



Legislation Passed October 21, 2008

The Tacoma City Council, at its regular City Council meeting of October 21, 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.

Resolution No. 37625

Setting Tuesday, November 4, 2008, at approximately 5:30 p.m., as the date for a public hearing by the City Council to set the proposed Ad Valorem tax levies and other general fund revenues.

Resolution No. 37626

Authorizing the execution of a ten-year interlocal agreement with the Metropolitan Park District of Tacoma, providing for the conveyance of certain City-owned parks and facilities, the development of transition plans, and for the provision of parks and parks facility operations and maintenance services.

Resolution No. 37627

Appointing Tammy Blount to the Greater Tacoma Regional Convention Center Public Facilities District Board of Directors for the remaining unexpired term to expire on October 31, 2012.

Purchase Resolution No. 37628

Awarding a contract to:

Western Peterbilt, Inc., in the amount of \$350,000.00, plus sales tax, for a cumulative total of \$468,000.00, budgeted from various departmental funds, to increase the contract for parts and repair services for vehicles on an as-needed basis, and to renew the contract for the period of November 28, 2008 through November 27, 2009 – Specification No. GF07-0649F.

Resolution No. 37629

Authorizing the execution of an agreement with AON Consulting, Inc., in the amount of \$58,900, budgeted from the Retirement Fund, to provide actuarial and audit services for the actuarial valuation of the Tacoma Employees' Retirement System, for the period of November 1, 2008 through July 30, 2009.

Resolution No. 37630

Authorizing the execution of an agreement with Davis Wright Tremaine LLP, in the amount of \$90,000, budgeted from the Retirement Fund, for specialized tax legal advice in connection with the Tacoma Employees' Retirement System, for the period of January 1, 2009 through December 31, 2010.

Resolution No. 37631

Creating an Office of Sustainability and establishing the Sustainable Tacoma Commission on Climate Change.

Resolution No. 37632

Authorizing the execution of a Drinking Water State Revolving Fund Loan Agreement with the Washington State Department of Health, in the amount of \$4,040,000, for the McMillin Reservoir Replacement project.

Ordinance No. 27749

Amending Chapter 12.08 of the Municipal Code, relating to Wastewater and Surface Water Management, to add provisions related to a public notice process as required under the City's National Pollution Discharge Elimination System Municipal Stormwater Permit.

RESOLUTION NO. 37625

A RESOLUTION relating to revenue sources; setting the date for a public hearing to set the proposed Ad Valorem tax levies and other general fund revenues.

WHEREAS RCW 84.55.120 requires that a taxing district, other than the state, that collects regular levies shall hold a public hearing on revenue sources for the district's following year's current expenses budget, and

WHEREAS the hearing must include consideration of possible increases in property tax revenues and shall be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied; Now, Therefore,

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

Section 1. That the hearing required by RCW 84.55.120 for the purpose of setting the proposed Ad Valorem tax levies and other general fund revenues, shall commence on November 4, 2008, at approximately 5:30 p.m., in the City Council Chambers, First Floor, Tacoma Municipal Building, 747 Market Street, Tacoma, Washington.

Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

RESOLUTION NO. 37626

A RESOLUTION relating to City-owned property; authorizing the execution of an interlocal agreement with the Metropolitan Park District of Tacoma ("Metro Parks") for the provision of parks and parks facility operations and maintenance services; and for the conveyance of certain City-owned parks and facilities to Metro Parks.

WHEREAS, on July 13, 2004, the City Council adopted

Resolution No. 36229, authorizing the execution of an agreement with the Metropolitan Park District of Tacoma ("Metro Parks") to define the specific roles and responsibilities of each agency as it relates to certain parks for the provision of property maintenance, service levels, recreational services, and setting performance measures through December 31, 2008, and

WHEREAS, after recent discussions with Metro Parks, City staff and Metro Parks staff agreed that there would be benefits to developing transition plans, allowing for the transfer of certain City-owned parks and facilities to Metro Parks, and developing a sustainable plan for the funding of parks operations and maintenance, and

WHEREAS both the City and Metro Parks own parks and facilities, and Metro Parks has managed and maintained some City-owned parks and facilities and the City has provided funding for that work, and

WHEREAS both parties agree that it is to their mutual benefit, as well as the benefit of the citizens of the City, to centralize all park facilities, operation, and maintenance with Metro Parks as the primary provider, and

WHEREAS, on October 7, 2008, the City Council reviewed the proposed interlocal agreement; Now, Therefore,

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

That the execution of an interlocal agreement with the Metropolitan Park District of Tacoma (“Metro Parks”), providing for the conveyance of certain City-owned parks and facilities to Metro Parks, for the development of transition plans, and for the provision of parks and parks facility operations and maintenance services is hereby approved; and the proper officers of the City are hereby authorized to execute the interlocal agreement, said document to be substantially in the form of the proposed interlocal agreement on file in the office of the City Clerk and approved by the City Attorney.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

RESOLUTION NO. 37627

BY REQUEST OF MAYOR BAARSMA

A RESOLUTION relating to committees, boards, and commissions; and appointing a citizen to serve on the Greater Tacoma Regional Convention Center Public Facilities District Board of Directors.

WHEREAS a vacancy exists on the Greater Tacoma Regional Convention Center Public Facilities District Board of Directors, and

WHEREAS, under Tacoma City Charter Section 2.4, appointments may be made by a majority vote of the City Council from names presented in writing to the City Council by the Mayor, and

WHEREAS the Mayor has nominated Tammy Blount to serve on the Greater Tacoma Regional Convention Center Public Facilities District Board of Directors; Now, Therefore,

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

That Tammy Blount is hereby appointed to serve on the Greater Tacoma Regional Convention Center Public Facilities District Board of Directors, for the remaining unexpired term to expire on October 31, 2012, and until a successor is appointed.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 37628

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;

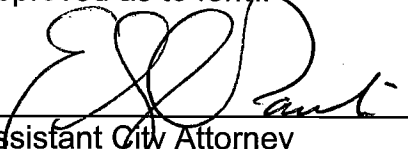
() D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:


Assistant City Attorney



City of Tacoma
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 37628

ITEM NO.: 1

MEETING DATE: OCTOBER 21, 2008

DATE: September 25, 2008

TO: Board of Contracts and Awards

SUBJECT: Increase and Renewal – Vehicle/Equipment Parts and Repair Services
Budgeted from Various Individual Department Funds
SAP Contract 4600004403 – Bid #GF07-0649F

Recommendation: Public Works – Fleet Services requests approval to increase the contract with **Western Peterbilt, Inc., Fife, WA**, by **\$350,000**, plus applicable sales tax, for parts and repair services for vehicles on an as-needed basis, and to renew the contract for the period November 28, 2008, through November 27, 2009.


Explanation: The increase and renewal will continue to provide repair services for refuse and other vehicles in situations where Fleet utilizes factory-certified dealers to diagnose mechanical problems and/or repair vehicles and equipment.

Competitive Bidding: The contract was awarded to Western Peterbilt for one year with four one-year renewal options as a result of bid #GF07-0649F.

Contract History: The contract was awarded in November 2007 by Council Resolution 37328 #2 in the amount of \$118,000. The vendor has agreed to renew the contract for the first renewal period at the same prices, terms, and conditions. This increase will bring the contract to a cumulative total of \$468,000 through November 27, 2009.

Funding: Funds for these services are available in the Funds of the individual departments using the contract.

Project Engineer/Coordinator: Fred Chun, Fleet Services Manager, 591-5553.


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

cc: Jeffrey Jenkins, PW/Facilities
Director's Intern, Public Works
Ken Tross, Solid Waste
Michele Tuong, TPU/Accounting Services
Louis Nguyen, TPU/Accounting Services
Jayne McCartney, TPU/Purchasing
Fleet Operations

RESOLUTION NO. 37629

A RESOLUTION relating to the Tacoma Employees' Retirement System; authorizing the execution of an agreement with AON Consulting, Inc, in the amount of \$58,900, budgeted from the Retirement Fund, to provide actuarial and audit services for the actuarial valuation of the Tacoma Employees' Retirement System.

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 September 11, 2008, approved the agreement with AON Consulting, Inc., to perform an actuarial audit for the actuarial valuation to be performed January 1, 2009, and

WHEREAS it appears to be in the best interests of the City to enter into an agreement with AON Consulting, Inc.; 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 AON Consulting, Inc., in the amount of \$58,900, budgeted from the Retirement Fund, to provide actuarial and audit services for the actuarial valuation of the Tacoma Employees' Retirement

System, for the period of November 1, 2008, through July 30, 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:

City Attorney

RESOLUTION NO. 37630

A RESOLUTION related to outside counsel services; authorizing the execution of a two-year contract with Davis Wright Tremaine LLP, in the amount of \$90,000, budgeted from the Retirement Fund, for the purpose of providing specialized tax legal advice in connection with the Tacoma Employees' Retirement System.

WHEREAS, on August 21, 2008, the Board of Administration of the Tacoma Employees' Retirement System approved a two-year contract with Davis Wright Tremaine LLP, in the amount of \$90,000, to provide specialized tax legal advice relating to the Tacoma Employees' Retirement System for the period of January 1, 2009, through December 31, 2010; 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 contract with Davis Wright Tremaine LLP, in the amount of \$90,000, budgeted from the Retirement Fund, for the purpose of providing specialized tax legal advice in connection with the Tacoma Employees' Retirement System for the period of January 1, 2009, through December 31, 2010, said document to be substantially in the form of the proposed contract on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

RESOLUTION NO. 37631

BY REQUEST OF MAYOR BAARSMAN AND COUNCIL MEMBERS FEY,
LADENBURG, AND WALKER

A RESOLUTION creating an Office of Sustainability and establishing the
Sustainable Tacoma Commission on Climate Change.

WHEREAS, in February 2007, the City Council appointed a Green
Ribbon Climate Action Task Force (“Task Force”) to define carbon reduction
goals and develop specific community and government action plans to achieve
those goals, and

WHEREAS, on July 1, 2008, the Task Force presented a report titled
“Tacoma’s Climate Action Plan” (“Plan”) to the City Council, and

WHEREAS the Plan provides strategies for achieving carbon reduction
goals, generally divided into five categories: “City Leading by Example,”
“Moving People and Goods More Efficiently,” “Enhancing Compact/Livable
Neighborhoods,” “Energy Efficiency in Our Buildings, Homes, and Industries,”
and “Reuse and Recycle . . . from Buildings to Food Waste,” and

WHEREAS the Task Force recommended establishment of a citizen’s
oversight commission to bring citizen accountability, transparency, and vigilance
to the long-term implementation of the Plan, and

WHEREAS the City Council and the Tacoma Public Utility Board (“Utility
Board”) wish to establish central points of contact for implementation of the Plan
in order to coordinate actions across departments through the creation of an
Office of Sustainability (“Office”), and

WHEREAS the Office will be staffed from positions appointed by the City Manager and the Director of Utilities, respectively; Now, Therefore,

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

Section 1. That there is created an Office of Sustainability (“Office”), which shall report to the City Manager and the duties of which shall include: (1) Research and development of City policies and programs that foster achievement of the City’s sustainability goals and objectives; (2) Establishment of two 5- and 10-year sustainability goals for City government and the community and periodic updates and reports on the achievement of those goals, including financial savings to the City; (3) Provide staff support to the Sustainable Tacoma Commission on Climate Change and to any internal City workgroups implementing or supporting the Plan; (4) Integrate sustainability and environmental values into City plans, programs, and policies; (5) Make recommendations to the City Council, the City Manager, and the Utility Board and Director of Utilities, as appropriate, to implement appropriate policies and practices; (6) Promote sustainable practices by citizens, businesses, government agencies, and nonprofit organizations; (7) Represent, in coordination with governmental relations staff, the City and TPU in forums and meetings promoting sustainability and coordinate with state, regional, and national climate action efforts; (8) Establish a partnership to analyze and reduce the carbon footprint in business and industry; and (9) Encourage and actively support sustainable activities of government agencies in Pierce County.

Section 2. That, pursuant to and consistent with the Tacoma City Charter, Article IV, Section 4.17, the City Council authorizes Tacoma Public Utilities (“TPU”), through its Director and subordinates, to collaborate with the Office to accomplish its public policy purposes; and authorizes TPU to create a sustainability function to accomplish such collaboration with such authorization subject to City Council review and reauthorization no later than October 1, 2010.

Section 3. That there is created the Sustainable Tacoma Commission on Climate Change (“Commission”), which Commission shall have the purpose and be constituted substantially as outlined on Exhibit “A” hereto.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

EXHIBIT “A”

PURPOSE

The purpose of the Commission is to bring citizen accountability, transparency, and vigilance to the long-term implementation of Tacoma’s Climate Action Plan, as developed by the Green Ribbon Climate Action Task Force.

COMPOSITION AND TERM

A. The Commission shall consist of 11 members, who shall be a balanced representation of various stakeholders in the Tacoma community, such as environmental, small business, labor, housing, industrial and port, transportation, education, building industry, and residential consumers. Members shall be recommended by the City’s Appointments Committee and confirmed by the City Council. Commission members shall serve staggered terms of three years. The initial terms shall be one year for the first, second, and third members appointed; two years for the fourth, fifth, sixth, and seventh members appointed; and three years for the eighth, ninth, tenth, and eleventh members appointed. A member shall hold office until the member’s successor is appointed; provided, that the term of the successor shall be deemed to have commenced upon the expiration of the term of the member holding over and shall be considered a full term. In an effort to promote both stability within the Commission and to encourage rotation of the membership, the City Council sets a guideline of two full terms per member but, at its discretion, may reappoint members to serve more than two terms.

B. The Commission shall be subject to the provisions of Washington's Open Public Meetings Act.

C. The Commission shall adopt written rules governing its procedures and providing for the holding of regular and special meetings. A copy of these rules shall be filed with the City Clerk.

D. The Commission shall have the following duties: (1) Oversee implementation of Tacoma's Climate Action Plan strategies; (2) Coordinate with the Office of Sustainability to obtain greenhouse gas emissions reduction reports; (3) Obtain updates from the Office of Sustainability on Climate Action Plan strategy implementation efforts and periodic result reports; (4) Provide annual progress reports to the public; (5) Communicate barriers to and incentives for implementation to the City Council; and (6) Create a forum for regular public comment and community involvement.

RESOLUTION NO. 37632

A RESOLUTION relating to public utilities; approving a Drinking Water State Revolving Fund Loan Agreement for the McMillin Reservoir Replacement Project.

WHEREAS Washington State has a low-interest loan program administered by the Public Works Board for qualifying public water system projects, and

WHEREAS the McMillin Reservoir Replacement Project (“Project”) has been selected for a low-interest construction loan, in the amount of \$4,040,000, and

WHEREAS the Project is necessary to comply with the Safe Drinking Water Act and with a bilateral compliance agreement with the State of Washington Department of Health, and

WHEREAS it is in the best interest of the City and of the customers of Tacoma Water to approve the \$4,040,000 Public Works Trust Fund loan to provide additional funding for the Project; Now, Therefore,

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

That the City Council approves the \$4,040,000 Drinking Water State Revolving Fund loan as additional funding for the McMillin Reservoir Replacement Project and authorizes the proper officers of the City to

execute an agreement for said loan to be substantially in the form of the proposed document on file in the office of the City Clerk and as approved by the City Attorney.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

Requested by Public Utility Board
Resolution No. 10243

ORDINANCE NO. 27749

AN ORDINANCE relating to wastewater and surface water utilities; amending Chapter 12.08 of the Tacoma Municipal Code to add provisions related to a public notice process, as required under the City's National Pollution Discharge Elimination System municipal stormwater permit; and making technical corrections.

WHEREAS the City's 2007 National Pollution Discharge Elimination System municipal stormwater permit includes a requirement obligating the City to provide public notice prior to granting exceptions to the Minimum Requirements of the Surface Water Management Manual, and

WHEREAS the City is also required to keep records of all local exceptions and written findings of fact relating to the exceptions; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 12.08.095 of the Tacoma Municipal Code is hereby amended, as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

Assistant City Attorney

EXHIBIT "A"

12.08.095 Exceptions procedure.

A. General. Requests for exceptions from the requirements of TMC 12.08.090 may be made according to this section. An exception may be requested to allow a waiver, a reduction or modification of a requirement, or to permit an alternative requirement. Any such request must be made in writing. The Director shall approve or deny such requests in writing and shall only approve an exception to the extent it is necessary to meet the criteria set forth in this section. An applicant is not entitled to an exception, whether or not the criteria for approval of an exception are met. The Director may require the applicant to submit a Washington State licensed engineer's report or analysis with a request for an exception. As a condition of approving an exception, the Director may impose new or additional requirements to offset or mitigate harm that may be caused by approving the exception.

Deleted: or may have been prevented had the exception not been approved.

B. Equally Protective Exceptions. The Director may approve a request for an exception if the Director determines that it is likely to be equally protective of public health, safety and welfare, the environment, and public and private property as the requirement from which an exception is sought.

C. Other Exceptions. The Director also may approve a request for an exception where the criteria in subsection B are not met, or where the Director cannot determine whether the criteria are met, if the Director determines in his or her sole discretion that substantial reasons exist for approving the requested exception and the exception will not cause significant harm. Substantial reasons may include, but are not limited to,

1. The requirement is not technically feasible;
2. An emergency situation necessitates approval of the exception;
3. No reasonable use of the property is possible unless the exception is approved;
4. The requirement would cause harm or a significant threat of harm to public health, safety and welfare, the environment, or public and private property, or would cause extreme financial hardship which substantially outweighs its benefits.

D. The approval of an exception shall not be construed to be an approval of any violation of any of the other provisions of this chapter nor approval of any violation of any other ordinance of the City nor approval of any violation of any other valid law of any governmental entity having jurisdiction. The approval of plans, specifications, and calculations for an exception shall not prevent the Director from thereafter requiring the correction of errors in such plans, specifications, or other data, or from preventing operations being carried on thereunder when in violation of this chapter, or any other ordinance of the City.

E. The following public notice requirements apply whenever a request for an exception to the Minimum Requirements contained in TMC 12.08.090.D ("Request") is received by the City:

1. Public notice ("Notice") shall be made to inform the public about the contents of the Request and the Director's decision to grant or deny it. Notice of the Request and the Director's decision to grant or deny the Request may be combined.
2. The Notice shall be published, at the requester's cost, in the City's newspaper of record and a local newspaper of general circulation within Tacoma. The Notice shall also be published on the surface water section of the City's website.
3. The Notice shall include: (i) a brief description of the Request; (ii) a brief description of the Director's decision to grant the Request and the reasons supporting the decision, or a statement that the Request is denied; (iii) where the Request and the Director's decision to grant or deny the Request can be reviewed; and (iv) the name and contact information of a City employee who can answer questions regarding the Request.

4. The City shall provide a hardcopy of the Director's decision to grant or deny a Request to the requester. The Director's decision to approve or deny a Request shall include a reference to the procedures in TMC 12.08.678 for contesting such decision.

F. Appeals to the Hearing Examiner. Appeals of the Director's decision on Request for an exception shall be made to the Hearing Examiner in accordance with TMC 12.08.678. (Ord. 27538 § 6; passed Oct. 24, 2006; Ord. 27003 § 7; passed Nov. 19, 2002)

Deleted: an application

Deleted: within 30 calendar days of the receipt of the Director's decision. The Hearing Examiner, upon receipt of a properly filed appeal, shall set a hearing date, and the appellant shall be notified of the hearing date by first-class mail and by certified mail, return receipt requested. Proceedings in regard to appeals filed under this section shall be conducted in accordance with the requirements of TMC 1.23 and Office of the Hearing Examiner Rules of Procedure for Hearings. The Hearing Examiner shall issue Findings of Fact and Order, based on the hearing, in writing, delivered to the appellant by first-class mail and by certified mail, return receipt requested.