



Legislation Passed November 25, 2008

The Tacoma City Council, at its regular City Council meeting of November 25, 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. 37658

Setting Tuesday, December 9, 2008, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the proposed surplus property sale of a portion of the City of Tacoma Flume Line right-of-way located in the vicinity of Military Road East and 28th Avenue in Pierce County.

Purchase Resolution No. 37659

Awarding contracts to:

1. Motorola, Inc., in the amount of \$393,363.00, plus sales tax, budgeted from the Radio Communications Fund, for software to upgrade and install in existing public safety radio system infrastructure equipment – Sole Source; and
2. American Construction Co., Inc., on its bid of \$269,948.03, including sales tax, budgeted from the Capital Projects Foss Waterway Fund, for construction of the Waterway Park Kayak Float on the Thea Foss Waterway at East 21st Street – Specification No. PW08-0745F.

Resolution No. 37660

Authorizing the execution of Historic Preservation Special Valuation Agreements for the rehabilitation of the following historic properties:

1416 South 5th Street,
1302-1306 Fawcett Avenue,
1308-1310 Fawcett Avenue,
215-219 Tacoma Avenue North,
301 Tacoma Avenue North,
917 Pacific Avenue,
755 Broadway, and
405 6th Avenue.

Resolution No. 37661

Authorizing the execution of a Memorandum of Agreement with Pierce County as the sponsoring agency of the Urban Search and Rescue (US&R) Response Team, for continued participation on the local US&R team.

Ordinance No. 27755

Amending Chapter 8.23 of the Municipal Code to define public nuisance vehicles and make the process for abating public nuisance vehicles consistent with the process for abating public nuisances in Chapter 8.30.

Ordinance No. 27756

Authorizing an increase in 2008 general property tax revenue in 2009 in terms of both dollars and a percentage increase of one percent; and fixing the 2009 Ad Valorem Property tax levy.

Ordinance No. 27757

Authorizing an increase in 2008 property tax revenue collection in 2009 in terms of both dollars and a percentage increase of one percent for the Emergency Medical Services levy in 2009; and fixing the 2009 Ad Valorem Property tax levy.

Ordinance No. 27758

Extending the length of the terms of the Tacoma Narrows Airport interfund loans, in the amount of \$2,850,000, through December 31, 2011.

RESOLUTION NO. 37658

A RESOLUTION relating to the sale of Tacoma Water surplus property; setting Tuesday, December 9, 2008, as the date for a public hearing concerning a proposed agreement with Pierce County for the proposed sale of a portion of the City of Tacoma Flume Line right-of-way.

WHEREAS chapter 35.94 RCW requires the City to schedule a public hearing before the City Council to formally allow public comment pertaining to the proposed surplus and sale of utility property, and

WHEREAS the City is presently negotiating the terms and conditions of a sale of a portion of the City of Tacoma Flume Line right-of-way, which bisects the Pierce County-owned Naches Preserve property, to Pierce County for the preservation of the Clover Creek watershed, and

WHEREAS the portion to be conveyed is a 50-foot-wide strip of land along the alignment of Clover Creek located in the vicinity of Military Road East and 38th Avenue in the County of Pierce, and

WHEREAS the appraised value of the property has a value of approximately \$22,615.07, and Pierce County has offered the City the sum of \$23,000.00, in addition to paying all escrow and closing costs, including the real estate excise tax, and

WHEREAS a declaration of surplus and the proposed sale have been approved by the Public Utility Board and will be presented for approval to the City Council after the public hearing; Now, Therefore,

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

Section 1. That Tuesday, December 9, 2008, at the hour of approximately 5:30 p.m. thereof, is hereby scheduled as the time, and the City Council Chambers in the Tacoma Municipal Building, Tacoma, Washington, as the place where the City Council will hold a public hearing concerning a proposed agreement with Pierce County for the proposed sale of surplus property.

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. 37659

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;

(X) 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:

Cheryl Comer

Assistant City Attorney



City of Tacoma
Information Technology Department

EXHIBIT "A"

RESOLUTION NO.: 37659

ITEM NO.: 1

MEETING DATE: NOVEMBER 25, 2008

DATE: November 10, 2008

TO: Board of Contracts and Awards

SUBJECT: Waiver of Competitive Bidding Request – Sole Source
Purchase and Implement Motorola Software Upgrade
Budgeted from Comms Equipment Replacement Reserve Fund 5540

RECOMMENDATION: The Information Technology Department, Public Safety Communications Section requests a waiver of competitive procurement procedures and recommends that a contract in the amount of \$393,363.00 plus applicable sales tax, be awarded to **Motorola, Inc., of Redmond, WA**, for the purchase of Motorola equipment software to upgrade and install in existing public safety radio system infrastructure equipment.

EXPLANATION: An upgrade of the City's current 800 MHz software version needs to be performed in order to ensure continued maintenance of the equipment through its end of life scheduled for December 31, 2015. Completion of the upgrade will also allow continued interoperability with agencies whose radio infrastructure equipment is connected to the City's radio network.

COMPETITIVE BIDDING: Waiver of competitive bidding requested due to sole source. Motorola's software is proprietary to Motorola. This upgrade can only be purchased directly from Motorola and is not available through any of Motorola's distributors.

CONTRACT HISTORY: New contract.

FUNDING: Funds for this are available from the Radio Communications Fund 5540.

HUB/LEAP COMPLIANCE: Not applicable.

LEGAL REVIEW: Not applicable.

PROJECT ENGINEER/COORDINATOR: Steve Taylor, Networks and Communications Manager, 404-3790.

Michelle Lewis-Hodges
Interim Information Technology Director

/cah

cc: Steve Taylor, Information Technology Department
Kim Jackson, Finance Department
Chuck Blankenship, Finance Department, Purchasing Division
PJ Long, OMBA Department
File



City of Tacoma
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 37659

ITEM NO.: 2

MEETING DATE: NOVEMBER 25, 2008

DATE: November 3, 2008

TO: Board of Contracts and Awards

SUBJECT: Waterway Park Kayak Float
Budgeted from Capital Projects Foss Waterway Fund 3211-FWDA
Specification No. PW08-0745F

RECOMMENDATION: Public Works - Engineering Division recommends that a contract in the amount of \$269,948.03, including sales tax, be awarded to third low bidder **American Construction Co., Inc., of Tacoma, WA**, for construction of the Waterway Park Kayak Float on the Thea Foss Waterway at East 21st Street. The contract duration is estimated to be 45 working days.

EXPLANATION: This project consists of construction of a 12' X 85' pier with a launch pad. The project will remove existing derelict floats and replace these with a new float suitable for non-motorized use.

COMPETITIVE BIDDING: Specification No. PW08-0745F was opened October 14, 2008. Five companies were invited to bid in addition to normal advertising of the project. A total of four bids were received for the construction contract. The first and second low bidders were deemed non-responsive due to their failure to use the required proposal forms furnished by the City. 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. American Construction Co., Inc. submitted a bid that resulted in the lowest evaluated bid after consideration of HUB participation goals.

Bidder	Location	Total Bid including Sales Tax	Evaluated Bid
Marine Floats Corp.	Tacoma, WA	\$ 199,723.07	
Kappert's Waterfront Construction	Olympia, WA	\$ 260,223.03	
American Construction Co., Inc.	Tacoma, WA	\$ 269,948.03	\$229,058.30
Nordic Construction Inc.	Tacoma, WA	\$ 307,029.24	\$263,140.30
	Pre-bid Estimate	\$ 259,324.80	

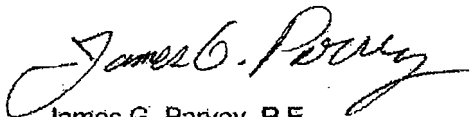
The recommended award is 3.86% above the pre-bid estimate.

CONTRACT HISTORY: New contract.

FUNDING: Funds are available in the Capital Projects Foss Waterway Fund 3211-FWDA.

HUB/LEAP COMPLIANCE: The recommended contractor is in compliance with the Historically Under-utilized Business (HUB) Regulation requirements per memorandum dated October 31, 2008. The HUB goal for this project is 7%, and the level of HUB participation for American Construction Company, Inc. is 7.05%. The recommended contractor submitted the lowest evaluated bid per the HUB Regulation requirements. The Local Employment and Apprenticeship Training Program (LEAP) goal is 105 hours.

PROJECT ENGINEER/COORDINATOR: Kim Scattarella, Engineering Division, 253-594-7882.



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

cc: Rae Bailey, Construction
Chuck Blankenship, Purchasing Analyst
Percy Jones/Peter Guzman HALO
Intern, PWD
Mike Waits, Engineering

RESOLUTION NO. 37660

A RESOLUTION relating to Special Valuation rehabilitation incentive; authorizing the approval of Special Valuation Tax Agreements for the rehabilitation of various properties.

WHEREAS the properties located at 1416 South 5th Street, 215-219 Tacoma Avenue North, 301 Tacoma Avenue North, 755 Broadway, 1302-1306 Fawcett Avenue, 1308-1310 Fawcett Avenue, 917 Pacific Avenue, and 405 6th Avenue, are designated on the Tacoma Register of Historic Places, and

WHEREAS the owners of the above-listed properties have completed substantial rehabilitation during the two-year period preceding the date of application and have applied to the County Assessor for special valuation pursuant to chapter 84.26 RCW and City Substitute Ordinance No. 23499, and

WHEREAS, pursuant to Section 1.42.090 of the Tacoma Municipal Code, a special valuation agreement is subject to approval by the City Council, and

WHEREAS the Landmarks Preservation Commission has recommended the approval of the Historic Preservation Special Valuation Agreements regarding the above properties; 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 Historic Preservation Special Valuation Agreements, substantially in the form of the documents on file in the office of the City Clerk, which agreements shall assure

the preservation and maintenance of the properties located at 1416 South 5th Street, 215-219 Tacoma Avenue North, 301 Tacoma Avenue North, 755 Broadway, 1302-1306 Fawcett Avenue, 1308-1310 Fawcett Avenue, 917 Pacific Avenue, and 405 6th Avenue, in exchange for the tax assessment on the properties to be reduced proportionately to the eligible expenses invested in their rehabilitation.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

RESOLUTION NO. 37661

A RESOLUTION related to the Tacoma Fire Department; authorizing the execution of a Memorandum of Agreement with Pierce County as the sponsoring agency of the Urban Search and Rescue Response System.

WHEREAS the Federal Emergency Management Agency (“FEMA”) has created local Urban Search and Rescue (“US&R”) teams to be prepared to function during disasters and other emergencies, and

WHEREAS, in 1994, Pierce County and the City entered into a Memorandum of Agreement, and, since that time, Tacoma Fire Department (“TFD”) employees have participated in the local Urban Search and Rescue team, and

WHEREAS, on April 29, 2003, the City Council adopted Resolution No. 35833, authorizing the execution of an amended Memorandum of Agreement, and

WHEREAS there have been a number of legal and regulatory changes made since that time, including the transfer of FEMA to the Department of Homeland Security and the publication of the US&R Final Interim Rule, and

WHEREAS the City must enter into a new agreement, enabling the continuing participation of the TFD on the local US&R team; 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 Memorandum of Agreement with Pierce County, as the sponsoring agency of the Urban Search and Rescue, said document to be substantially in the form of the proposed Memorandum of Agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

ORDINANCE NO. 27755

AN ORDINANCE relating to the regulation of public nuisance vehicles; updating definitions; making the process for abating public nuisance vehicles consistent with abating public nuisances in Chapter 8.30 of the Tacoma Municipal Code; and amending Chapter 8.23 of the Tacoma Municipal Code in connection therewith.

WHEREAS public nuisance vehicles detrimentally affect the health and safety of communities and neighborhoods in the City, and

WHEREAS Chapter 8.23 of the Tacoma Municipal Code (“TMC”) defines “public nuisance vehicle” and establishes procedures for the removal and abatement of public nuisance vehicles, and

WHEREAS amending definitions related to public nuisance vehicles will clarify the meaning of “public nuisance vehicle,” and

WHEREAS making the process of abating public nuisance vehicles more consistent with the process and timelines for abating public nuisances set forth in TMC 8.30 will enhance enforcement, and

WHEREAS eliminating unnecessary steps in the abatement process will lead to a reduction in public nuisance vehicles throughout the City, and

WHEREAS, on October 23, 2008, the Public Safety, Human Services, and Education Committee gave a “do pass” recommendation to the proposed changes;
Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 8.23 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit “A.”

Section 2. Severability and Savings. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by an administrative agency or quasi-judicial body, or by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by an administrative agency or quasi-judicial body, or by a court of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

EXHIBIT "A"

8.23.010 Purpose and intent.

A. It is the purpose and intent of the City Council that this chapter will eliminate the effects of the accumulation of damaged or inoperable vehicles on private property or public property, including rights-of-way, which create blight; depress land values; generate health hazards; damage the environment, including numerous species of fish and wildlife; provide breeding areas for pests, such as rodents, hornets, and mosquitoes; attract illegal dumping of other solid waste and hazardous substances; and lead to criminal behavior detrimentally affecting the health and safety of communities and neighborhoods in the City of Tacoma.

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B. It is the intent of the City Council to:

1. Declare that it is a public nuisance and unlawful to accumulate, dismantle, park, place, or store Public Nuisance Vehicles on public or private property in the City of Tacoma;
2. Decrease the likelihood of criminal conduct associated with the unlawful accumulation, dismantling, parking, placing, or storage of Public Nuisance Vehicles;
3. Reduce the inherent public health and safety problems associated with the unlawful accumulation, dismantling, parking, placing, or storage of Public Nuisance Vehicles;
4. Minimize the likelihood of injury resulting from children playing on or around Public Nuisance Vehicles; and
5. Establish procedures for the removal and abatement of Public Nuisance Vehicles that have been unlawfully accumulated, dismantled, parked, placed, or stored.

8.23.020 Definitions.

For purposes of this chapter, certain terms, phrases, and words, and their derivatives, shall have specific meanings, as defined in this section. Terms, phrases, and words used in the singular shall also apply to the plural; terms, phrases, and words used in the plural shall also apply to the singular.

A. "Apparently Inoperable" means:

1. that the Vehicle does not appear to comply with requirements for safe and legal operation on public streets or highways with regard to licensing, brakes, lights, tires, safety glass, or other safety equipment;

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or

2. a Vehicle that has been determined by the Tacoma-Pierce County Health Department to be unfit for use due to contamination from methamphetamine or other substances, which are harmful to human health or the environment; or

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3. other circumstances or conditions that are evidence that the Vehicle is not currently operable, including, but not limited to, a Vehicle having its passenger compartment filled with trash or debris, vegetation growing inside, around, or on the vehicle, or other evidence that the vehicle has not been moved for an extended period of time.

B. "Extensively Damaged" means:

Deleted: that the Vehicle has visible damage to or is missing a minimum of three of the following parts or components:
1. frame,
2. axle,
3. surface panels,
4. doors,
5. fender,
6. window or windshield,
7. headlight or front signal light,
8. taillight, brake light, or rear signal light,
9. engine,
10. transmission,

~~such damage including, but not limited to, any of the following: a broken window or windshield or missing wheels, tires, motor, or transmission.~~

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 11. wheels or tires, ¶
 12. steering wheel, ¶
 13. radiator, ¶
 14. battery, ¶
 15. any other major mechanical or electrical equipment, or 16. visible damage or a lack of any other similar component identified by a Public Official when observing the Vehicle.

