



## Legislation Passed July 14, 2009

The Tacoma City Council, at its regular City Council meeting of July 14, 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. 37823**

Approving the final plat of "Lynwood Lane", a six-lot single-family residential subdivision located at 9202 Yakima Avenue. (Sager Construction Inc.; File No. PLT2008-40000116769)

### **Resolution No. 37824**

Appointing and reappointing individuals to the Board of Ethics and the Tacoma Area Commission on Disabilities.

### **Purchase Resolution No. 37825**

Awarding contracts to:

1. Henderson Partners, LLC, on its bid of \$326,756.15, sales tax not applicable, budgeted from the Street Special Revenue Fund, for the Citywide 2008 Sidewalk Maintenance Program Phase 2, to reconstruct sidewalks at 150 sites within the City limits – Specification No. PW09-0219F; and
2. Clean Harbors Environmental Services, Inc., in the amount of \$150,000.00, sales tax not applicable, for a cumulative total of \$390,000.00, budgeted from the Solid Waste Fund, to increase and extend the contract for household hazardous waste processing and disposal services, technical assistance, and hazardous waste supplies through June 30, 2010 – Washington State Contract No. 03505.

### **Resolution No. 37826**

Reconfirming the appointment of Eric Anderson as the City Manager; and authorizing the execution of an employment agreement for the period of July 16, 2009 through July 15, 2011.

Req. #12283

## **RESOLUTION NO. 37823**

A RESOLUTION relating to platting and subdivision; approving the final plat of LYNNWOOD LANE, located at 9202 Yakima Avenue.

WHEREAS the owners of all of the property situate in Pierce County,

Washington, described as follows:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN;

THENCE NORTH 497.67 FEET, MORE OR LESS, TO A POINT 165 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32, FOR TRUE POINT OF BEGINNING;

THENCE NORTH 165 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32,

THENCE EAST 285 FEET; MORE OR LESS, TO THE WEST LINE OF YAKIMA AVENUE, AS NOW ESTABLISHED;

THENCE SOUTH ALONG THE WEST LINE OF YAKIMA AVENUE 165 FEET;

THENCE WEST 285 FEET, MORE OR LESS, TO TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF TACOMA BY DEED RECORDED UNDER RECORDING NO. 2156933;

EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF TACOMA BY DEED RECORDED UNDER RECORDING NO. 200809160293;

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.

Tax Parcel No. 0320324098

have joined in a plat of the property to be known and designated as LYNNWOOD LANE, and

WHEREAS the preliminary plat of LYNNWOOD LANE was tentatively approved by the Hearing Examiner, subject to the conditions contained in the Hearing Examiner's Report and Decision, dated April 28, 2006, and the conditions have now been fully complied with by the owners of the property, and

WHEREAS the plat, evidenced by the official drawing thereof, has been approved by the Director of Public Works, the City Engineer, the Land Use Administrator, and the City Attorney, and the requirements of Chapter 13.04 of the Tacoma Municipal Code have been fully complied with, and

WHEREAS the LYNNWOOD LANE plat is hereby submitted to the City Council for acceptance and approval; Now, Therefore,

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

Section 1. That the final plat of LYNNWOOD LANE is hereby accepted and approved.

Section 2. That the Mayor and the proper City officers are hereby authorized to indicate upon the original tracing(s) of the plat the acceptance by the City Council of the same as provided in Chapter 13.04 of the Tacoma Municipal Code.

Adopted \_\_\_\_\_

Attest:

\_\_\_\_\_  
Mayor

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

Location: 9202 Yakima Avenue  
Applicant: Sager Construction, Inc.  
File No.: PLT2008-40000116769

Approved as to form:

Legal description approved:

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

\_\_\_\_\_  
Chief Surveyor  
Public Works Department

## RESOLUTION NO. 37824

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 Board of Ethics and to the Tacoma Area Commission on Disabilities.

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"

### **Board of Ethics**

Reappointing **Susan Jensen** to a term expiring December 31, 2011.

Appointing **Joseph Lopez** to a term expiring December 31, 2011.

### **Tacoma Area Commission on Disabilities**

Appointing **Chuck Porret** to a term expiring March 5, 2012.

Appointing **Hayley Edick** to a term expiring October 1, 2009.



## RESOLUTION NO. 37825

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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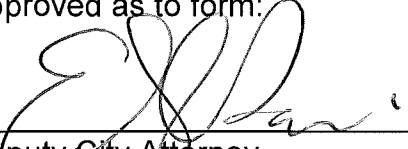
( ) C. Entry into the proposed purchasing agreement with those governmental entities identified in the attached Exhibit "A," which proposed agreement is on file in the office of the City Clerk;

( ) 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:  
  
\_\_\_\_\_  
Deputy City Attorney



**Tacoma**

**City of Tacoma**  
Public Works Department

**DATE:** June 30, 2009

EXHIBIT "A"

RESOLUTION NO.:

37825

ITEM NO.:

1

MEETING DATE:

July 14, 2009

**TO:** Board of Contracts and Awards

**SUBJECT:** Citywide 2008 Sidewalk Maintenance Program Phase 2  
Budgeted from PW Street Special Revenue Fund 1060  
Request for Bids Specification No. PW09-0219F

**RECOMMENDATION:** The Public Works, Construction Division recommends that a contract in the amount of \$326,756.15, sales tax not applicable, be awarded to the low bidder **Henderson Partners, LLC, Gig Harbor, WA**, for the construction of the subject project.

**EXPLANATION:** This project will improve pedestrian safety by reconstructing unfit or unsafe sidewalks, thereby reducing the potential for pedestrian trip and fall injuries to occur. Approximately 150 sites within the city limits of Tacoma are included in this contract.

**COMPETITIVE BIDDING:** Request for Bids Specification No. PW09-0219F was opened on June 2, 2009. This project was advertised using normal advertising. Seven submittals were received. All Bid Proposals reviewed met with the general formal bid requirements.

<u>Bidder</u>	<u>Location</u> <i>(city and state)</i>	<u>Submittal Amount</u> Sales Tax not Applicable
<b>Henderson Partners, LLC</b>	Gig Harbor, WA	\$ 326,756.15
Serpanok Construction, Inc.	Tacoma, WA	\$ 337,270.00
GMT, Inc.	Kenmore, WA	\$ 351,435.00
GenCon Pacific, Inc.	Edgewood, WA	\$ 351,875.50
Northwest Cascade, Inc.	Tacoma, WA	\$ 358,297.00
Asphalt Patch Systems, Inc.	Puyallup, WA	\$ 383,575.00
KBH Construction Co.	Olympia, WA	\$ 418,600.00
	Pre-bid Estimate	\$ 499,825.00

The recommended award is 34.6% below the pre-bid estimate.

**CONTRACT HISTORY:** New contract.

**FUNDING:** Funds for this are available in the PW Street Special Revenue Fund 1060, cost center 661300, project number WBS PWK-00518.

**HUB/LEAP COMPLIANCE:** The recommended contract is in compliance with 49 Code of Federal Regulations Part 26 per memorandum dated June 24, 2009. The Disadvantaged Business Enterprise (DBE) goal for this project is 5%, and the DBE participation is 5%. The Local Employment and Apprenticeship Training Program (LEAP) goal is not applicable. Washington State Department of Transportation (WSDOT) has determined that the DBE goal be set at 5% and Training goals were not appropriate for this project per WSDOT memo dated April 20, 2009.

**PROJECT ENGINEER/COORDINATOR:** Sandra Guffey, Construction Division, 253-591-5270.

A handwritten signature in black ink, appearing to read "Richard E. McKinley" followed by a circled "pc" in parentheses.

Richard E. McKinley  
Public Works Director

cc: Chuck Blankenship, Purchasing  
Percy Jones/Peter Guzman, HALO  
Public Works Intern  
Rae Bailey, Construction Division



City of Tacoma  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 37825

ITEM NO.: 2

MEETING DATE: July 14, 2009

**DATE:** June 25, 2009

**TO:** Board of Contracts and Awards

**SUBJECT:** Contract for Hazardous Waste Handling and Disposal Service  
Budgeted from PW Solid Waste Fund 4200  
SAP Contract 4600003820, Washington State Contract 03505

**RECOMMENDATION:** Public Works - Solid Waste Management Division (SWM) requests approval to increase SAP Contract 4600003820 to **Clean Harbors Environmental Services, Inc., Norwell, ME**, by \$150,000, sales tax not applicable, for household hazardous waste processing and disposal services, technical assistance and hazardous waste supplies and to extend the contract through June 30, 2010. This increase will bring the contract to an aggregate total of \$390,000, sales tax not applicable.

**EXPLANATION:** This contract provides hazardous waste transportation, processing, and recycling and disposal services for SWM's Household Hazardous Waste Facility.

**COMPETITIVE BIDDING:** Washington State Contract No. 03505 is a competitively bid contract valid until June 30, 2009. The State of Washington is currently in the process of renewing this contract. With this increase and extension, SWM will use the services and purchase items at State contract prices and terms with this contract until June 30, 2010, or until the term of the state contract is complete, whichever comes first. Additional extensions may be proposed by SWM should the state extend the contract beyond 2010.

**CONTRACT HISTORY:** The initial one year contract for \$120,000 was approved by City Council in February 2007 by Resolution No. 37107. This increase will bring the contract to an aggregate total of \$390,000, sales tax not applicable, for the period of February 13, 2007 through June 30, 2010. This is the 3<sup>rd</sup> amendment to the contract. On March 31, 2008, the term of the contract was administratively extended to June 30, 2009. In September 2008, City Council approved an increase of \$120,000 by Resolution No. 37595.

**FUNDING:** Funds for this are available in the PW Solid Waste Fund 4200. Funding beyond the current biennium is subject to future availability of funds.

**PROJECT ENGINEER/COORDINATOR:** Charlene Gallagher, HHW Supervisor, 253-593-7708.

Richard E. McKinley  
Public Works Director

cc: Jim Wilkerson Purchasing Analyst  
Percy Jones/Peter Guzman, HALO  
Sarah E. Quintana, SWM

## **RESOLUTION NO. 37826**

BY REQUEST OF MAYOR BAARSMA AND COUNCIL MEMBERS LONERGAN AND MANTHOU.

A RESOLUTION related to the office of the City Manager; reconfirming the appointment of Eric Anderson as the City Manager and authorizing the execution of an employment agreement for the period of July 16, 2009, through July 15, 2011.

WHEREAS, on July 10, 2007, the City Council adopted Resolution No. 37225, authorizing the execution of an agreement with Eric Anderson to serve as the City Manager of the City of Tacoma for the period of July 16, 2007, through July 15, 2009, and

WHEREAS Section 3.1 of the Tacoma City Charter requires the City Council to reconfirm the appointment of the City Manager by an affirmative vote of at least five members every two years, and

WHEREAS, under this agreement, the City Manager's salary will remain at its current rate of \$200,449.60, annually, until such time that the National Bureau of Economic Research announces two consecutive quarters of growth, and

WHEREAS, should this growth be announced, the City Manager's salary shall be adjusted to the market rate as determined by Ordinance No. 27775, passed December 16, 2008, at step 6A of the salary range, effective the first day of the following quarter, and

WHEREAS, in addition, should the City Manager's salary be increased as reflected above, the severance pay will be reduced from one and one-half years to one year; Now, Therefore,

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

Section 1. That the City Council reconfirms the appointment of Eric Anderson to serve as the City Manager of the City of Tacoma at the pleasure of the City Council.

Section 2. That the City Council authorizes the execution of an employment agreement with Eric Anderson for the period of July 16, 2009, through July 15, 2011, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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