages and standards under its existing authority.

Current Initiative Effort

The Transit Riders Union is currently gathering signatures for an initiative petition that proposes to “establish fair labor standards and protect the rights of workers by: (1) ensuring that the vast majority of employees in the City of Tukwila receive a minimum wage comparable to employees in neighboring cities of SeaTac and Seattle; (2) requiring covered employers to offer additional hours of work to qualified part-time employees before hiring new employees to fill those hours; and (3) adopting enforcement requirements.” It requires that every large employer pay an hourly wage not less than the wage in the City of SeaTac beginning July 1, 2023, then adjusted annually based upon 100% of the annual average growth rate of the Seattle-Tacoma-Bellevue CPI-W. Unlike SeaTac, the proposal would cover all sectors, not just hospitality and transportation. Employers with 15-500 employees worldwide would get a phase-in period, and businesses with fewer than 15 employees or an annual gross revenue under \$2 million would be exempt. The complete initiative text is attached to this memo and includes enforcement provisions that would be the responsibility of the city, which is not budgeted currently and may require additional staff resources.

The Transit Riders Union needs 1,661 valid signatures based upon the last general election. The TRU has indicated via email to the City Clerk an anticipated submission in mid-June.

Initiative Process

The following is excerpted from the Municipal Research and Services Center's "[Initiative and Referendum Guide for Washington Cities and Charter Counties.](#)"

INITIATIVE PROCESS IN A NONCHARTER CODE CITY

Assuming that a code city has formally adopted the power of initiative and that the subject of an ordinance is an appropriate one for an initiative, the initiative process is basically as follows:

1. The proponent of the initiative must obtain signatures on the petition equal in number to 15 percent of the total number of registered voters within the city as of the date of the last preceding city general election. RCW 35A.11.100.
2. Everyone who signs the initiative petition must add to their signature his or her place of residence, giving the street and the number. Petitions must also be printed in the form required by RCW 35A.01.040. These requirements are outlined in detail in Appendix K.
3. The signed petition must be filed with the officer designated to receive the petition (usually the city clerk), who then has three working days to transmit it to the county auditor who will review and determine the validity and adequacy of the signatures on the petition. After review, the county auditor must attach a certificate to the petition indicating whether or not it has been signed by a sufficient number of registered voters. This written certificate is then transmitted to the city officer with whom the petition was originally filed.
4. If the number of signatures is found to be insufficient, the petitioners have 10 additional days to amend the petition by supplying additional signatures. The amended petition is then resubmitted to the receiving officer who retransmits the petition to the county auditor. If the county auditor finds the number of signatures insufficient a second time, then the petition is returned to the person filing it. Any taxpayer then has the option of filing an action in superior court to determine if the petition is sufficient.
5. If the county auditor determines that the number of signatures is sufficient, then the city council has two options. The first is for the city council to pass the proposed ordinance, without alteration, within 20 days after the county auditor's certificate of sufficiency has been received by the council. The second is to submit the measure to a vote of the people.
6. The ballot title of any initiative is to be composed of three elements: (a) an identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; (c) a question asking the voters whether the enactment should be approved or rejected by the voters. The concise statement must be prepared by the city attorney and may not exceed 75 words. RCW 29A.36.071.

7. Once the ballot title is filed, the county auditor will notify the proponents of the initiative of the exact language of the ballot title. If the persons filing the initiative are dissatisfied with the ballot title formulated by the city attorney, they may file an appeal within 10 days to the superior court of the county where the issue is to appear on the ballot. They must indicate their objections and ask for amendment. The court will hold a hearing and render a decision certifying the correct ballot title. The decision of the superior court is final. RCW 29A.36.090.

8. The election will be held by special election not less than 45 days after the certificate of sufficiency is received by the council. The special election dates are listed in RCW 29A.04.330. (See Appendix L.) If a general election is scheduled within 90 days, the election on the initiative will take place on that date instead of on the next special election date (assuming that the general election date is at least 45 days after sufficiency of the petitions is certified).

9. The city clerk must cause the ordinance that will be submitted to the voters at an election to be published at least once in each of the daily newspapers in the city between five and 20 days before the election. If there are no daily newspapers, then publication must be in each of the weekly newspapers.

10. If a majority of the number of votes cast favor the proposed measure, it is adopted and will become effective upon certification of the election results. An ordinance that has been adopted by means of the initiative process after an election of the people may be repealed or amended only by a vote of the people. This means that the city council may not merely amend or repeal such an ordinance, as is usually the case. However, the city council may initiate the amendment or repeal of the ordinance and then submit the proposition to a vote of the people

Other Minimum Wage Laws

Jurisdiction	Rate	Annual Increase	Source
United States	\$7.25	No	D.O.L. Website
Washington State	\$14.49	Yes, based upon the US City Average CPI-W.	Link to RCW
Seattle	\$17.27 (\$15.75 for smaller businesses)	Yes, based upon the Seattle-Tacoma-Bremerton CPI-W	Link to code.
SeaTac	\$17.53 for hospitality and transportation workers	Yes, tied to Washington State's rate of increase.	Link to code.

Political Limitations

City staff and Councilmembers are prohibited by law from using public resources related to supporting or opposing a ballot initiative or making a statement implying a city position, unless that position has been approved by the full Council and meets the public notice standards required by State law. Councilmembers may use their personal resources and may make personal statements related to ballot initiatives.

RECOMMENDATION

Discussion only.

ATTACHMENTS

- Transit Riders Union Initiative

AN ORDINANCE concerning labor standards for certain employees.

Section 1. Findings.

1. The people of the City of Tukwila hereby adopt this citizen initiative addressing labor standards for certain employees, for the purpose of ensuring that, to the extent reasonably practicable, people employed in Tukwila have good wages and access to sufficient hours of work.
2. The City of Tukwila is one of largest job centers in Washington State, including thousands of retail and food service jobs at and around the Westfield Southcenter Mall. Wages and working conditions in Tukwila contribute to setting the standard for the entire region.
3. The statewide minimum wage is not sufficient to afford rising rents and costs of living in Washington State. According to the National Low Income Housing Coalition's Out of Reach 2021 report, a worker making Washington's minimum wage would have to work 70 hours each week to afford a modest one-bedroom rental home at Fair Market Rent.
4. When working families earn insufficient income due to low wages and involuntary under-employment, they struggle to pay for basic necessities like health care, child care, and groceries, and they are more likely to be evicted and become homeless.
5. Tukwila's neighboring cities of SeaTac and Seattle enacted higher minimum wages in 2013 and 2014, but until now Tukwila has not followed suit.

Section 2. Intent.

It is the intent of the people to establish fair labor standards and protect the rights of workers by: (1) ensuring that the vast majority of employees in the City of Tukwila receive a minimum wage comparable to employees in neighboring cities of SeaTac and Seattle; (2) requiring covered employers to offer additional hours of work to qualified part-time employees before hiring new employees to fill those hours; and (3) adopting enforcement requirements.

Section 3. Large Employers Shall Pay Minimum Wages Comparable to Those in Neighboring Cities.

1. Effective July 1, 2023, every large employer shall pay to each employee an hourly wage of not less than the 2022 "living wage rate" in the City of SeaTac, established pursuant to SeaTac Municipal Code Section 7.45.050, adjusted for 2023 by the annual rate of inflation.
2. On January 1, 2024, and on each January 1 thereafter, the hourly minimum wage shall increase by the annual rate of inflation to maintain employee purchasing power.
3. By December 31, 2022, and by October 15 of each year thereafter, the Finance Department shall establish and publish the applicable hourly minimum wage for the following year using the annual rate of inflation.

