



Legislation Passed September 15, 2009

The Tacoma City Council, at its regular City Council meeting of September 15, 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. 37865

Setting Tuesday, September 29, 2009, at approximately 5:30 p.m., as the date for a public hearing by the City Council regarding the sale of the former pole and storage yard property, located on South 74th Street, west of South Tacoma Way, to Michael Rigney.

Resolution No. 37866

Setting Tuesday, October 6, 2009, at approximately 5:30 p.m. as the date for a public hearing by the City Council regarding the proposed development agreement with Sound Transit relating to the development of the Lakewood to Tacoma commuter rail project.

Resolution No. 37867

Reappointing Aaron Blaisdell, Gloria Morehouse, and Sharon Wilhelm to the Human Services Commission, for terms to expire on April 30, 2012.

Purchase Resolution No. 37868

Awarding contracts to:

1. R. L. Alia Company, on its bid of \$1,940,661.40, including sales tax, budgeted from the Streets Special Revenue Fund, to repair or replace various sections of the structural sidewalks associated with the Broadway Local Improvement District, LID No. 8645 – Specification No. PW09-0500F;
2. Wm. Dickson Co., in the amount of \$1,300,000.00, plus sales tax, for a cumulative total of \$12,285,807.85, budgeted from various funds, to increase the contract for additional work related to the Broadway Local Improvement District, LID No. 8645 – Specification No. PW08-0188F;
3. Wilshire Associates Incorporated, in the amount of \$182,000.00, sales tax not applicable, for a cumulative total of \$942,000.00, budgeted from the Tacoma Employees Retirement System Operations Fund, to increase and extend the contract for pension consultant services through September 30, 2010 – Specification No. GS04-0421F; and
4. Scarsella Brothers, Inc., in the amount of \$36,400.00, plus sales tax, for a cumulative total of \$5,086,158.35, budgeted from the Surface Water Utility Fund, for additional work related to the Nalley Valley Surface Water System Improvements project – Specification No. PW06-0262F.

Resolution No. 37869

Designating the Fire Department's Emergency Management Planning Performance Program as a Special Project of Limited Duration and authorizing the hiring of project employees for a three-year period.

Resolution No. 37871

Authorizing the execution of the Oversight Remedial Action Grant Agreement with the Washington State Department of Ecology, in the amount of up to \$1.35 million, to clean up the former Sauro Cleanarama property in downtown Tacoma.

RESOLUTION NO. 37865

A RESOLUTION relating to the sale of Tacoma Power surplus property; setting Tuesday, September 29, 2009, as the date for a public hearing concerning the sale of the former pole and storage yard property, located on South 74th Street, west of South Tacoma Way, to Michael Rigney.

WHEREAS the City of Tacoma, Department of Public Utilities, Light Division (d.b.a. "Tacoma Power"), and the City of Tacoma, Department of Public Works, own approximately a 7,430-square-foot tract of land located on South 74th Street, west of South Tacoma Way ("Property"), and

WHEREAS the City has entered into a proposed settlement agreement in Pierce County Superior Court, Cause No. 08-2-05122-1, where Tacoma Power and the City will agree to sell the Property to Michael Rigney in exchange for \$10,000, dismissal of the lawsuit, and Mr. Rigney agreeing to release all claims involving the Property and the City, and

WHEREAS the Property was originally acquired by Tacoma Power and the City in the 1920s for the purpose of street improvements and storage of electrical poles and contains a Tacoma Water groundwater monitoring well in the northwest corner, which will be decommissioned pursuant to approval and completion of the sale of the Property, and

WHEREAS chapter 35.94 RCW requires that the City Council conduct a public hearing prior to the sale of any property acquired for public utility purposes and declared surplus, and

WHEREAS a declaration of surplus and the proposed sale 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, September 29, 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 sale of the former pole and storage yard property, located on South 74th Street, west of South Tacoma Way, to Michael Rigney.

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-10318

RESOLUTION NO. 37866

A RESOLUTION relating to commuter rail service; setting Tuesday, October 6, 2009, as the date for a public hearing concerning the proposed development agreement with Sound Transit relating to the development of the Lakewood to Tacoma commuter rail project.

WHEREAS Sound Transit wishes to extend its current commuter rail service, which now ends at the Tacoma Dome station at Freighthouse Square, to the city of Lakewood, and

WHEREAS the proposed development agreement concerns the development of the Lakewood to Tacoma commuter rail project, an approximate 1.4-mile section from East "D" Street to South "M" Street, within the City limits ("Project"), and

WHEREAS RCW 36.70B.200 requires the City to schedule a public hearing before the City Council to formally allow public comment pertaining to the proposed development agreement, and

WHEREAS Sound Transit will be required to obtain the applicable design submittal, land use, and permit approval from the City in order to develop the Project within the City, and

WHEREAS the parties wish to enter into the proposed development agreement in order to (1) establish development standards for the Project; (2) establish a partnership, consistent with applicable law, for coordinating and expediting Project approval; (3) establish a method of reimbursement for City

services utilized for the Project; and (4) establish additional rights and responsibilities between the parties with respect to the development of the Project, and

WHEREAS, furthermore, the parties will contemporaneously enter into separate agreements with respect to Sound Transit's use of City rights-of-way and the City's use of Sound Transit property relative to this Project, and

WHEREAS the development agreement, Sound Transit's use of City rights-of-way agreement, and the master utilities license agreement will be presented to the Public Utility Board for their review and approval on September 23, 2009, 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, October 6, 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 development agreement with Sound Transit relating to the development of the Lakewood to Tacoma commuter rail project.

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

RESOLUTION NO. 37867

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 Human Services 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"

Human Services Commission

Reappointing Aaron Blaisdell, Gloria Morehouse, and Sharon Wilhelm for terms to expire April 30, 2012.



RESOLUTION NO. 37868

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

DATE: August 17, 2009

TO: Board of Contracts and Awards

SUBJECT: Tacoma BLID Structural Walk Replacement
Budgeted from Streets Special Rev Fund 1060
Request for Bids Specification No. PW09-0500F

EXHIBIT "A"

RESOLUTION NO.: 37868

ITEM NO.: 1

MEETING DATE: September 15, 2009

RECOMMENDATION: The Public Works Engineering Division recommends a contract be awarded to low bidder **R. L. Alia Company, Renton, WA**, for repairs to the structural walk associated with the Broadway LID. The contract amount reflects a total award for the base bid of \$1,940,661.40, including sales tax.

EXPLANATION: The project will repair or replace various sections of the structural sidewalk in down town Tacoma associated with the Broadway LID.

COMPETITIVE SOLICITATION: Request for Bids Specification No. PW09-0500F was opened August 4, 2009. Six companies were invited to bid in addition to normal advertising of the project. Two submittals were received. One of the bids was deemed non-responsive in that the language on the bid bond was modified. 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 ranking purposes. R.L. Alia Company submitted a bid that resulted in the lowest evaluated submittal after consideration of HUB participation goals. The table below reflects the amount of the total award.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>Submittal Amount</u> Including sales tax	<u>Evaluated Submittal</u>
R. L. Alia Company	Renton, WA	\$ 1,940,661.40	\$ 1,842,282.43
Wm. Dickson Company*	Tacoma, WA	\$ 2,402,158.09	---
	Pre-bid estimate	\$ 2,258,945.11	

* These bids contained irregularities and were deemed non-responsive.


The recommended award is 14.1 percent below the pre-bid estimate.

CONTRACT HISTORY: New contract.

FUNDING: Funds for this contract were authorized under Ordinance #27475 are available for the project. Final funding for the structural walk work will be at the property owner's expense and financed through the Local Improvement District (LID) #8645.

HUB/LEAP COMPLIANCE: The recommended contractor is in compliance with the Historically Under-Utilized Business (HUB) Regulation requirements per memorandum dated August 11, 2009. The HUB goal for this project is 22 percent. The HUB participation level of the recommended contractor is 5.89 percent. R.L. Alia Company submitted the lowest evaluated bid per the HUB Regulation requirements. The Local Employment and Apprenticeship Training Program (LEAP) goal is 1050 hours.

PROJECT ENGINEER/COORDINATOR: Chris Storey, Engineering Division, 253-573-2484.


Richard E. McKinley
Public Works Director

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

Intern, PWD
Alan Matheson, Tacoma Rail

747 Market Street, Room 408 ■ Tacoma, Washington 98402-3769
<http://www.ci.tacoma.wa.us>



Tacoma

**City of Tacoma
Public Works Department**

DATE: September 1, 2009

TO: Board of Contracts and Awards

SUBJECT: PW08-0188F Broadway LID (8645)
Budgeted from Local Improvement District Fund No. 8645 per Ordinance 27475
Request for Bids Specification No. PW08-0188F
Contract No. 4600004677

EXHIBIT "A"

RESOLUTION NO.:

37868

ITEM NO.:

2

MEETING DATE:

September 15, 2009

RECOMMENDATION: The Public Works Construction Division requests approval to increase Contract No. 4600004677 to **WM. Dickson Co., Tacoma, WA**, by \$1,300,000.00, plus sales tax, for PW08-0188F. This increase will bring the contract to a cumulative total of \$12,285,807.85, plus sales tax.

EXPLANATION: This increase is due to items and issues that arose during this project that could not have been foreseen during design and development.

- **Additional work by Tacoma Power**
 - 4th Street & St. Helens Joint Utility Trench crossing
 - 9th Street crossing at Broadway
 - Court C revisions at 7th Street
 - Opera Alley
- **Property Owner Added Scope**
 - Irrigation Systems
 - Plantings
 - Secondary Power Services
- **Private Utility Added Scope**
- **Regulatory Requirements (DOE General Storm water permit)**

COMPETITIVE BIDDING: This contract was originally awarded to WM. Dickson Co. as a result of Request for Bids Specification No. PW08-0188F in April 2008. The contractor has agreed to increase the contract under the same terms and conditions as the original contract.

CONTRACT HISTORY: The original contract for \$10,985,807.85, plus sales tax, was approved by City Council Resolution 37459 on April 29, 2008. This increase will bring the contract to a cumulative total of \$12,285,807.85, plus sales tax. This is the first amendment to the contract.

FUNDING: Funds are available in the Local Improvement District Fund No. 8645 per Ordinance 27475.

PROJECT ENGINEER/COORDINATOR: Mark Henry, Construction Division, 591-5771.

Richard E. McKinley
Public Works Director

cc: Rae Bailey/Michael Hale/Leigh Starr/Tony Matagi/Mark Henry, Construction Division
Percy Jones, HUB
Peter Guzman, LEAP
Chuck Blankenship, Purchasing Analyst

747 Market Street, Room 408 ■ Tacoma, Washington 98402-3769
<http://www.ci.tacoma.wa.us>



City of Tacoma
Tacoma Employee's Retirement System

EXHIBIT "A"

RESOLUTION NO.: 37868

ITEM NO.: 3

MEETING DATE: September 15, 2009

DATE: September 1, 2009
TO: Board of Contracts and Awards
SUBJECT: Pension Consultant Services for the Tacoma Employees' Retirement System
 Budgeted from TERS Operating & Administration
 Request for Proposals Specification No. GS04-0421F
 Contract No. 4600002132

RECOMMENDATION: Tacoma Employees' Retirement System (TERS) requests City Council approval to increase and extend SAP contract 4600002132 to **Wilshire Associates Incorporated, Santa Monica, CA**, by \$182,000, sales tax not applicable, for pension consultant services through September 30, 2010. This increase will bring the contract to a cumulative aggregate total of \$942,000, sales tax not applicable.

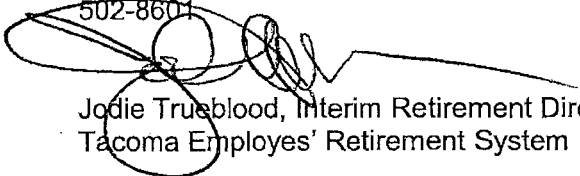
EXPLANATION: Pension investment consulting services.

COMPETITIVE BIDDING: This contract was originally awarded per City Council Resolution 36305 to Wilshire Associates Incorporated as a result of Request for Proposals Specification No. GS04-0421F in September 2004.

CONTRACT HISTORY: The original three year contract for \$420,000 was entered into on October 1, 2004. On October 1, 2007, per City Council Resolution 37284, the contract was increased in the amount of \$340,000 and extended through September 30, 2009. This increase will bring the contract to a cumulative aggregate total of \$942,000, sales tax not applicable, through September 30, 2010.

FUNDING: Funds for this are available in the Employees Retirement fund number 6100 - TERS Operations & Administration cost center. Funding beyond the current biennium is subject to future availability of funds.

PROJECT ENGINEER/COORDINATOR: Jodie Trueblood, Interim Retirement Director, 253-502-8601


 Jodie Trueblood, Interim Retirement Director
 Tacoma Employees' Retirement System

cc: Jim Wilkerson, Purchasing Analyst



City of Tacoma
Public Works Department

EXHIBIT "A"

RESOLUTION NO.:

37868

ITEM NO.:

4

MEETING DATE:

September 15, 2009

DATE: August 31, 2009

TO: Board of Contracts and Awards

SUBJECT: Nalley Valley Surface Water System Improvements
Budgeted from PW Surface Water Utility Fund 4301
Request for Bids Project No. PW06-0262F
Contract Supplement 4600003306

RECOMMENDATION: The Public Works, Construction Division requests approval to increase Contract No. 4600003306 to **Scarsella Brothers, Inc., Seattle, WA**, by \$36,400.00, plus sales tax, for additional services. This increase will bring the contract to a cumulative total of \$5,086,158.35, plus sales tax.

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

1. Project Acceleration – Work on Saturdays
2. Costs for dewatering, erosion control and cleanup for November 2007 Rain Storm Event
3. Grind and HMA overlay of entire roadway width
4. Miscellaneous additions to the contract

COMPETITIVE BIDDING: This contract was originally awarded to Scarsella Brothers, Inc., as a result of Bid Specification No. PW06-262F on May 23, 2006. Scarsella Brothers, 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 \$5,049,758.35, plus sales tax, was approved by City Council Resolution 36866 on May 23, 2006. This contract increase will result in a cumulative total of \$5,086,158.35 plus sales tax.

FUNDING: Funds for this are available in the PW Surface Water Utility Fund 4301.

PROJECT ENGINEER/CONSTRUCTION MANAGER: R. Michael Hale, Construction Division, 591-5766.

Richard E. McKinley
Public Works Director

cc: Rae Bailey/Michael Hale/Leigh Starr/ /Tony Matagi, Construction Division
Chris Johnson, TPU Water Dept.
Lorna Mauren, Environmental Services Engineering
Percy Jones, HUB
Peter Guzman, LEAP
Chuck Blankenship, Purchasing Analyst

RESOLUTION NO. 37869

A RESOLUTION relating to a special project; designating the Tacoma Fire Department's Emergency Management Planning Performance Program as a Special Project of limited duration; and designating special project positions and benefits, pursuant to Sections 1.12.155, 1.24.187, and 1.30.300.D of the Tacoma Municipal Code and Section 6.1(h) of the Tacoma City Charter.

WHEREAS, in an effort to enhance and accelerate emergency management planning for the City, the Tacoma Fire Department ("TFD") has proposed a three-year Emergency Management Planning Performance Program ("3P") to temporarily marshal additional resources for this effort, and

WHEREAS designating the TFD's Emergency Management Planning Performance Program as a Special Project of limited duration is necessary in order to assign personnel to improve the City's existing departmental emergency plans, enhance the operational capability of City staff assigned to the emergency operations centers of the City and Pierce County, and perform other important emergency management-related work, and

WHEREAS, in addition to the assignment of existing TFD emergency management staff, 3P envisions the temporary hiring of Special Project staff, using grant funds, as well as the potential loan of existing City staff from other departments for this effort, and

WHEREAS the new positions shall be designated as Special Project positions, with compensation in accordance with the salary schedule for the positions, and

WHEREAS, pursuant to the provisions of TMC 1.12.155, 1.24.187, and Tacoma City Charter Section 6.1(h), employees who are not regular employees and are hired as project employees are paid as provided for by ordinance or resolution of the City Council; Now, Therefore,

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

Section 1. That the Emergency Management Planning Performance Program described herein is hereby designated as a Special Project of limited duration under Section 1.24.187 of the Tacoma Municipal Code (“TMC”) and shall continue for the period of three years.

Section 2. That Special Project positions shall be designated and compensated in accordance with the salary schedule set forth in Section 1.12.155 TMC for the comparable classification of the positions.

Section 3. That, in accordance with Section 1.24.187 TMC, the employees identified to serve in the foregoing program shall be designated as Special Project employees as of the date of hire.

Section 4. That Special Project employees who have been hired or may be hired to work on the Special Project identified in this resolution shall receive benefits, all in accordance with and pursuant to the provisions of the Compensation Plan of the City of Tacoma. They shall be given a one-time binding and irrevocable election to participate in the City’s Retirement System, pursuant to the retirement provisions of Section 1.30.300.D TMC. They shall not be eligible for longevity pay.

Section 5. That, because the Special Project identified in this resolution is temporary in nature, it is deemed a temporary project for the limited duration of three years, and the individuals so employed in such project positions shall have no claim to further or continued employment with the City after cessation of this Special Project, except pursuant to his or her obtaining status as a regular City employee under the provisions of the Tacoma Municipal Code or pursuant to further action of the City Council relating to such Special Project.

Section 6. That all acts by agents or employees of the City consistent with the intent of this resolution taken prior to the effective date of this resolution are hereby ratified.

Section 7. That the City Manager is hereby authorized to direct the appropriate City officers to proceed with the necessary actions for this Special Project completion.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

RESOLUTION NO. 37871

A RESOLUTION relating to City property; authorizing the execution of the Oversight Remedial Action Grant Agreement No. G1000104 with the Washington State Department of Ecology, in the amount of up to \$1.35 million, to be used to clean up the former Sauro Cleanarama property in downtown Tacoma.

WHEREAS, in 2009, the City acquired contaminated property located at 1401,1407, and 1409 Pacific Avenue, Tacoma, formerly Sauro's Cleanarama ("Property"), for the purpose of cleaning it up to remove a significant barrier to development within the International Financial Services Area ("IFSA") in downtown Tacoma, and

WHEREAS historical contamination, attributed to over 40 years of dry cleaning operations on the Property, has impacted soil and groundwater, which has migrated off site, and

WHEREAS, on January 27, 2009, the City Council adopted Resolution No. 37723, authorizing the execution of Agreed Order No. 4283 ("Agreed Order") for remedial action that required the City to clean up hazardous substances on the Property and at off-site locations, 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, in accordance with the Model Toxics Control Act, chapter 70.105D RCW, the City applied for remedial action grant funding to offset its cleanup costs on the Property, and

WHEREAS, in response to the City's grant application, the Department of Ecology awarded the City an up to \$1.35 million remedial action grant on a 50 percent matching basis to be used to offset the City's cleanup costs on the Property; 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 Oversight Remedial Action Grant Agreement No. G1000104 with the Washington State Department of Ecology, in the amount of up to \$1.35 million, to be used to clean up the former Sauro Cleanarama property in downtown Tacoma, 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