



## Legislation Passed January 27, 2009

The Tacoma City Council, at its regular City Council meeting of January 27, 2009, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

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### **Resolution No. 37720**

Authorizing the execution of an interlocal agreement with Pierce County, in the amount of \$14,600; accepting and depositing said sum into the General Fund, for Commute Trip Reduction Enhancement programs, which includes the annual bike to work campaign.

### **Purchase Resolution No. 37721**

Awarding contracts to:

1. Kemira Water Solutions, Inc., on its bid of \$382,200.00, plus sales tax, budgeted from the Wastewater Fund, for ferric chloride for wastewater treatment, for a two-year period with the option to renew for three additional one-year periods – Specification No. PW08-0980F;
2. General Chemical Performance Products LLC, on its bid of \$538,860.00, plus sales tax, budgeted from the Wastewater Fund, for liquid aluminum sulfate for wastewater treatment, for a two-year period with the option to renew for three additional one-year periods – Specification No. PW08-0638F;
3. ABB Inc., in the amount of \$345,000.00, plus sales tax, budgeted from the Wastewater Fund, for maintenance and spare parts agreements for the computerized operating system of the Central and North End Wastewater Treatment Plants through December 31, 2009, with the option to renew for two additional one-year periods – Sole source;
4. Rickabaugh Pentecost Development LLC, in the amount of \$10,000.00, sales tax not applicable, for a cumulative total of \$336,811.40, budgeted from the Surface Water Utility Fund, to increase the contract for the Earnest S. Brazill Street Surface Water Improvement Project – Specification No. PW08-0194F; and
5. Gary Merlino Construction Co., Inc., in the amount of \$100,000.00, sales tax not applicable, for a cumulative total of \$1,284,443.80, budgeted from the Streets Special Revenue Fund, to increase the contract for additional work on the East 44th Street Construction Project from Portland Avenue to East T Street – Specification No. PW07-0151F.

### **Resolution No. 37722**

Approving the declaration of surplus of approximately 7,801 square feet of property adjacent to the Cushman Transmission Line Right-of-Way, and authorizing the execution of a Quit Claim Deed, in the amount of \$19,500, for the sale of the property to the City of Gig Harbor.

**Resolution No. 37723**

Authorizing the execution of a State of Washington Department of Ecology Agreed Order for Remedial Action requiring the City to clean up contamination attributed to the former Sauro Cleanarama property, located at 1401, 1407, and 1409 Pacific Avenue in downtown Tacoma.

**Resolution No. 37724**

Authorizing the execution of an Environmental Remediation and Indemnity Agreement with the Haub family and the Haub Brothers Enterprises Trust, relating to the cleanup of the former Sauro Cleanarama property, located at 1401, 1407, and 1409 Pacific Avenue in downtown Tacoma.

**Resolution No. 37725**

Authorizing the execution of a Collective Bargaining Agreement negotiated with the Teamsters Local Union No. 117, General Unit, covering 259 budgeted, full-time positions, to include wage increases of 3.72 percent effective January 1, 2008, and 2.72 percent effective January 1, 2009 and January 1, 2010, increasing the rate paid for standby from \$2 to \$3 per hour, increasing the allowance paid for clothing/boots, and adding shift incentives and rate applications for specific classifications.

**Resolution No. 37726**

Receiving and forwarding the recommendations of the Project Advisory Committee to Sound Transit for its Commuter Rail D Street to M Street project.

## **RESOLUTION NO. 37720**

A RESOLUTION relating to commute trip reduction; authorizing the execution of an interlocal agreement with Pierce County, in the amount of \$14,600; and accepting and depositing said sum into the General Fund for Commute Trip Reduction Enhancement programs.

WHEREAS Pierce County ("County") has been awarded Federal Congestion Management and Air Quality funds for the continuation of countywide Commute Trip Reduction Enhancement programs, and

WHEREAS the County has entered into a local agency agreement with the Washington State Department of Transportation to receive the grant funding, and

WHEREAS the City, County, and Pierce Transit have agreed to collaborate on project decisions for this grant to promote bicycle commuting through an annual bike to work campaign, and

WHEREAS the County desires to provide the City with grant funds to perform tasks related to planning, developing, and implementing a bike to work campaign; Now, Therefore,

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

Section 1. That the proper officers of the City are hereby authorized to execute an interlocal agreement with Pierce County, in the amount of \$14,600, said document to be substantially in the form of the proposed interlocal agreement on file in the office of the City Clerk.