4. For purposes of this chapter, the annual rate of inflation means 100 percent of the annual average growth rate of the bi-monthly Seattle-Tacoma-Bellevue Area Consumer Price Index for Urban Wage Earners and Clerical Workers, termed CPI-W, for the 12-month period ending in August, provided that the percentage increase shall not be less than zero.
5. An employer must pay to its employees:
 - a. All tips and gratuities; and
 - b. All service charges as defined under RCW 49.46.160 except those that, pursuant to RCW 49.46.160, are itemized as not being payable to the employee or employees servicing the customer.

Tips and service charges paid to an employee are in addition to, and may not count towards, the employee's hourly minimum wage.

Section 4. Other Covered Employers Shall Have a Multiyear Phase-In Period.

Other covered employers shall phase in the new minimum wage, as follows:

1. Effective July 1, 2023, other covered employers shall pay employees not less than the hourly minimum wage established under Section 3 minus Two Dollars (\$2) per hour.
2. Effective July 1, 2024, other covered employers shall pay employees not less than the hourly minimum wage established under Section 3 minus One Dollar (\$1) per hour.
3. Effective July 1, 2025, and thereafter, all covered employers shall pay employees not less than the hourly minimum wage established under Section 3.

Section 5. Coverage and Employer Classifications.

1. Covered employers must pay employees at least the minimum wage established by this chapter for each hour worked within the City.
2. Employer classification for the current calendar year will be calculated based upon the average number of employees during all weeks in the previous calendar year in which the employer had at least one employee. For employers that did not have any employees during the previous calendar year, classification will be based upon the average number of employees during the most recent three months of the current year. In this determination, all employees will be counted, regardless of their location, and including employees who worked in full-time employment, part-time employment, joint employment, temporary employment, or through the services of a temporary services or staffing agency or similar entity.
3. Employer classification for the current calendar year will be calculated based upon the gross revenue for the previous year. For employers that did not have gross revenue during the previous calendar year, annual gross revenue will be calculated from the gross revenue during the most recent three months of the current year.
4. For the purposes of employer classification, separate entities will be considered a single employer if they form an integrated enterprise or they are under joint control by one of

those entities or a separate entity. The factors to consider in making this assessment include, but are not limited to:

- a. Degree of interrelation between the operations of multiple entities;
- b. Degree to which the entities share common management;
- c. Centralized control of labor relations; and
- d. Degree of common ownership or financial control over the entities.

Section 6. Part-Time Employees Shall Have Fair Access to Additional Hours.

1. Before hiring additional employees or subcontractors, including hiring through the use of temporary services or staffing agencies, covered employers must offer additional hours of work to existing employees who, in the employer's good faith and reasonable judgment, have the skills and experience to perform the work, and shall use a reasonable, transparent, and nondiscriminatory process to distribute the hours of work among those existing employees.
2. This section shall not be construed to require any employer to offer an employee work hours if the employer would be required to compensate the employee at time-and-a-half or other premium rate under any law or collective bargaining agreement, nor to prohibit any employer from offering such work hours.

Section 7. Retaliation Prohibited.

1. No employer or any other person shall interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this chapter.
2. No employer or any other person shall take any adverse action against any person because the person has exercised in good faith the rights under this chapter. Such rights include but are not limited to the right to make inquiries about the rights protected under this chapter; the right to inform others about their rights under this chapter; the right to inform the person's employer, union, or similar organization, and/or the person's legal counsel or any other person about an alleged violation of this chapter; the right to bring a civil action for an alleged violation of this chapter; the right to testify in a proceeding under or related to this chapter; the right to refuse to participate in an activity that would result in a violation of city, state, or federal law; and the right to oppose any policy, practice, or act that is unlawful under this chapter.
3. For the purposes of this section, an adverse action means denying a job or promotion, demoting, terminating, failing to rehire after a seasonal interruption of work, threatening, penalizing, retaliating, engaging in unfair immigration-related practices, filing a false report with a government agency, changing an employee's status to nonemployee, decreasing or declining to provide additional work hours when they otherwise would have been offered, scheduling an employee for hours outside of their availability, or otherwise discriminating against any person for any reason prohibited by this chapter. "Adverse action" for an employee may involve any aspect of employment, including pay, work

hours, responsibilities, or other material change in the terms and conditions of employment.

4. No employer or any other person shall communicate to a person exercising rights protected under this chapter, directly or indirectly, the willingness to inform a government employee that the person is not lawfully in the United States, or to report, or to make an implied or express assertion of a willingness to report, suspected citizenship or immigration status of the person or a family member of the person to a federal, state, or local agency because the person has exercised a right under this chapter.
5. It shall be a rebuttable presumption of retaliation if an employer or any other person takes an adverse action against a person within 90 days of the person's exercise of any right protected in this chapter. However, in the case of seasonal work that ended before the close of the 90-day period, the presumption also applies if the employer fails to rehire a former employee at the next opportunity for work in the same position. The employer may rebut the presumption with clear and convincing evidence that the adverse action was taken for a permissible purpose.
6. Standard of Proof. Proof of retaliation under this chapter shall be sufficient upon a showing that an employer or any other person has taken an adverse action against a person and the person's exercise of rights protected in this chapter was a motivating factor in the adverse action, unless the employer can prove that the action would have been taken in the absence of such protected activity.
7. The protections afforded under this section shall apply to any person who mistakenly but in good faith alleges violations of this chapter.

Section 8. Enforcement.

1. Any person or class of persons that suffers financial injury as a result of a violation of this chapter or is the subject of prohibited retaliation under this chapter, or any other individual or entity acting on their behalf, may bring a civil action in a court of competent jurisdiction against the employer or other person violating this chapter and, upon prevailing, shall be awarded reasonable attorney fees and costs and such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of any unpaid wages plus interest due to the person and liquidated damages in an additional amount of up to twice the unpaid wages; compensatory damages; and a penalty payable to any aggrieved party of up to \$5,000 if the aggrieved party was subject to prohibited retaliation. For the purposes of this section, an aggrieved party means an employee or other person who suffers tangible or intangible harm due to an employer or other person's violation of this chapter. Interest shall accrue from the date the unpaid wages were first due at the higher of twelve percent per annum or the maximum rate permitted under RCW 19.52.020.
2. For purposes of determining membership within a class of persons entitled to bring an action under this section, two or more employees are similarly situated if they:
 - a. Are or were employed by the same employer or employers, whether concurrently or otherwise, at some point during the applicable statute of limitations period;

- b. Allege one or more violations that raise similar questions as to liability; and
 - c. Seek similar forms of relief.
 - d. Employees shall not be considered dissimilar solely because their claims seek damages that differ in amount, or their job titles or other means of classifying employees differ in ways that are unrelated to their claims.
3. Each covered employer shall retain records as required by RCW 49.46.070, as well as such information as the City may require to confirm compliance with this chapter. If an employer fails to retain such records, there shall be a presumption, rebuttable by clear and convincing evidence, that the employer violated this chapter for the periods and for each employee for whom records were not retained.
 4. Employers shall permit authorized City representatives access to work sites and relevant records for the purpose of monitoring compliance with the chapter and investigating complaints of noncompliance, including production for inspection and copying of employment records. The City may designate representatives, including city contractors and representatives of unions or worker advocacy organizations, to access the worksite and relevant records.
 5. Complaints that any provision of this chapter has been violated may also be presented to the City Attorney, who is hereby authorized to investigate and, if they deem appropriate, initiate legal or other action to remedy any violation of this chapter.
 6. The City has the authority to issue administrative citations and to order injunctive relief including reinstatement, restitution, payment of back wages, or other forms of relief.
 7. The City may, in the exercise of its authority and performance of its functions and services, agree by contract or otherwise to participate jointly or in cooperation with Washington State, King County, or any city, town, or other incorporated place, or subdivision thereof, or engage outside counsel, to enforce this chapter.
 8. The remedies and penalties provided under this chapter are cumulative and are not intended to be exclusive of any other available remedies or penalties, including existing remedies for enforcement of Tukwila Municipal Code chapters.
 9. The statute of limitations for any enforcement action shall be five (5) years.

Section 9. A new section is added to TMC Chapter 5.04 as follows:

1. The Finance Director may deny, suspend, or revoke any license under this chapter for violation of this ordinance.
2. The Finance Director must deny, suspend, or revoke any license under this chapter for repeated intentional violations of this ordinance.
3. Any action by the Finance Director under this section shall be subject to the procedures and requirements of TMC subsections 5.04.110.C and 5.04.110.D and Section 5.04.112, as well as other due process rights that a court may require.

Section 10. Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

“City” means the City of Tukwila.

“Covered employer” means an employer that either (1) employs at least 15 employees regardless of where those employees are employed, or (2) has annual gross revenue over \$2 million.

“Effective date” is the effective date of this ordinance.

“Employee” is defined as set forth in RCW 49.46.010. An employer bears the burden of proof that the individual is, as a matter of economic reality, in business for oneself rather than dependent upon the alleged employer.

“Employer” is defined as set forth in RCW 49.46.010.

“Employer classification” includes the determination of whether an employer is a covered employer and whether a covered employer is a large employer.

“Franchise” means an agreement, express or implied, oral or written by which:

1. A person is granted the right to engage in the business of offering, selling, or distributing goods or services under a marketing plan prescribed or suggested in substantial part by the grantor or its affiliate;
2. The operation of the business is substantially associated with a trademark, service mark, trade name, advertising, or other commercial symbol; designating, owned by, or licensed by the grantor or its affiliate; and
3. The person pays, agrees to pay, or is required to pay, directly or indirectly, a franchise fee. The term, “franchise fee” is meant to be construed broadly to include any instance in which the grantor or its affiliate derives income or profit from a person who enters into a franchise agreement with the grantor.

“Hour worked within the City” is to be interpreted according to its ordinary meaning, including all hours worked within the geographic boundaries of the City, excluding time spent in the City solely for the purpose of travelling through the City from a point of origin outside the City to a destination outside the City, with no employment-related or commercial stops in the City except for refueling or the employee’s personal meals or errands.

“Large Employer” means all employers that employ more than 500 employees, regardless of where those employees are employed, and all franchisees associated with a franchisor or a network of franchises with franchisees that employ more than 500 employees in aggregate.

“Other covered employer” means a covered employer that does not qualify as a large employer.

“Service charge” is defined as set forth in RCW 49.46.160(2)(c).

“Tips” means a verifiable sum to be presented by a customer as a gift or gratuity in recognition of some service performed for the customer by the employee receiving the tip.

“Wage” is defined as set forth in RCW 49.46.010.

Section 11. Other Legal Requirements.

This ordinance shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater wages or compensation; and nothing in this ordinance shall be interpreted or applied so as to create any power or duty in conflict with federal or state law.

Section 12. Rulemaking.

Within 180 days after the effective date, the City shall adopt rules and procedures to implement and ensure compliance with this chapter, which shall require employers to maintain adequate records and to annually certify compliance with this chapter. The City shall seek feedback from worker organizations and covered employers before finalizing the rules and procedures.

Section 13. Constitutional Subject.

For constitutional purposes, this measure’s subject “concerns labor standards for certain employers.” See *Filo Foods, LLC v. City of SeaTac*, 183 Wash. 2d 770, 783, 357 P.3d 1040, 1047 (2015) (upholding this statement of subject for an initiative that set a minimum wage and addressed employees’ access to hours).

Section 14. Codification. All sections of this ordinance except section 9 shall be codified in a new chapter of the Tukwila Municipal Code.

Section 15. Election date. In the event that the election on this measure takes place later than November 8, 2022, the Finance Department must establish and publish the initial minimum wage within 30 days of the effective date.

Section 16. Severability. The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the application thereof to any employer, employee, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

