



Legislation Passed September 30, 2008

The Tacoma City Council, at its regular City Council meeting of September 30, 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.

Purchase Resolution No. 37603

Awarding contracts to:

1. Wm. Dickson Co., in the amount of \$32,640.00, including sales tax, budgeted from the Public Works Wastewater and Surface Water Utility Funds, for a cumulative total of \$714,295.05, to increase the contract for additional services for the Downtown Storm and Sanitary Sewer Replacement project - Specification No. PW07-0064F; and
2. Asphalt Patch Systems, Inc., in the amount of \$109,875.00, sales tax not applicable, plus a 15 percent contingency, for a cumulative total of \$126,356.25, budgeted from the Public Works Street Special Revenue Fund, for sidewalk construction on East 72nd Street from East D Street to McKinley Avenue and sidewalk reconstruction on 6th Avenue from State to Alder Streets - Specification No. PW08-0005F.

Resolution No. 37604

Designating the Ansonia Apartments, located at 215-219 Tacoma Avenue North, as a historic landmark and placing said property on the Tacoma Register of Historic Places.

Resolution No. 37605

Authorizing the execution of a Data Historian Software License and Services Agreement with OSIssoft, Inc., in the amount of \$176,060, budgeted from the Public Works Wastewater Fund, to improve coordination, optimization, and the sharing of data within the Environmental Services Division.

Resolution No. 37606

Authorizing the execution of an agreement with the Department of Ecology, Washington Conservation Corps (WCC), in the amount of \$95,000, budgeted from the Public Works Surface Water Fund, to provide a six-person crew to assist in maintenance and restoration of various City-owned mitigation and restoration projects; and authorizing the execution of four additional one-year agreements with the WCC for a cumulative amount of \$505,000.

Resolution No. 37607

Authorizing the execution of Amendment No. 2 to the agreement with GordonDerr, LLP, in the amount of \$100,000, for a cumulative total of \$280,000, budgeted from the General Fund, for continued legal services to the City relating to various public works and land use matters.

Resolution No. 37608

Authorizing the execution of an agreement with BearingPoint, Inc., in the amount of \$600,000, budgeted from the Information Systems Fund, to provide for an assessment of the City's SAP Enterprise Resource Planning Systems.

Resolution No. 37609

Authorizing the execution of an agreement with the William M. Factory Small Business Incubator, in the amount of \$500,000, budgeted from the Council Contingency Fund, to partially fund a second incubator.

Resolution No. 37610

Authorizing the purchase of real property located at 942 Pacific Avenue in the amount of \$1,250,000, budgeted from the Capital Projects Fund, and authorizing the execution of a lease agreement for the property with Associated General Contractors.

Resolution No. 37611

Authorizing the execution of a short-term loan agreement with Prium Olympus Building, L.L.C., in the amount of \$1,500,000, budgeted from the Community and Economic Development Special Revenue Fund, for the development of the Olympus Medical Building.



RESOLUTION NO. 37603

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";



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

() 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;

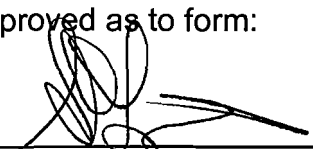
() D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:


Assistant City Attorney



Tacoma

**City of Tacoma
Public Works Department**

EXHIBIT "A"

RESOLUTION NO.:

37603

ITEM NO.:

1

MEETING DATE:

SEPTEMBER 30, 2008

DATE: August 26, 2008

TO: Board of Contracts and Awards

SUBJECT: Downtown Storm & Sanitary Sewer Replacement Project
Budgeted from PW Wastewater and PW Surface Water Utility Funds 4300 and 4301
Specification No. PW07-0064F, Contract No. 4600003945

RECOMMENDATION: The Public Works –Construction Division requests approval to increase Contract No. 4600003945 to **Wm. Dickson Co., Tacoma, WA** by \$32,640, including applicable sales tax, for additional services.

EXPLANATION: Additional funding is necessary due to an agreement to compensate and close out issues related to the additional asphalt paving, striping, sweeping, and unknown utilities.

COMPETITIVE BIDDING: This contract was originally awarded to Wm. Dickson Co., as a result of Bid Specification No. PW07-0064F in April 2007. Wm. Dickson Co. has agreed to increase the contract at the same terms and conditions set forth in the original contract.

CONTRACT HISTORY: The original contract for \$681,655.05, including sales tax, was approved by City Council Resolution #37152 on April 10, 2007. This increase of \$32,640 will result in a cumulative contract amount of \$714,295.05, including sales tax.

FUNDING: Funds are available in the PW Wastewater and PW Surface Water Utility Funds 4300 and 4301, WBS Nos. ENV-00334 and ENV-00427.

PROJECT ENGINEER/ASSOCIATE CONSTRUCTION MANAGER: Lisa Oestreich, Construction Division, 594-7871.

Dan C. Thompson, Ph.D
Interim Asst. P.W. Director/Environmental Services

cc: Rae Bailey/Michael Hale/Lisa Oestreich/Sherry Loseke, Construction Division
Steve Hoffman, Science and Engineering Division
Percy Jones/Peter Guzman, HALO
Intern, PWD
Jim Wilkerson, Purchasing Analyst





City of Tacoma
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 37603

ITEM NO.: 2

MEETING DATE: SEPTEMBER 30, 2008

DATE: September 12, 2008

TO: Board of Contracts and Awards

SUBJECT: Sidewalk Construction, E. 72nd St., E. D St. to McKinley Ave. – Phase 1 and Sidewalk Reconstruction on 6th Ave. From State St. to Alder St.
Budgeted from PW Street Special Revenue Fund 1060
Specification No. PW08-0005F

RECOMMENDATION: The Public Works, Construction Division recommends that a contract in the amount of \$109,875.00, sales tax not applicable, be awarded to low bidder **Asphalt Patch Systems, Inc., Puyallup, WA** plus a 15% contingency, for a grand total of \$126,356.25 for the construction of the subject project.

EXPLANATION: This project will improve pedestrian facilities along East 72nd Street from East D Street to McKinley Avenue, by constructing cement concrete sidewalks. The project will also improve pedestrian safety by reconstructing unfit or unsafe sidewalks at 14 sites on 6th Avenue from State to Alder Streets.

COMPETITIVE BIDDING: Bid Specification No. PW08-0005F was opened on August 12, 2008. Two proposals were received. Other contractors were invited to bid using the normal advertising process.

Bidder	Location	Total Bid Sales Tax Not Applicable
Asphalt Patch Systems, Inc.	Puyallup, WA	\$ 109,875.00
Garages Etc, Inc.	Tacoma, WA	\$ 134,961.60
	Pre-bid Estimate	\$ 132,760.00


The recommended award is 17.2% below the pre-bid estimate.

CONTRACT HISTORY: New contract.

FUNDING: Funds for this project are available in the PW Street Special Revenue Fund 1060, cost center 661300, project numbers WBS PWK-00275 and PWK-00154-04-08-02.

HUB/LEAP COMPLIANCE: The recommended contractor is in compliance with the Historically Underutilized Business (HUB) Regulation requirements per memorandum dated September 11, 2008. The HUB goal for this project is 12%, and the level of HUB participation for Asphalt Patch Systems, Inc. is 0%. The Local Employment and Apprenticeship Training Program (LEAP) goal is N/A.

PROJECT ENGINEER/COORDINATOR: Sandra Guffey, Construction Division, 591-5270.


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

cc: Chuck Blankenship, Purchasing
Percy Jones/Peter Guzman, HALO
Public Works Intern
Rae Bailey, Construction Division

RESOLUTION NO. 37604

A RESOLUTION relating to historic preservation; imposing controls upon the Ansonia Apartments, a landmark designated by the Landmarks Preservation Commission under Chapter 13.07 of the Tacoma Municipal Code; and adding the proposed landmark to the Tacoma Register of Historic Places.

WHEREAS the Tacoma Landmarks and Historic Districts Code, Chapter 13.07 of the Tacoma Municipal Code, establishes a procedure for the designation and preservation of structures and areas having historical, cultural, architectural, archaeological engineering, or geographic importance, and

WHEREAS, pursuant to the provisions of Chapter 13.07 of the Tacoma Municipal Code, the Landmarks Preservation Commission of the City, after public meetings on August 13, 2008, and August 26, 2008, voted to approve the nomination of the property described below as a historic landmark, transmitted its decision to the City Council for consideration, and recommended that the same be approved by the City Council, and

WHEREAS it appears that the property reflects an outstanding example of the City's cultural, artistic, social, architectural, and historic heritage, and such designation would foster civic pride in the beauty and accomplishments of the past; that the designation thereof would enhance the City's attraction to tourists and visitors; and that the use of the historic building for the education, stimulation, and welfare of the people would be promoted and the continued economic viability of the building would be preserved, and

WHEREAS, based upon said findings, the City Council believes that it would be in the best interest of the City to so designate the property described

below as a historic landmark and place it on the Tacoma Register of Historic Places; Now, Therefore,

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

Section 1. Designation. That, pursuant to the provisions of Chapter 13.07 of the Tacoma Municipal Code (“TMC”), the Council of the City of Tacoma approves the designation of the following property as a historic landmark and places said property on the Tacoma Register of Historic Places:

1. ANSONIA APARTMENTS

more particularly described as: 215-19 Tacoma Ave. N., Tacoma WA 98403

LOTS 1 THROUGH 5 AND NORTHERLY 1/2 OF LOT 6, BLOCK 3211, MAP OF NEW TACOMA, WASHINGTON TERRITORY, AS RECORDED FEBRUARY 3, 1875, RECORDS OF PIERCE COUNTY, WASHINGTON.

TOGETHER WITH THE SOUTHWESTERLY PORTION OF THE ABUTTING ALLEY AS VACATED BY CITY OF TACOMA ORDINANCE NO. 1655

SITUATE IN THE NORTHEAST QUARTER OF SECTION 32 TOWNSHIP 21, RANGE 03 EAST, W.M., CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL NUMBER 2032110012

based upon satisfaction of the following standards of TMC 13.07.040:

- A.** Has significant character, interest, or value as part of the development, heritage or cultural characteristics of the City, state, or nation, or is associated with the life of a person significant in the past.

- C.** Exemplifies the cultural, political, economic, social or historic heritage of the community.

- D.** Portrays the environment in an era of history characterized by a distinctive architectural style.

Section 2. Controls. A Certificate of Approval must be obtained from the Landmarks Preservation Commission pursuant to TMC 13.07.090 et seq., or the time for denying an application for a Certificate of Approval must have expired, before the owners may make alterations or changes to the exterior of the principle structures.

1. Ansonia Apartments
Specifically, changes to the exterior of the existing building, but excluding the site.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Legal Description Approved:

Assistant City Attorney

Chief Surveyor
Public Works Department

RESOLUTION NO. 37605

A RESOLUTION relating to software services; authorizing the execution of the Data Historian Software License and Services Agreement with OSIssoft, Inc., in the amount of \$176,060, budgeted from the Public Works Wastewater Fund, to improve coordination, optimization, and sharing of data between divisions within the Environmental Services Division.

WHEREAS the Data Historian Software is necessary to manage and share historic operating data across divisions within the Environmental Services Division, and

WHEREAS it is in the City's best interest to execute an agreement with OSIssoft, Inc., for the Data Historian Software and professional services to implement the software; 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 the Data Historian Software License and Services Agreement with OSIssoft, Inc., in the amount of \$176,060, budgeted from the Public Works Wastewater Fund, to improve coordination, optimization, and sharing of data between divisions within the Environmental Services Division, 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. 37606

A RESOLUTION relating to environmental services; authorizing the execution of a 12-month agreement with the Department of Ecology, Washington Conservation Corps ("WCC"), in the amount of \$95,000, budgeted from the Public Works Surface Water Fund, to assist in the maintenance and restoration of various City-owned mitigation/restoration projects; and authorizing the execution of four additional one-year agreements with the WCC for a cumulative amount of \$505,000.

WHEREAS, according to the Foss Waterway Cleanup Consent Decree, the Commencement Bay Natural Resources Damage Assessment Consent Decree ("NRDA"), and the Environmental Protection Agency penalty-driven environmental project, the City is required to perform maintenance, monitoring, and restoration activities on 20 habitat restoration sites, and

WHEREAS, to meet this obligation, the City applied for and was selected by the Department of Ecology ("DOE"), Washington Conservation Corps ("WCC"), to sponsor a six-person crew trained to work in environmentally sensitive areas for 12 months, beginning October 2008, and

WHEREAS the City has participated in this program in the past and has found it to be exceptionally valuable, and

WHEREAS the proposed agreement would provide one supervisor and five workers to perform habitat restoration, maintenance, public education, and invasive plant and debris removal at City-owned sites, as well as sites owned by others, for \$95,000 for one year, which represents one-half of the cost of the crew; the other one-half of the cost will be provided by the DOE through a grant from AmeriCorps, and

WHEREAS the local youth crew is also enrolled in the AmeriCorps program, and

WHEREAS, in addition to earning wages and gaining life experience and job skills, each worker receives \$4,725 from AmeriCorps for higher education after completing the program, and

WHEREAS the City also desires to obtain City Council authorization to enter four additional one-year agreements with the WCC, for a cumulative amount of \$505,000, subject to the requisite budget appropriations; Now, Therefore,

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

Section 1. That the proper officers of the City are hereby authorized to execute a 12-month agreement with the Department of Ecology, Washington Conservation Corps, in the amount of \$95,000, budgeted from the Public Works Surface Water Fund, to assist in the maintenance and restoration of various City-owned mitigation/restoration projects, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Section 2. That the proper officers of the City are hereby authorized to enter into up to four additional one-year agreements with the Department of Ecology, Washington Conservation Corps, for a cumulative amount of

\$505,000, to assist in the maintenance and restoration of various City-owned mitigation/restoration projects and subject to the requisite budget appropriations.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

RESOLUTION NO. 37607

A RESOLUTION authorizing the execution of Amendment No. 2 to the Agreement for Legal Services with the law firm of GordonDerr LLP, in the amount of \$100,000, for a cumulative contract amount of \$280,000, to be budgeted from the General Fund, for legal services relating to various public works and land use matters.

WHEREAS the City's Legal Department is waiting until the classification and compensation study has been completed before beginning the hiring process for vacant assistant city attorney positions, including a senior land use public works position, and

WHEREAS, in the interim, the City entered into a legal services agreement on October 15, 2007, with the law firm of GordonDerr LLP, in the amount of \$50,000, to meet the immediate and on-going need for legal services for public works and land use matters, and

WHEREAS, pursuant to Resolution No. 37495, adopted June 3, 2008, the parties amended the agreement in the amount of \$130,000, for a cumulative contract amount of \$180,000, to continue providing legal services for public works and land use matters, and

WHEREAS the use of these services is on par with the City's projected and budgeted expenditures for these ongoing advice matters, and

WHEREAS the City's Legal Department is seeking City Council approval to increase the total compensation of the agreement in the amount of \$100,000, for a cumulative contract amount of \$280,000, to be budgeted from the General Fund, to ensure that the law firm can continue to provide legal services until the hiring process can move forward; 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 Amendment No. 2 to the Agreement for Legal Services with GordonDerr LLP, in the amount of \$100,000, for a cumulative contract amount of \$280,000, to be budgeted from the General Fund, for the purpose of providing continued legal services to the City relating to various public works and land use matters, 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:

City Attorney

RESOLUTION NO. 37608

A RESOLUTION relating to the City's SAP system; authorizing the execution of an agreement with BearingPoint, Inc., in the amount of \$600,000, budgeted from the Information Systems Fund, to provide for an assessment of the City's SAP Enterprise Resource Planning Systems.

WHEREAS the City advertised a competitive Request for Proposal ("RFP") soliciting consultants to provide for an assessment of the City's SAP Enterprise Resource Planning Systems, and

WHEREAS a selection advisory committee selected BearingPoint, Inc., to assess the current version and process of the City's SAP system to determine the level of effort and funding required for an upgrade; 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 agreement with BearingPoint, Inc., in the amount of \$600,000, to provide for an assessment of the City's SAP Enterprise Resource Planning Systems, 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. 37609

BY REQUEST OF MAYOR BAARSMA AND COUNCIL MEMBERS
LADENBURG, STRICKLAND, AND TALBERT

A RESOLUTION relating to community and economic development; authorizing the execution of an agreement with the William M. Factory Small Business Incubator, in the amount of \$500,000, budgeted from the Council Contingency Fund, to partially fund a second incubator.

WHEREAS the William M. Factory Small Business Incubator (“Incubator”), a nationally recognized incubator in construction services, has determined that there is sufficient demand to warrant an expansion that complements the Puget Sound Regional Council’s targeted industries, and

WHEREAS successful completion of Phase 2 (Scientific and Technical Incubator) will help with the recruitment and startup of over 30 new firms within the first three years that the facility is fully operational and is expected to result in approximately 300 new technology jobs, and

WHEREAS revenues resulting from new enterprises being formed will accrue to the City and surrounding area, and

WHEREAS the facility will have meeting space which will be made available for use by the City on an as-needed basis and will be named the City of Tacoma Conference Area, and

WHEREAS the total capital project for the second incubator is estimated at \$6 million; 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 agreement with the William M. Factory Small Business Incubator, in the amount of \$500,000, budgeted from the Council Contingency Fund, to partially fund a second incubator, 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. 37610

A RESOLUTION relating to facilities development; authorizing the purchase of real property located at 942 Pacific Avenue, for the amount of \$1,250,000, from the Capital Project Fund, and authorizing the execution of a lease of the property to Associated General Contractors.

WHEREAS the City has been reviewing the feasibility of purchasing the property located at 942 Pacific Avenue ("Property") for future redevelopment of the North Park Plaza Garage, and

WHEREAS, on June 6, 2008, Landcrest Development, LLC ("Landcrest"), entered into a purchase and sale agreement with Associated General Contractors ("AGC") for the purchase of the Property, and

WHEREAS, on June 9, 2008, the City entered into an agreement with Landcrest whereby the City was assigned the rights of the purchase and sale agreement, and

WHEREAS this transaction also includes the lease of the Property to the AGC for 12 months, with an option to renew for 6 additional months, and

WHEREAS the City is satisfied with the feasibility of the Property and desires to finalize the purchase and sale agreement and the lease 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 purchase the real property located at 942 Pacific Avenue, for the amount of \$1,250,000, from the Capital Project Fund and authorizing the execution of a

lease of the property to Associated General Contractors, said agreements to be substantially in the form of the proposed agreements on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

RESOLUTION NO. 37611

A RESOLUTION relating to community and economic development; authorizing the execution of an agreement with Prium Olympus Building, L.L.C., for a \$1,500,000 short-term loan from Urban Development Action Grant repayment funds for the development of the Olympus Medical Building.

WHEREAS Prium Olympus Building, L.L.C. ("PRIUM OLYMPUS") has requested that the City grant a \$1,500,000 short-term loan from Urban Development Action Grant ("UDAG") repayment funds, and

WHEREAS PRIUM OLYMPUS has communicated to the City that the loan proceeds will be used by Prium Companies, L.L.C., for the development of the Olympus Medical Building, and

WHEREAS approximately one-third of the building will be occupied by Franciscan Health System and the remainder by other medical tenants, and

WHEREAS security of the loan consists of a second position Deed of Trust, subject to a lien in favor of Frontier Bank in an amount not to exceed \$2,000,000, with the loan interest rate to be 4 percent and a 1 percent fee to be paid by borrower at closing, and

WHEREAS the loan term is for thirty (30) months, and

WHEREAS the borrower shall be responsible for payment of all lenders closing costs; 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 a short-term loan agreement with Prium Olympus Building, L.L.C., in the amount of \$1,500,000, said amount to be from Urban Development Action Grant repayment funds, for the development of the Olympus Medical Building, said document to be

substantially in the form of the proposed short-term Loan Agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney