



## Legislation Passed April 29, 2008

The Tacoma City Council, at its regular City Council meeting of April 29, 2008, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

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### **Resolution No. 37457**

Authorizing the execution of a grant application, in the amount of \$500,000, to the Recreation and Conservation Office, to construct a linear park/shoreline trail at Point Ruston on Ruston Way.

### **Resolution No. 37458**

Authorizing the execution of a grant application, in the amount of \$750,000, to the Recreation and Conservation Office, to construct 1,200 lineal feet of transient moorage at the mouth of the Thea Foss Waterway.

### **Purchase Resolution No. 37459**

Awarding contracts to:

1. Wm. Dickson Company, on its bid of \$10,985,807.85, excluding sales tax, budgeted from various funds, for the construction of the Broadway Local Improvement District No. 8645 project – Specification No. PW08-0188F;
2. Western Peterbilt, Inc., on its bid of \$1,597,281.74, excluding sales tax, budgeted from the Solid Waste Fund, for six recycle trucks with glass compartments, for a one-year contract with the option to renew up to four additional one-year periods – Specification No. PW07-1070F; and
3. Tucci and Sons Inc., in the amount of \$675,000.00, plus sales tax, for a cumulative total of \$1,289,000.00, budgeted from the Capital Projects Fund, to increase and extend the contract for asphalt mix to be used in residential street restoration throughout the City through December 20, 2008 – Specification No. PW06-0301F.

### **Resolution No. 37460**

Authorizing the execution of an agreement with Wendt Consulting and GIS Services, in the amount of \$90,000, budgeted from the Fire Special Revenue Fund, for professional computer services required for the expansion of the Fire Department's Computer Aided Dispatch system.

**Resolution No. 37463**

Designating the following projects as Special Projects of Limited Duration allowing for the hiring of project employees:

- Stadium Way – South 9th Street to Tacoma Avenue;
- Lincoln Avenue Grade Separation;
- General Government Facilities Deferred Maintenance;
- NPDES Permit Compliance;
- Hylebos Bridge Restoration;
- Water Ditch Trail;
- LED Conversion Project;
- Murray Morgan Bridge; and
- The Broadway LID.

**Ordinance No. 27710**

Amending Title 13 and Title 6 of the Municipal Code, relating to the City's Multi Family Property Tax Exemption Program, to improve the implementation of the program by providing greater flexibility in changing program criteria, and to incorporate additional 2007 State legislative changes to comply with state law.

## **RESOLUTION NO. 37457**

A RESOLUTION authorizing application(s) for funding assistance for a Washington Wildlife and Recreation Program (“WWRP”) project to the Recreation and Conservation Office (“RCO”) as provided in Chapter 79A.15 RCW, Acquisition of Habitat Conservation and Outdoor Recreation Lands, known as the Point Ruston Park and Esplanade project.

WHEREAS our organization has approved a comprehensive plan that includes this project area, and

WHEREAS, under the provisions of WWRP, state funding assistance is requested to aid in financing the cost of land acquisition and/or facility development, and

WHEREAS our organization considers it in the best public interest to complete the land acquisition and/or facility development project described in the application, and

WHEREAS Point Ruston, LLC, and the City of Tacoma have partnered to jointly develop and extend the Ruston Way trail along the Point Ruston Waterfront, and

WHEREAS Point Ruston, LLC, has committed the donation of matching funds, land and design assistance; Now, Therefore,

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

1. Mayor Baarsma be authorized to make formal application to the RCO for funding assistance;
2. Any fund assistance received be used for implementation of the project referenced above;

3. Our organization hereby certifies that its share of project funding is committed and will be derived from Point Ruston, LLC;

4. We acknowledge that we are responsible for supporting all non-cash commitments to this project should they not materialize;

5. We acknowledge that any property acquired or facility developed with financial aid from the Recreation and Conservation Funding Board (“RCFB”) must be placed in use for the funded purpose and be retained in such use in perpetuity unless otherwise provided and agreed to by our organization and the RCFB;

6. This resolution becomes part of a formal application to the RCO; and

7. We are providing appropriate opportunity for public comment on this application.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **RESOLUTION NO. 37458**

A RESOLUTION authorizing application(s) for funding assistance for a Boating Infrastructure Grant Program ("BIG") project to the Recreation and Conservation Office ("RCO").

WHEREAS, under the provisions of BIG, federal funding assistance is requested to aid in financing the cost of facility development, or information and education; and

WHEREAS our organization considers it in the best public interest to complete the development or information and education project described in the application;

NOW, THEREFORE, BE IT RESOLVED, that:

1. Mayor Baarsma be authorized to make formal application to the RCO for funding assistance;
2. Any fund assistance received be used for implementation of the project referenced above;
3. Our organization hereby certifies that its share of project funding is committed and will be derived from the Foss Waterway Development Authority;
4. We acknowledge that we are responsible for supporting all noncash commitments to the sponsor share should they not materialize;
5. We acknowledge that any facility developed with RCO financial aid must be placed in use as an outdoor recreation facility and be retained in such use for a minimum of 20 years unless otherwise provided and agreed to by our organization, the Recreation and Conservation Funding Board, and the U.S. Fish & Wildlife Service;

6. We have read both the federal guidelines and state policies for the BIG program and agree to abide by those guidelines and policies;

7. This resolution becomes part of a formal application to RCO; and

8. We are providing appropriate opportunity for public comment on this application.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 37459

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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( ) 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.: 37459

ITEM NO.: 1

MEETING DATE: APRIL 29, 2008

**DATE:** March 31, 2008

**TO:** Board of Contracts and Awards

**SUBJECT:** Broadway Local Improvement District (LID) No. 8645  
Budgeted from various funds  
Specification No. PW08-0188F

**RECOMMENDATION:** The Public Works Department, Engineering Division recommends that a contract in the amount of \$10,985,807.85, excluding sales tax, be awarded to **Wm. Dickson Company, Tacoma WA**, for the construction of the Broadway LID 8645 project.

**EXPLANATION:** The Broadway LID 8645 consists of permanently improving several arterial streets located in downtown Tacoma and includes replacement of sanitary sewer, storm water, and water mains, the undergrounding of power and communication lines in a joint trench, installation of new ornamental streetlights, landscaping and street amenities.

**COMPETITIVE BIDDING:** Specification No. PW08-0188F was opened March 25, 2008. Four bids were received, and many other general construction and specialty companies were invited to bid in addition to normal advertising of the project. The Historically Under-utilized Business (HUB) participation level proposed by the bidder(s) are reflected as a credit (maximum applies) against the submitted base bid to arrive at an "evaluated bid" for bid ranking purposes. Wm. Dickson Company, submitted a bid that resulted in the lowest evaluated bid after consideration of HUB participation goals.

Bidder	Location	Total Bid Excluding Sales Tax	Evaluated Bid
<b>Wm. Dickson Company</b>	<b>Tacoma, WA</b>	<b>\$ 10,985,807.85</b>	<b>\$10,436,517.46</b>
Active Construction, Inc.	Puyallup, WA	\$ 11,491,509.80	\$10,942,219.41
Gary Merlino Const. Co., Inc.	Seattle, WA	\$ 11,506,021.40	\$10,956,731.01
Rodarte Construction, Inc.	Auburn, WA	\$ 12,034,785.55	\$11,600,677.90

Pre-bid Estimate \$ 12,550,379.98

The recommended award is 12.5 percent below the pre-bid estimate.

**CONTRACT HISTORY:** New contract.

**FUNDING:** Funds are available in the Arterial Street 1060, Tacoma Water (cost center 581200), PW Wastewater 4300, and the PW Surface Water 4301 funds per Ordinance 27475.

**HUB/LEAP COMPLIANCE:** The recommended contractor is in compliance with the Historically Under-utilized Business (HUB) Regulation requirements per memorandum dated March 31, 2008. The HUB goal for this project is 15 percent, and the level of HUB participation for Wm. Dickson Company, is 15 percent. The recommended contractor submitted the lowest evaluated bid per the HUB Regulation requirements. The Local Employment and Apprenticeship Training Program (LEAP) goal is 4,500 hours.

**PROJECT ENGINEER/COORDINATOR:** Dan Seabrands, Engineering Division, 591-5150.



James G. Parvey, P.E.  
Interim Asst. P.W. Director/City Engineer

cc: James Wilkerson, Purchasing Analyst  
Percy Jones, HALO  
Peter Guzman, HALO  
Rae Bailey, Construction  
Dan Seabrands, Engineering  
Intern, PWD



City of Tacoma  
Public Works Department

EXHIBIT "A"  
RESOLUTION NO.: 37459  
ITEM NO.: 2  
MEETING DATE: APRIL 29, 2008

DATE: April 10, 2008

TO: Board of Contracts and Awards

SUBJECT: Purchase of Six (6) Low-Entry Recycle Trucks with Glass Compartments  
Budgeted from PW Solid Waste Fund 4200  
Specification No. PW07-1070F

**RECOMMENDATION:** The Public Works Department Solid Waste Management (SWM) recommends that a contract in the amount of **\$1,597,281.74** (not including sales tax) be awarded to **Western Peterbilt, Inc.** for their second low bid to purchase six (6) low-entry recycle trucks with glass compartments. This will be a one (1) year contract with the option to renew up to four (4) additional one-year periods.

**EXPLANATION:** This equipment will be used to collect glass and automatically pick up commingled recycling from SWM's residential customers.

**COMPETITIVE BIDDING:** Specification No. PW07-1070F was opened on March 18, 2008. Five (5) companies were invited to bid in addition to normal advertising. Western Peterbilt, Inc. was the only Vendor who responded to the bid and submitted two bids. The low bid was rejected as non-responsive as the submitted Peterbilt 320 cab failed to meet the low-entry requirements as contained in the specifications.

Bidder	Location	Total Bid (not Incl. Sales Tax)
Western Peterbilt, Inc./Peterbilt	Seattle, WA	\$1,523,087.12
<b>Western Peterbilt, Inc./Crane Carrier</b>	<b>Seattle, WA</b>	<b>\$1,597,281.74</b>

Pre-Bid Estimate: \$1,500,000.00

The recommended award is approximately 6.49% above the pre-bid estimate. The selected bid was over the pre-bid estimate due to increased material and fuel costs to the vendor to deliver the trucks.

**CONTRACT HISTORY:** New contract.

**FUNDING:** Funds for this are available in the PW Solid Waste Fund 4200.

**HUB/LEAP COMPLIANCE:** N/A

**PROJECT COORDINATOR:** Floyd Wilson, SWM Fleet Manager, at (253) 573-2408.

Dan C. Thompson, Ph.D  
Interim Asst. Public Works Director/Environmental Services

- cc: Jim Wilkerson, Purchasing Analyst
- Percy Jones/Peter Guzman, HALO
- Public Works Intern
- Solid Waste Management, Financial Assistant
- Solid Waste Management, Administration



City of Tacoma  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 37459

ITEM NO.: 3

MEETING DATE: APRIL 29, 2008

**DATE:** April 15, 2008

**TO:** Board of Contracts and Awards

**SUBJECT:** Type B and Type G Asphalt Mix  
Budgeted from Public Works, Streets and Grounds  
SAP Contract No. 4600003355, Bid Specification No. PW06-0301F

**RECOMMENDATION:** The Public Works Streets and Grounds Division requests approval to increase and extend SAP Contract #4600003355 to **Tucci and Sons Inc, Tacoma WA**, by \$675,000, plus sales tax, for asphalt mix to be used in residential street restoration throughout the City through December 20, 2008.

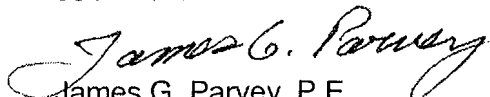
**EXPLANATION:** This contract is for asphalt mix to be used in paving projects for the Residential Street Restoration Program funded by Capital Projects Fund 3211 that are scheduled to be completed in 2008. An additional increase of \$400,000 may be requested for remaining arterial projects also scheduled for completion in 2008 pending further budget analysis. The current price per ton is \$47.00. The request for a contract increase of this proportion is twofold; raw material price increases and the number of blocks that will be paved resulting from the Residential Street Restoration Program.

**COMPETITIVE BIDDING:** This contract was originally awarded to Tucci and Sons Inc by City Council Resolution No. 36894 in June 2006, as a result of formal bid specification no. PW06-0301F in the amount of \$570,000, plus sales tax. Tucci and Sons Inc has agreed to renew the contract at the same terms and conditions as the original contract.

**CONTRACT HISTORY:** The original contract was approved by City Council Resolution No. 36894 in June 2006 for a contract period ending December 21, 2006. This will be the fourth and final six-month renewal. In March 2008 the contract was administratively increased by \$44,000. The increase will bring the contract to a cumulative total of \$1,289,000, plus sales tax, for the period of June 20, 2006 through December 20, 2008.

**FUNDING:** Funds are available in Capital Projects Fund 3211.

**PROJECT ENGINEER/COORDINATOR:** John Gaddis, Streets and Grounds Division, 253-591-5261.

  
James G. Parvey, P.E.  
Interim Asst. P.W. Director/City Engineer

cc: James Wilkerson, Purchasing Analyst  
Percy Jones, HALO/Peter Guzman, HALO  
PWD Intern

## **RESOLUTION NO. 37460**

A RESOLUTION related to the Tacoma Fire Department; authorizing a contract with Wendt Consulting and GIS Services, in the amount of \$90,000, budgeted from the Fire Special Revenue Fund, to perform professional computer services.

WHEREAS the Tacoma Fire Department (“TFD”) and the Central Pierce Fire & Rescue District are working together on a time-sensitive project to allow mutual 911 dispatch, which project involves expanding TFD’s Computer Aided Dispatch (“CAD”) system so that citizens and businesses of both jurisdictions may receive timely emergency response from TFD’s Dispatch Center, and

WHEREAS the TFD has recommended that the City enter into an agreement with Wendt Consulting and GIS Services to perform professional computer services required for the expansion of TFD’s CAD system; Now, Therefore,

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

That the proper officers of the City are hereby authorized to enter into an agreement with Wendt Consulting and GIS Services, in the amount of \$90,000, budgeted from the Fire Special Revenue Fund, to perform professional

computer services, said agreement 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. 37463**

A RESOLUTION relating to Special Projects; designating multiple projects as Special Projects, and designating general salary classifications and benefits for persons employed on these projects, pursuant to the provisions of Sections 1.12.140, 1.12.155, 1.24.187, 1.24.980 through 1.24.986, and 1.30.300 of the Tacoma Municipal Code.

WHEREAS City staff has identified the following nine projects as Special Projects: (1) Stadium Way – South 9th Street to Tacoma Avenue; (2) Lincoln Avenue Grade Separation; (3) General Government Facilities Deferred Maintenance; (4) National Pollutant Discharge Elimination System (“NPDES”) Permit Compliance; (5) Hylebos Bridge Restoration; (6) Water Ditch Trail; (7) Light-emitting diode (“LED”) Conversion Project; (8) Murray Morgan Bridge; and (9) Broadway Local Improvement District (“LID”) , and has identified to employ Special Project employees for said projects, and

WHEREAS, pursuant to the provisions of Sections 1.12.155, 1.24.187 and 1.24.980 through 1.24.986 of the Tacoma Municipal Code and Section 6.1(h) of the Tacoma City Charter, employees who are not regular employees and are hired as Special Project employees are paid as provided for by ordinance or resolution of the City Council; Now, Therefore,

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

Section 1. That the following projects are hereby designated as Special Projects under the provisions of and with the limitations set forth in the subsections below:

A. Stadium Way – South 9th Street to Tacoma Avenue. This project consists of reconstruction of new roadway with curb and gutter, including

sidewalks, parking, retaining walls, traffic signalization, street lighting, storm drainage, and minor landscaping. This project is designated as a Major Construction Project under TMC 1.24.980 and shall continue until the project is complete.

B. Lincoln Avenue Grade Separation. This project consists of construction of an overpass. The City is providing design review, right-of-way acquisition, and construction management services. This project is designated as a Major Construction Project under TMC 1.12.155 and 1.24.980 and shall continue until the project is complete.

C. General Government Facilities Deferred Maintenance. This project consists of improvements to general government facilities. This project is designated a Project of Limited Duration under TMC 1.24.187 and shall continue until December 31, 2010.

D. NPDES Permit Compliance. This program consists of the initial development and implementation of phase of measures designed to comply with the 2007 Phase I NPDES permit. This program is designated a Program of Limited Duration under TMC 1.24.187 and shall continue until December 31, 2011.

E. Hylebos Bridge Restoration. This project consists of rehabilitation of the span, replacement of the approaches, replacing the electrical system, and repairing fire damage to the structure. This project is designated as a Major Construction Project under TMC 1.24.980 and shall continue until the project is complete.

F. Water Ditch Trail. This project will restore a three-mile segment of trail; it includes a future phase of three-and-a-half miles of bike lanes. This project is designated as a Major Construction Project under TMC 1.24.980 and shall continue until both phases of the project are complete.

G. LED Conversion Project. This project will replace existing incandescent traffic signal lamps with light-emitting diode lamps. This project is designated a Project of Limited Duration under TMC 1.24.187 and shall continue until December 31, 2013.

H. Murray Morgan Bridge. This project consists of rehabilitation of the main span of, and approaches to, the Murray Morgan Bridge. This project is designated as a Major Construction Project under TMC 1.24.980 and shall continue until the project is complete.

I. Broadway LID. This project consists of pavement removal, construction of pavement, sidewalk, curbs and gutters, storm, sanitary sewer, and water main construction, utility undergrounding, landscaping, and streetscape amenities over multiple arterial streets in downtown Tacoma. This project is designated as a Major Construction Project under TMC 1.24.980 and shall continue until the project is complete.

Section 2. That in accordance with the applicable provisions of TMC 1.12.140 and 1.12.155, the salaries and classes set forth in the Compensation Plan for regular City employees shall be applied, contingent upon funding, to similar project positions of the Special Project.

Section 3. That in accordance with TMC 1.24.187, 1.24.980 through 1.24.986, and 1.30.300, employees who have been hired or may be hired for positions expected to be of limited duration shall be designated Special Project employees as of the date of hire.

Section 4. That in accordance with TMC 1.24.986, permanent employees appointed to positions on major independent construction projects shall be granted a leave of absence from their classified position for the period specified or for such time as may be required. Such employees shall continue to accrue seniority and other rights of the classified services in their permanent position. They shall remain eligible for longevity pay and shall remain members of the Tacoma Employees' Retirement System, and contributions shall be paid therein by the City pursuant to TMC 1.30.360.

Section 5. That those Special Project employees who have been hired or may be hired to work on the Special Projects identified in this resolution shall receive benefits, all in accordance with and pursuant to the provisions of the Compensation Plan of the City of Tacoma. They shall be given a one-time binding and irrevocable election to participate in the City's Retirement System, pursuant to the retirement provisions of TMC 1.30. They shall not be eligible for longevity pay.

Section 6. That because the positions to be filled pursuant to this resolution are of a temporary nature and are unique in that they pertain only to the aforementioned Special Projects, they are deemed temporary positions, and persons so employed in such positions shall have no claim to further or

continued employment with the City after cessation of such Special Projects or after cessation of activities funded by said programs, except pursuant to their obtaining status as regular City employees under the provisions of the Tacoma Municipal Code or pursuant to further action of the City Council relating to these Special Projects.

Section 7. That all acts by agents or employees of the City consistent with the intent of this resolution taken prior to the effective date of this resolution are hereby ratified.

Section 8. That the City Manager is hereby authorized to direct the appropriate City officers to proceed with the necessary actions for project completion.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **ORDINANCE NO. 27710**

AN ORDINANCE related to the Multi-family Property Tax Exemption; amending Section 13.17 of the Tacoma Municipal Code to comply with state law; and adding a new chapter, Title 6A.110, to the Tacoma Municipal Code to specifically address the tax components of the Multi-family Property Tax Exemption program.

WHEREAS, in 1995, the State Legislature enacted a property tax exemption program for multi-family housing. This program is administered by cities, and

WHEREAS, in 2007, the State Legislature enacted ESHB 1910, which changed the property tax exemption period from 10 years to either an 8-year or 12-year depending on whether the multi-family housing contains affordable housing, and

WHEREAS, in 2007, the State Legislature enacted ESHB 2164, which precludes property tax exemptions for any housing project located within the boundaries of a campus facilities master plan, including the University of Washington Tacoma campus, and

WHEREAS the City's current ordinance addressing the Multi-family Property Tax Exemption is currently in Tacoma Municipal Code 13.17, which is Land Use Regulatory Code, and

WHEREAS the City finds that some aspects of the property tax exemption program as land-use based (such as designating mixed-use centers), but that much of the property tax exemption program is related specifically to taxes, and

WHEREAS TMC 13.17 should be amended to comport with state law, and

WHEREAS the City finds that those aspects of the property tax exemption program that are related specifically to taxes are more appropriately located in the City's general tax code, Title 6, and

WHEREAS the Planning Commission held a public hearing on the proposed amendments on February 20, 2008, and recommended their adoption; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1: That chapter 13.17 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "A."

Section 2: That a new chapter 6A.100, is added to Title 6, as set forth in the attached Exhibit "B."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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