Section 2. That the grant proceeds, in the amount of \$14,600, are hereby accepted for deposit into the General Fund for Commute Trip Reduction Enhancement programs.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 37721

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 (✓) 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.

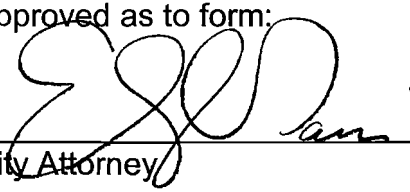
Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



**City of Tacoma**  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 37721

ITEM NO.: 1

MEETING DATE: JANUARY 27, 2009

**DATE:** January 5, 2009

**TO:** Board of Contracts and Awards

**SUBJECT:** Ferric Chloride for Wastewater Treatment  
Budgeted from PW Wastewater Fund 4300  
Specification No. PW08-0980F

**RECOMMENDATION:** The Department of Public Works, Environmental Services, Wastewater Management/Operations Division recommends that a contract in the amount of \$382,200.00, plus sales tax, be awarded to only bidder **Kemira Water Solutions, Inc., Lawrence, Kansas**, for purchase of ferric chloride for wastewater treatment. The contract period is two-years from date of award, with options for three additional one-year renewal periods.

**EXPLANATION:** Ferric Chloride is used to treat wastewater in the Central Wastewater Treatment Plant Peak Wet Weather System.

**COMPETITIVE BIDDING:** Specification No. PW08-0980F was opened December 2, 2008. Two companies were invited to bid in addition to normal advertising of the project.

Bidder	Location	Total Bid Plus Sales Tax
Kemira Water Solutions, Inc.	Lawrence, Kansas	\$ 382,200.00
	Pre-bid Estimate	\$ 362,600.00

The recommended award is 5.4 percent above 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:** Mike Patrick, Wastewater Management Operations Division, (253) 404-6938.

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

cc: James Wilkerson, Purchasing Analyst  
Percy Jones/Peter Guzman, HALO  
Steve Schmidt, PW Environmental Services/Maintenance  
Intern, PWD



City of Tacoma  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 37721

ITEM NO.: 2

MEETING DATE: JANUARY 27, 2009

DATE: January 5, 2009

TO: Board of Contracts and Awards

SUBJECT: Liquid Aluminum Sulfate for Wastewater Treatment  
Budgeted from PW Wastewater Fund 4300.  
Specification No. PW08-0638F

**RECOMMENDATION:** The Department of Public Works, Environmental Services, Wastewater Management/Operations Division recommends that a contract in the amount of \$538,860.00, plus sales tax, be awarded to low bidder **General Chemical Performance Products LLC, Parsippany, NJ**, for the purchase of liquid aluminum sulfate for wastewater treatment. The contract period is two years from date of award, with options for three additional one-year renewal periods.

**EXPLANATION:** Liquid aluminum sulfate assists in settling solids out of wastewater in the wastewater treatment process.

**COMPETITIVE BIDDING:** Specification No. PW08-0638F was opened November 18, 2008. Twelve companies were invited to bid in addition to normal advertising of the project.

Bidder	Location	Total Bid Plus Sales Tax
Univar USA, Inc.	Kent, WA	No Bid
General Chemical Performance Products LLC	Parsippany, NJ	\$ 538,860.00
Kemira Water Solutions, Inc.	Lawrence, KS	\$ 600,000.00
	Pre-bid Estimate	\$ 523,860.00

The recommended award is 2.8 percent above 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:** Mike Patrick, Wastewater Management Operations Division, (253) 404-6938.

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

cc: Jim Wilkerson, Purchasing Analyst  
Percy Jones/Peter Guzman, HALO  
Steve Schmidt, PW Environmental Services/Maintenance  
Intern, PWD



**City of Tacoma**  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 37721

ITEM NO.: 3

MEETING DATE: JANUARY 27, 2009

**DATE:** January 6, 2009

**TO:** Board of Contracts and Awards

**SUBJECT:** Waiver of Competitive Bidding Request - Sole Source  
Maintenance Agreement and Spare Parts for Wastewater Treatment Plant  
Computerized Operating System  
Budgeted from PW Wastewater Fund 4300

**RECOMMENDATION:** The Department of Public Works, Environmental Services, Wastewater Management/Operations Division requests a waiver of competitive procurement procedures and recommends that a contract in the amount of \$345,000, plus sales tax, be awarded to **ABB Inc., Wickliffe, Ohio**, for maintenance and spare parts agreements for the computerized operating system of the Central and North End Wastewater Treatment Plants.

**EXPLANATION:** The treatment plant computer operating control system was put out to bid in 1985 as part of the Central Treatment Plant Phase II Secondary Wastewater Treatment Facility Improvement (specification G-030-85, section 23, Process Computer System).

The \$46 million project was awarded to the low bidder (of eight submittals), Kiewit Construction Company by Purchase Resolution 29059 on January 28, 1986, with construction completed in 1989. Kiewit Construction partnered with Fischer Porter (now ABB Inc.) to provide the computer operating control system for the bid. The maintenance agreements have been on-going since the installation was completed in 1989. This is an on-going maintenance agreement, with the initial contract term from the January 1, 2009 through December 31, 2009, and two additional one-year renewals through 2011, for a total estimate of \$345,000 over a three-year period.

**COMPETITIVE BIDDING:** Waiver of competitive bidding requested due to sole source. ABB Inc. is sole proprietor of the ABB Treatment Plant Computer Operating System utilized at the City of Tacoma Central and North End Wastewater Treatment Plants.

**CONTRACT HISTORY:** New contract.

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

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

**PROJECT ENGINEER/COORDINATOR:** Harry Maddock, Wastewater Management Operations Division, (253) 404-6981.

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

cc: James Wilkerson, Purchasing Analyst  
Percy Jones/Peter Guzman, HALO  
Harry Maddock, Environmental Services/Operations  
Steve Schmidt, Environmental Services/Maintenance  
Intern, PWD



City of Tacoma  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.:

37721

ITEM NO.:

4

MEETING DATE:

JANUARY 27, 2009

**DATE:** January 12, 2009

**TO:** Board of Contracts and Awards

**SUBJECT:** Earnest S. Brazill Street, Surface Water Improvement Project  
Budgeted from PW Surface Water Utility Fund 4301  
Specification No. PW08-0194F, Contract No. 4600004892

**RECOMMENDATION:** Public Works – Construction Division requests approval to increase Contract No. 4600004892 to **Rickabaugh Pentecost Development LLC, Spanaway, WA** by \$10,000, sales tax not applicable, for additional services.

**EXPLANATION:** Additional funding is necessary to pay for additional work associated with conflicts with utilities that were not identified on the contract plans.

**COMPETITIVE BIDDING:** This contract was originally awarded to Rickabaugh Pentecost Development LLC as a result of Bid Specification No. PW08-0194F in August 2008. Rickabaugh Pentecost Development LLC has agreed to increase the contract at the same terms and conditions set forth in the original contract.

**CONTRACT HISTORY:** The original contract for \$326,811.40, sales tax not applicable, was approved by City Council Resolution #37566 on August 12, 2008. This increase of \$10,000 will result in a cumulative contract amount of \$336,811.40, sales tax not applicable.

**FUNDING:** Funds are available in the PW Surface Water Utility Fund 4301, WBS No. ENV-00370.

**PROJECT ENGINEER/ASSOCIATE CONSTRUCTION MANAGER:** Travis Tucker, Construction Division, 594-7969.

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

cc: Rae Bailey/Michael Hale/Leigh Starr/Sherry Loseke/Travis Tucker, Construction Division  
Steve Hoffman, Science and Engineering Division  
Percy Jones/Peter Guzman, HALO  
Intern, PWD  
Chuck Blankenship, Purchasing Analyst



City of Tacoma  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.:

37721

ITEM NO.:

5

MEETING DATE:

