



Legislation Passed August 11, 2009

The Tacoma City Council, at its regular City Council meeting of August 11, 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.

Resolution No. 37844

Setting Tuesday, August 25, 2009, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the proposed surplus and dedication of a tract of land to Pierce County for a 10-foot-wide right-of-way located along 180th Street East as a predevelopment condition for approval of a necessary building permit.

Resolution No. 37845

Approving the final plat of "Larchmount Villa", a seven-lot single-family residential subdivision located at 8424 East D Street. (Mark Palmer; File No. PLT2008-40000116381)

Resolution No. 37846

Authorizing the execution of a grant agreement with the State Transportation Improvement Board, in the amount of \$5,000,000; accepting and depositing said sum into the Streets Special Revenue Fund, adding matching funds of \$1,000,000 from said fund; and authorizing the execution of the design portion of the grant for roadway improvements on Alaska Street from South 56th Street to South 72nd Street.

Resolution No. 37847

Authorizing the issuance of a limited tax general obligation note, not to exceed \$1.8 million, to acquire and install an Electronic Content Management System and to pay the costs of issuance and sale of said note.

Substitute Ordinance No. 27268

Vacating a portion of East R and East Harrison Streets east of Portland Avenue Playfield for the construction of a facility containing a gymnasium, locker rooms and a meeting room for the Tacoma Nomads Rugby Club. (Tacoma Nomads Rugby Club; File No. 124.1219)

Amended Ordinance No. 27825

Amending Section 13.06A.060 of the Municipal Code, relating to downtown parking, by eliminating off-street parking requirements for new construction in the International Financial Services Area.

Amended Ordinance No. 27826

Amending Chapter 1.06 of the Municipal Code, relating to the Citizen Review Panel, to increase the panel from five to seven members and limiting the number of commissioned law enforcement professionals or retired commissioned law enforcement professionals serving on the panel to no more than three members.

RESOLUTION NO. 37844

A RESOLUTION relating to surplus property; setting Tuesday, August 25, 2009, as the date for a public hearing concerning the proposed surplus and dedication of a tract of land to Pierce County Public Works and Utility Department for road right-of-way along 180th Street East as a predevelopment condition for approval of a necessary building permit.

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

WHEREAS the City of Tacoma, Department of Public Utilities, Light Division (d.b.a. "Tacoma Power"), acquired approximately 22 acres of property along 180th Street East in Pierce County to develop into a new transmission switching substation to be called Canyon Substation, and

WHEREAS Pierce County requires a dedication of a 10-foot-wide, right-of-way along the frontage of the proposed project to comply with the Collector Arterial Standards, per Pierce County Code 17B.10.060A, and

WHEREAS Tacoma Power has determined that the property to be dedicated is not needed for current or future needs, and

WHEREAS a declaration of surplus and negotiated transfer of the 10-foot-wide, right-of-way, located along 180th Street East, to Pierce County for public use, in exchange for approval of the necessary building permit have been approved by the Public Utility Board and will be presented for approval to the City Council after the public hearing; Now, Therefore,

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

Section 1. That Tuesday, August 25, 2009, at the hour of approximately 5:30 p.m. thereof, is hereby scheduled as the time, and the City Council Chambers in the Tacoma Municipal Building, Tacoma, Washington, as the place where the City Council will hold a public hearing concerning the proposed surplus and dedication of the subject utility property.

Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

Requested by Public Utility Board
Resolution No. U-10306

Req. #12312

RESOLUTION NO. 37845

A RESOLUTION relating to platting and subdivision; approving the final plat of LARCHMOUNT VILLA, located at 8424 East "D" Street.

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

Washington, described as follows:

THE NORTH 145.44 FEET OF THE SOUTH 436.57 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 20 NORTH, RANGE 3 EAST, W.M., IN PIERCE COUNTY, WASHINGTON;

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 20 NORTH, RANGE 3 EAST, W.M., IN PIERCE COUNTY, WASHINGTON;

THENCE SOUTH 00°04'30" WEST ALONG THE WEST LINE OF SAID EAST HALF 164.73 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°04'30" WEST ALONG THE WEST LINE OF SAID EAST HALF A DISTANCE OF 59.92 FEET;

THENCE NORTH 89°28'32" EAST A DISTANCE OF 148.00 FEET;

THENCE NORTH 00°04'30" EAST PARALLEL WITH THE WEST LINE OF SAID EAST HALF A DISTANCE OF 60.02 FEET;

THENCE NORTH 89°30'59" WEST A DISTANCE OF 148.00 FEET TO THE POINT OF BEGINNING;

EXCEPT THE EAST 25 FEET THEREOF FOR EAST "D" STREET;

(ALSO KNOWN AS PARCEL B OF CITY OF TACOMA BOUNDARY LINE ADJUSTMENT NO. 40000044765 RECORDED UNDER RECORDING NUMBER 200504205001).

Tax Parcel No. 0320331267

have joined in a plat of the property to be known and designated as
LARCHMOUNT VILLA, and

WHEREAS the preliminary plat of LARCHMOUNT VILLA was tentatively approved by the Hearing Examiner, subject to the conditions contained in the Hearing Examiner's Report and Decision, dated May 9, 2007, 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 LARCHMOUNT VILLA 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 LARCHMOUNT VILLA 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 _____

Mayor

Attest:

City Clerk

Location: 8424 East "D" Street, Tacoma, Washington
Applicant: Mark Palmer
File No.: PLT2008-40000116381

Approved as to form:

Legal description approved:

Deputy City Attorney

Chief Surveyor
Public Works Department

RESOLUTION NO. 37846

A RESOLUTION relating to roadway improvements; authorizing the execution of a grant agreement with the State Transportation Improvement Board, in the amount of \$5,000,000; accepting said sum and depositing same into the Street Special Revenue Fund; adding matching funds of \$1,000,000 and authorizing the City of Tacoma Public Works Engineering Division to execute the design portion of the grant, for roadway improvements on Alaska Street from South 56th Street to South 72nd Street.

WHEREAS the City applied and has been approved for a grant from the State of Washington Transportation Improvement Board ("TIB"), in the amount of \$5,000,000, for the reconstruction and improvement of Alaska Street from South 56th Street to South 72nd Street, and

WHEREAS the existing roadway is substandard and in need of replacement, and

WHEREAS the reconstruction of the roadway will include elements of the Complete Streets Guidelines, including sidewalks, curb ramps, bike lanes, pedestrian islands, the replacement of storm lines, sanitary sewer and water mains, and

WHEREAS the grant requires the City to provide a 20% local match, and

WHEREAS the City of Tacoma Public Works Engineering Division is requesting permission to execute the design portion of the grant, and

WHEREAS it is in the best interests of the City to accept the TIB grant;
Now, Therefore,

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

That the proper officers of the City are hereby authorized to execute a grant agreement with the State of Washington Transportation Improvement Board ("TIB"), in the amount of \$5,000,000, to be deposited into the Street Special Revenue Fund, to fund roadway improvements on Alaska Street from South 56th Street to South 72nd Street, said document to be substantially in the form of the proposed grant agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

RESOLUTION NO. 37847

A RESOLUTION relating to records management; authorizing a \$1.8 million loan to acquire the Electronic Content Management System and to pay the costs of issuance.

WHEREAS the Information Technology Department (“IT”), in collaboration with the Records Management Division and a cross-departmental focus group, initiated a review of the City’s records management environment with the objective of creating a long-term strategy to implement effective records management practices and comply with state and federal regulations regarding electronic documents, and

WHEREAS the City conducted a competitive request for proposals process in which Autonomy, Inc. (“Autonomy”), was selected to pilot the project, and

WHEREAS, on May 22, 2009, based on the success of the pilot project, the cross-departmental focus group received recommendation from the SAP Governance Board to move toward the first phase in the implementation by obtaining licensing, software maintenance, professional services, and training and hardware, along with the approval to pursue temporary financing over the course of four years, and

WHEREAS, on June 23, 2009, the City Council passed Ordinance No. 27811, authorizing licensing and professional services agreements with Autonomy for a special project and authorized financing for such project, and

WHEREAS it appears to the City Council that it is in the best interest of the City to issue a limited tax general obligation note for the acquisition and installation of the new records management system and related software, and

WHEREAS Banc of America Public Capital Corp (“Bank”), has offered to purchase the note under the terms and conditions set forth in this resolution and a term sheet dated July 14, 2009 (“Proposal”); Now, Therefore,

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

Section 1. Authorization of the Note. The City shall borrow money on the credit of the City and issue a limited tax general obligation note evidencing that indebtedness in the amount of not to exceed \$1,800,000, with such final amount to be determined by the Director of Finance pursuant to Section 14 hereof, to provide the funds to pay the cost of the acquisition and installation of a new records management system and related software and to pay the costs of issuance and sale of the note (“costs of issuance”). The general indebtedness to be incurred shall be within the limit of up to 1-1/2% of the value of the taxable property within the City permitted for general municipal purposes without a vote of the qualified voters therein.

Section 2. Description of the Note. The note shall be issued as a single note called the Limited Tax General Obligation Note, 2009 of the City (“Note”) and shall be issued in the maximum principal amount of not to exceed \$1,800,000. The Note shall be dated as of the date of its initial delivery to the Bank (“Date of Delivery”); shall be numbered R-1; shall be issued only in fully registered form; and shall mature four years from its Date of Delivery (or such

earlier date that the principal of and interest on the Note is fully paid). The Note shall bear interest from the Date of Delivery at the rate per annum (computed on the basis of a 360-day year of twelve 30-day months) to be negotiated by the Director of Finance pursuant to Section 14 hereof. Interest and principal on the Note shall be payable monthly beginning on October 1, 2009, to the maturity or earlier prepayment of the Note as shown on an exhibit to the Note.

Section 3. Note Registrar; Registration, and Transfer of the Note.

Pursuant to RCW 39.46.030(4) the City's Director of Finance shall serve as initial fiscal agent for the City ("Note Registrar") with respect to the Note and is authorized, on behalf of the City, to authenticate and deliver the Note in accordance with the provisions of the Note and this resolution. The Note shall be issued only in registered form as to both principal and interest and shall be recorded on books or records maintained by the Note Registrar ("Note Register"). The Note Register shall contain the name and mailing address of the owner of the Note ("Registered Owner").

Upon a determination by the Director of Finance that maintenance of the duties of the Note Registrar is no longer convenient, a bank or trust company organized under the laws of the State of Washington ("State"), or a national banking association having a capital and surplus aggregating at least \$20,000,000, if there be such a bank, trust company or national banking association willing and able to accept the duties of Note Registrar on reasonable and customary terms and authorized by law to perform all the duties imposed upon it by this resolution, shall be appointed by the City Council.

The Note Registrar shall keep, or cause to be kept, at its office, sufficient books for the registration, assignment or transfer of the Note, which books shall be open to inspection by the City at all times. The Note Registrar is authorized, on behalf of the City, to authenticate and deliver the Note transferred or exchanged in accordance with the provisions of the Note and this resolution, to serve as the City's paying agent for the Note and to carry out all of the Note Registrar's powers and duties under this resolution.

The Note Registrar shall be responsible for its representations contained in the Note Registrar's Certificate of Authentication on the Note.

The Note may be assigned or transferred only in whole and only if endorsed in the manner provided thereon and surrendered to the Note Registrar. Any such transfer shall be without cost to the owner or transferee and shall be noted in the Note Register.

Section 4. Payment of the Note. Both principal of and interest on the Note shall be payable in lawful money of the United States of America and shall be automatically deducted from the City's account with the Bank, unless payment by check or draft of the Note Registrar is permitted by the Registered Owner, and sent to the Registered Owner so that such Registered Owner receives the payments when due at the address appearing on the Note Register. Upon receipt of the final installment payment of principal of and interest on the Note, whether at maturity or upon prepayment, the Registered Owner shall present and surrender the Note to the Note Registrar to be destroyed or cancelled in accordance with law. The City and the Note Registrar

may deem and treat the Registered Owner of the Note as the absolute owner of the Note for the purpose of receiving payment of principal and interest and for all other purposes, and neither the City nor the Note Registrar shall be affected by any notice to the contrary other than proper notice of assignment or transfer.

Section 5. Prepayment Provisions. The City reserves the option to prepay and redeem at any time after September 1, 2011 any or all of the principal amount of the Note outstanding at 102% of par plus accrued interest to the date of prepayment.

Section 6. Interest Rate upon Default; No Acceleration. If there occurs any nonpayment of principal, interest, fees or other amounts when due under the Note or this resolution, then the Bank at its option may increase the interest rate on the Note by two percentage points. The Note is not subject to acceleration upon the occurrence of a payment default.

Section 7. Pledge of Taxes; Appropriation. For as long as the Note is outstanding, the City irrevocably pledges to include in its budget and levy taxes annually within the constitutional and statutory tax limitations provided by law without a vote of the electors of the City on all of the taxable property within the City in an amount sufficient, together with other money legally available and to be used therefor, to pay when due the principal of and interest on the Note, and the full faith, credit and resources of the City are pledged irrevocably for the annual levy and collection of those taxes and the prompt payment of that principal and interest.

The Council hereby appropriates the funds necessary to pay the principal of and interest on the Note as it comes due beginning October 1, 2009 and ending at its maturity four years from the Date of Delivery of the Note.

Section 8. Form and Execution of the Note. The Note shall be prepared in a form consistent with the provisions of this resolution and state law and shall be signed by the Mayor and City Clerk, either or both of whose signatures may be manual or in facsimile, and the seal of the City or a facsimile reproduction thereof shall be impressed or printed thereon. The Note will be printed at City expense and delivered to the Bank in accordance with the Proposal, together with the approving legal opinion of Foster Pepper PLLC, municipal bond counsel of Seattle, Washington.

The Note shall bear a Certificate of Authentication in the following form, manually signed by the Note Registrar, and only if so executed shall the Note be valid or obligatory for any purpose or entitled to the benefits of this resolution:

CERTIFICATE OF AUTHENTICATION

This Note is the fully registered City of Tacoma, Washington, Limited Tax General Obligation Note, 2009, described in the Note Resolution.

CITY OF TACOMA
Note Registrar

By _____
Director of Finance

The authorized signing of a Certificate of Authentication shall be conclusive evidence that the Note so authenticated has been duly executed, authenticated and delivered and is entitled to the benefits of this resolution.

If any officer whose signature appears on the Note ceases to be an officer of the City authorized to sign notes before the Note bearing his or her signature is authenticated or delivered by the Note Registrar or issued by the City, the Note nevertheless may be authenticated, issued and delivered and, when authenticated, issued and delivered, shall be as binding on the City as though that person had continued to be an officer of the City authorized to sign notes. The Note also may be signed on behalf of the City by any person who, on the actual date of signing of the Note, is an officer of the City authorized to sign notes, although he or she did not hold the required office on the date of issuance of the Note.

Section 9. Refunding or Defeasance of the Note. The City may issue refunding Notes pursuant to the laws of the State of Washington or use money available from any other lawful source to pay when due the principal of and interest on the Note, or any portion thereof included in a refunding or defeasance plan, and to redeem and retire, refund or defease the Note (hereinafter collectively called the “defeased Note”) and to pay the costs of the refunding or defeasance. If money and/or “government obligations” (as defined in chapter 39.53 RCW, as now or hereafter amended) maturing at a time or times and bearing interest in amounts (together with money, if necessary) sufficient to redeem and retire, refund or defease the defeased Note in

accordance with their terms are set aside in a special trust fund or escrow account irrevocably pledged to that redemption, retirement or defeasance of a defeased Note (hereinafter called the "trust account"), then all right and interest of the owner of the defeased Note in the covenants of this resolution and in the funds and accounts obligated to the payment of the defeased Note shall cease and become void. The owner of the defeased Note shall have the right to receive payment of the principal of and interest on the defeased Note from the trust account. The City shall include in the refunding or defeasance plan such provisions as the City deems necessary for the notice of the defeasance to be given to the owner of the defeased Note. The defeased Note shall be deemed no longer outstanding, and the City may apply any money in any other fund or account established for the payment or redemption of the defeased Note to any lawful purposes as it shall determine.

Section 10. Note Fund and Deposit of Note Proceeds. There is created and established in the office of the Director of Finance a special fund for the purpose of paying principal of and interest on the Note ("Note Fund"). All taxes collected for and allocated to the payment of the principal of and interest on the Note shall be deposited in the Note Fund and shall be used to pay such principal and interest. Until needed for such purpose, the City may invest taxes collected for and allocated to the payment of the principal of an interest on the Note temporarily in any legal investment, and the investment earnings shall be retained in the Note Fund and be spent for the purposes of that fund.

The Note proceeds received by the City shall be deposited into a fund, which is hereby authorized to be created, and used for the purposes specified in Section 1 of this resolution ("Project Fund"). Until needed to pay the costs of the project and the costs of issuance, the City may invest principal proceeds temporarily in any legal investment, and the investment earnings may be retained in the Project Fund and be spent for the purposes of that fund.

Section 11. Preservation of Tax Exemption for Interest on the Note. The City covenants that it will take all actions necessary to prevent interest on the Note from being included in gross income for federal income tax purposes, and it will neither take any action nor make or permit any use of proceeds of the Note or other funds of the City treated as proceeds of the Note at any time during the term of the Note which will cause interest on the Note to be included in gross income for federal income tax purposes.

Section 12. Approval of Proposal. The Bank has presented the Proposal to the City offering to purchase the Note under the terms and conditions provided therein. Upon delivery of the Note, the City shall reimburse the Bank for its legal fees in the amount of not to exceed \$10,000. The City Council finds that accepting the Proposal is in the City's best interest and therefore accepts the offer contained therein and authorizes its execution by City officials.

All other costs of issuance shall be paid for by the City.

Section 13. General Authorization and Ratification. The proper City officials are authorized and directed to take any actions and to execute

documents as in their judgment may be necessary or desirable to carry out the terms of, and complete the transactions contemplated by, this resolution and the Proposal (including everything necessary for the prompt delivery of the Note to the Bank and for the proper application and use of the proceeds of the sale thereof). All other actions heretofore taken in furtherance hereof and not inconsistent with the provisions of this resolution are hereby ratified and confirmed in all respects.

Section 14. Delegation to Director of Finance. The City Council hereby delegates to the Director of Finance to determine (a) the final principal amount of the Note, which amount shall not exceed \$1,800,000, (b) the Date of Delivery of the Note, (c) the interest rate of the Note and (d) such appropriate funds to be designated as the Note Fund and the Project Fund.

Section 15. Reporting Requirements. With respect to the Note, the City is exempt from the official statement and ongoing disclosure requirements of the Securities and Exchange Commission Rule 15c2-12 under the Securities Exchange Act of 1934.

The City hereby covenants and agrees for as long as the Note remains outstanding that it will provide the following information to the Bank: (a) audited annual financial report within 10 days of receipt from the State Auditor, (b) the City's internally prepared unaudited annual financial statements within seven months of its fiscal year end, (c) the City's budget within 30 days of commencement of the new budget cycle and (d) such other information as may be reasonably requested by the Bank from time to time.

Section 16. Severability. If any provision of this resolution shall be declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed separable from the remaining provisions of this resolution and shall in no way affect the validity of the other provisions of this resolution or of the Note.

Section 17. Effective Date of Resolution. This resolution shall be effective and after its passage as provided by law.

Adopted August 11, 2009

Mayor

Attest:

City Clerk

Approved as to form and legality:

FOSTER PEPPER PLLC
Note Counsel to the City of Tacoma

By _____

EXHIBIT "A"
BANK'S PROPOSAL
(See Attached)

TERM SHEET
CITY OF TACOMA
JULY 14, 2009

BORROWER: City of Tacoma (the "Borrower")

LENDER: Bank of America NA

CREDIT FACILITY: Up to \$1,800,000 (the "Credit Facility"). This credit facility is subject to credit approval and documentation.

PURPOSE: Proceeds will be used for acquisition and installation of a new records management system and related software.

CLOSING: The closing of the Credit Facility is anticipated to be in August 11, 2009.

MATURITY: 4 Years from Closing

INTEREST RATE/COSTS: Indicative Fixed Rate of 3.10 % as of July 14, 2009 calculated on a 30/360-day basis. The final rate will be set prior to closing based on market conditions.

The Credit Facility will be a tax-exempt obligation.

Borrower will be responsible for all fees, costs and expenses.

REPAYMENT: Principal and Interest will be paid monthly. The rates assumed a level amortization payable in arrears.

SECURITY: Limited Tax General Obligation. The principal and interest on the Credit Facility are payable from all legally available funds of the Borrower.

PREPAYMENT: The transaction is non-callable for the first 2 years. Thereafter, prepayment may occur at a prepayment price of 102% of outstanding principal.

REPRESENTATIONS AND WARRANTIES: Usual and customary for transactions of this type.

OPINION: Borrower to provide a legal opinion of nationally recognized bond counsel, in form and substance acceptable to Bank and its legal counsel, that (i) the Ordinance and all documents related to the Credit Facility have been properly adopted, authorized and executed; (ii) the Resolution and all documents related to the Credit Facility constitute legally binding obligations of the Borrower, payable from the Security and enforceable according to their terms (subject to standard exceptions); and (iii) interest payable on the Credit Facility is excludable from gross income for federal income tax purposes. The Lender will hire outside counsel to review and approve documents. This fee is expected to be approximately \$10,000 and may be paid out of proceeds at closing.

COVENANTS: Usual and customary for transactions of this type.



DOCUMENTATION: All documentation, including the form of legal opinion to be issued by Borrower's legal counsel, is subject to review and approval by Bank's legal counsel.

Documentation to include:

- An unqualified legal opinion of nationally recognized bond counsel, in form and substance acceptable to Bank and its legal counsel, that (i) the Ordinance and all documents related to the Credit Facility have been properly adopted, authorized and executed; and (ii) the Ordinance and all documents related to the Credit Facility constitute a legally binding obligation of the Borrower, enforceable according to their terms (subject to standard exceptions); and (iii) interest payable on the Credit Facility is excludable from gross income for purposes of federal income taxes.
- A copy of the Resolution passed by the City Council authorizing the issuance of the Credit Facility;
- Receipt of the original signed Bond at closing.

REPORTING REQUIREMENTS:

- Borrower shall annually provide Bank of America NA with CPA prepared audited financial statements within 270 days of fiscal year end.
- Borrower shall annually provide Banc of America NA with an annual budget within the earlier of thirty days of adoption by the Borrower or thirty days after first year end inception.

EVENTS OF DEFAULT: Usual and customary in transactions of this type. Default interest rate will be 200 basis points above interest rate on the financing.

GOVERNING LAW/ARBITRATION: State of Washington. Any dispute arising out of or related to this letter or the final loan documentation shall be determined by binding arbitration in accordance with the Federal Arbitration Act. All arbitration proceedings shall be conducted through the American Arbitration Association (an independent, alternative dispute resolution service).

MARKET DISRUPTION LANGUAGE: Notwithstanding anything contained herein to the contrary, in the event any material change shall occur in the financial markets after the date of this proposal letter, including but not limited to any governmental action or other event which materially adversely affects the extension of credit by banks, leasing companies or other lending institutions, Lender may modify the indicative pricing described above.

PROPOSAL EXPIRATION: This proposal will expire in 7 days unless accepted by signing below. In the event that additional time is needed to analyze the attached terms, this proposal may be extended at Lender's discretion.

ACCEPTED:

By: _____

Date: _____



CLERK'S CERTIFICATE

I, the undersigned, the duly chosen, qualified City Clerk of the City of Tacoma, Washington, and keeper of the records of the City Council (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached Resolution No. _____ (herein called the "Resolution") is a true and correct copy of the Resolution of the City, as passed at a regular meeting of the Council held on the 11th day of August, 2009 and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of said Resolution; that all other requirements and proceedings incident to the proper adoption of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City as of this 11th day of August, 2009.

City Clerk
City of Tacoma, Washington

SUBSTITUTE ORDINANCE NO. 27268

AN ORDINANCE vacating that portion of East "R" Street lying between Blocks 8649 and 8645 inclusive of City of Tacoma vacation Ordinance No. 11692, passed by City Council May 24, 1939; together with that portion of East Harrison Street abutting Lots 1 through 4, Block 8649 and 8650, contained within the plat of the MAP OF THE INDIAN ADDITION TO THE CITY OF TACOMA.

All lands situate in the Southeast Quarter of Section 10, Township 20 North, Range 03 East, W.M..

1. Tacoma Power:

Retaining and reserving therein an easement to Tacoma Power over the westerly 30 feet of East "R" Street for existing poles, wires, guy wires and appurtenant equipment. Should relocation of existing facilities be necessary, the cost shall be borne by the developer at its sole expense.

2. Public Works, Traffic Engineering:

Retaining and reserving therein a 20.0 feet ingress and egress easement for the benefit of the City of Tacoma over a portion of East "R" Street for public access to its property located southerly of East Harrison Street.

3. Tacoma Water:

Retaining and reserving therein a 20.0 foot easement granted to Tacoma Water centered over the existing main over the entire length of the water main, fire hydrant, service laterals and meters located

within the proposed street vacation. The petitioners' Professional Land Surveyor shall prepare and submit the legal description of the easement to Tacoma Water for review and processing.

WHEREAS all steps and proceedings required by law and by resolution of the City Council to vacate the portion of the street hereinafter named have been duly taken and performed; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner's Findings, Conclusions, and Recommendations as contained in the Hearing Examiner's Report and Recommendation to the City Council bearing File No. 124.1219, and dated August 24, 2004, and Order Amending Hearing Examiner Report and Recommendation dated July 14, 2009, which Report and Order are on file in the office of the City Clerk.

Section 2. A portion of East "R" Street lying between Blocks 8649 and 8645; together with a portion of East Harrison Street abutting Lots 1 through 4, Block 8649, being more particularly described as follows:

That portion of East "R" Street lying between Blocks 8649 and 8645 inclusive of City of Tacoma vacation Ordinance No. 11692, passed by City Council May 24, 1939; together with

that portion of East Harrison Street abutting Lots 1 through 4, Block 8649 and 8650, contained within the plat of the MAP OF THE INDIAN ADDITION TO THE CITY OF TACOMA.

All lands situate in the Southeast Quarter of Section 10, Township 20 North, Range 03 East, W.M.

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, respectively, as a part thereof, and all right or title of the City in and to the portion of the streets so vacated does hereby vest in the owners of the property abutting thereon, all in the manner provided by law; provided, however, that there is hereby retained and reserved, pursuant to statutes of the state of Washington, the following easement, to wit:

1. Tacoma Power:

Retaining and reserving therein an easement to Tacoma Power over the westerly 30 feet of East "R" Street for existing poles, wires, guy wires and appurtenant equipment. Should relocation of existing facilities be necessary, the cost shall be borne by the developer at its sole expense.

2. Public Works, Traffic Engineering:

Retaining and reserving therein a 20.0 feet ingress and egress easement for the benefit of the City of Tacoma over a portion of East "R" Street for public access to its property located southerly of East Harrison Street.

3. Tacoma Water:

Retaining and reserving therein a 20.0 foot easement granted to Tacoma Water centered over the existing main over the entire length of the water main, fire hydrant, service laterals and meters located within the proposes street vacation. The petitioners' Professional Land Surveyor shall prepare and submit the legal description of the easement to Tacoma Water for review and processing.

Passed _____

Mayor

Attest:

City Clerk

Location: A portion of East "R" Street lying between Blocks 8649 and 8645; together with a portion of East Harrison Street abutting Lots 1 through 4, Block 8649.

Petitioner: Tacoma Nomads Rugby Club
Vacation Request No. 124.1219

Approved as to form and legality:

Property description approved:

Deputy City Attorney

Chief Surveyor
Public Works Department

ORDINANCE NO. 27825

AN ORDINANCE relating to downtown parking; amending Section 13.06A.060 of the Tacoma Municipal Code, eliminating off-street parking requirements for the new construction in the International Financial Services Area.

WHEREAS the proposal to eliminate off-street parking requirements in the International Financial Services Area (“IFSA”) is one of a series of measures being taken to put into action the objectives of the 2008 Update to the Downtown Element of the City’s Comprehensive Plan; the work of Angelou Economics, VIA Architects, and Vision 2040; and the City’s Green Ribbon Climate Action Task Force Recommendations, and

WHEREAS it is intended that this proposal provide some economic stimulus to the City’s downtown redevelopment by allowing businesses to avoid the large-scale capital costs associated with structured parking by making greater use of public transit, van pools, biking, and walking, and

WHEREAS, on June 17, 2008, the City Council adopted Resolution No. 37508, establishing the IFSA as,

“That portion of Downtown Tacoma between and defined roughly by the parcels on the north side of South 8th Street on the north to the parcels on the south side of South 15th Street on the south; and by the west side of Commerce Street on the west and I-705 on the east, along with any parcels contiguous thereto . . .”

and

WHEREAS Resolution No. 37508 states that downtown development regulations “may contain provisions which are a barrier to facilitate desired development and need to be revised” and that the City Manager is requested to

bring back to the City Council recommendations from Angelou Economics for a Downtown Tacoma Economic Development Strategy, as well as any additional recommendations, regarding steps that can be taken and policy choices that can be considered that would help Tacoma grow its international financial services industry,” and

WHEREAS Resolution No. 37508 listed off-street parking requirements as being among the downtown regulations to be evaluated, and

WHEREAS, on November 17, 2008, acting on a request from the City Manager, the Environment and Public Works Committee asked the Planning Commission to study the off-street parking requirements in the IFSA, and

WHEREAS the Planning Commission conducted a major public outreach effort, held a public hearing on February 4, 2009, and is recommending to the City Council the elimination of off-street parking requirements in the IFSA, and

WHEREAS, on April 14, 2009, after providing extensive public notice, the City Council held a public hearing on this proposal, and

WHEREAS this public notice generated a letter of concern from the Tacoma Area Commission on Disabilities that led to a dialogue among stakeholders and a proposed revision to the Planning Commission’s recommendation to specifically address mobility issues faced by people with disabilities, and

WHEREAS this revised proposal was the subject of a second public hearing before the City Council on July 14, 2009, and

WHEREAS the City Council's Environment and Public Works Committee considered the revised proposal at its July 22, 2009, meeting and made a "do pass" recommendation with minor clarifications to the revised proposal, including a provision for consultation with the City's Americans with Disabilities Act coordinator and an extended expiration date, and

WHEREAS the City Council takes particular note of the Planning Commission's conclusion that going to a market-based approach to off-street parking in the IFSA is consistent with transit-oriented development principles, sound urban design and livability criteria, and Tacoma's Green Ribbon Task Force recommendations, and

WHEREAS the City Council takes particular note of the Planning Commission's opinion that the elimination of mandated parking should foster quality development, allow for more improvements to the public realm, assist in retaining downtown's heritage of distinctive buildings and unique character, and provide a significant economic stimulus to new downtown development, and

WHEREAS the City Council finds that within this overall context, additional regulations are necessary to address mobility issues faced by people with disabilities provided that these additional regulations recognize the circumstances associated with the specifics of an individual site within the IFSA, and

WHEREAS, consistent with the public comments received, the City Council concurs with the Planning Commission that early consideration should be given to placing some controls on the development of surface parking lots; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 13.06A.060 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "A," and as recommended by the Environment and Public Works Committee on July 22, 2009.

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

EXHIBIT “A”

13.06A.060 Development standards.

Development Standards Table.

Districts	Maximum Allowable Floor Area Ratio (FAR) ¹						Height Limits	Non-Residential Parking ^{2, 3, 4, 6}	
	“As of Right”		With Design Standards		With Special Features			Min	Max
	Non-Res	Res	Non-Res	Res	Non-Res	Res		(stalls/floor area sf) ⁵	
DCC	3	3	6	6	12	12	400’	2.4/1000	3.6/1000
DMU	2	3	4	5	6	7	100’	2.4/1000	3.6/1000
DR	1	2	2	4	4	6	90’	1.2/1000	3.6/1000
WR	3	4	4	5	6	7	100’	1.2/1000	3.6/1000

Notes:

1. The FAR for non-residential and residential uses within a given development are individually calculated and may be added together for a cumulative total, provided that the respective maximum FAR for each use is not exceeded. For example, in the DCC, an “as-of-right” development may have a total FAR of 6, with a FAR of 3 in non-residential use and a FAR of 3 in residential use in a single development.
2. For the purposes of calculating maximum allowable FAR, hotels shall be considered a residential use.
3. A minimum FAR of 1 shall be achieved for structures within the Downtown Commercial Core district. The gross floor area shall be used to calculate the minimum FAR.
4. Building Height will be measured consistent with the applicable Building Code, Height of Building and excludes parapets, mechanical penthouses, elevator overruns and machine rooms, and decorative architectural features (e.g., spires, towers, pergolas, pyramids, pitched roofs) not intended for residential, office or retail space.
5. Maximum Building Height within 150’ east of the centerline of the right-of-way of Yakima Avenue shall be 60 feet, in order to create a transition to lower-rise residential development to the west.
6. Minimum parking ratios for non-residential development located east of Market Street, or located east of Jefferson Avenue from South 21st to South 28th streets shall be reduced by 50 percent in recognition of the availability of transit.
7. The first 3,000 square feet of each street level establishment, [whether inside or outside the IFSA](#), is exempt from parking requirements.
8. Maximum parking ratios may be exceeded for providing parking available to the public and which is not dedicated to individual owners, tenants and lessees of the building.
9. Tandem parking is permitted only for residential development subject to approval of the Traffic Engineer.
10. Development shall also comply with the requirements of 13.06.510(C) Loading Spaces.

11. No variances shall be granted to these development standards unless otherwise indicated.
12. Buildings lawfully in existence on January 10, 2000, the time of reclassification to the above districts, including buildings within the IFSA, do not need to conform to these standards; however, additions will need to conform. No addition can increase nonconformity to these standards or create new nonconformity
13. Unless otherwise specified herein, the off-street parking area development standards contained in TMC 13.06.510, which include minimum stall size and height, aisle width, paving and access requirements, but not including minimum quantity requirements, shall apply to all new off-street parking provided.
14. For buildings that contain multiple types of uses, the required number of parking spaces shall be equal to the total number of spaces determined by computing each use types separately, except where specifically stated otherwise herein.

¹ The maximum allowable Floor Area Ratio may be exceeded as provided for in Section 13.06A.080.

² Residential developments shall be required to provide one stall per residential unit, except within the IFSA (see Footnote 6 for applicable standards). Special needs housing, including, but not limited to, seniors, assisted living, congregate care, licensed care, or group care homes may provide less than one stall per residence upon a showing that a lesser parking requirement will reasonably provide adequate parking for residents, staff, and visitors, subject to the approval of the Traffic Engineer.

³ Required parking for hotels shall be .5 stalls per room inclusive of all accessory uses, except within the IFSA (see Footnote 6 for applicable standards).

⁴ Telecommunications exchange facilities may provide less than the required parking stalls upon a showing that a lesser parking requirement will reasonably provide adequate parking for operational, vendor, and transient service staff, subject to approval of the Traffic Engineer.

⁵ Floor area is determined pursuant to the definition provided in Section 13.06A.030(7).

6. Minimum and maximum off-street parking stall quantity requirements do not apply within the International Financial Services Area (IFSA) (see Figure 1), however, accessible parking shall be provided for people with physical disabilities as part of all new buildings and additions to existing buildings in accordance with the standards set forth in the building code as adopted by the City of Tacoma in TMC Chapter 2.02, based on the parking provided, but not less than the following:

a. The minimum number of accessible parking stalls to be provided shall be based on the following criteria:

i. For non-residential development, accessible parking shall be calculated as if one general parking space were provided for each 1,000 square-feet of gross floor area of the development, minus the first 3000 square-feet of each street level establishment.

ii. For hotels, accessible parking shall be calculated as if one-half (0.5) a general parking space was provided for each guest room, inclusive of all accessory uses (see Footnote 3).

iii. For residential development, accessible parking shall be calculated as if one general parking space was provided for each dwelling unit.

b. After consulting with the City's ADA Coordinator, the Building Official may approve an alternate to providing on-site accessible parking, as outlined in Footnote 6(a), when it is determined that the alternate provides a reasonable alternative in light of circumstances associated with the specifics of an individual site and the needs of people with disabilities; this provision will expire 12/31/2011 unless otherwise extended.

Figure1: International Financial Services Area (IFSA)



ORDINANCE NO. 27826

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

AN ORDINANCE relating to the Tacoma Police Department; and amending Chapter 1.06 of the Tacoma Municipal Code by amending Section 1.06.075B.1, entitled "Police Department Citizen Complaint Oversight", to increase the Citizen Review Panel from five to seven members and limiting the number of commissioned law enforcement professionals or retired commissioned law enforcement professionals serving on the panel to no more than three members.

WHEREAS, on June 28, 2005, the City Council adopted

Resolution No. 36536, adopting the recommendations of the Human Rights Commission ("Commission"), regarding citizen oversight of the Tacoma Police Department ("TPD") and directing the City Manager to implement those recommendations, and

WHEREAS the stated purpose of the Commission's recommendations was to improve communication between the TPD and the community, build community trust in the TPD, and improve police accountability, and

WHEREAS the cornerstones of the Commission's recommendations were twofold: (1) the review of internal police investigations by an office outside of the TPD that reports directly to the City Manager and (2) the creation of a citizen panel to review the outside office's work, engage in community outreach, and conduct policy review, and

WHEREAS, on February 20, 2007, the City Council adopted TMC Section 1.06.075B.1, through Ordinance No. 27589, creating and clarifying the role of the Citizen Review Panel ("Panel"), and

WHEREAS TMC Section 1.06.075B.1 provides for a Panel of five members, and allows participation by law enforcement professionals, and also provides that Panel members represent the diverse communities of the City, and

WHEREAS, the City of Tacoma's Vision Statement focuses on Tacoma as a livable and progressive international city well regarded for the richness of its multi-cultural population, and the City Mission Statement has at its core the goal of providing high-quality, innovative and cost-effective municipal services that enhance the lives of its citizens and the vitality of its neighborhoods, and

WHEREAS, consistent with the strategic initiative in the City's 2005-2010 Strategic Plan, the City has developed an Equal Employment Opportunity and Recruitment Plan that targets improvement in representation of key areas of diversity, and

WHEREAS key areas of diversity include, but are not limited to, age, race, ethnicity, gender, and place of residence, and

WHEREAS, in appointing Panel members, the City Council is guided in achieving diversity by its Vision and Mission statements, as well as the principles outlined in the City's Equal Employment Opportunity and Recruitment Plan, and

WHEREAS, in order to increase the opportunity for diversity on the Panel, the proposed amendments to TMC Section 1.06.075B.1 will do three things: increase the size of the Panel, clarify that provisions relating to law enforcement professionals apply to commissioned law enforcement professionals, and limit the representation of commissioned law enforcement professionals on the Panel; Now
Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.06.075B.1 of the Tacoma Municipal Code is hereby amended to read as follows:

**1.06.075 Police Department Citizen-Initiated Complaint Oversight.
Citizen Review Panel**

...

B. Creation of the Panel.

1. There is created a Citizen Review Panel ("Panel"), consisting of seven members representing the diverse communities in the City of Tacoma. Members must be residents of Tacoma. Commissioned law enforcement professionals and their family members are eligible to serve, provided that no current member of the Tacoma Police Department or his or her immediate family may serve. However, the Panel will consist of no more than three members that are commissioned law enforcement professionals or retired commissioned law enforcement professionals.

Deleted: five

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...

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney