



## Legislation Passed February 10, 2009

The Tacoma City Council, at its regular City Council meeting of February 10, 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. 37728**

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

### **Purchase Resolution No. 37729**

Awarding contracts to:

1. Les Russell Construction, LLC, on its bid of \$1,323,903.72, including sales tax, budgeted from the Street Special Revenue Fund, for improvements associated with Local Improvement District No. 8642, including permanent roadway, sanitary sewer, storm sewer, water main improvements, and Tacoma Power alternate contract for undergrounding power lines – Specification No. PW08-0958F; and
2. L N Curtis & Sons, in the amount of \$9,622.08, plus sales tax, for a cumulative total of \$683,017.84, budgeted from the General Fund, to increase the contract for protective coats and trousers for structural firefighting – Specification No. FD05-0487F.

### **Resolution No. 37730**

Declaring surplus the following nine substation sites, owned by the Department of Public Utilities, ranging from 0.04 to 0.5 acres in size:

- Adams, 1920 Adams Street North;
- Centennial, 543 North Stadium Way;
- Downing, 1801 North Orchard Street;
- Fairmont, 4924 North 31st Street;
- Junett, 3008 North 16th Street;
- Lincoln Park, 1009 South 35th Street;
- Parkland, 101 127th Street East;
- Ruston, 5001 North Visscher Street; and
- Warner, 3404 South 45th Street.

### **Resolution No. 37731**

Supporting the creation of Cultural Access Funds, which would increase access to scientific, cultural, artistic, and heritage experiences throughout Washington State and the Puget Sound region.

### **Resolution No. 37732**

Authorizing the execution of an agreement with David Evans and Associates, Inc., in the amount of \$217,841, budgeted from the Tacoma Rail Mountain Division Capital Projects Fund, for design and construction support services to repair two trestles located on the Tacoma Rail Mountain Line.

## RESOLUTION NO. 37728

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

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

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**

Appointing John Folsom to a term expiring on September 23, 2011.

To correct the term expiration of George Weyerhaeuser's reappointment from October 6, 2011 to September 23, 2011.

### **Landmarks Preservation Commission**

Appointing Ha Pham (At-large Position No. 1) to a term expiring on December 31, 2011.

Appointing Pamela Sundell (Architect Position No. 1) to a term expiring on December 31, 2011.

### **Planning Commission**

Appointing Peter Elswick (District No. 1) to a term expiring on December 31, 2011.



## RESOLUTION NO. 37729

1 A RESOLUTION related to the purchase of materials, supplies or equipment,  
2 and the furnishing of services; authorizing the appropriate City officials to  
3 enter into contracts and, where specified, waiving competitive bidding  
4 requirements, authorizing sales of surplus property, or increasing or  
5 extending existing agreements.

6 WHEREAS the City has complied with all applicable laws governing the  
7 acquisition of those supplies, and/or the procurement of those services,  
8 inclusive of public works, set forth in the attached Exhibit "A," which Exhibit is  
9 incorporated herein as though fully set forth, and

10 WHEREAS the Board of Contracts and Awards has reviewed the  
11 proposals and bids received by the City, and the Board has made its  
12 recommendation as set forth in Exhibit "A," and

13 WHEREAS the Board of Contracts and Awards has also made its  
14 recommendations as to entering into purchasing agreements with those  
15 governmental entities identified in Exhibit "A"; Now, Therefore,

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

17 That the Council of the City of Tacoma does hereby concur in the  
18 findings and recommendations of the Board of Contracts and Awards set forth  
19 in the attached Exhibit "A," and does hereby approve and authorize the:

20 (X) A. Procurement of those supplies, services, and public works  
21 recommended for acceptance in the attached Exhibit "A";

22 ( ) B. Rejection of those bids and/or proposals that are recommended  
23 for rejection in the attached Exhibit "A";  
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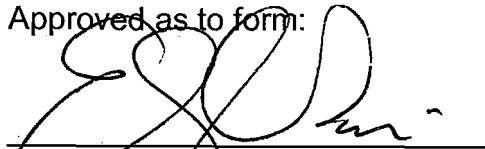
( ) C. Entry into the proposed purchasing agreement with those governmental entities identified in the attached Exhibit "A," which proposed agreement is on file in the office of the City Clerk;

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

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
City Attorney



**City of Tacoma**  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 37729

ITEM NO.: 1

MEETING DATE: FEBRUARY 10, 2009

**DATE:** January 28, 2009

**TO:** Board of Contracts and Awards

**SUBJECT:** LID 8642  
Budgeted from PW Street Special Revenue Fund 1060  
Specification No. PW08-0958F

**RECOMMENDATION:** Public Works Engineering Division recommends that a contract in the amount of \$1,323,903.72, including sales tax, be awarded to **Les Russell Construction, LLC, Puyallup, WA**, for permanent roadway, sanitary sewer, storm sewer, water main improvements and Tacoma Power alternate contract for undergrounding power lines. This project shall be completed within 100 working days.

**EXPLANATION:** LID 8642 – Roadway improvements consists of roadway excavation, grading, asphalt removal, asphalt paving, installation of concrete curb and gutters, concrete driveway entrances, concrete sidewalk, storm sewer and sanitary sewer improvements, water improvements, and Tacoma Power improvements.

**COMPETITIVE BIDDING:** Specification No. PW08-0958F was opened December 23, 2008. Seventeen bid submittals were received for this project. Four bidders were deemed nonresponsive. 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. Les Russell Construction, LLC submitted a bid that resulted in the lowest evaluated bid after consideration of HUB participation goals.

Bidder	Location <i>(city and state)</i>	Total Bid Including Sales Tax	Evaluated Bid
<b>Les Russell Construction, LLC</b>	<b>Puyallup, WA</b>	<b>\$ 1,323,903.72</b>	<b>\$ 1,180,385.84</b>
R G Construction	Chehalis, WA	\$ 1,340,937.56	\$ 1,183,121.95
Northwest Construction, Inc.	Bellevue, WA	\$ 1,352,561.62	\$ 1,196,433.88
Pivetta Brothers Construction, Inc.	Sumner, WA	\$ 1,364,642.68	\$ 1,206,531.19
*Interwest Development, Inc.	Auburn, WA	\$ 1,371,322.95	\$
*Construct Company, LLC	Sumner, WA	\$ 1,372,740.25	\$
Northwest Cascade, Inc.	Puyallup, WA	\$ 1,378,639.12	\$ 1,225,384.19
Alpha Development	Tacoma, WA	\$ 1,473,656.81	\$ 1,314,507.27
*Henderson Partners, LLC	Gig Harbor, WA	\$ 1,494,471.56	\$
Wm. Dickson Co.	Tacoma, WA	\$ 1,516,925.67	\$ 1,359,139.69
S&W Utility Contractors, Inc.	Lakewood, WA	\$ 1,556,912.02	\$ 1,390,842.20
Active Construction, Inc.	Puyallup, WA	\$ 1,612,934.26	\$ 1,447,586.39
Sterling Breen Crushing, Inc.	Chehalis, WA	\$ 1,664,497.40	\$ 1,529,164.44
*Johansen Excavating, Inc.	Buckley, WA	\$ 1,743,447.64	\$
Lloyd Enterprises, Inc.	Federal Way, WA	\$ 1,703,283.72	\$ 1,584,991.21

Dennis R. Craig Construction, Inc.	Redmond, WA	\$ 1,808,852.01	\$ 1,638,015.85
Rickabaugh Pentecost Development, LLC	Spanaway, WA	\$ 1,886,217.44	\$ 1,732,746.26
Pre-bid Estimate		\$ 1,769,627.22	
* Deemed Non-Responsive			

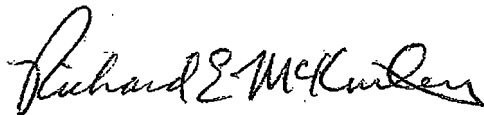
The recommended award is 25 percent below the pre-bid estimate.

**CONTRACT HISTORY:** New contract.

**FUNDING:** Funds for this are available in the PW Street Special Revenue Fund 1060.

**HUB/LEAP COMPLIANCE:** The recommended contractor is in compliance with the Historically Under-utilized Business (HUB) Regulation requirements per memorandum dated January 23, 2009. The HUB goal for this project is 22 percent, and the level of HUB participation for Les Russell Construction, LLC is 19.75 percent. The recommended contractor submitted the lowest evaluated bid per the HUB Regulation requirements. The Local Employment and Apprenticeship Training Program (LEAP) goal is 495 hours.

**PROJECT ENGINEER:** Jason Turner, PW Engineering Division, 591-5028



Richard E. McKinley  
Public Works Director

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



**City of Tacoma  
Fire Department**

EXHIBIT "A"

RESOLUTION NO.: 37729

ITEM NO.: 2

MEETING DATE: FEBRUARY 10, 2009

**DATE:** January 22, 2009

**TO:** Board of Contracts and Awards

**SUBJECT:** Fire Department Protective Coats and Trousers for Structural Firefighting  
Budgeted From 2009-2010 Fire General Fund  
(Specification FD05-0487F)

**RECOMMENDATION:** The Tacoma Fire Department requests approval to increase Contract No. 4600002975 to **L N Curtis & Sons, Seattle, Washington**, by \$9,622.08 to a new contract total of \$683,017.84, plus tax, for protective (turnout) coats and pants for structural firefighting.

**EXPLANATION:** Turnout coats and trousers are essential for structural firefighting. They require periodic replacement due to wear or improvements in safety standards. The proposed increase is necessary to complete payment of turnout equipment purchased under this expiring contract. Fire Department staff ordered sixteen more turnout pants than originally projected.

**COMPETITIVE BIDDING:** This contract was originally awarded to L N Curtis & Sons by the City Council in 2005, as a result of a formal competitive Request for Bids (Specification FD05-0487F). The proposed increase to the contract continues the same prices, terms, and conditions as the original contract.

**CONTRACT HISTORY:** The original contract for \$466,467.20 was approved by City Council Resolution #36708, dated November 29, 2005. Three supplements were approved subsequently. In January 2007, an increase of \$27,402.56 plus tax was requested to pay additional charges for non-standard length coats. A second supplement totaling \$12,000 plus tax was requested in September 2007 for the same thing. The Fire Department was notified in July 2008 that it received a federal grant to help fund the purchase of safety turnouts. A third supplement was therefore requested and approved by City Council Resolution #37585 in September 2008, in the amount of \$167,526 plus tax to allow the department to complete issuance of the new style turnouts to all commissioned employees. This final increase of \$9,622.08 plus tax will bring the contract to a cumulative total of \$683,017.84 plus tax.

**FUNDING:** Funds for this purchase are available in the 2009-2010 Fire General Fund budget.

**HUB/LEAP:** Not Applicable

**PROJECT ENGINEER/COORDINATOR:** Michael Fitzgerald, (253) 591-5157.

RONALD W. STEPHENS  
Fire Chief

RWS:MF:mw

cc: Jayne McCartney, Finance/Purchasing  
Percy Jones, HALO  
Peter Guzman, HALO

## **RESOLUTION NO. 37730**

A RESOLUTION relating to utility property; declaring certain property owned by the Department of Public Utilities, Light Division, to be surplus pursuant to RCW 35.94.040.

WHEREAS the Department of Public Utilities, Light Division (d.b.a. "Tacoma Power") has owned and operated nine electrical substation sites on various properties located throughout the City and Pierce County, and

WHEREAS each substation site is approximately 0.04 to 0.5 acres and was utilized for supporting the 4.2 KV electrical distribution system, and

WHEREAS Tacoma Power has upgraded the distribution system and determined it no longer needs the smaller 4.2 KV substations or properties, and

WHEREAS Tacoma Power has removed all equipment from the sites, determined that the properties are no longer needed for continued utility services, and the property is surplus to its needs, and

WHEREAS RCW 35.94.040 requires the City to determine by resolution of its legislative authority that lands originally acquired for public utility purposes are surplus to the City's needs and are not required for providing continued public utility service, and

WHEREAS the Public Utility Board recommends the City Council approve the declaration of surplus; Now, Therefore,

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

That the nine substation properties located throughout the City and Pierce County, as described in the attached Exhibit "A," are declared surplus to the City's needs and are not required for continued public utility service, pursuant to RCW 35.94.040.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **RESOLUTION NO. 37731**

BY REQUEST OF MAYOR BAARSMA AND COUNCIL MEMBER LADENBURG

A RESOLUTION relating to cultural development; supporting the creation of Cultural Access Funds, which would increase access to scientific, cultural, artistic, and heritage experiences throughout Washington State and the Puget Sound region.

WHEREAS access to cultural experiences strengthens communities and individuals, and

WHEREAS communities and regions that are home to vibrant cultural organizations are more competitive for high-paying jobs and high-quality workers and enjoy greater economic prosperity, and

WHEREAS studies show that students who are engaged in cultural activities are less likely to drop out of school and are more likely to excel in science and math studies, and

WHEREAS Washington State ("State") has a rich, varied science and cultural community, ranging from community heritage sites to regional theaters to world-class zoos, performing arts, and museums, and

WHEREAS these science and cultural organizations are the centerpieces of many communities, enrich the residents, and provide tremendous benefits to individual communities and the State, and

WHEREAS the residents of the Puget Sound region believe that cultural and scientific organizations have a significant impact on the quality of life, are an important part of the social fabric of the region, and want additional access to science and cultural programs, and

WHEREAS science and cultural organizations in the Puget Sound region generate approximately \$1.7 billion in annual economic activity statewide, creating 41,000 jobs, paying \$776 million in annual wages, and generating \$73 million in state tax revenue, and

WHEREAS, in recognition of all of these benefits, the Prosperity Partnership Cultural Task Force is proposing legislation that would enable communities across the State to create publicly funded Cultural Access Funds, and

WHEREAS the goal of the legislation is to increase access to cultural experiences (from arts organizations to science centers and zoos) for children and adults across the State, and

WHEREAS funds would be used to provide cultural education programs for students and residents, designated free days, discounted tickets/services, and funding for emerging cultural programs in small towns, and other underserved areas; Now, Therefore,

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

1. That the City of Tacoma recognizes the significant benefits to individuals and communities derived from increased access to cultural experiences, such as zoos, aquariums, museums, heritage sites, the performing arts, and other cultural experiences.

2. That the City of Tacoma recognizes the tremendous contribution that cultural organizations make to individuals, communities, the region, and Washington State (“State”) and is committed to supporting them.

3. That the City of Tacoma and the Prosperity Partnership Cultural Task Force share many of the same goals and objectives. Further, the City of Tacoma supports the Prosperity Partnership Cultural Task Force in its efforts to pass authorizing legislation to allow the creation of Cultural Access Funds within the State.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **RESOLUTION NO. 37732**

A RESOLUTION relating to Tacoma Rail Mountain Line; authorizing the execution of an agreement with David Evans and Associates, Inc., in the amount of \$217,841, budgeted from the Tacoma Rail Mountain Division Capital Projects Fund, for design and construction support services to repair two Tacoma Rail trestles.

WHEREAS two trestles, located in Tacoma and Eatonville, on the Tacoma Rail Mountain Line ("TRMW") are in need of repairs due to aging and use, and

WHEREAS the repairs and upgrades will allow Tacoma Rail to continue serving its customers on the TRMW; Now, Therefore,

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

That the proper officers of the City are hereby authorized to execute an agreement with David Evans and Associates, Inc., in the amount of \$217,841, budgeted from the Tacoma Rail Mountain Division Capital Projects Fund, for design and construction support services to repair two Tacoma Rail trestles, 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