



Legislation Passed December 11, 2007

The Tacoma City Council, at its regular City Council meeting of December 11, 2007, 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.

Resolution No. 37334

Appointing and reappointing citizens to the Citizens Recognition Committee, the Tacoma Community Redevelopment Authority, and the Human Services Commission.

Purchase Resolution No. 37335

Awarding contracts to:

1. Tire Distribution Systems, Inc., in the amount of \$55,464.00, plus sales tax, for a cumulative total of \$73,952.00, budgeted from the Equipment Rental Fund, to increase the contract for foam filled tires - Specification No. GF07-0923N; and
2. Authorizing the execution of an interlocal agreement with Alderwood Water and Wastewater District for cooperative purchasing.

Resolution No. 37336

Authorizing the execution of the fourth and fifth year extension options to the three-year agreement with Milliman, Inc., in the amount of \$175,000, for a cumulative total for the five-year contract of \$392,000, budgeted from the Retirement Fund, to provide actuarial and audit services for the period of January 1, 2008 through December 31, 2009.

Resolution No. 37337

Authorizing the execution of an agreement with Northern Trust Company, in the amount of \$1,125,000, budgeted from the Retirement Fund, to provide custodial bank services for the period of January 1, 2008 through December 31, 2010.

Resolution No. 37338

Adopting State Legislative Priorities for the year 2008.

Resolution No. 37339

Adopting Federal Legislative Priorities for the year 2008.

Resolution No. 37340

Authorizing the execution of an amendment to the Overpass Agreement with the Burlington Northern Santa Fe Railroad, in the amount of \$196,235, for a cumulative total of \$685,082, budgeted from the Capital Projects Fund, for additional railroad flagging services needed to conduct construction work for the East D Street overpass project.

Resolution No. 37341

Authorizing the execution of an Interlocal Agreement with the Port of Tacoma for the design and construction of the Lincoln Avenue Grade Separation Project.

Amended Resolution No. 37342

Expressing support and expectations relating to Sound Transit's Commuter Rail Plan for routing of the Tacoma-to-Lakewood Commuter Rail Extension Project; and authorizing the City Manager to sign a Term Sheet to guide further collaboration.

Resolution No. 37343

Authorizing the execution of an amendment to the agreement with Robert Half International, Inc., in the amount of \$40,000, for a cumulative total of \$88,960, budgeted from the General Fund, for temporary personnel services in the Budget and Research Division of the Finance Department.

Substitute Resolution No. 37344

Approving the sale of the City's Limited Tax General Obligation Bonds, 2007, in the aggregate principal amount not to exceed \$9,900,000, to provide funds to pay costs of acquiring real property and improvements to the South Park Plaza public parking garage.

Resolution No. 37345

Authorizing the execution of two-year agreements with:

- PrintNW, in the amount of \$335,000;
- Pollard Group, in the amount of \$135,000;
- Johnson-Cox, in the amount of \$85,000;
- Consolidated Press, in the amount of \$75,000;
- Cascade Media, in the amount of \$30,000; and
- Burrell Printing, in the amount of \$90,000,

for a cumulative total of \$750,000, budgeted from the IT Graphic Services Fund, to provide print and bindery services for various departments and divisions within the City.

Ordinance No. 27611

Vacating a portion of North 36th Street between Villard and Baltimore Streets, to combine the vacated right-of-way with the abutting property to expand the landscape and yard area. (Peggy Robinson, et al.; File No. 124.1275)

Amended Ordinance No. 27663

Amending Chapter 13.17 of the Municipal Code, relating to the Land Use Regulatory Code; designating the McKinley Neighborhood Center, the Narrows Neighborhood Center, and the South 34th Street and Pacific Avenue Community Center, as three new mixed-use centers; and modifying the boundaries of nine existing mixed-use centers.

Amended Ordinance No. 27664

Amending Title 13 of the Municipal Code, relating to the Comprehensive Plan and Land Use Regulatory Code, and adopting amendments to the Comprehensive Plan by revising several plan elements.

Ordinance No. 27667

Approving the issuance of a Junior Lien Revenue Bond, 2007 (Mountain Division Railroad Taxable Line of Credit), in an amount not to exceed \$6,250,000, to the Public Works Mountain Division Railroad Fund, to be repaid over ten years, to refund existing loans and to provide additional funding for operations, maintenance and capital projects through September 30, 2008.

Ordinance No. 27670

Accepting \$419,092 from the Recreation and Conservation Office, Washington Wildlife and Recreation Program, depositing and appropriating said sum from the Capital Projects Fund; and authorizing the execution of a grant agreement with said agency for the Chinese Reconciliation Park Project Phase II.

Amended Ordinance No. 27671

Amending Chapter 8.17 of the Municipal Code, relating to the crime of obstructing a public servant; updating definitions to be consistent with state law, expanding the prohibition on obstructing a public servant to include all law enforcement officers and public officials; and updating penalties.

Amended Ordinance No. 27672

Amending Title 17 of the Municipal Code, relating to the licensing and regulation of pets; defining and regulating dangerous and potentially dangerous dogs; prohibiting possession of dangerous dogs; banning roosters; setting penalties and defining owners who repeatedly violate animal control laws as "problem pet owners"; and regulating the sale and giving away of puppies and kittens.

RESOLUTION NO. 37334

BY REQUEST OF MAYOR BAARSMA AND COUNCIL MEMBERS EVANS,
LONERGAN, AND STENGER

A RESOLUTION relating to committees, boards, and commissions; and
appointing or reappointing citizens to the Citizens Recognition
Committee, the Tacoma Community Redevelopment Authority, and the
Human Services Commission.

WHEREAS there exists in the City of Tacoma a number of committees,
boards, and commissions, and

WHEREAS vacancies presently exist on certain committees, boards, and
commissions, and

WHEREAS, pursuant to the City Charter and the Rules, Regulations, and
Procedures of the City Council, the persons named on Exhibit "A" have been
nominated to serve on the committees, boards, and commissions listed; Now,
Therefore,

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

That those nominees to the committees, boards, and commissions, listed on
Exhibit "A" are hereby confirmed and appointed or reappointed as members of such
committees, boards, and commissions, for such terms as are set forth on Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

EXHIBIT "A"

Citizens Recognition Committee

Reappointing **Susan Wagner** (Neighborhoods designation) for a term to expire August 31, 2010; and appointing **Darren Pen** (Citizen-at-large designation) for a term to expire August 31, 2010.

Tacoma Community Redevelopment Authority

Appointing **Noel Shillito** (Attorney designation) for a term to expire June 12, 2009.

Human Services Commission

Reappointing **Edwina Magrum, Julian Bray, Allen Ratcliffe, and Catherine Ushka-Hall** for terms to expire April 30, 2011; reappointing **Christopher Fuson** for a term to expire April 30, 2010; and appointing **Becky Fontaine** for a term to expire April 30, 2011.



RESOLUTION NO. 37335

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the appropriate City officials to
3 enter into contracts and, where specified, waiving competitive bidding
4 requirements, authorizing sales of surplus property, or increasing or
5 extending existing agreements.

6 WHEREAS the City has complied with all applicable laws governing the
7 acquisition of those supplies, and/or the procurement of those services,
8 inclusive of public works, set forth in the attached Exhibit "A," which Exhibit is
9 incorporated herein as though fully set forth, and

10 WHEREAS the Board of Contracts and Awards has reviewed the
11 proposals and bids received by the City, and the Board has made its
12 recommendation as set forth in Exhibit "A," and

13 WHEREAS the Board of Contracts and Awards has also made its
14 recommendations as to entering into purchasing agreements with those
15 governmental entities identified in Exhibit "A"; Now, Therefore,

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

17 That the Council of the City of Tacoma does hereby concur in the
18 findings and recommendations of the Board of Contracts and Awards set forth
19 in the attached Exhibit "A," and does hereby approve and authorize the:

20 (X) A. Procurement of those supplies, services, and public works
21 recommended for acceptance in the attached Exhibit "A";

22 () B. Rejection of those bids and/or proposals that are recommended
23 for rejection in the attached Exhibit "A";
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(X) C. Entry into the proposed purchasing agreement with those governmental entities identified in the attached Exhibit "A," which proposed agreement is on file in the office of the City Clerk;

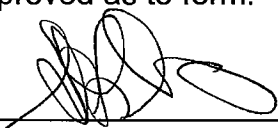
() D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:


Assistant City Attorney



City of Tacoma
Public Works Department

EXHIBIT "A"	
RESOLUTION NO.:	37335
ITEM NO.:	1
MEETING DATE:	DECEMBER 11, 2007

DATE: November 13, 2007

TO: Board of Contracts and Awards

SUBJECT: Increase Contract for Foam Filled Tires
Budgeted from the Equipment Rental Fund
Specification No. GF07-0923N, SAP Contract No. 4600004379

RECOMMENDATION: Public Works/Administration Division - Fleet Services requests approval to increase the contract for foam filled tires with **Tire Distribution Systems, Inc., Fife, WA**, by **\$55,464**, plus applicable sales tax, to a cumulative total of \$73,952, plus sales tax.

EXPLANATION: The original award was for four (4) foam filled, smooth rubber tires for one Komatsu landfill waste handler that was out of service due to completely worn-out tires. This contract increase will provide eight (8) additional tires to replace nearly worn-out tires on the other two Komatsu's plus four (4) tires to store onsite as spares. The waste handlers push, load, and process solid waste and yard waste for disposal at Solid Waste Management.

COMPETITIVE BIDDING: This contract is based on informal bid GF07-0923N. Tire Distribution Systems has agreed to provide 12 additional tires at the same price, terms and conditions as the original contract.

CONTRACT HISTORY: The contract was awarded in November 2007 in the amount of \$18,488.

FUNDING: Funds for this contract are available in the 2007/2008 Equipment Rental Fund 5400.

PROJECT COORDINATOR: Fred Chun, Fleet Manager, 591-5553.

William L. Pugh
William L. Pugh, P.E.
Asst. City Manager/Public Works Director

cc: Beth Brooks, Public Works
Director's Intern, Public Works
Sheri Hayes, TPU/Utilities Accounting
Amy Palmer, Finance/Budget & Research
Jayne McCartney, TPU/Purchasing
Fleet Operations



City of Tacoma
Finance Department

EXHIBIT "A"

RESOLUTION NO.: 37335

ITEM NO.: 2

MEETING DATE: DECEMBER 11, 2007

DATE: November 20, 2007
TO: Board of Contracts and Awards
SUBJECT: Approval to Enter into an Interlocal Agreement

RECOMMENDATION: The Finance Department/Purchasing Division requests approval to enter into an interlocal cooperative purchasing agreement with Alderwood Water and Wastewater District.

EXPLANATION: Alderwood Water and Wastewater District has requested cooperative use of City of Tacoma contracts in accordance with Chapter 39.34 RCW and Tacoma Municipal Code Section 1.06.246. Interlocal cooperative purchasing agreements enable one public agency to purchase materials and equipment based on another agency's competitive bids/contracts. The agreement is reciprocal, allowing the City of Tacoma to access Alderwood Water and Wastewater District's contracts. Alderwood Water and Wastewater District has already executed the agreement.

COMPETITIVE BIDDING: Competitive bidding is not applicable to entering into the proposed Interlocal agreement. Subsequent purchases by the City of Tacoma departments will be from competitively bid contracts only.

CONTRACT HISTORY: Not applicable.

FUNDING: Not applicable

HUB/LEAP COMPLIANCE: Not applicable

Sincerely,

Helen Small
Purchasing Manager

HS:lh

Cc: Joseph Delaney

RESOLUTION NO. 37336

A RESOLUTION relating to the Tacoma Employees' Retirement System; executing the fourth and fifth year extension options to the three-year agreement with Milliman, Inc., in the amount of \$175,000, budgeted from the Retirement Fund, to provide actuarial and audit services for the period of January 1, 2008, through December 31, 2009.

WHEREAS the Board of Administration of the Tacoma Employees' Retirement System finds it necessary to employ consultants to provide specialized investment management services, portfolio verification services, and custodial bank services for the Retirement Fund, and

WHEREAS the Board of Administration, at its regular meeting held on October 11, 2007, recommended that Milliman, Inc., continue to be employed to provide actuarial and audit services for the Retirement Fund for the term and price set forth below, and

WHEREAS it appears to be in the best interests of the City to enter into such agreement; Now, Therefore,

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

That the Board of Administration of the Tacoma Employees' Retirement System is hereby authorized to execute the fourth and fifth year extension options to the three-year agreement with Milliman, Inc., in the amount of \$175,000, budgeted from the Retirement Fund, to provide actuarial and audit services for the

period of January 1, 2008, through December 31, 2009, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

RESOLUTION NO. 37337

A RESOLUTION relating to Tacoma Employees' Retirement System; executing an agreement with the Northern Trust Company, in the amount of \$1,125,000, budgeted from the Retirement Fund, to provide custodial bank services for the period of January 1, 2008, through December 31, 2010.

WHEREAS the Board of Administration of the Tacoma Employees' Retirement System finds it necessary to employ consultants to provide specialized investment management services, portfolio verification services, and custodial bank services for the Retirement Fund, and

WHEREAS the Board of Administration, at its regular meeting held on November 28, 2007, recommended that the Northern Trust Company firm continue to be employed to render custodial bank services for the Retirement Fund assets for the term and price set forth below, and

WHEREAS it appears to be in the best interests of the City to enter into such agreement; Now, Therefore,

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

That the Board of Administration of the Tacoma Employees' Retirement System is hereby authorized to execute an agreement with the Northern Trust Company, in the amount of \$1,125,000, budgeted from the Retirement Fund, to

provide custodial bank services for the period of January 1, 2008, through December 31, 2010, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

RESOLUTION NO. 37338

A RESOLUTION related to the City's Legislative Policy Manual; adopting State Legislative Priorities for the year 2008.

WHEREAS the City of Tacoma maintains a set of adopted policy statements contained in the City's "Legislative Policy Manual," which guide its lobbying activities and express the positions of the City on a variety of issues which may come before the United States Congress and Washington State Legislature, and

WHEREAS the City Council annually identifies certain issues that it considers to be priorities for the upcoming session of the Washington State Legislature, which allows legislators to know which issues are considered most significant to the City that year and allows City staff to efficiently prioritize its efforts in representing the City Council's interest, and

WHEREAS the City Council has identified priority issues for the City for the 2008 Session of the Washington State Legislature; Now, Therefore,

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

That the Council of the City of Tacoma does hereby adopt the "2008 City of Tacoma State Legislative Priorities," said document to be substantially in the form of the copy on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

RESOLUTION NO. 37339

A RESOLUTION related to the City's Federal Legislative Policy Manual; adopting Federal Legislative Priorities for the year 2008.

WHEREAS the City of Tacoma maintains a set of adopted policy statements contained in the City's "Legislative Policy Manual," which guide its lobbying activities and express the positions of the City on a variety of issues which may come before the United States Congress, and

WHEREAS the City Council annually identifies certain policy and appropriation needs that it considers to be priorities for the City before the United State Congress, and

WHEREAS this action allows the City's congressional delegation to know which issues are considered most significant to the City and allows City staff to efficiently prioritize its efforts in representing the City's interests; Now, Therefore,

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

That the Council of the City of Tacoma does hereby adopt the "2008 City of Tacoma Federal Legislative Priorities," said document to be substantially in the form of the copy on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

RESOLUTION NO. 37340

A RESOLUTION relating to the East "D" Street overpass project; executing an amendment to the Overpass Agreement with the Burlington Northern Santa Fe Railroad, in the amount of \$196,235, for a cumulative contract amount of \$685,082, budgeted from the Capital Projects Fund, for additional railroad flagging services needed to conduct construction work.

WHEREAS, on December 14, 2004, the City Council adopted Resolution No. 36386, authorizing an agreement with the Burlington Northern Santa Fe Railroad ("BNSF"), in the amount of \$488,847, for the construction and maintenance of the East "D" Street overpass, and

WHEREAS the agreement required that BNSF flaggers be on site when construction activities occur within 50 feet of the railroad right-of-way, and

WHEREAS additional flagging services are required to ensure worker and train safety, and

WHEREAS this additional flagging is within the available funding provided by BNSF for the project; Now, Therefore,

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

That the proper officers of the City are hereby authorized to execute an amendment to the Overpass Agreement with the Burlington Northern Santa Fe Railroad, in the amount of \$196,235, for a cumulative contract amount of \$685,082, budgeted from the Capital Project Fund, for additional railroad

flagging services needed to conduct the construction work for the East "D" Street overpass project, said document to be substantially in the form of the proposed amendment on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

RESOLUTION NO. 37341

A RESOLUTION relating to the Lincoln Avenue Grade Separation Project; executing an interlocal agreement with the Port of Tacoma for the design and construction of the Lincoln Avenue Grade Separation Project.

WHEREAS the Port of Tacoma (“Port”) is constructing a railroad grade separation structure on Lincoln Avenue between Marc Avenue and Thorne Road, and

WHEREAS the Port is financing the project and has acquired grants from various agencies, including funds from the Federal Highway Administration (“FHWA”), which are administered through the Washington State Department of Transportation (“WSDOT”), and

WHEREAS WSDOT has consented to extend a portion of its authority to the Port for administration of FHWA funds on the condition that the City administers the construction contract and the right-of-way process on behalf of the Port, and

WHEREAS all City personnel costs associated with this interlocal agreement will be reimbursed by the Port; Now, Therefore,

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

That the proper officers of the City are hereby authorized to execute an interlocal agreement with the Port of Tacoma for the design and construction of

the Lincoln Avenue Grade Separation Project, said document to be substantially in the form of the proposed interlocal agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

RESOLUTION NO. 37342

A RESOLUTION relating to Sound Transit's Commuter Rail Plan; expressing the City Council's support and expectations for routing of the Tacoma-to-Lakewood Commuter Rail Extension Project; and authorizing the City Manager to sign a Term Sheet to guide further collaboration.

WHEREAS Sound Transit, the regional transit authority for King, Pierce, and Snohomish Counties, will expand the Sounder commuter rail service from Tacoma to Lakewood with new stations in South Tacoma and Lakewood, in accordance with *Sound Move: The Ten-Year Regional Transit System Plan*, as approved by voters of the region in 1996, and

WHEREAS Sound Transit has acquired a portion of the former Burlington Northern Santa Fe track and facilities between "M" Street in Tacoma and Bridgeport Way in Lakewood ("Lakeview Subdivision") and will need to construct new facilities between "D" Street and "M" Street ("D-to-M Street Connector") to interconnect the Lakeview Subdivision with the Tacoma Rail Mountain Division's track over which Sound Transit operates, and

WHEREAS, for the 1.2-mile, D-to-M Street Connector corridor, Sound Transit has been conducting feasibility studies for environmental documentation purposes and has identified Alternative 3 Modified as the preferred alignment, with two options for the rail line crossing Pacific Avenue, i.e., a grade-separated crossing and an at-grade crossing, and

WHEREAS the City has conducted a review of the Tacoma-to-Lakewood Commuter Rail Extension Project for consistency with the City's Comprehensive Plan, and

WHEREAS the review concludes that the project is consistent with the Comprehensive Plan; however, the issues and concerns raised by the community must be adequately addressed during the design, construction, operation, and long-term maintenance phases of the project; Now, Therefore,

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

Section 1. That the City Council supports the Alternative 3 Modified alignment for the D-to-M Street Connector and the grade-separated crossing option at Pacific Avenue.

Section 2. That the City Manager is requested to work collaboratively with Sound Transit and pertinent parties in the implementation of the project to ensure that the implementation of the project is consistent with the City's Comprehensive Plan, as suggested in the City's Consistency Review report; incorporates appropriate recommendations contained in AHBL's Urban Design Assessment report; and adheres to the provisions, as prescribed in the Term Sheets attached hereto.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

RESOLUTION NO. 37343

A RESOLUTION authorizing the execution of an amendment to the agreement with Robert Half International, Inc., in the amount of \$40,000, for a cumulative total of \$88,960, to be budgeted from the General Fund, for temporary personnel services in the Budget and Research Division of the Finance Department.

WHEREAS, due to staffing shortage, on July 24, 2007, the City entered into an agreement with Robert Half International, Inc., in the amount of \$48,960, for temporary professional services in the Budget and Research Division of the Finance Department, and

WHEREAS the Budget and Research Division continues to need additional staff support for the Capital Facilities Program and is therefore requesting that the City Council approve an amendment to the agreement;

Now, Therefore,

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

That the proper officers of the City are hereby authorized to execute an amendment to the agreement with Robert Half International, Inc., in the amount of \$40,000, for a cumulative amount of \$88,960, to be budgeted from the

General Fund, for temporary personnel services in the Budget and Research Division of the Finance Department, said document to be substantially in the form of the proposed amendment on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

**SUBSTITUTE
RESOLUTION NO. 37344**

A RESOLUTION of the City Council of the City of Tacoma, Washington, approving the sale of the City's Limited Tax General Obligation Bonds, 2007 (Taxable), in the aggregate principal amount of \$9,610,000 to provide funds to pay costs of acquiring real property and improvements to the South Park Plaza public parking garage, relocation costs and other costs related thereto; and approving the sale of such bonds to Griffin, Kubik, Stephens & Thompson, Inc., all in accordance with Ordinance No. 27635 of the City.

WHEREAS the City Council by Ordinance No. 27635 passed on July 31, 2007 (the "Bond Ordinance"), authorized the issuance and sale of limited tax general obligation bonds of the City in the aggregate principal amount of not to exceed \$9,900,000 (the "Bonds") for the purpose of acquiring real property and improvements to the South Park Plaza public parking garage, paying relocation costs, and paying costs of issuing the Bonds, and

WHEREAS the Bond Ordinance authorized the City's Finance Director to conduct a competitive sale of the Bonds, subject to approval by resolution of the City Council, and

WHEREAS pursuant to the Bond Ordinance, a preliminary official statement and a notice of sale in the form set forth at Exhibit A has been prepared and distributed for the sale of the Bonds, and

WHEREAS pursuant to the notice of sale, the City received three bids to purchase the Bonds, copies of which are attached in Exhibit B hereto, and

WHEREAS the bid with the lowest true interest cost to the City is the bid (attached as Exhibit C hereto) submitted by Griffin, Kubik, Stephens & Thompson, Inc. (the "Purchaser"), and

WHEREAS it is in the best interests of the City to sell the Bonds to the Purchaser on the terms and conditions set forth in the Bond Ordinance, this resolution and the winning bid form attached as Exhibit C hereto, and

WHEREAS in accordance with the Bond Ordinance, the Council wishes to authorize and approve the sale of the Bonds and the final principal maturity amounts, interest rates and redemption rights for the Bonds, all as set forth herein,

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

Section 1. Definitions. Except as otherwise defined herein, capitalized terms used in this resolution have the meanings set forth in the Bond Ordinance.

Section 2. Authorization of Issuance and Sale Bonds. The issuance of the Bonds, designated as the “City of Tacoma, Washington Limited Tax General Obligation Bonds, 2007 (Taxable),” in the aggregate principal amount of \$9,610,000, dated as of their date of delivery, is hereby approved. The principal amounts and interest rates set forth in the bid of the Purchaser attached as Exhibit C are hereby approved, and the offer of Purchaser to purchase the Bonds, as set forth in the bid attached as Exhibit C, is hereby accepted. The Bonds shall conform in all other respects to the terms and conditions set forth in the Bond Ordinance, except as expressly provided herein.

Section 3. Redemption. The City reserves the right to redeem the Bonds maturing on and after December 1, 2018, in whole or in part, on any date on or after December 1, 2017, at par, plus accrued interest to the date of

redemption. If less than a whole of a maturity is called for redemption, the Bonds to be redeemed shall be chosen randomly in integral multiples of \$5,000 by the Bond Registrar or, so long as the Bonds are registered in the name of CEDE & Co. or its registered assign, by DTC.

The Bonds maturing on December 1, 2024 and December 1, 2027 are Term Bonds that shall be redeemed prior to maturity by lot (or paid at maturity), not later than December 1 in the years and in the principal amounts set forth below (to the extent such Term Bonds have not been previously redeemed or purchased), without premium, together with the interest accrued to the date fixed for redemption.

2024 Term Bonds

Year	Amount
2021	\$ 550,000
2022	580,000
2023	615,000
2024*	650,000

* Final maturity.

2027 Term Bonds

Year	Amount
2025	\$ 690,000
2026	735,000
2027*	775,000

* Final maturity.

To the extent the City redeems (other than in satisfaction of the mandatory sinking fund requirements) or purchases for retirement any Bonds that are Term Bonds, the City may reduce the mandatory sinking fund

requirements of such Bonds, in like aggregate principal amount for the year or years specified by the City.

Section 4. Further Authority. The City officials, their agents, and representatives are hereby authorized and directed to do everything necessary for the prompt issuance and delivery of the Bonds and for the proper use and application of the proceeds of such sale.

Section 5. Severability. The covenants contained in this resolution shall constitute a contract between the City and the owners of each and every Bond. If any one or more of the covenants or agreements provided in this resolution to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this resolution and shall in no way affect the validity of the other provisions of this resolution or of the Bonds.

Section 6. Effective Date. This resolution shall be effective after its passage as provided by law.

Passed December 11, 2007.

Mayor

Attest:

City Clerk

Approved as to form and legality:

K&L PRESTON GATES ELLIS LLP
Bond Counsel to the City of Tacoma

By _____

Attachment: Exhibit A – Notice of Sale
Exhibit B – Copies of all Bids
Exhibit C – Copy of Winning Bid

EXHIBIT A

Notice of Sale

(See Attached)

EXHIBIT B

Copies of all Bids

(See Attached)

EXHIBIT C

Copy of Winning Bid
(See Attached)

CERTIFICATE

I, the undersigned, Clerk of the City of Tacoma, Washington (the "City"),
DO HEREBY CERTIFY:

1. That the attached Substitute Resolution No. 37344 (the "Resolution"), is a true and correct copy of a resolution of the City, as finally adopted at a regular meeting of the City Council of the City (the "City") held on the 11th day of December, 2007, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum of the Council was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption of the Resolution have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of December, 2007.

City Clerk

RESOLUTION NO. 37345

A RESOLUTION relating to graphic services; executing six separate two-year agreements, for a total amount of \$750,000, budgeted from the IT Graphic Services Fund, to provide print and bindery services for various departments and divisions within the City.

WHEREAS the City's Information Technology Department ("IT Department"), Graphic Services Section, purchases printed products when it is unable to produce materials in-house for various City departments and divisions, and

WHEREAS, on August 22, 2007, Graphic Services issued a Request for Proposal for vendors to provide printing and bindery services for a two-year period, with the option to renew for two additional one-year options to renew, and

WHEREAS six vendors were selected for their previous experience with the City, including the ability to deliver product within stated timeframes, the ability to demonstrate how their services best meet the needs of the City, staff experience, reasonableness of fee structure, and proximity to the City; Now, Therefore,

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

That the proper officers of the City are hereby authorized to execute two-year agreements with six separate firms as follows: PrintNW, in the amount of \$335,000; Pollard Group, in the amount of \$135,000; Johnson-Cox, in the amount of \$85,000; Consolidated Press, in the amount of \$75,000; Cascade Media, in the amount of \$30,000; and Burrell Printing, in the amount of \$90,000; for a total amount of \$750,000, budgeted from the IT Graphic Services Fund, to provide print and bindery services for various departments and divisions within

the City, said documents to be substantially in the form of the proposed two-year agreements on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

ORDINANCE NO. 27611

AN ORDINANCE vacating that portion of North 36th Street lying between Villard and Baltimore Streets, and more fully described as follows:

That portion of North 36th Street lying between Blocks 5 and 6 of MCNAUGHT'S FIRST ADDITION TO THE CITY OF TACOMA, filed for record on March 26, 1878, at Volume 1, Page 35, records of Pierce County, Washington.

All lands situate in the Northeast Quarter of Section 26, Township 21 North, Range 02 East, W.M.

Retaining and reserving therein an easement to the City of Tacoma over the westerly 10 feet of the proposed vacation area parallel with Baltimore Street, and a 10X10 foot square in the southeast corner of Villard Street, for such facilities as poles, anchors, guy wires, overhead and underground power and data wires, power and data enclosures and vaults, power, data conduits, and transformers.

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

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner's Findings, Conclusions, and Recommendations as contained in the Hearing Examiner's Report and Recommendation to the City Council bearing File No. 124.1275, and dated April 2, 2007, which Report is on file in the office of the City Clerk.

Section 2. That the portion of North 36th Street lying between Villard and Baltimore Streets, and more fully described as follows:

That portion of North 36th Street lying between Blocks 5 and 6 of MCNAUGHT'S FIRST ADDITION TO THE CITY OF TACOMA, filed for record on March 26, 1878, at Volume 1, Page 35, records of Pierce County, Washington.

All lands situate in the Northeast Quarter of Section 26, Township 21 North, Range 02 East, W.M.

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, respectively, as a part

thereof, and all right or title of the City in and to the portion of the streets so vacated does hereby vest in the owners of the property abutting thereon, all in the manner provided by law; provided, however, that there is hereby retained and reserved, pursuant to statutes of the state of Washington, the following easement, to wit:

Retaining and reserving therein an easement to the City of Tacoma over the westerly 10 feet of the proposed vacation area parallel with Baltimore Street, and a 10X10 foot square in the southeast corner of Villard Street, for such facilities as poles, anchors, guy wires, overhead and underground power and data wires, power and data enclosures and vaults, power, data conduits, and transformers.

Passed _____

Mayor

Attest:

City Clerk

Location: North 36th Street between Baltimore and Villard Streets

Petitioners: Peggy and Christopher Robinson
Vacation Request File No. 124.1275

Approved as to form:

Property description approved:

Assistant City Attorney

Acting Chief Surveyor
Public Works Department

ORDINANCE NO. 27663

AN ORDINANCE relating to the Land Use Regulatory Code; designating three new areas as mixed-use centers; modifying the boundaries of existing mixed-use centers; and amending Chapter 13.17 of the Tacoma Municipal Code.

WHEREAS Chapter 13.17 of the Tacoma Municipal Code (“TMC”) designates certain parts of the City as residential target areas for purposes of the City’s Multifamily Tax Exemption Program, and

WHEREAS the Planning Commission (“Commission”) annually recommends changes to the Comprehensive Plan (“Plan”) and Land Use Regulatory Code, pursuant to the Growth Management Act, and

WHEREAS, on October 17, 2007, the Commission made a recommendation to the City Council to include proposed revisions to TMC 13.17, relative to Mixed-Use Center Development, and

WHEREAS, on November 13, 2007, the City Council held a public hearing to receive public comments on the Commission’s recommendation, and

WHEREAS the proposed changes would add three new mixed-use centers, namely, the McKinley Neighborhood Center, the Narrows Neighborhood Center, and the South 34th Street and Pacific Avenue Community Center, to the list of designated Residential Target Areas, which would be eligible for the Multifamily Tax Incentive (“MFTI”), pursuant to TMC 13.17, and

WHEREAS this year’s amendments would also modify the boundaries of the following nine existing mixed-use centers: (1) Lower Portland Avenue, (2) South 11th and MLK Jr. Way, (3) Tacoma Central Plaza/Allenmore, (4) South 38th and “G” Street, (5) James Center/TCC, (6) South 72nd and Portland

Avenue, (7) Stadium (North 1st and Tacoma), (8) the Tacoma Mall Area, and (9) South 72nd and Pacific Avenue, and

WHEREAS the corresponding geographic areas eligible for the MFTI would be modified accordingly, such that the MFTI would be available in the areas being added to the existing centers and would not be available in the areas being removed from the existing centers; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council adopts the Findings and Recommendations of the Planning Commission, dated October 17, 2007.

Section 2. That Section 13.17.020.C of the Tacoma Municipal Code is amended, as set forth in Exhibit "A."

Section 3. That the City Council concludes that Proposal #2007-06 (Mixed-Use Center) meets the criteria set forth in Section 13.17.020.A of the Tacoma Municipal Code. Based on this conclusion Section 13.17.020.C of the Tacoma Municipal Code is amended by designating three new areas as mixed-use centers, as set forth in Exhibit "B."

Section 4. That Section 13.17.020 of the Tacoma Municipal Code is amended by modifying the boundaries and repealing and reenacting the legal descriptions of the existing mixed-use centers, as set forth in Exhibit "C."

Section 5. The effective date of this ordinance shall be December 31, 2007.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

EXHIBIT "A"

AMENDMENTS TO TMC 13.17 – MIXED-USE CENTER DEVELOPMENT

*Note – These amendments show all of the changes to the *existing* land use regulations. Text that is being added is underlined and text that is being deleted is shown in ~~strikethrough~~.

Chapter 13.17

MIXED-USE CENTER DEVELOPMENT

13.17.020 Residential target area designation and standards.

* * *

C. Designated Target Areas. The proposed boundaries of the “residential target areas” are the boundaries of the ~~14~~ 17 mixed-use centers listed below and as indicated on the Generalized Land Use Plan Map in the Comprehensive Plan and legal descriptions which are incorporated herein by reference and on file in the City Clerk’s Office.

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MIXED-USE CENTER	CENTER TYPE
South 56th and South Tacoma Way	Neighborhood
Downtown Tacoma	CBD
North 26th and Proctor	Neighborhood
Tacoma Mall Area	Urban
South 11th and MLK Jr. Way	Neighborhood
Westgate	Community
South 38th and “G” Street (<u>Lincoln</u>)	Neighborhood
6th Avenue and Pine Street	Neighborhood
Tacoma Central Plaza/Allenmore	Community
South 72nd and Pacific Avenue	Community
South 72nd and Portland Avenue	Neighborhood
Stadium (North 1st and Tacoma)	Neighborhood
James Center/TCC	Community
Lower Portland Avenue	Community
<u>South 34th and Pacific Avenue</u>	<u>Community</u>
<u>McKinley</u>	<u>Neighborhood</u>
<u>Narrows</u>	<u>Neighborhood</u>

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EXHIBIT "B"

BOUNDARIES OF NEW MIXED-USE CENTERS

NARROWS MIXED USE CENTER

Beginning at the monumented intersection of South 8th Street and Jackson Avenue, said point being on the West line of the Northeast quarter of Section 03, Township 20 North, Range 02 East, W.M.;

Thence North along said West line and the monument line of Jackson Avenue to the North quarter corner of said section;

Thence East along the North line of said section and the monumented center line of North 9th Street extended west, to the centerline intersection of the center line of the alley lying West of Block 5 of HIGHLANDS NARROWSVIEW ADDITION TO THE CITY OF TACOMA, as recorded in Volume 13 of Plats, at Page 58, records of the Pierce County Auditor:

Thence South along said center line to the center line of North 7th Street. Thence East along said center line to intersection with the center line of North Skyline Drive;

Thence South on said center line to the westerly extension of the south line of Lot 24, Block 4 of HIGHLANDS NARROWSVIEW ADDITION TO THE CITY OF TACOMA, as recorded in Volume 13 of Plats, at Page 58, records of the Pierce County Auditor:

Thence east along said South line of Lots 24 and 11, Blocks 1 thru 4, of said plat and its easterly extension to the center line of South Mildred Street;

Thence South along the center line of South Mildred Street to the easterly extension of the South line of Lot 4, Block 1 of THE HIGHLANDS ADDITION, TACOMA, WASHINGTON, as recorded in Volume 12 of Plats at Page 54, records of the Pierce County Auditor;

Thence West along said line and the South line of Lots 4 and 21, Blocks 2 thru 4 of said Plat and the westerly extension of said line to the center line of South Oxford Street;

Thence South along said center line to the easterly extension of the South line of Lot 3, Block 5 of said Plat;

Thence West along said South line to the Southeast corner of said Lot 3;

Thence South along the Westerly line of Lot 4, Block 5 of said Plat a distance of 17 feet;

Thence West parallel with and 17 feet South of the South line of Lot 18, Block 5 of said Plat, to the center line of South McArthur Street;

Thence North along said center line to the easterly extension of the South line of Lot 1, Block 1 of VAN'S ADDITION, TACOMA WASHINGTON, as recorded in Volume 14 of Plats at Page 59-60, records of the Pierce County Auditor;

Thence West along said South line to the southwest corner of said Lot 1;

Thence South to the southeast corner of Lot 1, Block 1, VAN'S SECOND ADDITION, TACOMA WASHINGTON, as recorded in Volume 14 of Plats at Page 86-87, records of the Pierce County Auditor;

Thence West along the South line of said Lot and its westerly extension to the centerline of South Meyers Street;

Thence South along said center line to the centerline intersection with South 8th Street;

Thence West along the center line of South 8th Street to the Point of Beginning.

McKinley Mixed Use Center Description

Beginning at the center line intersection of East "F" Street with Upper Park Road;

Thence easterly along center line of Upper Park Road to the center line intersection with East "I" Street;

Thence southerly along center line of East "I" Street to the center line intersection with East Harrison Street;

Thence westerly along center line of East Harrison Street to the intersection with the northerly extension of the East line of Lot 6, Block 8630 of VOWTAS ADDITION TO TACOMA, PIERCE COUNTY, WASHINGTON, as recorded in Volume 1 of Plats at Page 60, records of the Pierce County Auditor;

Thence southerly along said East line and its southerly extension to the North line of Block 8729 of said Plat;

Thence southerly along East line of Lot 6 of Block 8729 of said Plat and its southerly extension to the East line of Lot 6 Block 8730 and its southerly extension to the center line of East Division Lane;

Thence westerly along said center line to the northerly extension of the center line of the alley lying between Blocks 1 and 2 in MCKINLEY PARK ADDITION TO TACOMA, WASHINGTON, as recorded in Volume 7 of Plats at Page 96, records of the Pierce County Auditor;

Thence south along said alley center line and the alley lying between Blocks 21 and 20, Blocks 22 and 23, and Blocks 37 and 38 to the easterly extension of the South line of Lot 6, Block 38, all in said Plat;

Thence west along said South line to the easterly margin of McKinley Avenue;

Thence north along said easterly margin to the Northwest corner of Lot 6 Block 38 of said Plat;

Thence west parallel to and 169 feet more or less south of said center line to the center line of Block 4, AMENDED MAP OF FIRST SCHOOL ADDITION TO THE CITY OF TACOMA, as recorded in Volume 71 of Plats at Pages 78-79, records of the Pierce County Auditor;

Thence north along said centerline and its northerly extension to the center line of East 38th Street; thence West along the center line of East 38th Street to the center line of East "G" Street;

Thence north along the centerline of East "G" Street to the centerline of East 37th Street;

Thence east along the center line of East 37th Street to the southerly extension of the center line of the alley lying between Blocks 1 and 2 of BULLARD'S ADDITION TO TACOMA, WASHINGTON as recorded in Volume 8 of Plats at Page 20, records of the Pierce County Auditor;

Thence north along said alley centerline and its northerly extension to the monument line of East Division Lane;

Thence west along said monument line to the center line of East "G" Street;

Thence northerly along the center line of East "G" Street to the center line of Wright Avenue;

Thence west along the center line of Wright Avenue to the center line of East "F" Street;

Thence northerly along the center line of East "F" Street to the center line of Upper Park Road Street and the Point of Beginning.

Described lands situate in the SE1/4 Section 09, Township 20 North, Range 03 East, and
and
SW1/4 Section 10, Township 20 North, Range 03 East, and NE1/4 Section 16,
Township 20 North, Range 03 East, and NW1/4 Section 15 Township 20 North, Range
03 East, Willamette Meridian

34th and Pacific Mixed Use Center Description

Beginning at the intersection of the center line of South "D" Street with the southerly Margin of Interstate Highway No. 5 (I-5);

Thence northeasterly along said southerly margin to the intersection with the East line of Lot 7, Block 8214, in THE TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T. as filed for record July 7, 1884;

Thence southerly along said East line and its southerly extension, thence southerly along the East line of Lot 8, Block 8313 and its southerly extension and the East line of Lot 9, Block 8314 and its southerly extension to the center line of the alley between Blocks 8314 and 8413, all in said Plat;

Thence West along said alley center line to the northerly extension of the East line of Lot 6, Block 8413 of said Plat;

Thence South along said East line and its southerly extension to the center line of South 34th Street;

Thence West along the center line of South 34th Street to the northerly extension of the East line of Lot 6, Block 8414, of said Plat;

Thence South along said East line and its southerly extension to the center line of the alley between Blocks 8414 and 8513 of said Plat.

Thence West along said alley center line to the northerly extension of the East line of Lot 5, Block 8513 of said Plat;

Thence South along said East line to the east-west center line of said Block 8513;

Thence East along said east-west center line to the East line of Lot 10 in said Block;

Thence South along the East line of Lot 10 to the center line of South 35th Street

Thence East along the center line of South 35th Street to the northerly extension of the East line of Lot 18, Block 8514 of said Plat;

Thence South along said East line and its southerly extension to the center line of the alley between Blocks 8514 and 8613 of said Plat;

Thence West along said alley center line to the northerly extension of the East line of Lot 18, Block 8613, of said Plat;

Thence South along said East line and its southerly extension to the center line of South Harrison Street;

Thence westerly along the center line of South Harrison Street to the northerly extension of the East line of Lot 17, Block 8614 of said Plat;

Thence southerly along said East line to the south line of said Block 8614;

Then southeasterly to the center line intersections of Division Lane and Crandall Lane, thence southerly along center line of Crandall Lane and its southerly extension to the intersection with the center line of South 36th Street;

Thence West along the center line of South 36th Street to the center line of Crandall Lane;

Thence South along the center line of Crandall Lane to the center line of South 37th Street;

Thence East along the center line of South 37th Street to the center line of "A" Street;

Thence South along the center line of "A" Street to a point 165 feet south of the center line of South 38th Street;

Thence west, parallel with and 165 feet south of South 38th Street to a point 175 feet West of the center line of "A" Street;

Thence South, parallel with and 175 feet West of the center line of "A" Street to a point 235 feet South of the center line of South 38th Street;

Thence West, parallel with and 235 feet south of South 38th Street to a point 240 feet West of the center line of "A" Street;

Thence South parallel with and 240 feet West of the center line of "A" Street to a point 370 feet South of the center line of South 38th Street;

Thence West, parallel with and 370 feet south of South 38th Street to a point 280 feet West of the center line of "A" Street;

Thence South parallel with and 280 feet West of the center line of "A" Street to a point on the North line of the property conveyed to the City of Tacoma by City deed number 1385;

Thence West along said North line to the Northwest corner of said deeded property;

Thence South parallel with and 390 feet West of the center line of "A" Street to a point 652 feet South of the center line of South 38th Street;

Thence West, parallel with and 652 feet south of South 38th Street to a point 398 feet West of the center line of "A" Street;

Thence south to the center line of South 40th Street, said point being 406 feet west of the center line of "A" Street;

Thence West along the center line of South 40th Street to the southerly extension of the center line of the alley in Block 81 of THE AMENDED MAP OF FIRST SCHOOL LAND ADDITION TO THE CITY OF TACOMA as recorded in Volume 7 of Plats at Page 76-77, records of the Pierce County Auditor;

Thence northerly along said alley center line and its northerly extension and the alley center line in Block 80, with its northerly extension to the center line of South 37th Street;

Thence West along said street center line to the center line of South "D" Street;

Thence northerly along the center line of South "D" Street to the South margin of (I-5) and the Point of Beginning.

EXHIBIT "C"

REVISED BOUNDARIES OF EXISTING MIXED-USE CENTERS

Stadium (North 1st and Tacoma) Mixed-Use Center

Beginning at the centerline intersection of Division Avenue and Stadium Way, (said point being in the southeast quarter of Section 32, Township 21 North, Range 03 East, W.M.);

Thence southwesterly along the centerline of Division Avenue to the southwesterly extension of the centerline of North 3rd Street;

Thence northeasterly along said centerline to the easterly extension of the centerline of the alley between Blocks 3316 and 3317 of THE MAP OF NEW TACOMA, WASHINGTON TERRITORY as recorded February 3, 1875, records of the Pierce County Auditor;

Thence westerly along said alley centerline and its westerly extension to the centerline of North 4th Street;

Thence northeasterly along said centerline to the centerline intersection with North "D" Street;

Thence southeasterly along said centerline to the centerline intersection with North Stadium Way;

Thence northwesterly along said centerline to the centerline intersection with North 4th Street;

Thence northeasterly along the northerly extension of said centerline to the southerly line of the property conveyed to the City of Tacoma by Deed number 4423, recorded under AFN 2497132, records of Pierce County Auditor;

Thence southeasterly along said southerly line to the intersection with the northerly extension of the centerline of North 1st Street;

Thence southwesterly along said centerline to the centerline intersection with North Stadium Way;

Thence southeasterly along said centerline to the Point of Beginning.

South 11th and MLK Jr. Way Mixed-Use Center

Beginning at the centerline intersection of Division Avenue and South “I” Street, (said point being located in the southeast quarter of Section 32, Township 21 North, Range 03 East, W.M.);

Thence southerly along said centerline of South “I” Street through the “I” Street/ Yakima Avenue transition and continuing southerly along the centerline of Yakima Avenue to the centerline intersection with South 27th Street;

Thence westerly along said centerline to the southerly extension of the centerline of the alley between Blocks 2518 and 2519 of EATON’S AMENDATORY PLAT OF FORBES ADDITION TO NEW TACOMA, W.T. as recorded in Volume 3 of Plats at Page 20, records of the Pierce County Auditor;

Thence northerly along said alley centerline and its northerly extension between Blocks 2419 and 2418 of MAP OF P.H. LEWIS ADDITION TO THE CITY OF TACOMA as recorded in Volume 1 of Plats at Page 38, records of the Pierce County Auditor;

Thence continuing northerly along said alley centerline between Blocks 1 and 2 of O’REILLEY’S ADDITION, AND REPLAT OF BLOCK 32, SMITH AND FIFE ADD. AND LOT 16 BLOCK 7, BYRD’S ADD. as recorded in Volume 11 of Plats at Page 14, records of the Pierce County Auditor, to the north line of City of Tacoma Deed number 3043;

Thence westerly along said north line to the easterly margin of South “J” Street;

Thence westerly to the southeast corner of Lot 6, Block 33 of the MAP OF SMITH AND FIFE’S ADDITION TO NEW TACOMA, W.T. as recorded in Volume 1 of Plats at Page 63, records of the Pierce County Auditor;

Thence westerly along the south line of said Lot 6 and its westerly extension to the centerline of the alley between Blocks 33 and 34 of said plat;

Thence north along said alley centerline to a point 120 feet south of the south margin of South 23rd Street;

Thence westerly, parallel with and 120 feet south of said south margin, to the centerline of the alley between Blocks 35 and 36 of said plat;

Thence northerly along said alley centerline and its northerly extension to the intersection with the centerline of South 15th Street;

Thence westerly along said centerline to the centerline intersection with South “L” Street;

Thence northerly along said centerline to the centerline intersection with South 14th Street

Thence easterly along said centerline to the southerly extension of the centerline of the alley between Blocks 1322 and 1323 of MAP OF NEW TACOMA;

Thence northerly along said alley centerline and its northerly extension to the centerline of South 13th Street;

Thence westerly to the southerly extension of the east line of Blocks 1227 of SEIBLER DE FERRY ADDITION TO TACOMA, PIERCE COUNTY, WASHINGTON as recorded in Volume 7 of Plats at Page 91, records of the Pierce County Auditor and Block 1127 of ALLIANCE ADDITION TO TACOMA, WASHINGTON as recorded in Volume 7 of Plats at Page 83, records of the Pierce County Auditor;

Thence northerly along said east line and its northerly extension to the centerline of South 12th Street (Earnest Brazill Street);

Thence westerly along said centerline to the southerly extension of the centerline of the alley between Blocks 1128 and 1129 of said plat of Alliance Addition;

Thence northerly along said alley centerline and its northerly extension to the centerline of South 11th Street;

Thence easterly along said centerline to the centerline of Sheridan Avenue;

Thence northerly along said centerline to the westerly extension of the south line of Lot 22, Block 927 of said plat;

Thence easterly along said south line and its easterly extension to the west line of Block 926 of said plat;

Thence northerly along said west line to the north line of Lot 22 of said Block;

Thence easterly along said north line and its easterly extension to the centerline of South "M" Street;

Thence northerly on said centerline to the centerline of South 10th Street;

Thence easterly along said centerline to the southerly extension of the centerline of the alley between Blocks 924 and 925 of STRUVE'S FIRST ADDITION TO THE CITY OF NEW TACOMA as recorded in Volume 1 of Plats at Page 51, records of the Pierce County Auditor;

Thence northerly along said alley centerline and its northerly extension to the centerline of South 9th Street;

Thence easterly along said centerline to the southerly extension of the centerline of the alley between Blocks 822 and 823 of CENTRAL ADDITION TO TACOMA, W.T. as recorded in Volume 58 of Plats at Pages 10-11, records of the Pierce County Auditor;

Thence northerly along said alley centerline and its northerly extension through Blocks 722 and 723 of said plat to the centerline of South 7th Street;

Thence westerly along said centerline to the centerline of South "L" Street;

Thence northerly along said centerline to the centerline of Division Avenue;

Thence northeasterly along said centerline to the Point of Beginning.

South 38th and "G" Street (Lincoln) Mixed-Use Center

Beginning at the intersection of the centerline of Tacoma Avenue and the southerly right of way margin of Interstate 5 (said point being in the southwest quarter of Section 09, Township 20 North, Range 03 East, W.M.);

Thence south along said centerline to the southerly plat boundary of TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, W.T. as recorded July 7, 1884, records of the Pierce County Auditor;

Thence west along said plat boundary to the northerly extension of the centerline of the alley in Block 102 of AMENDED MAP OF FIRST SCHOOL LAND ADDITION TO THE CITY OF TACOMA as recorded in Volume 7 of Plats at Pages 76-77, records of the Pierce County Auditor;

Thence southerly along said alley centerline through Block 103 of said plat to the centerline of South 37th Street;

Thence east along said centerline to the centerline of Tacoma Avenue;

Thence south along said centerline to the easterly extension of the southerly line of McGLOIN'S ADDITION TO TACOMA, WASHINGTON as recorded in Volume 8 of Plats at Page 69, records of the Pierce County Auditor;

Thence west along said southerly line and its westerly extension to the centerline of South "G" Street;

Thence south along said centerline 75 feet more or less;

Thence west 170 feet more or less to the west line of the east one half of Block 113 of said AMENDED MAP OF FIRST SCHOOL LAND ADDITION TO THE CITY OF TACOMA;

Thence south along said west line and its southerly extension to the centerline of South 40th Street;

Thence west along said centerline to the centerline of Yakima Avenue;

Thence north along said centerline to the easterly extension of the centerline of the alley between Blocks 8918 and 8919 of TACOMA LAND COMPANY'S SIXTH ADDITION TO TACOMA, W.T. as recorded March 2, 1888, records of the Pierce County Auditor;

Thence west along said alley centerline and its westerly extension to the centerline of Thompson Avenue;

Thence north along said centerline to the easterly extension of the south line of Lot 4, Block 8820 of said plat;

Thence west along said south line and its westerly extension to the centerline of the alley between Blocks 8820 and 8821 of said plat;

Thence north along said alley centerline and its northerly extension and the centerline of the alley between Blocks 8720 and 8721 of said plat to the westerly extension of the south line of Lot 15 of said Block 8720;

Thence east along said south line and its easterly extension to the centerline of Thompson Avenue;

Thence northerly along said centerline to the south right of way margin of Interstate 5;

Thence northeasterly along said south margin to the Point of Beginning.

James Center/TCC Mixed-Use Center

Beginning at the intersection of the centerlines of South 10th and South Vassault Street (said point being located in the northwest quarter of Section 2, Township 20 North, Range 02 East, W.M.);

Thence southerly along the centerline of South Vassault Street to the centerline of South 12th Street;

Thence east on the centerline of South 12th Street to the centerline of South Pearl Street;

Thence along said centerline to the easterly extension of the north right of way margin of South 17th Street;

Thence west along said north margin to the northerly extension of the east line of Block 12, of CROMWELL AND PRICHARD'S ADDITION TO TACOMA, W.T. as recorded in Volume 2 of Plats at Page 141, records of the Pierce County Auditor;

Thence south along said east line and its southerly extension along Block 16 of said plat to the centerline of South 19th Street;

Thence west along said centerline to the southerly extension of the east line of ROSEMOUNT PLACE as recorded at AFN 200608255003, records of Pierce County Auditor;

Thence north along said east line to the northeast corner of said plat;

Thence west along the north line of said plat to the southeast corner of MOUNT-NARROW SECOND ADDITION as recorded in Volume 26 of Plats at Pages 20-21, records of the Pierce County Auditor;

Thence north along the east line of said plat and its northerly extension to the centerline of South 12th Street;

Thence east along said centerline to the centerline of South Mildred Street;

Thence north along said centerline to the centerline of South 10th Street;

Thence east along said centerline to the Point of Beginning.

Tacoma Central Plaza/Allenmore Mixed-Use Center

Beginning at the intersection of the centerline of South 15th Street and east margin of Puget Sound Avenue (said point being located in southwest quarter of Section 6, Township 20 North, Range 03 East, W.M.);

Thence southerly along said east margin of Puget Sound Avenue 325 feet more or less to the intersection of said east margin and a line 660 feet more or less north of and parallel to South 18th Street (said line being the southern property line of Blocks 30 & 31, including vacated right-of-way, CONGDONS ADDITION TO THE CITY OF TACOMA, W.T. as recorded in Volume 2 of Plats at Page 19, records of the Pierce County Auditor);

Thence easterly along said line 735 feet more or less to the intersection of said line and the centerline of South Lawrence Street;

Thence southerly along said South Lawrence Street centerline 1050 feet more or less to the intersection of the centerlines of South Lawrence Street and South 19th Street;

Thence easterly along said centerline of South 19th Street 1200 feet more or less to the northerly extension of the easterly property line of Tract 1 of Short Plat 8008290274 records of Pierce County Auditor;

Thence southerly along said easterly property line of Tract 1 to the southeast corner thereof;

Thence west along the south line of said tract to the east right of way margin of South Cedar Street;

Thence southerly along said east margin to the northern margin of the State Route 16 right-of-way;

Thence westerly along said northern margin of the State Route 16 right-of-way to the northerly extension of the east line of Lot 11, Block 1 of HILLCREST ADDITION TO TACOMA, WASHINGTON as recorded in Volume 10 of Plats at Page 30, records of the Pierce County Auditor

Thence north along said northerly extension to the north line of said plat;

Thence west along said north line to the northwest corner thereof;

Thence west along the north line of OAKLAND ADDITION TO TACOMA, W.T. as recorded in Volume 1 of Plats at Page 19, records of the Pierce County Auditor and its westerly extension to the west line of the southeast quarter of the northeast quarter of Section 12, Township 20 North, Range 02 East, W.M.;

Thence north along said west line to the northwest corner of southeast quarter of the northeast quarter of said Section 12;

Thence east along the north line of the southeast quarter of the northeast quarter of Section 12, Township 20 North, Range 02 East, W.M to the centerline at the west end of South 23rd Street;

Thence northeasterly to the northwest corner of the South 23rd Street right of way;

Thence east along the north margin of South 23rd Street to the southerly extension of the west line of City of Tacoma Deed Number 6055;

Thence north along said southerly extension to the south line of said Deed;

Thence east along said south line to the east line of said Deed;

Thence north along the east line of City of Tacoma Deed number 6055 and the east lines of City of Tacoma Deeds number 1648, 1612, and 1614 to the north line of Deed number 1614;

Thence west along said north line to the southwest corner of Deed number 1616;

Thence north along the west line of said Deed to the centerline of South 19th Street;

Thence east along said centerline to the southerly extension of the centerline of the alley between Blocks 5 and 6 of WOLFARD AND PRITCHARD'S ADDITION TO TACOMA, W.T. as recorded in Volume 2 of Plats at Page 155, records of the Pierce County Auditor;

Thence north along said alley centerline and its northerly extension to the centerline of South 15th Street;

Thence east along said centerline to the centerline of West Union Avenue;

Thence south along said centerline to the centerline of South 15th Street;

Thence east along said centerline to the Point of Beginning.

Lower Portland Avenue Mixed-Use Center

Beginning at centerline intersection of East 28th Street with East “N” Street (said point being located in the Northwest quarter of Section 10, Township 20 North, Range 03 East, W.M.);

Thence easterly along the centerline of East 28th Street to the centerline of East “T” Street;

Thence southerly along said centerline to the easterly extension of the centerline of the alley between Blocks 8250 and 8349, MAP OF THE INDIAN ADDITION TO THE CITY OF TACOMA, as recorded in Volume 7 of Plats at Pages 30 and 31, records of the Pierce County Auditor;

Thence westerly along said alley centerline and the alley centerline between Blocks 8246 and 8345 of said plat to the northerly extension of the east line the west half of Lot 11, said Block 8345;

Thence south along the east line of said Lot and its southerly extension to the centerline of Wright Avenue;

Thence westerly along said centerline to the northerly extension of the east line of Lot 8, Block 8346 of said plat;

Thence southerly along said east line and the east line of Lot 8, Block 8445 and its southerly extension to the centerline of East 34th Street;

Thence west along said centerline to the northerly extension of the east line of Lot 7, Block 8446 in said plat;

Thence southerly along said east line and its southerly extension to the centerline of the alley between Blocks 8446 and 8545 of said plat;

Thence east along said alley centerline to the northerly extension of east line of the west half of Lot 9, of said Block 8545;

Thence southerly along said east line and its southerly extension to the centerline of East 35th Street;

Thence west along said centerline to a point 196 feet east of the centerline of East “N” Street;

Thence north on a line 196 feet east of and parallel with the centerline of East “N” Street to the centerline of East 32nd Street;

Thence west along said centerline to the centerline of East “N” Street;

Thence north along the centerline of East "N" Street to the north margin of East 31st Street;

Thence west along said north margin and the south line of Block 8139 of said plat to the southwest corner of Lot 10 of said Block;

Thence north along the west line of said Lot 10 through Blocks 8040 and 8039 of said plat and its northerly extension to the centerline of the alley between Blocks 7940 and 8039 in said plat;

Thence west along said alley centerline to the southerly extension of the east line of Lot 7, of said Block 7940;

Thence north along said east line and its northerly extension to the centerline of East 29th Street;

Thence west along said centerline to the southerly extension of the east line of Lot 5, Block 7939 of said plat;

Thence north along said east line and its northerly extension to the centerline of the alley between Blocks 7840 and 7939 of said plat;

Thence west along said centerline to the southerly extension of the east line of Lot 4, of said Block 7840;

Thence north along said east line to the south margin of the right of way of Interstate 5;

Thence northeasterly to the Point of Beginning.

South 72nd and Pacific Avenue Community Center

Beginning at the intersection of the centerlines of South 68th Street and South Bell Street (said point being located in the northwest quarter of Section 28, Township 20 North, Range 03 East, W.M.);

Thence southerly along said centerline of Bell Street and its southerly extension, 750 feet more or less to the north line of the south 150 feet of Block 8 of THE MAP OF PACIFIC AVENUE ADDITION TO THE CITY OF TACOMA, WASHINGTON TERRITORY as recorded in Volume 2 of Plats at Page 32, records of the Pierce County Auditor;

Thence east along said north line to the east line of said Block;

Thence south along said east line to the southeast corner thereof;

Thence west along the south line of said Block to the southwest corner thereof;

Thence south along the southerly extension of the west line of said Block 8 and the west line of Block 7 of said Plat and its southerly extension to the monument line of South 72nd Street;

Thence east along said monument line to its intersection with the centerline of South Bell Street;

Thence south along said centerline and its southerly extension 1991 feet more or less to the north line of City of Tacoma short plat recorded under A.F.N. 200605035002, records of the Pierce County Auditor;

Thence east along said north line to the northeast corner thereof;

Thence south along the east line of said Short Plat [and its southerly extension](#) to the north line of the south 83.40 feet of Lot 13 of T.J. SPOONER'S FIVE-ACRE LOTS IN SECTION 28 T.20N.R.3E as recorded in Volume 1 of Plats at Page 65, records of the Pierce County Auditor;

Thence west along said north line to the [West line of the East 330 feet of said Lot;](#)

Deleted: southerly extension of the centerline of South Bell Street;

Thence south along said [West line to the South line of said Lot 13;](#)

Deleted: southerly extended centerline to the easterly extension of the centerline of South 79th Street,

[Thence East along said South line to 33.55 feet to a point 296.45 feet West of the Northeast corner of Lot 16 of said Plat;](#)

[Thence south 75 feet to the North line of the South 116.84 feet of said Lot 16;](#)

Thence West along said North line to the East line of the West 111.45 feet of the East 296.45 feet of said Lot;

Thence South, parallel with the East line of said Lot, 116.84 feet to the North line of City of Tacoma Boundary Line Adjustment recorded under A.F.N. 9803050087, records of the Pierce County Auditor;

Thence east along said North line to the Northeast corner of Parcel "B" of said B.,L.A.;

Thence South along the East line of said Parcel and its southerly extension to the North line of City of Tacoma Short Plat recorded under A.F.N. 200405055004, records of the Pierce County Auditor;

Thence East to the Northeast corner of Lot 1 thereof;

Thence South to the Southeast corner said Lot;

Thence West to the Southwest corner said Lot;

Thence North along the West line of said Short Plat to the Northwest corner thereof, said point also being on the South line of the Southwest quarter of Section 28, Township 20 North, Range 03 East, W.M.;

Thence West along said South line to the easterly margin of Pacific Avenue;

Thence North along said easterly margin to the easterly extension of the centerline of South 79th Street;

Thence westerly along said easterly extended centerline to the southerly extension of the east line of Lot 22, Block 2 of SMITH'S ADDITION TO THE CITY OF TACOMA, W.T. as recorded in Volume 2 of Plats at Page 60, records of the Pierce County Auditor;

Thence north along said east line and the east line of Lot 5, Block 2 of said Plat and its northerly extension to the centerline of South 78th Street;

Thence west along said centerline to the southerly extension of the centerline of South "C" Street;

Thence north along said centerline to the centerline of South 76th Street;

Thence west along said centerline to the centerline of South "D" Street;

Thence north along said centerline to the centerline of South 70th Street;

Thence east along said centerline to a point 120 feet west of the westerly margin of Pacific Avenue;

Thence north parallel with and 120 feet westerly of said west margin to the centerline of South 68th Street;

Thence east along said centerline to the Point of Beginning.

South 72nd and Portland Avenue Mixed-Use Center

Beginning at the centerline intersection of East 67th Street and East Sonia Street, (said point being in the northeast quarter of Section 27, Township 20 North, Range 03 East, W.M.);

Thence southerly along the centerline of South Sonia Street to the centerline intersection with East 68th Street;

Thence east to the northerly extension of the west line of the plat HERSTAD'S THIRD ADDITION as recorded in Volume 21 of Plats at Pages 48-49, records of the Pierce County Auditor;

Thence south along said west line and its southerly extension to the centerline intersection with East 72nd Street;

Thence west along said centerline to the east margin of Portland Avenue;

Thence south along said east margin to the south margin of East 72nd Street;

Thence west along said south margin to the centerline of Portland Avenue and the City Limits of the City of Tacoma, the following five courses are along said City limits according to the Tacoma City Ordinance Number 18641;

Thence south along said centerline to 760 feet more or less;

Thence west, parallel with and 760 feet south of the south margin of East 72nd Street, 680 feet more or less;

Thence north 160 feet more or less;

Thence west 168 feet more or less;

Thence north 630 feet more or less to the centerline of East 72nd Street;

Thence west along said centerline to the centerline of East "M" Street;

Thence north along said centerline to the westerly extension of the centerline of the alley lying between Blocks 53 and 54 of UNION PACIFIC ADDITION TO TACOMA as recorded in Volume 7 of Plats at Page 1, records of the Pierce County Auditor;

Thence east along said alley centerline to the east boundary of said plat;

Thence north along said east boundary to the centerline of East 68th Street;

Thence east along said centerline and its easterly extension to the south west corner of the plat of SWEETS ADDITION TO TACOMA, W.T. as recorded in Volume 2 of Plats at Page 85, records of the Pierce County Auditor, said point being on the centerline Portland Avenue;

Thence north along said centerline to the centerline of East 67th Street;

Thence east along said centerline to the Point of Beginning.

Tacoma Mall Area Mixed-Use Center

Beginning at the centerline intersection of South 35th and South Pine Streets (said point being in the Northwest quarter of Section 18, Township 20 North, Range 02 East, W.M.);

Thence east along the centerline of South 35th Street to a point 295 feet east more or less of the west line of PRESCOTT PARK ADDITION TO TACOMA W.T. as recorded in Volume 2 of Plats at Page 151, records of the Pierce County Auditor;

Thence south 300 feet more or less to the northerly line of LINCOLN HEIGHTS ADDITION TO THE CITY OF TACOMA, WASHINGTON as recorded in Volume 14 of Plats at Pages 61-62, records of the Pierce County Auditor;

Thence east along said northerly line to the northeast corner of said plat;

Thence south along the east line of said plat to the intersection with the westerly right of way margin of Interstate 5, said point being on the easterly boundary of Parcel "C" of City of Tacoma Boundary Line Adjustment recorder under A.F.N 9604090099, records of Pierce County Auditor, 64.31 feet southwesterly of the northeast corner of said parcel;

Thence southwesterly along said easterly boundary to the northerly extension of the east line of Lot 8, Block 4 of GRATZER AND ASH FIRST ADDITION TO THE CITY TACOMA, WASHINGTON as recorded in Volume 14 of Plats at Pages 33-34, records of Pierce County Auditor;

Thence southeasterly along said east line to the westerly right of way margin if Interstate 5 ;

Thence southerly along said westerly margin to the easterly extension of the south line of Lot 6, Block 1 of BARKER'S ADDITION TO TACOMA, WASHINGTON as recorded in Volume 7 of Plats at Page 106, records of the Pierce County Auditor;

Thence west along said south line to the southwest corner of said lot and the east margin of Tacoma Mall Boulevard;

Thence southwesterly to the centerline intersection of South 49th Street and Tacoma Mall Boulevard;

Thence west along the centerline of South 49th Street to the southerly extension of the centerline of the alley between Blocks 3 and 4 of SOUTH PARK ADDITION TO TACOMA, W.T. as recorded in Volume 3 of Plats at Page 64, records of the Pierce County Auditor;

Thence north along said alley centerline and its northerly to the centerline of South 48th Street;

Thence west along said centerline to the southerly extension of the centerline of the alley between Blocks 46 and 47 of CASCADE PARK ADDITION TO TACOMA, W.T. as recorded in Volume 1 of Plats at Page 120, records of the Pierce County Auditor;

Thence north along said alley centerline and its northerly extension to the centerline of South 40th Street;

Thence east along said centerline to the centerline of South Warner Street;

Thence north along said centerline to the centerline of South Tacoma Way;

Thence northeasterly along said centerline to the centerline of South 36th Street;

Thence east along said centerline to the centerline of South Pine Street;

Thence north along said centerline to the Point of Beginning.

ORDINANCE NO. 27664

AN ORDINANCE relating to the Comprehensive Plan; amending the Growth Strategy and Development Concept Element, Generalized Land Use Element, Housing Element, Capital Facilities Element, Transportation Element, Environmental Policy Element, Recreation and Open Space Facilities Element, Culture and History Element, and the Neighborhood Element.

WHEREAS the Planning Commission (“Commission”) annually recommends changes to the Comprehensive Plan (“Plan”), pursuant to the Growth Management Act (“GMA”), and

WHEREAS, on October 17, 2007, the Commission made a recommendation to the City Council to adopt the proposed amendments, and

WHEREAS, on November 13, 2007, the City Council held a public hearing to receive public comments on the Commission’s recommendation, and

WHEREAS this year’s proposed amendments would modify nine Comprehensive Plan elements, to wit, the Growth Strategy and Development Concept Element, Generalized Land Use Element, Housing Element, Capital Facilities Element, Transportation Element, Environmental Policy Element, Recreation and Open Space Facilities Element, Culture and History Element, and the Neighborhood Element, and

WHEREAS the majority of the proposed amendments are in relation to the City’s Mixed-Use Center review project, and

WHEREAS, in addition, the Transportation Element is being revised to add the Northeast Tacoma trail network to the unfunded project list, and

WHEREAS the Neighborhood Element is being revised to modify and add a policy to provide direction for the future reuse of a proposed low-intensity area near South 29th Street and Adams Street, and

WHEREAS the Generalized Land Use Map will be modified to change the land use intensity designations within existing and proposed mixed-use centers, in areas to be removed from the mixed-use centers and to other areas of the City associated with private applications to amend the Comprehensive Plan; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council adopts the Findings and Recommendations of the Planning Commission, dated October 17, 2007.

Section 2. That the Comprehensive Plan is hereby amended, as summarized on Exhibit "A" and Exhibit "B," attached hereto, and substantially in the form of the amendments on file in the office of the City Clerk, relative to the Growth Strategy and Development Concept Element, Generalized Land Use Element, Housing Element, Capital Facilities Element, Transportation Element, Environmental Policy Element, Recreation and Open Space Facilities Element, Culture and History Element, and the Neighborhood Element.

Section 3. The effective date of this ordinance shall be December 31, 2007.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

ORDINANCE NO. 27667

AN ORDINANCE of the City of Tacoma, Washington, relating to the Tacoma Mountain Division Railroad; providing for the issuance of a Junior Lien Revenue Bond, 2007 (Mountain Rail Taxable Line of Credit), of the Mountain Division Railroad in the principal amount of not to exceed \$6,250,000, the proceeds of which will be used to repay the outstanding principal of existing inter-fund loans and to provide additional funding to provide for operations, maintenance and capital projects through September 30, 2008; determining the form, terms, and covenants of the bond; establishing a bond redemption fund; and approving the sale and providing for the delivery of the bond to the City Treasurer as a qualified City investment.

WHEREAS the City of Tacoma (the "City") owns and operates a rail system known as the Mountain Division Railroad (the "Rail System") as a separate fund within the City's Department of Public Works, and

WHEREAS the City has outstanding inter-fund loans from the Capital Improvements Fund and the General Fund to the Rail System (the "Outstanding Inter-fund Loans"), to provide interim financing for cash flow deficits from operations and grant match for capital projects included in the approved biennial budgets for the Mountain Division Railroad, and

WHEREAS the City has outstanding a senior taxable line of credit revenue anticipation note with Bank of America, N.A., (the "Outstanding Note"), issued pursuant to Ordinance No. 27256 passed August 3, 2004, as amended by Ordinance No. 27264 passed September 14, 2004, to provide financing for capital improvements, maintenance and operations of the Mountain Division Railroad, and

WHEREAS on April 20, 2004 the Public Works Department and the Belt Line Division of the Department of Public Utilities (d.b.a. "Tacoma Rail") entered in to a Memorandum of Agreement ("MOA") for the operation of the Mountain

Division Railroad, which MOA was extended through December 31, 2006, and which MOA is anticipated to be extended further through September 30, 2008, and

WHEREAS, the Public Works Department and Tacoma Rail are anticipating the development of an agreement to transfer the Mountain Rail Division to the Tacoma Rail by June 30, 2008 and funding is needed to provide for operations through at least that date; and

WHEREAS, pursuant to RCW 35.39.030 the City is authorized to invest its funds in its own utility revenue bonds; and

WHEREAS, the City desires to provide a market-rate return on a portion of the funds it regularly invests while making those funds available to finance the repayment of the Outstanding Inter-fund Loans and providing for operating and capital needs of the Mountain Division Railroad; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. Definitions. As used in this ordinance and for the purposes of this ordinance, the following words shall have the following meanings:

“Bond” means the Junior Lien Revenue Bond, 2007 (Mountain Division Railroad Taxable Line of Credit), authorized to be issued by this ordinance.

“Bond Fund” means that special fund of the City, known as the Junior Lien Revenue Bond Fund, 2007 (Mountain Division Railroad Taxable Line of Credit), created by this ordinance for the payment of the principal of and interest on the Bond.

“Bond Register” means the books or records maintained by the Bond Registrar containing the name and mailing address of the Registered Owner of the Bond.

“Bond Registrar” means the Finance Director of the City.

“Business Day” means any day that is not a Saturday, Sunday, or other day on which commercial banks located in Tacoma, Washington, are closed for business.

“City” means the City of Tacoma, Washington.

“City Clerk” means the City Clerk of the City, or any other officer who succeeds to substantially all of the responsibilities of that office specified in this ordinance.

“Draw” means each incremental draw upon the Bond.

“Finance Director” means the Director of the Department of Finance of the City, or any other officer who succeeds to substantially all of the responsibilities of that office specified in this ordinance.

“Gross Revenue of the Rail System” or “Gross Revenue” means, in any fiscal year of the Rail System all income (including investment income), receipts and revenues received by the City through the ownership and operation of the Rail System, including any income derived by the City through the ownership and operation of any facilities that may hereafter be purchased, constructed, or otherwise acquired and operated by the City as a part of the Rail System. However, Gross Revenue shall not include principal proceeds of other borrowings of the Rail System; grants or other capital contributions; or

earnings or proceeds from any investments in a trust, defeasance, or escrow fund created to defease or refund Rail System obligations (until commingled with other earnings and revenues of the Rail System defined as Gross Revenue).

“Maturity Date” means that date ten years after the initial draw on which date the entire outstanding principal shall be repaid.

“Net Revenue of the Rail System” or “Net Revenue” means the Gross Revenue minus Operation and Maintenance Expenses and proceeds from the sale of property of the Rail System.

“Operation and Maintenance Expenses” means all expenses incurred by the Mountain Division Railroad in causing the Rail System to be operated and maintained in good repair, working order, and condition, including, without limitation: deposits, premiums, assessments, or other payments for insurance, if any, on the Rail System; payments into pension funds; state-imposed taxes; payments made to any other person or entity that are required in connection with the operation of the Rail System; and payments with respect to any other expenses of the Rail System that are properly treated as operation and maintenance expenses under generally accepted accounting principles applicable to municipal corporations. Operation and Maintenance Expenses does not include any depreciation, capital additions, or capital replacements to the Rail System.

“Outstanding Inter-fund Loans” means \$4,550,000 of inter-fund loans issued pursuant to Ordinance No. 26551 passed on December 14, 1999 for \$450,000, Ordinance No. 26741 passed on December 5, 2000 for \$2,000,000,

extended by Ordinance No. 27034 passed on December 17, 2002, Ordinance No. 27247 passed on June 29, 2004, and Ordinance No. 27565 passed on December 12, 2006, and Resolution No. 37057 passed on December 5, 2006 for \$2,100,000.

“Outstanding Note” means the outstanding senior taxable line of credit revenue anticipation note with Bank of America, N.A., issued pursuant to Ordinance No. 27256 passed August 3, 2004, as amended by Ordinance No. 27264 passed September 14, 2004, for \$2,200,000 to provide financing for capital improvements, maintenance and operations of the Mountain Division Railroad.

“Rail System” means the Mountain Division Railroad rail system of the City as it now exists, and all additions thereto and betterments and extensions thereof at any time made.

“Registered Owner” means the City, as registered owner of the Bond.

“Treasurer” means the Treasurer of the City.

Section 2. Authorization and Description of Bond. For the purpose of providing all or a part of the money required to repay the Outstanding Inter-fund Loans, of funding ongoing obligations under the Outstanding Note, and of financing operations, maintenance and grant match through September 30, 2008, the Mountain Division Railroad shall issue the Bond in the aggregate principal amount of not to exceed \$6,250,000. The Bond shall be designated the Junior Lien Revenue Bond, 2007 (Mountain Division Railroad Taxable Line of Credit); shall be dated as of the date of the Draw on the Bond; shall mature

ten years from its dated date (the "Maturity Date"); shall be issued in registered form; and shall be numbered R-1. The City anticipates that the Mountain Division Railroad will make one draw of the note consisting of the entire authorized amount.

The Draw shall bear interest at the rate equal to the composite interest rate earned on the investments of the City Treasury's pooled cash portfolio for the previous calendar quarter, adjusted on the first day of each quarter. Interest on the Draw shall accrue from the date of that Draw and shall be computed on the principal amount of the Draw outstanding on the basis of a 360-day year of twelve 30-day months for the amount of time the principal amount of the Draw is outstanding, up to and including the Maturity Date or prepayment. Principal of and interest on the Bond shall be payable as described in Section 5 below. The City finds that the fixing of the above interest rate is in the best interest of the City.

Interest on the Bond will not be excluded from gross income of the Registered Owner for federal income tax purposes.

Section 3. Designation of Officers to Make Draws. The City Council authorizes the Finance Director, or his designee, to make the Draw against the Bond in such amounts and at such times as he may determine hereafter, the Draw to be made in accordance with the terms and provisions set forth herein.

Section 4. Bond Registrar; Registration and Transfer of Bond. The Finance Director shall serve as Bond Registrar for the Bond. The Bond shall be issued only in registered form as to both principal and interest and shall be

recorded on the Bond Register. The Bond Register shall contain the name and mailing address of the Registered Owner of the Bond. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver the Bond in accordance with the provisions of the Bond and this ordinance, to serve as the City's paying agent for the Bond and to carry out all of the Bond Registrar's powers and duties under this ordinance.

The Bond may not be assigned or transferred by the City as the Registered Owner.

Section 5. Bond Fund; Payment of Bond Principal and Interest. The Bond Fund is created in the City Treasury as a special fund of the City, to be known as the Junior Lien Revenue Bond Fund, 2007 (Mountain Division Railroad Taxable Line of Credit). Both principal of and interest on the Bond shall be payable in lawful money of the United States of America solely from the Gross Revenue of the Rail System deposited in the Bond Fund. So long as the Bond is outstanding, the owner of the Mountain Division Railroad shall set aside and pay into the Bond Fund out of the Gross Revenue of the Rail System on or before each interest or principal and interest payment date at least an amount which, together with other money on deposit therein, will be sufficient to pay the interest, or principal and interest, to become due and payable on the Bond on that payment date.

Interest on the Draw shall be payable to the Registered Owner quarterly, on the first day of each January, April, July, and October, commencing January 1, 2008. Principal of the Bond shall be payable to the Registered

Owner in one installment, on that date ten years after the initial Draw. Upon the final payment of principal of and interest on the Bond the Registered Owner shall surrender the Bond to the Bond Registrar for destruction or cancellation in accordance with law.

Section 6. Prepayment of Bond. The owner of the Mountain Division Railroad reserves the right to prepay all or a portion of the principal of the Bond on any date without notice, premium, or penalty. Interest on the Bond or the portion thereof so prepaid shall cease to accrue on the date of such prepayment.

Section 7. Failure to Redeem Bond. If the Bond is not redeemed when properly presented at its maturity or call date, the owner of the Mountain Division Railroad shall be obligated to pay interest on the Bond at the same rate provided in the Bond from and after its maturity or call date until the Bond, both principal and interest, is paid in full or until sufficient money for its payment in full is on deposit in the Bond Fund and the Bond has been called for payment by giving notice of that call to the Treasurer.

Section 8. Security; Junior Lien Position; Due Regard Finding. The Bond is a special obligation of the Mountain Division Railroad payable only from the Gross Revenue of the Rail System deposited in the Bond Fund. The Gross Revenue of the Rail System and all money and investments held in the Bond Fund are pledged to the payment of the principal of and interest on the Bond, and this pledge shall constitute a lien and charge upon the Gross Revenue junior and inferior to the pledge of the Gross Revenue to the Outstanding Note,

or to any bonds or other obligations of the Rail System subsequently issued by the City.

The owner of the Mountain Division Railroad finds and determines the Gross Revenue and the benefits to be derived from the operation and maintenance of the Rail System at the rates to be charged for services of the Rail System will be more than sufficient to meet all Operation and Maintenance Expenses and to permit the setting aside into the Bond Fund out of the Gross Revenue of amounts sufficient to pay the principal of and interest on the Bond when due. The owner of the Mountain Division Railroad further declares that, in creating the Bond Fund and in fixing the amounts to be paid therein, it has exercised due regard for Operation and Maintenance Expenses, and the owner of the Mountain Division Railroad has not bound and obligated itself to set aside and pay into the Bond Fund a greater amount or proportion of the Gross Revenue than, in its judgment, will be available over and above the Operation and Maintenance Expenses.

Section 9. Covenants. The owner of the Mountain Division Railroad covenants and agrees that:

(a) It will establish, maintain, and collect rates and charges for services and facilities provided by the Rail System which will be fair and equitable, and will adjust those rates and charges from time to time; and

(b) It will at all times maintain, preserve, and keep the properties of the Rail System in good repair, working order, and condition; will make all necessary and proper additions, betterments, renewals, and repairs thereto,

and improvements, replacements, and extensions thereof; and will at all times operate or cause to be operated the properties of the Rail System and the business in connection therewith in an efficient manner and at a reasonable cost.

Section 10. Form and Execution of Bonds. The Bonds shall be typewritten in a form consistent with the provisions of this ordinance and state law, shall be signed by the Mayor and Finance Director, either or both of whose signatures may be manual or in facsimile, and the seal of the City or a facsimile reproduction thereof shall be impressed or printed thereon.

To be valid or obligatory for any purpose or entitled to the benefits of this ordinance, the Bond shall bear a Certificate of Authentication in the following form, manually signed by the Bond Registrar:

CERTIFICATE OF AUTHENTICATION

This Bond is the fully registered Junior Lien Revenue Bond, 2007 (Mountain Division Railroad Taxable Line of Credit), of the City of Tacoma, Washington, described in the Bond Ordinance.

Finance Director of the City
and Bond Registrar

The authorized signing of a Certificate of Authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated, and delivered and is entitled to the benefits of this ordinance.

If any officer whose facsimile signature appears on the Bond ceases to be an officer of the City authorized to sign bonds before the Bond bearing his or her

facsimile signature is authenticated or delivered by the Bond Registrar or issued by the City, the Bond nevertheless may be authenticated, issued, and delivered and, when authenticated, issued, and delivered, shall be binding on the City as though that person had continued to be an officer of the City authorized to sign bonds. The Bond also may be signed on behalf of the City by any person who, on the actual date of signing of the Bond, is an officer of the City authorized to sign bonds, although he or she did not hold the required office on the date of issuance of the Bond.

Section 11. Deposit of Bond Proceeds. The proceeds of the Bond required to refund the Outstanding Inter-fund Loans shall be deposited in the Capital Improvements Fund and the General Fund in the proper portions to refund the Outstanding Inter-fund Loans. The principal proceeds of the Bond remaining shall be deposited into the Mountain Division Railroad Operating Fund (4120) to be used for the purposes specified in Section 2 of this ordinance.

Section 12. Approval of Transaction; Execution of Documents. The Treasurer has offered to purchase the Bond under the terms and conditions provided in this ordinance as a qualified investment of the City. The City Council finds that such investment is in the City's best interest and, therefore, authorizes the Treasurer to purchase the Bond under the terms of this ordinance.

The proper City officials are authorized and directed to do everything necessary for the prompt delivery of the Bond to the Registered Owner and for the proper application and use of the proceeds of the issuance thereof.

Section 13. Ratification of Prior Acts. Any action taken consistent with the authority and prior to the effective date of this ordinance is ratified, approved, and confirmed.

Section 14. Section Headings. The section headings in this ordinance are used for convenience only and shall not constitute a substantive portion of this ordinance.

Section 15. Effective Date of Ordinance. This ordinance shall take effect and be in force from and after its passage and ten days following its publication.

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

ORDINANCE NO. 27670

AN ORDINANCE executing a grant agreement with the Recreation and Conservation Office, Washington Wildlife and Recreation Program; and accepting and appropriating the expenditure of grant funds, in the amount of \$419,092, for the Chinese Reconciliation Park Project Phase II.

WHEREAS, in the year 2006, the City applied for a grant from the Washington State Recreation and Conservation Office in the amount of \$419,092, and

WHEREAS the City will use the grant funds to begin Phase II of the Chinese Reconciliation Park Project, and

WHEREAS, under this phase, the shoreline protection element, along with additional trails, landscaping, signage, plazas, installation of the Fuzhou Ting, and other improvements will be completed, and

WHEREAS a City match of \$419,092 is required and will consist of \$350,000 from the City and \$77,000 from a Washington Historical Society grant, which has been granted, but not yet received; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the proper officers of the City are hereby authorized to execute a grant agreement, in the amount of \$419,092, with the Recreation and Conservation Office, Washington Wildlife and Recreation Program.

Section 2. That the proper officers of the City are hereby authorized to accept and appropriate the sum of \$419,092 for the Chinese Reconciliation

Park Project Phase II, said document to be substantially in the form of the proposed grant agreement on file in the office of the City Clerk.

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

Assistant City Attorney

ORDINANCE NO. 27671

AN ORDINANCE relating to the crime of obstructing a public servant; updating definitions to be consistent with state law, expanding the prohibition on obstructing a public servant to include all law enforcement officers and public officials, updating penalties, and amending Sections 8.17.015 and 8.17.020 of the Tacoma Municipal Code.

WHEREAS Section 8.17.015 of the Tacoma Municipal Code (“TMC”) prohibits obstructing a public servant, and

WHEREAS the current provision does not provide protection to public officials to the extent provided by state law and includes obsolete language, and

WHEREAS public safety, health, and welfare will be enhanced by extending the prohibition on obstructing a public servant to all types of law enforcement officers and other public officials covered by state law and clarifying the definitions related to this prohibition, and

WHEREAS, on September 27, 2007, the Public Safety and Human Services Committee gave a “do pass” recommendation to the proposed changes; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Sections 8.17.015 and 8.17.020 of the Tacoma Municipal Code are amended, as set forth in Exhibit “A.”

Section 2. Severability. If any part, provision, or section of this chapter is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

EXHIBIT "A"

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 fined in any sum not exceeding \$ 5,000.00 or imprisoned for a term not exceeding one year, or both such fine and imprisonment.

ORDINANCE NO. 27672

AN ORDINANCE relating to the licensing and regulation of pets; defining and regulating dangerous and potentially dangerous dogs; prohibiting possession of dangerous dogs; banning roosters; defining owners who repeatedly violate animal control laws as “problem pet owners” and setting the penalties therefor; regulating the sale and giving away of puppies and kittens, and amending Title 17 of the Tacoma Municipal Code.

WHEREAS Title 17 of the Tacoma Municipal Code regulates the licensing, control, and conduct of animals and animal owners in the City of Tacoma, and

WHEREAS responsible pet ownership, the humane treatment of pets, and effective animal control measures benefit the health, safety, and welfare of the citizens of Tacoma, and

WHEREAS, on September 27, 2007, the Public Safety and Human Services Committee gave a “do pass” recommendation to the proposed changes; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That, having considered the record of the Public Safety and Human Services Committee (“Committee”) meetings, including documents provided to the Committee and on file in the office of the City Clerk, as well as the testimony received by both the Committee and the City Council during public hearings and comment, the City Council makes the following findings of fact:

1. Dogs that kill or inflict injury on humans or other animals pose a serious risk to the health and safety of the City’s residents, visitors to the City, and their property.
2. The risks associated with dogs that meet the definition of “dangerous” as defined in Exhibit “A” cannot be adequately controlled in an urban setting and such dogs’ presence in the City poses an unacceptable risk of future injuries or deaths of humans and animals.

3. Noise created by roosters is incompatible with an urban setting.
4. The owners and keepers of pets must act responsibly to provide adequate food, shelter, and care to animals in their charge and to ensure that the animals do not disturb the peace, threaten the safety of others or property, or create a nuisance.
5. Pet owners and keepers who repeatedly disregard or violate animal control laws imperil public health, safety, and welfare, because they allow their animals to roam, make noise, breed, deposit waste, damage property, and endanger, injure, and kill humans and other animals. The most effective means to maintain public health, safety, and welfare is to prohibit such owners and keepers from possessing animals.
6. Pet overpopulation is a serious problem in the City of Tacoma, resulting in unwanted and uncared for animals and the euthanization of numerous dogs and cats every year. Responsible pet ownership, including proper licensing and spaying or neutering animals, substantially assists in controlling pet overpopulation.
7. Animals owned by persons who do not obtain a pet license or who do not obtain proper licensing for their animals are a significant source of animal control violations and most unaltered dogs and cats are not licensed or not properly licensed and produce unwanted puppies and kittens, which add to pet overpopulation and the problems associated with pet overpopulation.

Section 2. That Title 17 of the Tacoma Municipal Code is amended, as set forth in Exhibit "A."

Section 3. Severability. If any part, provision, or section of this chapter is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

EXHIBIT “A”

17.01.010 Definitions.

As used in this title, the following terms shall have the following meanings:

1. “Adult” means any animal over the age of 21 weeks.
2. “Animal” means any nonhuman mammal, bird, reptile, or amphibian.
3. “Altered” means an animal which has been spayed or neutered. To qualify as an altered animal, an individual must provide either proof of alteration from a licensed veterinarian or a written statement from a licensed veterinarian that the spay/neuter procedure would be harmful to the animal.
4. “Animal control” or “animal control authority” means a City department or division designated by the City Manager to implement and enforce the provisions of this title.
5. “Animal control officer” means any Tacoma police officer or an employee of the City authorized by the City and specially commissioned by the Chief of Police to enforce Tacoma Municipal Code (“TMC”) Title 17.
6. “Animal shelter” or “shelter” means a facility operated by the Humane Society or another facility that contracts with the City to provide for the care of animals impounded or detained by an animal control officer or released to an animal control officer under this title.
7. “Animal welfare facility” means any indoor or outdoor facility where pets are routinely housed or maintained by or for an animal welfare organization.
8. “Animal welfare organization” means any public or private charitable organization, whether called a kennel, cattery, shelter, society, or rescue, and includes the organization's officers, agents, and representatives when acting in the name or on behalf of the organization that controls, rescues, shelters, cares for, or disposes of pets as all or part of the purpose of the organization.
9. “At large” means off the premises of the owner or keeper of the animal, and not under restraint by leash or chain eight feet in length or shorter.
10. “Cat” a member of the species *Felis catus* and commonly known as the domestic cat..
11. “Charitable organization” means any organization recognized as a nonprofit corporation under the provisions of Chapter 24.03 of the Revised Code of Washington (“RCW”) and exempt from the Washington State business and occupation tax pursuant to RCW 82.04.3651.
12. “Commercial pet facility” means any place, premises, or entity where pets are boarded, kept, or bred for hire, or where pets are housed for resale, such as pet shops, but not including a veterinary hospital where boarding is incidental to treatment. Animal daycare operations are included in the definition of commercial pet facility.
13. “Competent person” means a person who is able to sufficiently care for, control, and restrain an animal and who has the capacity to exercise sound judgment regarding the rights and safety of others.
14. “Court” means Tacoma Municipal Court or the Superior Court of Pierce County, which courts shall have concurrent jurisdiction hereunder.
15. “Dangerous dog” means any dog that, according to the records of the appropriate authority:
 - a. unprovoked, inflicts severe injury on or kills a human being on public or private property; or
 - b. unprovoked, inflicts injuries requiring a domestic animal to be euthanized or kills a domestic animal while the dog is off the owner’s property; or
 - c. while under quarantine for rabies bites a person or domestic animal; or
 - d. was previously declared to be a potentially dangerous dog, the owner having received notice of such declaration, and the dog is again found to have engaged in potentially dangerous behavior; or
 - e. is owned or harbored primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
 - f. unprovoked, attacks a “dog guide” or “service animal” as defined in Chapter 70.84 RCW and inflicts injuries that render the dog guide or service animal to be permanently unable to perform its guide or service duties.
16. “Dog” means a member of the species *Canis lupus familiaris* and commonly known as the domestic dog..

17. "Gross misdemeanor" means a crime with a maximum penalty of one year in jail, a \$5,000 fine, or both such fine and imprisonment.
18. "Harboring" means knowingly providing food or shelter to an animal.
19. "Humane trap" means a live animal box enclosure trap designed to capture and hold an animal without injury.
20. "Impound" means to receive into the custody of the animal shelter or into the custody of the City animal control officer.
21. "Infraction" means a civil infraction pursuant to Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") and any local rule adopted thereto by the Tacoma Municipal Court.
22. "Livestock" means all cattle, sheep, goats, or animals of the bovidae family; all horses, mules, llamas, alpacas, other hoof animals, or animals of the equidae family; all pigs, swine, or animals of the suidae family; and ostriches, rhea, and emu.
23. "Misdemeanor" means a crime with a maximum penalty of 90 days in jail, a \$1,000 fine, or both such fine and imprisonment.
24. "Owner" means any person, firm, corporation, organization, trust, or partnership possessing, harboring, keeping, having an interest in, or having control, custody, or possession of an animal.
25. "Person" shall include any person, partnership, corporation, trust, or association of persons.
26. "Police dog." The definition of "police dog" in RCW 4.24.410, including all future amendments, additions, or deletions, is adopted by reference.
27. "Potentially dangerous dog" means any dog which:
- a. unprovoked, bites or injures a human or domestic animal on public or private property; or
 - b. unprovoked, chases or approaches a person or domestic animal upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack; or
 - c. has a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of humans or domestic animals.
28. "Poultry" means domestic fowl normally raised for eggs or meat, and includes chickens, turkeys, ducks, and geese.
29. "Proper enclosure" means a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the animal. An animal that is securely confined indoors is also within a "proper enclosure."
30. "Securely enclosed and locked" means a pen or structure which has secure sides and a secure top suitable to prevent the entry of young children and designed to prevent the animal from escaping. If the pen or structure has no bottom secured to the sides, then the sides must be embedded in the ground no less than one foot.
31. "Severe injury" means any physical injury that results in (a) broken bones, (b) muscle, ligament, or tendon tears, (c) skin lacerations or puncture wounds which require sutures or surgery, or (d) transmission of an infectious or contagious disease.
32. "Unconfined" means not securely confined indoors or in a securely enclosed and locked pen or structure upon the premises of the person owning, harboring, or having the care of the animal. The present tense shall include the past and future tense, and the future the present. Each gender shall include all genders. The singular number shall include the plural, and the plural the singular.

* * *

17.01.070 Interference with impounding –gross misdemeanor.

It is unlawful for any person to willfully prevent or hinder the impounding of any animal, or to by force or otherwise remove any animal from the animal shelter without authority of the person in charge of the animal shelter, or without payment of all lawful charges against such animal. Violation of this section is a gross misdemeanor.

17.01.080 Redemption of dogs.

Unless otherwise specifically provided in this title, the owner of any dog impounded under this title may redeem said dog within 48 hours from time of impounding by paying the appropriate redemption fee to the shelter, if the animal is in the animal shelter; otherwise, to the City. For the first impound within a one-year period, the redemption fee is \$25; for the second impound within a one-year period, the redemption fee is \$50; for the third and subsequent impounds within a one-year period, the redemption fee is \$75. In addition to the redemption fee, the redeemer shall pay as a boarding charge for the caring and keeping of such dog the sum of \$6 per day for each day, including the first and last days that the dog is retained by the animal shelter and any licensing fees and penalties related to licensing. All fees and charges must be paid prior to redeeming the dog. A dog may not be redeemed unless it is properly licensed. If an impounded dog is not redeemed by the owner within 48 hours, then any person may purchase it within the next 48 hours by complying with the animal shelter's purchase provisions. In case such dog is not redeemed within 96 hours of impoundment, it may be humanely euthanized or otherwise disposed of within the discretion of the animal shelter.

* * *

17.01.100 Redemption of animals other than dogs and livestock.

The owner of any animal other than a dog or livestock impounded under the provisions of this title may redeem it within 48 hours from the time of impounding by paying a redemption fee of \$15 to the shelter, if the animal is in the animal shelter; otherwise, to the City. In addition to the redemption fee, the redeemer shall pay as a boarding charge for the caring and keeping of such animal the sum of \$4 per day for each day, including the first and last days that the animal is retained by the animal shelter. All fees and charges must be paid prior to redeeming a cat. A cat may not be redeemed unless it is properly licensed. If such animal is not redeemed by the owner within 48 hours, it may be humanely euthanized or otherwise disposed of at the discretion of the animal shelter; provided, however, at the discretion of the animal shelter, any animal so impounded less than two months of age may be humanely euthanized or otherwise disposed of at any time after impounding.

17.01.110 Mandatory spay/neuter for impounded dogs and cats –exception.

A. No unaltered dog or cat that is impounded more than once in any 12-month period may be redeemed by any person until the animal is spayed or neutered. The alteration shall be accomplished by the shelter or by transport of the animal by animal control personnel to any duly licensed veterinarian in Pierce County. In all cases, the veterinarian fees shall be paid at the time of redemption by the animal's owner.
B. Exceptions. The alteration shall not be required upon a showing of proof of alteration from a licensed veterinarian. The alteration shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian stating that the spay or neuter procedure would be harmful to the animal.

* * *

17.01.130 Conditions of release.

The animal control authority may refuse to release to its owner any animal that has been impounded more than once in a 12-month period unless the owner demonstrates that he or she has taken steps to reasonably ensure that the violation will not occur again. The shelter or the animal control authority may impose reasonable conditions that must be satisfied by the owner before release of the animal, including conditions assuring that the animal will be confined. Failure to comply with the conditions of release is a violation.

17.01.140 Injured or diseased animals.

Any animal suffering from serious injury or disease may be humanely euthanized by the shelter or City; provided, that the shelter or City shall immediately notify the owner if the owner is known, and if the owner is unknown, make a reasonable effort to locate and notify the owner.

* * *

17.01.170 Poisoning animals – penalty – Adoption by reference.

RCW 16.52.190, “Poisoning Animals – Penalty,” as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

* * *

17.02.010 Animals at large on public grounds.

A. It is a violation for the owner or person having control or custody of any animal to allow such animal to be at large in any park or to enter any public beach, pond, fountain, or stream therein, or upon any public playground or school ground, or in any public building. Any animal entering or trespassing upon such property may be seized and impounded.

B. This section does not apply:

1. to areas designated as an off-leash area by the City or by the Metropolitan Parks District;
2. if animals are allowed off-leash as part of a special events permit issued under TMC 11.15; or
3. if off-leash activity has been authorized by a public property owner on the owner's property.

* * *

17.02.030 Stray dog, cat, or animal.

Any stray dog, cat, or animal running at large within the City may be seized and impounded. For the purposes of this section, "stray dog," "stray cat," and "stray animal" shall mean and include any dog, cat, or animal loitering in a neighborhood or any public place without an apparent owner or home.

* * *

17.02.070 Confinement of an animal in a motor vehicle.

It is a violation for an owner or person to confine any animal in a motor vehicle in such a manner that places it in a life- or health-threatening situation by exposure to a prolonged period of extreme heat or cold. In order to protect the health and safety of such animal, an animal control officer or law enforcement officer shall have the authority to enter such motor vehicle by any reasonable means under the circumstances, if the animal is in an immediate life-threatening condition.

17.02.071 Removal of animals for feeding — Examination — Notice — Euthanasia — Adoption by reference.

RCW 16.52.085, "Removal of animals for feeding — Examination — Notice — Euthanasia," as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

17.02.080 Dogs jumping and/or threatening pedestrians.

It is a violation for the owner or other person having control of any dog to allow such dog to frequently or habitually to chase, run after, snarl at, growl at, jump upon, or threaten persons upon public sidewalks, roads, streets, alleys, or public places. Any such dog may be seized and impounded.

17.02.090 Animals injuring humans, domestic animals, or livestock —gross misdemeanor.

The owner or other person having control or custody of any animal is guilty of a gross misdemeanor if he or she has possession, custody, or control of an animal that, because of the owner's negligence, causes injury to a human, domestic animal, or livestock which is acting in a lawful manner. Any such animal may be seized and impounded.

Any penalties imposed under this section are in addition to any penalties or civil remedies imposed in relation to a declaration that a dog is dangerous or potentially dangerous.

17.02.091 Rabies notification.

When an animal control officer is notified that an animal has bitten a human and the bite penetrated the skin, the animal control authority shall notify the Health Department.

* * *

17.02.110 Directing dog to harass or attack public officer – gross misdemeanor – minimum mandatory.

It shall be unlawful for any person having control or custody of any dog to allow, direct, encourage, cause, or otherwise aid or assist any dog to threaten, charge, intimidate, bite, harass, menace, or attack any animal control or other public officer engaged in the conduct of his or her duties. Any such animal may be seized and impounded. Any violation of this section is a gross misdemeanor, and shall carry a minimum mandatory sentence of five days in jail and a fine of no less than \$500.

“Public officer” means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer, as those terms are defined in RCW 10.93.020, and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.

**** *17.02.132 Removal of animal waste.**

A. It is a violation for any person to fail to immediately remove fecal matter deposited by a dog or other animal in his or her possession on public property such as park property, school grounds, public rights-of-way, or public easements or on private property that does not belong to the animal’s owner or custodian.

B. This section shall not apply to a “guide” or “service” dog, as now or hereafter defined in RCW 70.84, while the dog is in harness.

** *

17.02.041 Roosters prohibited.

It is a violation for any person to own, possess, or harbor a rooster within the City limits.

** *

17.04.030 Declaration of dogs as dangerous or potentially dangerous –procedure.

A. The City animal control supervisor shall classify potentially dangerous dogs and dangerous dogs. The City animal control supervisor may find and declare a dog dangerous if an animal control officer has probable cause to believe that the dog falls within the definitions set forth in Section 17.01.010. A above. The City animal control supervisor may find and declare a dog potentially dangerous if an animal control officer has probable cause to believe that the dog falls within the definitions set forth in Section 17.01.010 above. The finding must be based upon:

1. the written complaint of a citizen; or
2. any dog bite report filed with the shelter or City; or
3. actions of the dog witnessed by any animal control officer or law enforcement officer; or
4. other substantial evidence.

B. The declaration of dangerous dog or potentially dangerous dog shall be in writing and shall be served on the owner in one of the following methods:

1. certified and regular mail to the owner's last known address; or
2. personally.

C. The declaration shall state at least:

1. a description of the dog;
2. the name and address of the owner of the dog, if known;
3. the whereabouts of the dog, if it is not in the custody of the owner;
4. a summary of the facts upon which the declaration of dangerous or potentially dangerous dog is based, including the definition of dangerous or potentially dangerous under which the declaration is being made;
5. the availability of a hearing in case the person objects to the declaration, if a request is made within ten days of the date of personal service or mailing or first publication;
6. a summary of the restrictions placed on the dog as a result of the declaration; and
7. a summary of the potential penalties for violation of the restrictions, including the possibility of destruction of the animal and imprisonment or fining of the owner.

17.04.031 Hearing procedure – Dangerous Dogs.

A. If the owner of the dog wishes to object to the declaration, he or she may request a hearing before the Hearing Examiner of the City by filing a request for hearing, along with payment of the required fee and proof of a current valid pet license for the dog, to the office of the Hearing Examiner within ten days of service of the declaration that the dog is dangerous. The appeal fee shall be \$100. No person other than the dog's owner may object to the declaration.

B. Hearings shall be conducted in accordance with TMC 1.23 of the municipal code and the Hearing Examiner's Rules of Procedure. The animal control authority shall bear the burden of proving that the dog is dangerous by a preponderance of the evidence.

C. Any dog declared to be dangerous must, after the exhaustion of any appeal, be humanely euthanized. Upon application of the owner, however, a dangerous dog may be either (1) sent at the owner's expense to a secure animal shelter and maintained at all times in compliance with RCW Chapter 16.08; or (2) removed from the City and maintained at all times in compliance with RCW Chapter 16.08 at the owner's expense. The owner is responsible for paying all fees owed to the City for the care of the animal. The owner shall bear the burden to establish that an animal shelter is available that meets the criteria for a secure animal shelter, that the shelter will accept the animal, and that the owner is willing and able to pay all expenses for transporting the animal.

D. If the Hearing Examiner finds a dog to be dangerous, the Hearing Examiner shall enter an order so stating and shall direct that the dog be humanely euthanized. The Hearing Examiner will consider directing that a dog be sent to a secure animal shelter or removed from the City and maintained at all times in compliance with Chapter 16.08 RCW only upon request of the owner.

1. The owner shall bear the burden to establish (1) that an animal shelter is available that meets the criteria for a secure animal shelter, that the shelter will accept the dog, and that the owner is willing and able to pay all expenses for transporting the dog and maintaining the dog; or (2) that the dog can be maintained at all times in compliance with Chapter 16.08 RCW in a location outside the City and that the owner is willing and able to pay all expenses for transporting the dog and maintaining the dog.

2. To meet his or her burden, the owner must provide the Hearing Examiner with (1) proof that all conditions required Chapter 16.08 RCW and all other conditions required by state or local law for maintaining a dangerous animal have been met; (2) written proof that the animal control authority in the jurisdiction to which the animal is being moved has been informed of the relocation; (3) written proof that the animal control authority in the jurisdiction to which the animal is being moved has consented to the relocation; (4) written agreement by the dog's owner to indemnify and hold the City harmless from any and all future liability including any and all claims, demands, damages, liabilities, causes, suits or action of any kind or nature whatsoever relative to past or future care and custody of the animal and to the dog's future behavior. If any of the above requirements are not met, the dog shall not be released and shall be humanely euthanized. The dog's owner is responsible for all boarding fees between the issuance of the Hearing Examiner's Order declaring the dog to be dangerous and the time it is determined that the dog will or will not be released to a secure animal shelter or location out of the City.

E. A conviction for possessing a dangerous dog may not be appealed under this section.

17.04.032 Hearing Procedure – Potentially Dangerous Dogs.

A. If the owner of the dog wishes to object to the declaration, he or she may request a hearing before the Hearing Examiner of the City by filing a request for hearing, along with payment of the required fee and proof of a current valid pet license for the dog, to the office of the Hearing Examiner within ten days of service of the declaration that the dog is dangerous. The appeal fee shall be \$100. No person other than the dog's owner may object to the declaration.

B. Hearings shall be conducted in accordance with TMC 1.23 and the Hearing Examiner's Rules of Procedure. The animal control authority shall bear the burden of proving that the dog is potentially dangerous by a preponderance of the evidence.

C. If the Hearing Examiner finds the dog is potentially dangerous, he or she may, in addition to the requirements of this chapter, impose any additional conditions of confinement set forth in RCW 16.08, as now exists or as may be amended hereafter, including, but not limited to, posting of warning signs and maintenance of liability insurance coverage. The Hearing Examiner may also order that a potentially dangerous dog be spayed or neutered.

17.04.033 Failure to remove dangerous dog from City of Tacoma.

In any case where the Hearing Examiner orders that a dangerous dog not be humanely euthanized, but be removed from the City, the order shall require that the removal be direct between the animal shelter and where the dog will be permanently housed. Any person that brings a dog into the City after a declaration of dangerousness, allows a dog to remain in the City after a declaration of dangerousness, or possesses a dog after a declaration of dangerousness, except pending appeal, shall be guilty of a gross misdemeanor.

17.04.040 Permits and fees.

A. Within ten days following a declaration of potentially dangerous dog, and the exhaustion of any appeal therefrom, the owner of a potentially dangerous dog shall obtain a permit for such dog from the Finance Department of the City and shall be required to pay a fee for such permit in the amount of \$250, have the dog implanted with a microchip, and provide the microchip number to the Finance Department of the City.

B. Any potentially dangerous dog is also subject to any additional conditions of confinement set forth in RCW 16.08, as now exists or as may be amended hereafter, including, but not limited to, posting of warning signs and maintenance of liability insurance coverage.

C. The owner of a potentially dangerous dog shall pay an annual renewal fee for such permit in the amount of \$50.

D. Should the owner of a potentially dangerous dog fail to comply with Sections 17.04.040.A through 17.04.040.C herein, the City is authorized to seize and impound any such dog and euthanize said dog pursuant to the procedures set forth in Section 17.04.070. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter.

E. This section also applies to any dog declared dangerous under any prior ordinance and prior to the effective date of this ordinance.

17.04.050 Confinement of dangerous dog or potentially dangerous dogs.

A. When a dog is declared a dangerous dog, the dog shall be impounded. Such dog shall be held in the shelter or a secure veterinary hospital until a hearing is held to determine the dog's status or the deadline for requesting such a hearing has passed. The owner of a dog that is declared dangerous shall immediately surrender the dog to an animal control officer or police officer. Refusal to surrender a dog that is declared dangerous to an animal control officer or police officer is a gross misdemeanor.

B. When a dog is declared a potentially dangerous dog, the dog may be impounded. The law enforcement or animal control officer may require that such dog be held in the shelter or a secure veterinary hospital until a hearing is held to determine the animal's status or the deadline for requesting such a hearing has passed. If a dog declared potentially dangerous is not impounded, the owner shall comply with all requirements imposed by the animal control authority. The owner of a dog that is declared potentially dangerous shall immediately surrender the dog to an animal control officer or police officer upon the order of that officer. Refusal to surrender a dog that is declared potentially dangerous to an animal control officer or police officer is a misdemeanor.

C. From the date of initial declaration of potentially dangerous by the City animal control supervisor, unless and until said declaration shall be rescinded and the restrictions imposed thereby annulled, it shall be unlawful for any person to allow or permit such dog to:

1. be unconfined on the premises of such person; or
2. go beyond the premises of such person unless such dog is securely leashed and humanely muzzled or otherwise securely restrained.

3. The animal control authority may impose any additional restrictions contained in RCW 16.08 for dangerous or potentially dangerous dogs, as now exists or as may be amended hereafter.

D. Any potentially dangerous dog shall be confiscated by the City if the dog is not confined as set forth herein. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter.

E. These requirements take effect immediately upon notification that the dog is declared potentially dangerous and remain in force during any appeal of a declaration that a dog is potentially dangerous.

F. This section also applies to any dog declared potentially dangerous under any prior ordinance and prior to the effective date of this ordinance. Any dog declared dangerous prior to the effective date of this ordinance must comply with all conditions imposed by the animal control authority.

17.04.060 Notification of status of potentially dangerous dog.

The owner shall immediately notify the animal control authority of the City, followed by written notice to Animal Control, when a dog which has been classified as potentially dangerous:

- A. is loose or unconfined; provided that, the owner shall first call 911;
- B. has bitten a human being or attacked another animal; provided, the owner shall first call 911;
- C. is sold or given away, or dies; or
- D. is moved to another address.

Prior to a potentially dangerous dog's being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority and the Finance Department of the City. The new owner shall comply with all of the requirements of this chapter.

Should the owner of a potentially dangerous dog fail to provide such notification, the City is authorized to seize and impound any such dog and euthanize said dog pursuant to the procedures set forth in Section 17.04.060. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter.

E. This section also applies to any dog declared dangerous under any prior ordinance and prior to the effective date of this ordinance.F.

1. Any person desiring to bring a dog to live in the City which has been previously declared to be potentially dangerous, dangerous, vicious, or similar designation in another jurisdiction, must notify the animal control authority and the Finance Department of the City prior to moving the dog to the City. The person must provide all information requested by the animal control authority and Finance Department

and must comply with all restrictions imposed by the animal control authority. There is no right to bring into the City a dog that has been the subject of a declaration or similar process in another jurisdiction and the animal control authority will determine whether such a dog will be licensed and permitted to reside in the City.

2. If the animal control authority determines that the dog's behavior that led to another jurisdiction's determination that the dog is potentially dangerous, dangerous, vicious, or similar designation would lead to a declaration as a dangerous dog under the municipal code in effect at the time of the proposed move, it shall not permit the dog to be licensed or to remain in the City and shall notify the dog's owner, either personally or via mail at the address provided by the owner.

3. Any person knowingly bringing a dog into the City or failing to remove a dog from the City after the animal control authority has notified the person that the dog is not allowed in the City is guilty of a gross misdemeanor.

4. Any person who fails to notify the animal control authority and the Finance Department that he or she has brought a dog covered by this section into the City is guilty of a misdemeanor.

5. Any person visiting the City with a dog which has been previously declared to be potentially dangerous, dangerous, vicious, or similar designation in another jurisdiction, must notify the animal control authority and obtain permission to do so from the Animal Control Supervisor, prior to bringing the dog into the City and must comply with all the requirements of this code.

6. Any dog brought into the City in violation of this section may be impounded.

17.04.070 Confiscation and destruction of potentially dangerous dog.

Any potentially dangerous dog shall be immediately confiscated by the City if:

A. the dog is not validly registered under this chapter;

B. the owner does not maintain liability insurance coverage as required for dangerous dogs in RCW 16.08.080;

C. the dog is unconfined;

D. the dog is outside of the dwelling of the owner and not under adequate physical restraint of a responsible person; or

E. the owner fails to comply with any of the provisions of this chapter.

Any potentially dangerous dog confiscated pursuant to this chapter shall be returned to the owner upon the owner's compliance with this chapter. However, if the owner does not comply with the provisions of this chapter within 72 hours following confiscation of said dog, said dog shall be euthanized in an expeditious and humane manner, except as otherwise specifically provided in this chapter. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter.

This section also applies to any dog declared dangerous under any prior ordinance and prior to the effective date of this ordinance.

* * *

17.04.090 Penalty for violation as to dangerous dog – gross misdemeanor.

Any violation of this chapter as to a dangerous dog is a gross misdemeanor.

17.05.010 License required

A. It is a violation for any person to own, keep, or have control of a dog or cat over the age of eight weeks in the City, whether confined or not, without having a current license tag attached to a collar or harness which shall be worn by the cat or dog at all times; provided, that cats need not display a license identification tag if the cat is licensed and has been implanted with microchip identification and the microchip number is registered with the Finance Department of the City, and such microchip is acceptable to and readable by the animal control officer. All dogs must display a license tag in a public place regardless of whether or not the dog has been implanted with a microchip or tattooed with its license number. Provided, that while a dog or cat is competing in a sanctioned dog or cat show, it is not required to display its license tag while competing. Upon demand from an animal control officer or police officer, however, any person in possession of an animal competing in a sanctioned show must provide proof that the animal is licensed in accordance with this title.

B. Any person in possession of a dog or cat in a public place must, upon demand from an animal control officer or police officer, display the animal's license tag, except that a cat properly microchipped in accordance with this chapter need not display a tag, but must allow the officer to scan or read the microchip. Refusal to display the tag or to allow scanning or reading the microchip is a violation and the animal may be impounded.

C. Any person in possession of a dog or cat on private property that is not open to the public must, upon demand from an animal control officer or police officer, provide proof that the animal is licensed in accordance with this title.

D. After August 1, 2002, absent proof of prior ownership, the following are the maximum number of dogs and cats which may be licensed by a resident of the City or kept at a street address or physical location in the City:

1. six dogs or six cats or any combination of dogs and cats totaling six animals.

E. The maximum limits on dogs and cats at a street address or physical location does not apply to the facilities of the Humane Society or other animal shelter, veterinary hospitals, or kennel in compliance with this title.

17.05.011 Rabies vaccination required.

All dogs and cats four (4) months of age or older shall be vaccinated against rabies.

17.05.012 Puppies and kittens.

A. It is a violation to sell or give away puppies unless the puppies were born to a dog licensed as an unaltered animal.

B. It is a violation to sell or give away kittens unless the kittens were born to a cat licensed as an unaltered animal.

C. If the owner provides proof to the court that the dog or cat that bore the puppies or kittens was subsequently spayed and is currently licensed, the court shall consider this a mitigating factor in determining the whether to impose a penalty or the amount of any penalty that is imposed.

D. Any advertisement, sign, placard, or notice that puppies or kittens are available for sale or may be obtained free of charge must include the license tag number of the mother of the puppies or kittens. Failure to include the license tag information is a violation.

E. This section does not apply to the Humane Society or an animal shelter as defined in this title.

17.05.020 Purchase of license.

All dog and cat licenses shall be obtained by paying the required license fees, in the amounts and within the time limits as provided in this chapter, to the Finance Department of the City or to an agent authorized by the City. The license shall remain in force for a period of 12 months from the date of issuance, expiring on the last day of the 12th month. The applicant shall be furnished with such license and a permanent metal tag. The tag shall be attached to a collar or harness which shall be worn by the cat or dog at all times; provided, that cats need not display a license identification tag if the cat is licensed and has been implanted with microchip identification and the microchip number is registered with the Finance Department of the City, and such microchip is acceptable to and readable by the animal control

officer. Renewal licenses will retain the original expiration period whether renewed prior to, on, or after their respective renewal month. A person under the age eighteen years is not eligible to purchase a pet license.

17.05.030 License records.

The City shall keep a record of the names and addresses of persons to whom licenses are issued, the number and date of the license, and the amount paid for the same. Every pet owner must notify the Finance Department if the owner moves the animal to a new address or if the owner changes his or her mailing address.

17.05.040 License fees.

The license fees for the ownership, keeping, or having control of dogs or cats in the City shall be as follows:

A. Adult Dogs:

altered: \$20.00

unaltered: \$55.00

B. Adult Cats:

altered: \$12.00

unaltered: \$55.00

C. Reduced rates for senior citizens, 65 years of age or older, and individuals with a permanent disability:

1. Dogs:

altered: \$10.00

unaltered: \$30.00.

2. Cats:

altered: \$ 5.00

unaltered: \$30.00

Individuals with a permanent disability residing within the city limits of Tacoma qualify for the reduced fee specified in C above, provided that the dogs and cats are not used for a commercial purpose. To qualify for this reduced fee, individuals with a permanent disability must provide proof of permanent disability to the Finance Department in the form of a U.S. Department of Veterans Affairs Identification Card or documentation showing at least 30 percent permanent disability, a Washington Department of Licensing parking placard issued for permanent disability under RCW 46.16.381, or any other means that the Finance Department deems an appropriate proof of permanent disability.

D. Temporary Licenses. A one-time temporary license shall be issued at the altered fee for animals that will be altered within 91 days from the issuance of such temporary license. Upon proof of spay or neuter, the license shall become permanent for the remaining one year license term as defined in TMC 17.05.020. Temporary licenses are hereby authorized for previously unlicensed dogs and cats above the age of eight weeks and under the age of six months. The license shall be effective for 91 days after issuance, at which time the animal must be licensed in accordance with subsections A, B, and C above. If the animal is not properly licensed under subsections A, B, and C above, the owner is in violation of Section 17.05.010 and subject to all penalties provided in this chapter.

E. Dogs and cats are exempt from the licensing provisions of this section when they are in the custody of a recognized animal welfare organization. In order to qualify as a recognized organization, proof of charitable organization status must be submitted to the Finance Department of the City by the organization.

F. In order to receive the fee advantage for altered dogs and cats, an individual must provide either proof of alteration from a licensed veterinarian or a written statement from a licensed veterinarian that the spay/neuter procedure would be harmful to the animal.

G. An adult dog or cat is one that is more than 21 weeks old.

H. In addition to the infraction penalty set forth in Section 17.05.070, any person who fails to obtain a license 30 days after the license expiration date but before 60 days of the expiration date shall pay a penalty of \$10 per license. Any person who fails to obtain a license after 60 days of the license expiration shall pay a penalty of \$20 per license.

I. No late payment penalty shall be charged on new license applications if:

1. the owner submits proof of purchase or acquisition of the animal within the preceding 30 days;
2. the owner has moved into the City within the preceding 30 days;
3. the animal is currently or has been within the preceding 30 days under the age which requires a license;
4. the owner purchases the license(s) voluntarily, prior to in-person or field contact by animal control personnel; or
5. the owner submits other proof deemed acceptable in the animal control authority's administrative policy.

J. One replacement tag per year will be given per animal at no fee, and each additional replacement tag shall be \$5.00 each.

K. No person having defective eyesight shall be required to pay any license fee for any dog specially trained and principally used for the purpose of leading such person. However, such person is required to keep his or her dog licensed and must comply with all other provisions of this title.

L. No person having a handicap shall be required to pay any license fee for any dog specially trained and principally used for the purpose of helping such person. However, such person is required to keep his or her dog licensed and must comply with all other provisions of this title.

17.05.050 Impounding unlicensed or improperly licensed dogs and/or cats.

A. Whenever an unlicensed dog or cat is found within the City, it may be taken up and impounded and an infraction may be issued to the owner of such dog or cat or the person having the custody and control of such dog or cat. The owner is subject to boarding charges and time limits as set forth in Sections 17.01.080 and 17.01.100, in addition to all penalties set forth in this title.

B. Whenever the animal control authority determines that an animal is not altered, but has been licensed as an altered animal, the animal shall be taken up and impounded until the animal is properly licensed. The owner is subject to boarding charges and time limits as set forth in Sections 17.01.080 and 17.01.100, in addition to all penalties set forth in this title.

C. It is a violation to own an animal that is not licensed or which is improperly licensed. However, if the owner presents proof to the court that the animal has been spayed or neutered, the court shall consider this a mitigating factor in determining the whether to impose a penalty or the amount of any penalty that is imposed.

17.05.060 License not transferable.

It is a violation for any person to give, sell, exchange, or otherwise transfer a dog or cat license to another person, even if it is to be used for the same dog or cat for which it was originally issued. Provided, that when a properly licensed pet dies, the owner may use the deceased pet's license to license a new pet of the same species, provided that the owner otherwise complies with the procedures for licensing a pet as provided in this chapter.

17.05.061 Counterfeit and imitation tags.

No person shall create, sell, deliver, use, or possess imitation or counterfeit license tags. Violation of this section is a gross misdemeanor.

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17.06 PROBLEM PET OWNERS

17.06.010 Problem pet owners – Definitions.

A problem owner is one who:

1. has committed three or more violations of this title in one 24 month period; or
2. has committed two or more violations of this title after having a dog owned by him or her declared to be dangerous or potentially dangerous.
3. For the purposes of this chapter, “violation” means:
 - a. a finding of committed on a civil infraction under this title;
 - b. a conviction of a crime under this title or chapter 16.52 RCW, chapter 9.08 RCW, RCW 9.91.170, or RCW 9.91.175;
 - c. any violation of this title that is proven by a preponderance of the evidence regardless of whether the same act was charged as a civil infraction or crime. A civil infraction or criminal charge which is deferred or subject to pretrial diversion may be counted as a violation if the violation is proven by a preponderance of the evidence. Provided, however, that a finding of not committed on a civil infraction or a verdict of not guilty on a criminal charge precludes use of that act as a basis for a violation under this chapter.
4. For the purposes of this chapter, multiple civil infractions committed on the same day will count as one violation. Each crime will count as one violation regardless of whether it was committed on the same day as another crime or civil infraction.
5. For the purposes of this chapter, the violations need not involve the same pet.

17.06.020 Problem pet owners – Revocation of License.

A. The City Animal Control Supervisor may find and declare a person a problem pet owner if an animal control officer has probable cause to believe that the person falls within the definition set forth in this chapter. The City Animal Control Supervisor shall notify the Finance Department, which shall revoke all pet licenses issued to the problem owner. Proceedings shall be instituted by service of a Notice of Problem Pet Owner.

B. The Notice of Problem Pet Owner shall be in writing and shall be served on the owner in one of the following methods:

1. certified and regular mail to the owner's last known address; or
2. personally.

C. The Notice of Problem Pet Owner shall contain:

1. Name and address of owner who is subject to the revocation;
2. Names, descriptions, and license numbers of any pets licensed to the owner;
3. Brief descriptions of the violations which form the basis of the revocation, including case numbers, if any;
4. notification of the availability of a hearing in case the person objects to the declaration, if a request is made within ten days of the date of personal service or mailing;
5. a summary of the effects of the revocation of all pet licenses, requirements for confinement or impound or pets, and the potential penalties for violation of the restrictions.

D. A person who is a problem owner as defined in this chapter, is prohibited from licensing or owning any animal in the City for a period of 24 months unless an appeal of the Notice of Problem Pet Owner is filed with the Hearing Examiner in accordance with this chapter. The problem owner shall surrender all animals to an animal control officer or police officer upon demand of the officer.

17.06.030 Confinement of pets owned by a problem pet owner.

A. Upon service of a Notice of Problem Pet Owner, the pets and animals owned by a person declared to be a problem pet owner may be impounded if the Animal Control Supervisor determines that impoundment is in the interests of public safety or the health and welfare of the animals. Upon such a determination by the Animal Control Supervisor, an animal control officer or police officer may require that such animals be held in the shelter or a secure veterinary hospital until a hearing is held to determine the animal's status or the deadline for requesting a hearing regarding the declaration of problem pet

owner has passed. The owner shall immediately surrender the animals to an animal control officer or police officer upon the order of that officer. Refusal by any person to surrender an animal owned by a person declared to be a problem pet owner to an animal control officer or police officer is a misdemeanor.

B. If animals owned by a person declared to be a problem pet owner are not impounded, the owner shall comply with all requirements imposed by the animal control authority. Failure to comply with all requirements is a violation. It is a separate violation for each animal and each day of non-compliance.

C. In addition to the above requirements, upon the determination by the Hearing Examiner that a person is a problem owner, the problem owner will immediately surrender all animals in his or her possession to an animal control officer or police officer. Refusal by any person to surrender an animal owned by a person declared to be a problem pet owner to an animal control officer or police officer is a misdemeanor.

17.06.040 Hearing procedure – Revocation of License.

A. If the owner wishes to object to the revocation of a pet license, he or she may request a hearing before the Hearing Examiner of the City by filing a request for hearing along with payment the required fee to the office of the Hearing Examiner within ten days of service of the notice of revocation. The appeal fee shall be \$100.

B. Hearings shall be conducted in accordance with TMC 1.23 and the Hearing Examiner’s Rules of Procedure. The animal control authority shall bear the burden of proving by a preponderance of the evidence that the owner is a problem pet owner as defined in this chapter.

C. A finding of committed on a civil infraction or a judgment of guilty in a criminal case is dispositive that a violation occurred and no additional evidence is necessary to prove that violation. A violation also may be proved through the testimony of witnesses, photographs, or other evidence admitted by the Hearing Examiner.

D. If the Hearing Examiner finds that the owner is a problem owner as defined in this chapter, he or she shall revoke the licenses of all pets licensed to the owner and order that all pets licensed to the owner be impounded by the animal control authority. Upon such a finding, the Hearing Examiner shall order that the owner is prohibited from licensing any pet in the City for a period of 24 months. Any pets impounded under these circumstances may not be returned to any person residing at the same address as the problem owner.

17.06.050 Possessing, harboring, or owning animal by problem owner - Misdemeanor.

It is a misdemeanor for any person who is a problem owner as defined in this chapter to possess, harbor, or own an animal in the City of Tacoma while a Notice of Problem Pet Owner is in effect, except during the period an appeal of a Notice of Problem Pet Owner is pending. For the purposes of this section, the term “animal” includes all animals, including, but not limited to, dogs, cats, exotic animals, livestock, and poultry, regardless of whether the TMC requires a license for the type of animal possessed.