JANUARY 27, 2009

**DATE:** January 12, 2009

**TO:** Board of Contracts and Awards

**SUBJECT:** East 44th Street Construction Project - Portland Ave. to East T Street  
Fed. Aid No. STPD-3137(001), State Contr. No. TA-3525  
Budgeted from PW Streets Special Revenue Fund 1060  
Specification No. PW07-0151F, Contract No. 4600004561

**RECOMMENDATION:** Public Works – Construction Division requests approval to increase Contract No. 4600004561 to **Gary Merlino Construction Co., Inc., Seattle, WA** by \$100,000, sales tax not applicable, for additional services.

**EXPLANATION:** This increase is for additional work and revisions to the contract that arose during the project which were not included as part of the original scope of work. The contract increase is required for the following:

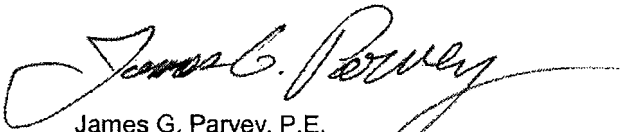
1. Additional storm drain work due to conflicts with existing utilities.
2. Additional work at abandoned Tacoma Power Sub-station.
3. Modifications to Bio-Infiltration Pond.
4. Additional work to maintain 911-Fire Alarm service to Lister Elementary School.
5. Revisions to curb ramps to meet current ADA requirements.
6. Installation of decorative block walls due to grade changes.

**COMPETITIVE BIDDING:** This contract was originally awarded to Gary Merlino Construction Co., Inc. as a result of Bid Specification No. PW07-0151F in March 2008. Gary Merlino Construction Co., Inc. has agreed to increase the contract at the same terms and conditions set forth in the original contract.

**CONTRACT HISTORY:** The original contract for \$1,184,443.80, sales tax not applicable, was approved by City Council Resolution #37411 on March 4, 2008. This increase of \$100,000 will result in a cumulative contract amount of \$1,284,443.80, sales tax not applicable.

**FUNDING:** Funds are available in the PW Streets Special Revenue Fund 1060, WBS No. PWK-00514.

**PROJECT ENGINEER/ASSOCIATE CONSTRUCTION MANAGER:** Tim Peters, Construction Division, 591-5040.



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

cc: Rae Bailey/Michael Hale/Leigh Starr/Sherry Loseke/ Tim Peters, Construction Division  
Teresa Dressler, Engineering Division  
Percy Jones, HALO  
Intern, PWD  
Chuck Blankenship, Purchasing Analyst

## **RESOLUTION NO. 37722**

A RESOLUTION relating to the sale of Tacoma Power surplus property; authorizing the sale of approximately 7,801 square feet of property adjacent to the Cushman Transmission Line Right of Way to Gig Harbor.

WHEREAS the City of Tacoma, Department of Public Utilities, Light Division, (d.b.a. "Tacoma Power"), owns approximately 7,801 square feet of property adjacent to the Cushman Transmission Line Right of Way, (herein "Property") which was acquired for the purpose of transmitting power from the Lake Cushman Power Plant to the City of Tacoma, and

WHEREAS Gig Harbor desires to purchase the Property in order to utilize the Property as a part of a public, non-motorized recreational trail and for appurtenant trail facilities, and

WHEREAS the City of Gig Harbor is willing to pay Tacoma Power \$19,500 fair market value for the Property, based on a fee appraisal by an independent appraiser, and

WHEREAS on December 10, 2008, pursuant to Public Utility Board Resolution No. U-10262, the Tacoma Public Utility Board approved the declaration of surplus and the proposed sale of the Property, and

WHEREAS on January 20, 2009, the City held a public hearing concerning the proposed sale of the Property consistent with the requirements of chapter 35.94 RCW; Now Therefore,

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

Section 1. That the declaration of surplus of approximately 7,801 square feet of property adjacent to the Cushman Transmission Line Right of Way,

(herein "Property"), legally described in the Quit Claim Deed attached hereto, is hereby approved.

Section 2. That the proposed sale of the Property to Gig Harbor for the sum of \$19,500 is hereby approved.

Section 3. That the sum of \$19,500 shall be accepted and deposited into the Tacoma Power Operating Fund.

Section 4. That the proper officers of the City are authorized to execute the necessary documents for this transaction, said documents to be substantially in the form of the proposed documents on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **RESOLUTION NO. 37723**

A RESOLUTION relating to City property; authorizing the execution of Agreed Order No. DE 4283 with the Washington State Department of Ecology requiring the City to clean up contamination attributed to the former Sauro Cleanarama property in downtown Tacoma.

WHEREAS the property located at 1401, 1407, and 1409 Pacific Avenue, Tacoma, formerly Sauro's Cleanarama ("Property"), is an environmentally contaminated site located at a key intersection in downtown Tacoma that has hindered redevelopment in the area for over five years, and

WHEREAS historical contamination attributed to dry cleaning operations on the Property has impacted groundwater and migrated off site ("Sauro groundwater contamination"), and

WHEREAS, on September 23, 2008, the City Council adopted Resolution No. 37600, authorizing the execution of a purchase and sale agreement to acquire the Property, and

WHEREAS the purchase and sale agreement became effective on October 21, 2008, and requires the City to fully release the property owner from all on- and off-site liability related to environmental contamination from the former dry cleaning operation at closing, in exchange for the owner transferring title of the Property to the City at no cost and paying the City \$550,000, and

WHEREAS, on January 9, 2009, the City acquired title to the Property and was paid \$550,000, and

WHEREAS, on January 12, 2009, the Washington State Department of Ecology ("DOE") notified the City of its status as a potentially liable person

under the Model Toxics Control Act (chapter 70.105D RCW) (hereinafter “MTCA”) for the release and threatened release of hazardous substances on and under the Property and anywhere hazardous substances from the Property have come to be located through groundwater migration, and

WHEREAS the Agreed Order would require the City to clean up hazardous substances on the Property and at “off-site” locations where hazardous substances from the Property have come to be located through groundwater migration, in accordance with the MTCA and under the oversight of the DOE, and

WHEREAS cleaning up hazardous substances under the Agreed Order includes, but is not necessarily limited to: (1) conducting any MTCA remedial investigations and/or feasibility studies that the DOE may require; (2) preparing a Cleanup Action Plan for DOE’s review and approval; (3) hiring a remediation contractor; and (4) implementing DOE’s preferred remedy for the cleanup, and

WHEREAS, prior to execution, the DOE will submit the Agreed Order for public comment in accordance with the MTCA, and

WHEREAS cleaning up hazardous substances on the Property under the Agreed Order is estimated to cost up to \$2.7 million, which includes a 30 percent contingency, and

WHEREAS hazardous substances have migrated from the Property to off-site locations through a groundwater plume, and the Agreed Order will require the City to monitor this condition for several years to assure that hazardous substances present in the groundwater plume decrease in

concentration over time to acceptable levels; the cost of long-term monitoring is included in the \$2.7 million estimate to clean up hazardous substances on the Property, and

WHEREAS, if off-site properties are developed at a depth that encounters the groundwater plume originating from the Property, then the Agreed Order would require the City to remediate soils during the redevelopment project, which may occur on real property owned by the Haub Family and the Haub Brothers Enterprises Trust ("Haub") located at South 14th Street and "A" Street and at South 13th Street and Pacific Avenue, and at real property Haub expects to acquire from the U.S Postal Service at South 13th Street and "A" Street, and

WHEREAS, if Haub develops the aforementioned real property at a depth that encounters the Sauro groundwater plume, the remedial actions the City would be required to perform under the Agreed Order are estimated to cost the City up to \$2.7 million, which includes a 30 percent contingency, and

WHEREAS approximately 50 percent of the remedial action costs the City incurs to clean up the Property and other locations under the Agreed Order would be eligible for reimbursement on a matching basis through a DOE remedial action grant, and

WHEREAS the Agreed Order would allow the City to begin cleanup work on the Property sometime in the spring of 2009, which would position the Property for redevelopment in summer 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 Agreed Order No. DE 4283, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **RESOLUTION NO. 37724**

A RESOLUTION relating to the purchase of real property; approving the Environmental Remediation and Indemnity Agreement with the Haub Family and the Haub Brothers Enterprises Trust relating to the Sauro property, located at 1401, 1407, and 1409 Pacific Avenue.

WHEREAS the property located at 1401, 1407, and 1409 Pacific Avenue, Tacoma, formerly Sauro's Cleanarama ("Property"), is an environmentally contaminated site located at a key intersection in downtown Tacoma that has hindered redevelopment in the area for over five years, and

WHEREAS historical contamination attributed to dry cleaning operations on the Property has impacted groundwater and migrated off site ("Sauro groundwater contamination"), and

WHEREAS, on September 23, 2008, the City Council adopted Resolution No. 37600, authorizing the execution of a purchase and sale agreement to acquire the Property, and

WHEREAS the purchase and sale agreement became effective on October 21, 2008, and it requires the City to fully release the property owner from all on- and off-site liability related to environmental contamination from the former dry cleaning operation at closing in exchange for the owner transferring title to the Property to the City at no cost and paying the City \$550,000, and

WHEREAS, on January 9, 2009, the City acquired title to the Property and was paid \$550,000, and

WHEREAS investigations, to date, indicate that the Sauro groundwater contamination has migrated to approximately half of the real property owned by

the Haub Family and the Haub Brothers Enterprises Trust (“Haub”) at South 14th Street and “A” Street and to a small portion of Haub’s real property at South 13th Street and Pacific Avenue, as well as to nearly all of the real property Haub expects to acquire from the U.S. Postal Service at South 13th Street and “A” Street, and

WHEREAS, by acquiring the Property, the City assumed liability under the Model Toxics Control Act (chapter 70.105D RCW) to clean up the Sauro groundwater contamination below Haub’s property, and

WHEREAS Haub was not and is not liable under the Model Toxics Control Act (chapter 70.105D RCW) for contamination below its property, which has migrated through groundwater from the Sauro property, and

WHEREAS Haub intends to develop the aforementioned property at some point in the future and may encounter Sauro groundwater contamination, depending on the depth of the structure Haub constructs for its development project, and

WHEREAS, in the event Haub encounters Sauro groundwater contamination during construction of a future development project on the aforementioned property, Haub will incur remedial action costs under the Model Toxics Control Act for which the City has liability, which would give rise to a claim by Haub for contribution against the City under RCW 70.105D.080, and

WHEREAS, in order to plan for and, at some point, proceed with future development of the aforementioned property, Haub sought assurances that if the City acquired the Property, the City would bear the cost of cleaning up

Sauro groundwater contamination if such contamination is encountered during construction of a future development project on Haub's property, and

WHEREAS this Environmental Remediation and Indemnity Agreement will defend, indemnify, and hold Haub harmless for remedial action costs in the event Haub encounters Sauro groundwater contamination during construction of a future development project on the aforementioned property, and

WHEREAS the Environmental Remediation and Indemnity Agreement would require the City to, among other things: (1) defend, indemnify, and hold Haub harmless for remedial action costs to clean up contamination attributed to the Sauro groundwater contamination; (2) obligate the City to perform remedial action work on Haub's property during construction of a future development project to clean up contamination attributed to the Sauro groundwater contamination; and (3) obligate the City to reimburse Haub if circumstances arise that require Haub to incur remedial action costs to clean up contamination attributed to the Sauro groundwater contamination, and

WHEREAS, in the event Haub encounters Sauro groundwater contamination during construction of a future development project on the aforementioned property, the City would conduct its cleanup work under an Agreed Order with the Washington State Department of Ecology ("DOE"), and

WHEREAS the cost to clean up such contamination is estimated at \$2.7 million, of which approximately 50 percent would be eligible for reimbursement on a matching basis through a DOE remedial action grant, and

WHEREAS, if Haub does not encounter Sauro groundwater contamination during construction of a future development project on the aforementioned property, the City would continue to monitor the Sauro groundwater contamination below Haub's property, which costs are included in the City's cleanup of the former Sauro site, and

WHEREAS the Environmental Remediation and Indemnity Agreement would provide certainty regarding the City's obligation to clean up Sauro groundwater contamination below Haub's property, which eliminates a potential legal impediment to future development of a key area in downtown Tacoma,  
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 Environmental Remediation and Indemnity Agreement relating to the cleanup of Sauro groundwater contamination below real property owned by the Haub Family and the Haub Brothers Enterprises Trust, located at South 14th Street and "A" Street and South 13th Street and Pacific Avenue, Tacoma, and

at real property they expect to acquire from the U.S. Postal Service, located at 13th Street and "A" Street, Tacoma, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **RESOLUTION NO. 37725**

A RESOLUTION authorizing the execution of the proposed Collective Bargaining Agreement negotiated between the City and the Teamsters Local Union No. 117, General Unit, retroactive from January 1, 2008, through December 31, 2010.

WHEREAS the City has, for years, adopted the policy of collective bargaining between the various labor organizations representing employees and the administration, and

WHEREAS, pursuant to said policy, Teamsters Local Union No. 117, General Unit ("Union"), and representatives of the administration of the City have engaged in collective bargaining sessions and have reached an agreement relating to conditions of employment, and

WHEREAS the proposed Collective Bargaining Agreement ("Agreement") covers approximately 259 budgeted full-time equivalent positions and includes: (1) effective January 1, 2008, a wage increase of 3.72 percent; (2) for the years 2009 and 2010, a wage increase of 2.72 percent; (3) an increase to the rate paid for standby assignments from \$2.00 to \$3.00 per hour; (4) an increase to the allowance paid for clothing/boots to \$350 for eligible classifications; (5) the addition of shift incentives for the classifications of Police Secretary and Animal Control Compliance Officer when assigned to work swing or graveyard shifts; (6) the addition of an application of rate of 7.5 percent for Police Secretary for time spent performing specific duties outlined in the Agreement; (7) an application of rate for an Equipment Operator when operating three specific pieces of equipment; (8) a modification of the application of rate for the Street Maintenance Worker or Street Maintenance Crew Leader when assigned to be

the Layton box or track paver primary or secondary screed operator; and (9) a change in title for the classification of Latent Fingerprint Examiner to Latent Print Examiner, and

WHEREAS it now appears in the best interest of the City that the proposed Agreement negotiated by said Union and the City be approved;

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, for and on behalf of the City, an agreement between the City and Teamsters Local Union No. 117, General Unit, said agreement to be substantially in the form of the proposed Collective Bargaining Agreement on file in the office of the City Clerk, and by its terms to remain in full force and effect upon adoption by the City Council retroactive from January 1, 2008, through December 31, 2010.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **RESOLUTION NO. 37726**

A RESOLUTION relating to commuter rail service; authorizing the City to receive and forward the recommendations of the Project Advisory Committee to Sound Transit for its Commuter Rail “D” Street to “M” Street project.

WHEREAS, in January 2008, the City and Sound Transit agreed upon a term sheet to confirm the general terms and conditions for both parties to make it possible for Sound Transit to extend commuter rail service to Lakewood, and

WHEREAS the term sheet was developed to provide a frame work for completion of negotiations of the final terms and conditions, and

WHEREAS, in the Project Management and Process section of the term sheet, the City established an advisory committee to assist with review of project design elements for consistency with the comprehensive plan and the planning principles developed in the Sound Transit Commuter Rail Urban Design Assessment, prepared by AHBL, Inc., and to make recommendations for implementation of suitable mitigation measures, including mitigation of noise, vibration, aesthetics, and other environmental impacts, and

WHEREAS the Hillside Development Council, New Tacoma Neighborhood Council, Downtown Merchant Group, Dome District Development Group, Pierce Transit, Tacoma-Pierce County Chamber, University of Washington-Tacoma, and TACID were invited to participate on the advisory committee, which is known as the Project Advisory Committee (“Committee”), and

WHEREAS the Committee reviewed the project design and made recommendations at its January 8, 2009, meeting on issues that emerged during the initial design of the project; Now, Therefore,

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

That the proper officers of the City are hereby authorized to receive and forward the recommendations of the Project Advisory Committee to Sound Transit for its Commuter Rail "D" Street to "M" Street project.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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