



## Legislation Passed December 2, 2008

The Tacoma City Council, at its regular City Council meeting of December 2, 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. 37662**

Appointing and reappointing individuals to the Foss Waterway Development Authority Board, Tacoma Community Redevelopment Authority Board, Landmarks Preservation Commission, and Planning Commission.

### **Purchase Resolution No. 37663**

Awarding contracts to:

1. Jerry Chambers Chevrolet, Inc., on its bid of \$72,840.00, plus sales tax, budgeted from the Fleet Equipment Rental Capital Outlay Fund, for two 2009 Chevrolet crew cab pickup trucks – Specification No. GF08-0858F;
2. Spaans Babcock, Inc., on its bid of \$208,780.00, plus sales tax, budgeted from the Public Works Wastewater Fund, for self-cleaning barscreen and compactor washer at the Wastewater Utility's North End Treatment Plant 3 – Specification No. PW08-0739F; and
3. Holroyd Company, Inc., in the amount of \$250,000.00, plus sales tax, for a cumulative total of \$381,497.50, budgeted from the Capital Projects Fund and the General Fund, to increase the contract for concrete and related materials to be used in residential and arterial street projects throughout the City through December 31, 2011 – Specification No. PW06-0880F.

### **Resolution No. 37664**

Authorizing the execution of a utility easement to Puget Sound Energy, Inc., for upgraded electrical facilities on Tacoma Water's property, located at 560 State Route 410 in Enumclaw.

### **Resolution No. 37665**

Authorizing the execution of a purchase and sale agreement with the City of Fife, in the amount of \$18,000, for a surplus switching locomotive

### **Resolution No. 37666**

Authorizing the execution of a third amendment to the cable services agreement with Click! Network to extend the term through March 31, 2009.

### **Resolution No. 37667**

Adopting the City's Revised Six-Year Comprehensive Transportation Program for amended years 2008 and 2009-2014.

**Ordinance No. 27759**

Modifying and confirming rates and charges for railway switching services to include a commercial rate of \$261.60 per railcar, an intermodal rate of \$49.87 per platform, and a modification to the fuel surcharge calculation, effective January 1, 2009.

**Ordinance No. 27760**

Establishing, ratifying, modifying, and confirming Tacoma Rail's Demurrage Tariff changes to include new services, credits for railroad switching delays, and late payment penalties, effective January 1, 2009.

**Ordinance No. 27761**

Authorizing the amendment of the Limited Tax General Obligation Line of Credit Note, 2005 Pantages Theater Internal Note, by extending the final due date from December 26, 2008 to December 26, 2009.

**Ordinance No. 27762**

Authorizing the execution of an agreement with the Washington State Department of Community, Trade, and Economic Development, in the amount of \$250,000; accepting, depositing in, and appropriating said sum from the Community and Economic Development Special Revenue Fund for Phase 2 of the Scientific and Technical Incubator project; and further authorizing the execution of an agreement with the William Factory Small Business Incubator for reimbursement of project costs.

**RESOLUTION NO. 37662**

BY REQUEST OF MAYOR BAARSMA, DEPUTY MAYOR MANTHOU, AND COUNCIL MEMBERS ANDERSON AND LONERGAN

A RESOLUTION relating to committees, boards, and commissions; appointing or reappointing citizens to the Foss Waterway Development Authority Board, Landmarks Preservation Commission, Planning Commission, and Tacoma Community Redevelopment Authority Board.

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

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

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

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

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

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **EXHIBIT "A"**

### **Foss Waterway Development Authority Board**

Reappointing **George Weyerhaeuser** to a term expiring October 6, 2011.

### **Tacoma Community Redevelopment Authority Board**

Appointing **Jonathan Phillips** (Realtor designation) to a term expiring October 29, 2010.

### **Landmarks Preservation Commission**

Reappointing **Kathryn Longwell** (Ex-Officio North Slope Historic District) to a term expiring December 31, 2012.

### **Planning Commission**

Appointing **Thomas O'Connor** (Development Community designation) to a term expiring December 31, 2011.



## RESOLUTION NO. 37663

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";  
24  
25  
26



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:

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



City of Tacoma  
Public Works Department

EXHIBIT "A"  
RESOLUTION NO.: 37663  
ITEM NO.: 1  
MEETING DATE: DECEMBER 2, 2008

DATE: November 5, 2008  
TO: Board of Contracts and Awards  
SUBJECT: Purchase Two (2) – 2009 4x4 Crew Cab, Standard Box Pickup Trucks  
**Budgeted from PW Fleet Equipment Rental Capital Outlay Fund 5400-CAPTL**  
Bid Specification No. GF08-0858F

**Recommendation:** Public Works – Fleet Services, on behalf of the Fire Department, recommends that a contract in the amount of **\$72,840.00**, plus applicable sales tax, be awarded to the low bidder **Jerry Chambers Chevrolet, Inc., Bellingham, WA**, for the purchase of two 2009 Chevrolet crew cab pickup trucks.

**Explanation:** These vehicles will serve as Battalion Chief Command vehicles for Emergency Operations for front line emergency response. They will replace two 1995 Chevrolet G30 cargo vans that are no longer cost effective to maintain and keep in service. After considering smaller vehicle models, it was determined these trucks meet the Fire Department’s operational requirement for transporting fire crew and space for fire-fighting equipment. There are no alternative fuel or hybrid trucks available for these duties at this time.

**Competitive Bidding:** Bid specification GF08-0858F opened October 21, 2008. Eleven vendors were notified of the opportunity to bid in addition to normal advertising. A total of four bids were received.

Bidders	Location	Bid Amount
<b>Jerry Chambers Chevrolet, Inc.</b>	<b>Bellingham, WA</b>	<b>\$72,840.00</b>
Bud Clary Chevrolet	Longview, WA	\$74,452.00
Whiteside Chevrolet	St Clairsville, OH	\$77,960.00
Gilchrist Chevrolet	Tacoma, WA	\$78,875.16
	Pre-bid Estimate	\$90,000.00


The recommended award is 19.1% below the pre-bid estimate.

**Contract History:** New contract.

**Funding:** Funds for the purchase of these vehicles are available in the PW Fleet Equipment Rental Capital Outlay Fund 5400-CAPTL.

**HUB/LEAP Compliance:** Not applicable.

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

  
Michael P. Slevin III, P.E.  
Interim Public Works Director

- cc: Jeffrey Jenkins/Angela Ballard, PW/Facilities  
Director's Intern, Public Works
- Jon Lendosky, Fire
- Becky Halkoski, TMB/Finance
- Michele Tuong, TPU/Accounting Services
- Jayne McCartney, TPU/Purchasing
- Fred Chun/Janis Pipal/Mary Emery, Fleet Operations



City of Tacoma  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 37663

ITEM NO.: 2

MEETING DATE: DECEMBER 2, 2008

DATE: November 10, 2008

TO: Board of Contracts and Awards

SUBJECT: Self-Cleaning Barscreen and Compactor Washer at North End Treatment Plant 3  
Budgeted from PW Wastewater, Fund 4300.  
Specification No. PW08-0739F

**RECOMMENDATION:** Public Works - Environmental Services/Maintenance Division recommends that a contract in the amount of \$208,780.00, plus sales tax, be awarded to the only bidder **Spaans Babcock, Inc., Richmond Hill, Ontario, Canada** for Self-Cleaning Barscreen and Compactor Washer at the Wastewater Utility's NETP3.

**EXPLANATION:** Self-cleaning barscreens and compactor washer will be used at Wastewater Utility's NETP3 to remove and clean solid debris from wastewater flow. This automated system replaces a manual screen that has been used since the plant's original construction in 1968.

**COMPETITIVE BIDDING:** Bid Specification No. PW08-0739F was opened on October 14, 2008. Contractors were invited to bid using the normal advertising process. Only one proposal, Spaans Babcock, Inc. was received.

Bidder	Location	Total Bid (Plus Sales Tax)
Spaans Babcock, Inc.	Richmond Hill, Ontario, Canada	\$ 208,780.00

Pre-bid Estimate \$ 240,000.00

The recommended award is 13 percent below the pre-bid estimate.

**CONTRACT HISTORY:** New contract.

**FUNDING:** Funds for this are available in the PW Wastewater, Fund 4300.

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

**PROJECT ENGINEER/COORDINATOR:** Wayne Reed, ES/Maint. Division, (253) 502-2137

Dan C. Thompson, Ph.D.  
Interim Assistant PW Director/Environmental Services

cc: James Wilkerson, Purchasing Analyst  
Percy Jones/Peter Guzman, HALO  
John O'Loughlin/Steve Schmidt, ES/Maintenance  
Intern, PWD



City of Tacoma  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 37663

ITEM NO.: 3

MEETING DATE: DECEMBER 2, 2008

**DATE:** November 13, 2008

**TO:** Board of Contracts and Awards

**SUBJECT:** Concrete and Related Materials  
Budgeted from Capital Projects Fund 3211 and General Fund 0010  
SAP Contract No. 4600003911, Bid Specification No. PW06-0880F

**RECOMMENDATION:** Public Works - Streets and Grounds Division requests approval to increase SAP Contract No. 4600003911 to **Holroyd Company, Inc., Lakewood, WA**, by \$250,000, plus sales tax, for concrete and related materials to be used in residential and arterial street projects throughout the City through December 31, 2011.

**EXPLANATION:** This contract is for concrete and related materials to be used in projects for both the Arterial Program and the Residential Street Restoration Program. In light of increased ADA ramp requirements and low income hazardous sidewalk repairs, contract expenditures exceeded original estimates of funds required for this contract period.

**COMPETITIVE BIDDING:** This contract was originally awarded to Holroyd Company, Inc. by Council Resolution No. 37136 on March 27, 2007, as a result of formal bid specification no. PW06-0880F, in the amount of \$131,497.50, plus sales tax. Holroyd Company, Inc. has agreed to increase the contract at the same terms and conditions as the original contract with a 3.9% increase in unit prices.

**CONTRACT HISTORY:** The original contract was approved by City Council Resolution No. 37136 on March 27, 2007 for a contract period of January 1, 2007 through December 31, 2007. We are currently in the second of four one-year renewals available on this contract. In December 2007, the contract was administratively renewed through December 31, 2008. In November 2008, the contract was administratively renewed again through December 31, 2009. This increase will bring the contract to a cumulative total of \$381,497.50, plus sales tax, for the period of January 2007 through December 2011.

**FUNDING:** Funds for this are available in the Capital Projects Fund 3211 and the General Fund 0010.

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

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

cc: Chuck Blankenship, Purchasing Analyst  
Percy Jones/Peter Guzman, HALO  
Intern, PWD

## **RESOLUTION NO. 37664**

A RESOLUTION relating to Tacoma Public Utilities property; granting utility easements to Puget Sound Energy, Inc., for upgraded electrical facilities on Tacoma Water's Enumclaw shop property in King County, Washington.

WHEREAS, as requested by Tacoma Water, Puget Sound Energy, Inc. ("PSE"), has upgraded the electrical service for Tacoma Water's Enumclaw shop in King County, Washington, and

WHEREAS the upgrade resulted in new services being installed, which require an easement for PSE facilities, and

WHEREAS granting this easement to PSE will allow placement of electrical transmission and distribution facilities consisting of pad mount transformers, underground conduits, cables, wires, and all appurtenant equipment on Tacoma Water property, located at 560 State Route 410, Enumclaw, Washington; Now, Therefore,

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

That the proposed grant of a utility easement to Puget Sound Energy, Inc., for upgraded electrical facilities on Tacoma Water's Enumclaw shop property in King County, Washington is approved, and the proper officers

of the City are hereby authorized to execute the proposed easement substantially in the form on file with the City Clerk and as approved by the City Attorney.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **RESOLUTION NO. 37665**

A RESOLUTION relating to the sale of City surplus property; authorizing the execution of a purchase and sale agreement with the City of Fife, in the amount of \$18,000, for a switching locomotive.

WHEREAS the Public Works Department (“Public Works”) owns a switching locomotive, ALCO C415, and

WHEREAS the locomotive was recently damaged by vandalism, and

WHEREAS the City’s railroad operator, Department of Public Utilities, Beltline Division (d.b.a. Tacoma Rail), has evaluated the locomotive and has determined it is cost prohibitive to repair it, and

WHEREAS, given the current condition of the locomotive, Public Works has determined it to be surplus to its needs, and

WHEREAS the locomotive is now valued for its scrap metal weight, which equates to approximately \$18,000, and

WHEREAS utilization of a sealed bid process for the sale of the locomotive is not practical or efficient and would not likely achieve the highest resale proceeds for the City, and

WHEREAS Public Works believes a negotiated disposition of the locomotive at the scrap metal value is in the best interest of the City, and

WHEREAS Tacoma Rail, on behalf of Public Works, has negotiated an “as is” sale of the locomotive to the City of Fife for the sum \$18,000, subject to City Council approval; Now, Therefore,

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

Section 1. That Switching Locomotive ALCO C415 is hereby determined to be surplus to the City's needs and is no longer required for providing rail services.

Section 2. That it is in the best interest of the City to dispose of the surplus locomotive by negotiated sale, rather than by sealed bid process, for its scrap metal value of \$18,000, according to the terms and conditions of the agreement.

Section 3. That, after a public hearing and pursuant to RCW 35.94.040, the negotiated sale of the subject surplus locomotive is hereby approved and the proper officers of the City are hereby authorized to execute a purchase and sale agreement, for the purposes hereinabove enumerated, said document to be substantially in the form of the proposed purchase and sale 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. 37666**

A RESOLUTION relating to information technology services; authorizing the execution of the Third Amendment to the Cable Agreement with Click! Network to extend the term through March 31, 2009.

WHEREAS, on July 21, 1998, the City Council adopted Resolution No. 34118, authorizing a ten-year agreement for cable services provided by Click! Network, and

WHEREAS, on January 19, 1999, the City Council adopted Resolution No. 34286, amending and restating the cable agreement with Click! Network to be consistent with the TCI franchise (now known as Comcast), and

WHEREAS, on June 24, 2008, the City Council adopted Resolution No. 37518, authorizing the extension of the cable agreement to December 31, 2008, to allow the parties time to negotiate a new agreement, and

WHEREAS the parties require additional time to negotiate the cable agreement and wish to further extend the term to March 31, 2009; 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 Third Amendment to the Cable Agreement with Click! Network to extend the

term through March 31, 2009, said document to be substantially in the form of the proposed Third Amendment on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## RESOLUTION NO. 37667

A RESOLUTION relating to transportation planning; adopting the City's Revised Six-Year Comprehensive Transportation Program for amended years 2008 and 2009-2014.

WHEREAS RCW 35.77.010 provides that the legislative body of each city and town shall (1) prepare and adopt a comprehensive transportation program for the ensuing six calendar years and annually thereafter, pursuant to one or more public hearings, (2) prepare and adopt a revised and extended comprehensive transportation program, and (3) file with the Secretary of Transportation of the State of Washington each one-year extension and revision thereof, and

WHEREAS RCW 35.77.010 further provides that each city shall include in its comprehensive transportation program the intended expenditure of revenues for nonmotorized transportation purposes; Now, Therefore,

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

That the City's Revised Six-Year Comprehensive Transportation Program for amended years 2008 and 2009-2014, both in substantially the same form as is on file in the Office of the City Clerk, are hereby adopted.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **ORDINANCE NO. 27759**

AN ORDINANCE relating to Tacoma Rail; approving revisions to the Beltline Division Freight Tariff; and increasing rates.

WHEREAS the Belt Line Division of the Department of Public Utilities (d.b.a. "Tacoma Rail") is recommending a proposed rate revision to reflect the results of a cost of service study to help in recovering costs associated with providing value added services to its mainline customers and to simplify the form of its tariff, and

WHEREAS, in its proposed revision to Freight Tariff TMBL 8807-B, Tacoma Rail recommends a commercial rate of \$261.60 per railcar, an intermodal rate of \$49.87 per platform, and a modification to the fuel surcharge calculation, as identified in its tariff, to become effective on January 1, 2009, and

WHEREAS the proposed revised fuel surcharge will be calculated based on actual fuel costs incurred above \$2.50 per gallon and will remain as a per railcar charge, and

WHEREAS the proposed fuel surcharge will be recalculated quarterly with a true-up from the previous quarter to ensure ratepayers are paying only the actual costs of the fuel, and

WHEREAS the rate revisions have been reviewed with the Burlington Northern Santa Fe Railroad and the Union Pacific Railroad, and

WHEREAS it is in the best public interest to revise the tariff and to publish revisions to that tariff to reflect adjustments to the fuel surcharge in the event there is a change in fuel costs that necessitates such adjustment, and

WHEREAS, on November 12, 2008, the Tacoma Public Utility Board adopted Resolution No. 10257, approving revisions to the Beltline Division Freight Tariff and increasing the rates; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the revision to the Tacoma Rail Freight Tariff TMBL 8807-B, to be effective January 1, 2009, is hereby approved, substantially in the form as that on file with the Clerk of the City of Tacoma.

Section 2. That the City Clerk shall cause the revised tariff to be published as required for federal rail tariff purposes.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form:

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

Requested by Public Utility Board  
Resolution No. 10257

## **ORDINANCE NO. 27760**

AN ORDINANCE relating to Tacoma Rail; establishing, ratifying, modifying, and confirming demurrage tariff changes for railway to define the rates charged for undue retention of railcars.

WHEREAS the Department of Public Utilities, Belt Line Division (d.b.a. "Tacoma Rail"), requests approval of an amendment to the Freight Tariff TMBL 6004-A demurrage tariff to define the rates charged for undue retention of railcars beyond an allowable timeframe, and

WHEREAS the rates have not been updated since 1998, and

WHEREAS Tacoma Rail is recommending the demurrage tariff be updated to reflect current railroad standards, and

WHEREAS the update will reflect new services provided on its Capitol Division, an official demurrage dispute form, credits for railroad switching delays, authorization of late payment penalties, and other changes to the term of the demurrage tariff to make it consistent with the railroad industry, and

WHEREAS the update does not include a rate adjustment, and

WHEREAS said revisions are in the best interests of the City, and

WHEREAS it is necessary to authorize the publication of the revised demurrage tariff by the appropriate officers or agents of the City, and

WHEREAS, on November 12, 2008, the Tacoma Public Utility Board adopted Resolution No. 10256, establishing, ratifying, modifying, and confirming demurrage tariff changes for railway to define the rates charged for undue retentions of railcars; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the following revisions for the demurrage tariff are hereby established, ratified, modified, and confirmed; and that the demurrage tariff for Freight Tariff TMBL 6004-A is amended, substantially in the form as that on file with the Clerk of the City of Tacoma.

Section 2. That the proper officers of the City are hereby authorized to take all steps necessary to perform any actions required to cause the modified revisions in Section 1 to be appropriately published and numbered for federal rail tariff purposes; and that said rates shall take effect January 1, 2009.

Section 3. That the proper officers of the City are hereby authorized to take all steps necessary to perform any actions required to cause the revisions in Section 1 to be appropriately adjusted in accordance with the demurrage tariff, said adjusted charges to be published and numbered for federal rail tariff purposes so that said adjusted charges become effective at the soonest practicable time after said publication.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

Requested by Public Utility Board  
Resolution No. 10257

## **ORDINANCE NO. 27761**

AN ORDINANCE relating to the financing of improvements to the Pantages Theater; authorizing an amendment to the Limited Tax General Obligation Line of Credit Note, 2005 Pantages Theater Internal Note, by extending the final due date to December 26, 2009.

WHEREAS, on December 13, 2005, the City Council passed Substitute Ordinance No. 27446, providing for the issuance and sale of Limited Tax General Obligation ("LTGO") bonds, in the amount of \$2,500,000, to finance the construction of the improvements to the Broadway Center for Performing Arts ("BCPA") Pantages Theater, including an expansion of the lobby, relocation of the grand stair, a new indoor ticket office, a permanent concession stand, and additional and more accessible restrooms, all of which were necessary in order to continue to preserve the theater as a long-term legacy for future generations, and to ensure continued development and use of the Pantages Theater as a cultural and artistic institution, and

WHEREAS, to this date, the BCPA has repaid \$1,772,472 of the \$2,500,000 note, leaving a balance of \$727,828, and

WHEREAS the BCPA anticipates making payments in an amount between \$200,000 and \$350,000 before the end of 2008; however, the exact amount and timing cannot be accurately estimated as the sources of payments are pledges and federal agency moneys, and

WHEREAS the balance is anticipated to be repaid by the extended due date of December 26, 2009, and

WHEREAS it is in the best interests of the City that the note maturity date be extended by one year to December 26, 2009; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to amend the Limited Tax General Obligation Line of Credit Note, 2005 Pantages Theater Internal Note, by extending the maturity date to December 26, 2009.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form:

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

## **ORDINANCE NO. 27762**

AN ORDINANCE relating to community and economic development; accepting grant funds from the Washington State Department of Community, Trade, and Economic Development ("CTED"), in the amount of \$250,000; accepting and depositing the sum of \$250,000 into the Community and Economic Development Special Revenue Fund; appropriating said funds for the purpose of supporting the Phase 2 Scientific and Technical Incubator project; and authorizing the execution of agreements with CTED for administration of the funds and with the William Factory Small Business Incubator for reimbursement of project costs.

WHEREAS, in March 2006, the City successfully applied for a job development fund grant from the Washington State Department of Community, Trade, and Economic Development ("CTED") in support of the Phase 2 Scientific and Technical Incubator project ("Phase 2"), and

WHEREAS the William 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 will assist with the recruitment and startup of over 30 new firms within the first three years the facility is fully operational and is expected to result in approximately 300 new technology jobs, and

WHEREAS the funds will flow from CTED through the City to the Incubator, and

WHEREAS it is in the City's best interest to execute a grant agreement with CTED, accepting the amount of \$250,000 in grant funds, and providing for the administration of the funds, and

WHEREAS it is necessary to execute an agreement with the Incubator for reimbursement of project costs; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the proper officers of the City are hereby authorized to execute a grant agreement with the Washington State Department of Community, Trade, and Economic Development ("CTED"), in the amount of \$250,000, said document to be substantially in the form of the grant agreement on file in the office of the City Clerk.

Section 2. That the proper officers of the City are hereby authorized to accept the sum of \$250,000, or so much thereof as may be made available from CTED, and to deposit said sum into the Community and Economic Development Special Revenue Fund.

Section 3. That there is hereby appropriated from the Community and Economic Development Special Revenue Fund the sum of \$250,000 for the purpose of supporting the Phase 2 Scientific and Technical Incubator project.

Section 4. That the proper officers of the City are hereby authorized to execute an agreement with the William Factory Small Business Incubator for reimbursement of Phase 2 project costs.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form:

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