~~C. "Hearing Officer" shall mean the City Manager, or his or her designated representative.~~

~~D. "Landowner" means the owner of the property, as shown in the records of the Pierce County Assessor.~~

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~~E. "Law Enforcement Officer" means, for purposes of this chapter, any commissioned police officer, and any person holding a limited commission to enforce this chapter or chapter 46.55 RCW.~~

Deleted: any person who legally owns private property and/or any person with possession or control of private property

~~F. "Public Nuisance Vehicle" is a Vehicle, or the parts of a Vehicle, which meets three of the following criteria: (1) is Extensively Damaged; (2) is Apparently Inoperable; (3) is three years old or older; and (4) has an approximate fair market value equal to the scrap value; provided, that the following shall be exempt from the foregoing definition:~~

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1. The Vehicle, or parts thereof, is completely enclosed within a building; or
2. The Vehicle, or parts thereof, is stored or parked in a lawful manner on private property in connection with the legal business of a licensed dismantler; motor vehicle wrecker; licensed vehicle dealer; junk, salvage, or wrecking yard; provided, that the business is in compliance with the provisions of the Tacoma Municipal Code and the property is fenced, as required by RCW 46.80.130.

Deleted: in the Tacoma Police Department and any commissioned Code Enforcement Officer

~~G. "Public Official" means any official designated by the City Manager, or his or her designee, authorized to enforce this chapter, including, but not limited to, officials of the Police Department, Fire Department, Public Works Department, Finance Department, or the Tacoma-Pierce County Health Department charged with the enforcement of a particular portion of this chapter.~~

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~~H. "Vehicle" shall include, but not be limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on the public right-of-way, and shall also include parts of vehicles.~~

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8.23.060 Notice of Violation and Abatement – Private property.

A. A Public Official is authorized to issue a Notice of Violation and Abatement upon reasonable belief that a condition prohibited by this chapter exists.

B. The Notice of Violation and Abatement shall be issued to the Landowner, as shown by the records of the Pierce County Assessor, and to the last registered owner of record of the Vehicle, if that person can be determined.

~~C. The Notice of Violation and Abatement shall be served by mailing a copy of said notice to the Landowner, and to the last registered owner of record of the Vehicle, if that person can be determined, by first-class and certified mail.~~

Deleted: posting a copy in a conspicuous place on the property where the Vehicle is located and by

D. The Notice of Violation and Abatement shall contain substantially the following information if it is reasonably obtainable:

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1. The name and address of the person to whom the notice is issued;
2. The location of the subject property by address or other description sufficient for identification of the subject property;
3. A description of the Vehicle and its location and the reasons for which the City deems it to be a public nuisance in violation of this chapter;
4. A description of the corrective action necessary to eliminate the violation;
5. The date by which the corrective action must be completed;
6. A statement that if any of the persons to whom the Notice of Violation and Abatement is issued wish to appeal said notice, they may submit a written Notice of Appeal to the City Clerk to request a hearing before the Hearing Officer.

Deleted: Public Official

7. A statement that if the persons to whom the Notice of Violation and Abatement is issued fail to submit a Notice of Appeal within 10 calendar days of the date of the Notice or fail to voluntarily abate the nuisance within 18 calendar days of the date of the Notice, the City will abate the nuisance by removing and disposing of the Vehicle and will assess all costs of administration and removal against the Landowner.

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8.23.070 Notice of Appeal – Private property.

A. Within ten calendar days of the date of a Notice of Violation and Abatement, the Landowner and/or the last registered owner of record of the Vehicle may submit a written Notice of Appeal to the City Clerk to appeal the Notice of Violation and Abatement.

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B. The recipient of a Notice of Violation and Abatement may appeal:

1. Whether the Public Official appropriately identified the Vehicle as a Public Nuisance Vehicle; or
2. Whether the Landowner should not be held responsible for the nuisance because the Landowner did not consent to the presence of the Public Nuisance Vehicle and has not subsequently acquiesced in its presence; or
3. Whether the last registered owner of record of the Vehicle should not be held responsible for the nuisance because said owner, in the transfer of ownership of the Vehicle, has complied with RCW 46.12.101; or
4. The Notice of Appeal shall specify the specific ground(s) of appeal.

C. If a request for a hearing is received, the Public Official shall mail a notice giving the time, location, and date of the hearing on the question of abatement and removal of the Vehicle, or part thereof, as a public nuisance, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record, unless the Vehicle is in such condition that identification numbers are not available to determine ownership.

8.23.080 Hearing – Private property.

A. The appeal of a Notice of Violation and Abatement shall be heard by the Hearing Officer.

B. The Hearing Officer will conduct the hearing required by this chapter no more than 18 calendar days after the Public Official issues the Notice of Hearing.

C. The hearing will address the grounds of appeal allowed in TMC 8.23.060, which were stated in the Notice of Appeal. If the Hearing Officer determines that multiple parties share responsibility for the nuisance, the Hearing Officer will allocate the assessment of costs of administration, removal, and disposal among the responsible parties.

D. An appellant may appear in person at the hearing or present a written statement to explain the grounds for appeal, which were stated in the Notice of Appeal. The Hearing Officer must receive the written statement in time for consideration at the hearing.

E. The City shall have the burden of proof to establish by a preponderance of the evidence that a violation has occurred and that the required corrective action is reasonable.

F. The Hearing Officer shall determine whether the City has established, by a preponderance of the evidence that a violation has occurred and that the required corrective action is reasonable and shall affirm, modify, or vacate the Public Official's decisions regarding the alleged violation and/or the required corrective action.

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8.23.090 Order of the Hearing Officer – Private property.

A. If affirming the Public Official's Notice of Violation and Abatement, the Hearing Officer may assess administrative costs or costs related to the abatement of the violator's Vehicle. The Hearing Officer may also order the refund of hearings fees to parties deemed not responsible for the violation.

B. If it is determined at the hearing that the Vehicle was placed on the land without the consent of the Landowner and that he or she has not subsequently acquiesced in its presence, then the Hearing Officer order shall not assess costs of administration or removal of the Vehicle against the property upon which the Vehicle is located or otherwise attempt to collect the cost from the Landowner.

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8.23.100 Appeal of the decision of the Hearing Officer – Private property.

The decision of the Hearing Officer shall be considered final, unless a written Notice of Appeal is filed with a court of competent jurisdiction no later than ten days after issuance of the Order of the Hearing Officer.

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8.23.110 Removal and disposal – Costs – Liens – Private property.

A. Commencing 18 calendar days after the date of the Notice of Violation and Abatement, if no appeal had been filed, or 15 calendar days after the issuance of an Order from the Hearing Officer resulting in authority to remove the Vehicle, the Public Official shall cause the removal and disposal of the Vehicle, or part thereof, as soon as practicable. The Public Official will provide notice to the Washington State Patrol and the Washington State Department of Licensing that the Vehicle has been processed in accordance with the laws of the state of Washington. The Vehicle shall only be disposed of as scrap.

B. The City may file a lien for the cost of any abatement proceedings under this chapter and all other related costs against the real property on which the monetary penalty was imposed or any of the work of abatement was performed, except no lien shall attach to the real property if the Landowner was found not responsible in the Order issued by the Hearing Officer. The lien shall run with the land, but shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be in parity. Any claim of lien shall contain sufficient information regarding the Notice of Violation and Abatement, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

C. In addition to a lien, the City may pursue collection of the cost of any abatement proceedings under this chapter by any other lawful means, including referral to a collection agency.

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ORDINANCE NO. 27756

AN ORDINANCE relating to property tax levies; authorizing an increase in 2008 general property tax revenue in 2009 in terms of both dollars and percentage for the general property tax levy in 2009; and fixing the amount of the ad valorem tax levies necessary to identify the amount of the estimated revenues from property tax levies to match estimated expenditures for debt service and other funding requirements.

WHEREAS it is necessary to identify the amount of the estimated revenues from property tax levies to match estimated expenditures for debt service and other funding requirements, and

WHEREAS the 2009 levy would be set at 1 percent over the previous year, exclusive of the amount derived from new construction, improvements to property, newly constructed wind turbines, any annexations that have occurred and administrative refunds made, any increase in the value of

state-assessed property, and exclusive of the amount of excess levy necessary to provide for the bond debt approved by the citizens of Tacoma, and

WHEREAS the total levy, exclusive of the aforementioned allowable increases, is \$46,842,091; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the regular property tax levy is hereby authorized for the 2008 levy for collection in 2009, in the amount of \$46,842,091, which represents a percentage increase of 1 percent from the previous year's actual levy amount of \$46,378,307, which is a dollar increase of \$463,784, exclusive of the increase due to new construction, improvements to property, newly constructed wind turbines, any annexations that have occurred and administrative refunds made, any increases in the value of state-assessed property, and exclusive of the amount of excess levy required for voted debt service of \$2,896,649.

Section 2. That the taxes herein provided for are levied to match the estimated expenditures for debt service and other funding requirements and are hereby levied upon all the real and personal property as shown by the

assessment in Pierce County ("County") as finally and hereafter fixed by the County and State Board of Equalization, and as finally extended upon the books of the County Assessor showing the property within said City subject to taxation for municipal purposes and upon the amount of said real and personal property in accordance with certified assessed valuation of all taxable property within the City of Tacoma as fixed in 2008 for the purpose of collection in 2009, as provided by the Pierce County Assessor.

Section 3. That the taxes collected from levies hereby fixed and made, together with the estimated revenues from sources other than ad valorem taxation, which will constitute the appropriations of the City for the fiscal year 2009, are hereby available for appropriation, all as itemized and classified in the Biennial Budget for the fiscal years 2009-2010, as adopted, pursuant to the laws of the state of Washington.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

ORDINANCE NO. 27757

AN ORDINANCE relating to property tax levies; authorizing an increase in 2008 for property tax revenue collection in 2009 in terms of both dollars and percentage for the Emergency Medical Services levy in 2009; and fixing the amount of the ad valorem tax levies necessary to identify the amount of the estimated revenues from property tax levies to match estimated expenditures for debt service and other funding requirements.

WHEREAS it is necessary to identify the amount of the estimated revenues from the emergency medical services property tax levy estimated expenditures for the necessary funding requirements, and

WHEREAS the 2009 levy would be set at 1 percent over the previous year, exclusive of the amount derived from new construction, improvements to property, newly constructed wind turbines, any annexations that have occurred and administrative refunds made, and any increase in the value of state-assessed property, and

WHEREAS the total levy, exclusive of the aforementioned allowable increases, is \$9,740,471; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the Emergency Medical Services property tax levy is hereby authorized for the 2008 levy for collection in 2009, in the amount of \$9,740,471, which represents a percentage increase of 1 percent from the previous year's actual levy amount of \$9,644,030, which is a dollar increase of \$96,441, exclusive of the increase due to new construction, improvements to property, newly constructed wind turbines, any annexations that have occurred and administrative refunds made, and any increases in the value of state-assessed property.

Section 2. That the taxes herein provided for are levied to match the estimated expenditures for debt service and other funding requirements and are hereby levied upon all the real and personal property as shown by the assessment in Pierce County ("County") as finally and hereafter fixed by the County and State Board of Equalization, and as finally extended upon the books of the County Assessor showing the property within said City subject to taxation for municipal purposes and upon the amount of said real and

personal property in accordance with certified assessed valuation of all taxable property within the City of Tacoma as fixed in 2008 for the purpose of collection in 2009, as provided by the Pierce County Assessor.

Section 3. That the taxes collected from levies hereby fixed and made, together with the estimated revenues from sources other than ad valorem taxation, which will constitute the appropriations of the City for the fiscal year 2009, are hereby available for appropriation, all as itemized and classified in the Biennial Budget for the fiscal years 2009-2010, as adopted, pursuant to the laws of the state of Washington.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

ORDINANCE NO. 27758

AN ORDINANCE relating to the Tacoma Narrows Airport; authorizing an extension of Tacoma Narrows Airport interfund loans, in the amount of \$2,850,000, through December 31, 2011.

WHEREAS the Tacoma Narrows Airport ("Airport") has received \$2,850,000 in interfund loans that will mature on December 31, 2008, and

WHEREAS the loan matures on December 31, 2008, and must be extended through December 31, 2011, to provide for repayment; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to extend the Tacoma Narrows Airport interfund loans, in the amount of \$2,850,000, through December 31, 2011.

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney