



Legislation Passed September 29, 2009

The Tacoma City Council, at its regular City Council meeting of September 29, 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.

Purchase Resolution No. 37877

Awarding a contract to:

American Building Maintenance, d.b.a. ABM Janitorial Services, in the amount of \$550,000.00, sales tax not applicable, for a cumulative total of \$4,201,052.32, budgeted from various funds, to increase and extend its contract for janitorial services through May 19, 2010 – Specification No. GS03-0919F.

Resolution No. 37878

Establishing three new taxicab stands to be located at the north side of 6th Avenue, west of Anderson Street; at 511 Puyallup Avenue, Greyhound Bus Station; and at 1904 Jefferson Avenue, near The Swiss and University of Washington Tacoma.

Resolution No. 37879

Expressing support for the establishment of a National Maritime Heritage Area in Western Washington.

Ordinance No. 27835

Amending Title 1 of the Municipal Code by repealing and reenacting Chapter 1.28, relating to the Tacoma Arts Commission, and creating new subchapters to be known as Subchapter 1.28A "Tacoma Arts Commission" and Subchapter 1.28B "Municipal Art Program."

Ordinance No. 27836

Accepting a Federal American Recovery and Reinvestment Act of 2009 Brownfields Job Training Grant, in the amount of \$500,000; depositing in, and appropriating said sum from the LEAP Grant Fund; authorizing the execution of an agreement with Clover Park Technical College, in the amount of \$223,547, to provide training and employment support for the Brownfields Job Training Program for the period of October 1, 2009 through September 12, 2012; and declaring an emergency making necessary the passage of this ordinance and its taking effect immediately upon publication.



RESOLUTION NO. 37877

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
Finance Department

EXHIBIT "A"

RESOLUTION NO.: 37877

ITEM NO.: 1

MEETING DATE: SEPTEMBER 29, 2009

DATE: September 1, 2009

TO: Board of Contracts and Awards

SUBJECT: Janitorial Services for City Facilities
Contract No.4600001887, Specification No. GS03-0919F

RECOMMENDATION: The Finance Department, Purchasing Division requests Public Utility Board and City Council approval to extend and increase the citywide SAP Contract No.46-00001887 to **American Building Maintenance, d.b.a. ABM Janitorial Services, Tacoma, WA** by \$550,000 sales tax not applicable, for janitorial services while a study of current service requirements is performed, and a new competitive Request for Proposal process is coordinated with the facilities using the services. The extension period will be from September 1, 2009 through May 19, 2010. The increase will bring the contract to a cumulative total of \$4,201,052.32.

EXPLANATION: The extension of the contract with ABM Janitorial Services will provide continued janitorial services for various City facilities while the client departments are assessing their janitorial requirements. The contract increase is requested for services at the following locations: Tacoma Fire Training Center, Tacoma Municipal Building/Municipal Building North, Municipal Services Center, Harrison Police Range, Police Operations Center, Police Sector 4 Substation, Police S.I.D., Police Sector 2, Police Substations (Central, N. 26th, Wapato Point and NE Tacoma), Solid Waste Utility Administration, Hylebos Bridge Project trailer, Fleet Operations, Radio Shop, Tacoma Rail Administration (TPU), and the South Sound Service Center (TPU). The \$550,000 increase represents an estimated allocation of \$50,000 for Tacoma Public Utilities and \$500,000 for General Government use. The estimates are based on the monthly usage invoiced over the prior contract years.

COMPETITIVE BIDDING: This contract was originally awarded to ABM Janitorial Services, Tacoma WA, as a result of formal RFP Specification No.GS03-0919F in April 2004. The contractor currently uses one HUB subcontractor for services at the Police Range and the Solid Waste Administration facility. ABM Janitorial Services has agreed to extend the contract at the current contract terms and conditions.

CONTRACT HISTORY: This contract was initially approved in April 2004 by City Council Resolution No. 36143 for \$471,634.32 for the period of May 20, 2004 through May 19, 2005. The initial TPU estimated usage was minimal and did not require Utility Board approval. May 13, 2005 the contract was administratively increased by \$50,000. This contract was increased by \$512,616 in June 2005 by City Council Resolution No.36531. On March 28, 2006 this contract was administratively increased by \$50,000. This contract was increased by \$740,000 per Resolution No. 36843, dated May 2, 2006. This contract was increased by \$776,802 per Resolution No. U-10131 dated April 25, 2007, and Resolution No. 37180 dated May 8, 2007. The contract was renewed using the fourth and final one-year option and increased by \$800,000 per Council Resolution No. 37481 dated May 20, 2008 and Board Resolution No.

U-10205 dated May 14, 2008. The contract was extended from May 20, 2009 through September 1, 2009 and increased by \$250,000 per Board Resolution No. U-10285 dated April 22, 2009 and Council Resolution No. 37783 dated April 28, 2009. The increase will bring the contract to a cumulative total of \$4,201,052.32, sales tax not applicable, for the contract period of May 20, 2004 through May 19, 2010.

FUNDING: Various- funds for this are provided by the individual departments using the contract.

PROJECT ENGINEER/COORDINATOR: Jayne McCartney, Purchasing Analyst,
253-502-8249


Kathy Katterhagen
Procurement and Payables Manager

cc: Percy Jones, HALO
Justin Davis, Facilities Management

RESOLUTION NO. 37878

A RESOLUTION relating to the establishment of taxicab stands; authorizing the establishment of three new taxicab stands to be located on the north side of 6th Avenue west of Anderson Street; 511 Puyallup Avenue, Greyhound Bus Station; and 1904 Jefferson Avenue, near The Swiss and University of Washington Tacoma.

WHEREAS local taxicab companies, businesses, and citizens may submit requests to the City's Finance Department, Tax and License Division, for the establishment of new taxicab stand locations, and

WHEREAS, as the requests are received, City staff coordinates the review with the Public Works Department and then determines whether the request should be brought forward to the City Council for consideration, and

WHEREAS, in accordance with Section 6B.220.605 of the Tacoma Municipal Code, the City Council may establish nonexclusive taxicab stands, and

WHEREAS the three proposed locations that would benefit by having taxicab stands are (1) the north side of 6th Avenue west of Anderson Street. The taxicab stand will be located at 2713 6th Avenue facing east and will serve as a taxicab stand from 6 p.m. to 3 a.m. and a loading zone from 8 a.m. to 6 p.m.; (2) 511 Puyallup Avenue, Greyhound Bus Station. The taxicab stand will have two signs facing west on the south side of Puyallup Avenue approximately 180 to 210 feet east of East "E" Street in the pull-out section of the Greyhound Bus Station east of the existing loading zone; and (3) 1904 Jefferson Avenue, near The Swiss and University of Washington Tacoma, and

WHEREAS each location will (1) provide taxicab service to several businesses in the area, (2) increase the response time from taxicab companies,

(3) promote taxicab business in the general area of each stand, and (4) provide an identified location on the side of the street that is safely out of traffic for the taxicabs to wait for customers, and

WHEREAS businesses adjacent to the proposed sites have been contacted and no objections have been received, and

WHEREAS licensed taxicab companies in the City pay a \$175 annual license fee that allows them to sit at a designated stand, and

WHEREAS, to benefit the citizens, the City, local businesses, and the taxicab companies, more locations are necessary; Now, Therefore,

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

That the proper officers of the City are authorized to establish three new taxicab stands to be located on the north side of 6th Avenue west of Anderson Street; 511 Puyallup Avenue, Greyhound Bus Station; and 1904 Jefferson Avenue, near The Swiss and University of Washington Tacoma.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

RESOLUTION NO. 37879

BY REQUEST OF MAYOR BAARSMA

A RESOLUTION relating to maritime heritage; expressing the City's support for the establishment of a National Maritime Heritage Area in Western Washington.

WHEREAS the City is a historic port city with an economy and culture based on maritime-related activities and industry, and

WHEREAS the City is committed to the preservation, enhancement, and promotion of its historic, cultural, and natural resources for the benefit of its residents and visitors, and

WHEREAS Tacoma's historic resources, along with its natural marine setting, are major strategic assets that should be enhanced and leveraged economically for the benefit of Tacoma's residents, and

WHEREAS increased heritage tourism will provide long-term economic opportunities for local businesses while honoring and enriching Tacoma's heritage, and

WHEREAS increased heritage tourism planning and coordination between the City and other organizations and jurisdictions, including maritime heritage organizations, cities, counties, tribes, and economic development and tourism promotion entities, will lead to enhanced protection, richer interpretation, and stronger promotion of these resources while also providing economic opportunities, and

WHEREAS national heritage areas are nonregulatory, federal designations that provide access to federal funding sources not otherwise available for preservation and heritage-related activities, and

WHEREAS the establishment of a National Maritime Heritage Area in Western Washington is consistent with these objectives and the City's existing preservation policies and will further the economic prosperity and quality of life for Tacoma residents and its visitors; Now, Therefore,

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

That the City Council expresses its support for the establishment of a National Maritime Heritage Area in Western Washington.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

ORDINANCE NO. 27835

BY REQUEST OF DEPUTY MAYOR ANDERSON

AN ORDINANCE relating to the Tacoma Arts Commission; amending Chapter 1.28 of the Tacoma Municipal Code by repealing and reenacting it in its entirety; and creating new subchapters to be known as Subchapter 1.28A, "Tacoma Arts Commission" and Subchapter 1.28B, "Municipal Art Program."

WHEREAS, Chapter 1.28 of the Tacoma Municipal Code ("TMC") establishes the Tacoma Arts Commission ("Arts Commission") and includes artwork into City construction projects by setting aside 1 percent of the cost of construction for public art, and

WHEREAS the Arts Commission thoroughly reviewed and rewrote the TMC in order to create a policy that is easy to understand, clarifies roles and responsibilities, and is administratively functional and consistent with similar policies within the City, and

WHEREAS, on July 1, 2009, the Government Performance and Finance Committee gave a "do pass" recommendation to the proposed changes to Chapter 1.28; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 1.28 of the Tacoma Municipal Code is hereby amended by repealing and reenacting it in its entirety and creating new subchapters to be

known as Subchapter 1.28A, "Tacoma Arts Commission" and Subchapter 1.28B,
"Municipal Art Program," as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

EXHIBIT “A”

Subchapter 1.28A

TACOMA ARTS COMMISSION

Sections:

- 1.28A.010 Creation of an Arts Commission.
- 1.28A.020 Short title.
- 1.28A.030 Tacoma Arts Commission – Declaration of purpose.
- 1.28A.040 Composition of the Tacoma Arts Commission.
- 1.28A.050 Terms of Commissioners.
- 1.28A.060 Members shall serve without compensation.
- 1.28A.070 Powers and duties of the Tacoma Arts Commission.
- 1.28A.080 Contracts for Cultural Services.
- 1.28A.090 Officers and Executive Committee.
- 1.28A.100 Meetings of the Tacoma Arts Commission.
- 1.28A.110 Organization and procedures.
- 1.28A.120 Administration.

1.28A.010 Creation of an Arts Commission.

An arts commission of the City of Tacoma, to be known as the “Tacoma Arts Commission,” is hereby established to serve as an advisory body to the Tacoma City Council.

1.28A.020 Short title.

This chapter may be referenced as the “Tacoma Arts Commission Code.”

1.28A.030 Tacoma Arts Commission – Declaration of purpose.

It is hereby declared, as a matter of public policy, that support for artists and arts organizations, development and stewardship of public art, cultural tourism, arts education, and cultural development are public necessities and essential for the continuing growth and development of Tacoma’s citizens, economy, and quality of life. The primary duty of the Tacoma Arts Commission is to identify and actively encourage the development and sustainability of the arts in the City by serving as the City’s primary resource in matters of art, culture, public art, and cultural tourism, as provided for in this chapter.

The Purpose of the Tacoma Arts Commission is to:

- A. Promote the arts as vital tools in building Tacoma’s community and economy for the benefit of all its citizens.
- B. Promote and support a diversity of arts and cultural opportunities for our citizens to experience.
- C. Act as a catalyst to bring government, arts and culture, and private sectors together for public benefit.
- D. Encourage strategic investments in arts organizations that increase public connection with the arts.
- E. Create a unique identity and sense of place through the development and stewardship of public art.
- F. Fund programs that encourage artistic excellence and expand exposure to a wide variety of art forms.
- G. Foster the development of the local arts community, encouraging an environment for the success of working individual artists.
- H. Promote programs for cultural exchange and development.

1.28A.040 Composition of the Tacoma Arts Commission.

All members of the Tacoma Arts Commission shall have a demonstrated interest and familiarity with arts and culture, either through professional practice or volunteer work, and shall be residents within the boundaries of the City.

The Tacoma Arts Commission shall consist of 15 members who represent the following:

- A. A working professional artist.
- B. A person working in the Tacoma public education community.
- C. A person representing the Cross District Association or Community Council.
- D. Professional Positions: In addition to the above, the Tacoma Arts Commission shall always include a minimum of four individuals who have had professional experience or training related to the arts, originating from employment or study within the following disciplines: arts or art history, arts administration, architecture, art criticism, art education, curation, conservation, heritage arts, literature, music, new media, performing arts, public art, visual arts, or a related field. These positions shall be named Professional Positions 1 through 4.
- E. At-Large Positions: The remaining positions may be filled at-large from persons representative of acknowledged accomplishment or persons working outside of professional practice in the arts but who demonstrate a deep interest in and appreciation of cultural and artistic activities. These shall be referred to as At-Large Positions 1 through 8.
- F. The provisions of this chapter and Subchapter 1.28A.050 shall be enforced as vacancies occur, following the adoption of this legislation.

1.28A.050 Terms of Commissioners.

- A. Terms of the Commissioners of the Tacoma Arts Commission shall be three years.
- B. Terms of all Commissioners shall begin on January 1 and end on December 31.
- C. Each member shall serve until his or her successor is appointed and qualified.
- D. In the event that a position is vacated before the expiration of the term, except temporary vacancies as hereinafter provided, the position shall be filled by the City Council for the remainder of the unexpired term.
- E. The appointment of any member of the Tacoma Arts Commission who has been absent from three consecutive regular or special meetings of the Tacoma Arts Commission without the approval of said Tacoma Arts Commission shall automatically terminate. The Administrator shall notify any member whose appointment has automatically ended and report to the appointing authority that a vacancy exists on said Tacoma Arts Commission and that an appointment should be made for the unexpired term. The Tacoma Arts Commission shall have the power and authority to excuse any member from attendance at any regular business meeting or study session for good cause.
- F. Any member of the Tacoma Arts Commission may be removed from said Tacoma Arts Commission prior to the expiration of his or her term by two-thirds vote of the City Council, subject to the provisions of subsection E.
- G. Commissioners who move out of the City of Tacoma limits may carry out the duration of their term, but may not be reappointed.

1.28A.060 Members shall serve without compensation.

Members of the Tacoma Arts Commission shall serve without compensation.

1.28A.070 Powers and duties of the Tacoma Arts Commission.

The Tacoma Arts Commission shall have the power and duty to:

- A. Act in an advisory capacity to the City Council in all matters pertaining to the arts and culture of the City;
- B. Recommend to the City Council the adoption of such ordinances, rules, and regulations as it may deem necessary for the administration and preservation of fine arts, performing arts, and aesthetic aspects of the community;
- C. Work cooperatively with City boards and commissions, City departments, and other public and private organizations in creating and promoting art and cultural programs and activities within the City;
- D. By establishing policies, act as a catalyst bringing government, the arts and culture, and public sectors together for the cultural benefit of all;
- E. On behalf of the City, establish policies that encourage, conduct, sponsor, or co-sponsor public programs to further the development and public awareness of, and interest in, the arts;
- F. Review and evaluate funded programs to ensure compliance and effective stewardship of City funds;
- G. Encourage the use of professional practices in working with artists;
- H. Provide professional development services for artists through technical assistance;
- I. Serve as the City's art ambassadors to artists, arts organizations, and the general public;
- J. Officially recognize excellence in the arts and community outreach through the annual AMOCAT awards;
- K. Communicate to the public about the City's arts programs and policies.
- L. Review and make recommendations upon all works of art to be acquired by the City, either by purchase, gift, or otherwise pursuant to Accession and Gift Policies, adopted by Resolution No. 34963.
- M. Review and make recommendations with reference to any existing work of art in the Municipal Art Collection in connection with the relocation or alteration thereof, pursuant to Deaccessioning policy, adopted by Resolution No. 34963.
- N. Review and make recommendations upon all works of art to be removed from the Municipal Art Collection, pursuant to the Deaccessioning policy, adopted by Resolution No. 34963.
- O. Promulgate policies and procedures for the development and implementation of public art in the City;
- P. Prioritize public art projects in a way that identifies and defines the public art projects and programs to be developed from the 1 percent for art moneys identified in the Capital Facilities Program and/or other public art managed by the Municipal Art Program (Subchapter 1.28B TMC);
- Q. Provide stewardship to the Municipal Art Collection by reviewing the condition of the artwork every two years and making recommendations for its care, maintenance, or improvement, including routine maintenance, conservations, and emergency maintenance when required;
- R. Record, maintain, and house all data related to accessed works in the Municipal Art Collection;
- S. Review and make recommendations for permit applications requesting that visual artwork and artistic elements be considered for placement on City of Tacoma property and upon request for placement upon City rights-of-way;
- T. Review and make recommendations for artwork included as part of Building and Land Use permits or development agreements when required or requested.

1.28A.080 Contracts for Cultural Services.

- A. Authority of Commission. The Tacoma Arts Commission, acting through its Administrator, is authorized to develop and oversee a Contracts for Cultural Services program to support public experiences of the performing, visual, literary, and other artistic disciplines for the good of the citizens of Tacoma.
- B. The Tacoma Arts Commission shall establish relevant programs; recommend, review, and approve funding guidelines; determine funding levels for each program; participate in competitive selection processes; review and approve recommendations for funding; and evaluate outcomes.

1.28A.090 Officers and Executive Committee.

- A. The Tacoma Arts Commission shall have one Chair and one Vice Chair with terms of one year, elected by simple majority of the Commissioners present at a regular meeting.
- B. The Chair and Vice Chair will be elected before the first meeting of the year and will start their term at the first meeting of the year.
- C. The Chair shall preside over all meetings of the Tacoma Arts Commission. In the absence of the Chair, the Vice Chair is authorized to perform and carry out all of the duties and obligations of the Chair.
- D. If the Chair relinquishes his or her authority or quits before the term's end, the Vice Chair automatically becomes Chair.
- E. In the event that the Vice Chair relinquishes his or her authority or quits before his or her term ends, a new general election will take place electing a new Vice Chair for the completion of the term.
- F. The Executive Committee shall consist of the Chair and Vice Chair of the Tacoma Arts Commission, any other elected officers, and subcommittee chairs.
- G. Committee chairs may be appointed by the Chair or elected by the Tacoma Arts Commission as a whole.

1.28A.100 Meetings of the Tacoma Arts Commission.

- A. The Tacoma Arts Commission shall establish a regular time and place of meeting and shall hold at least six regular meetings a year.
- B. Special meetings of the Tacoma Arts Commission may be called at any time by the Chair or by a minimum of any three or more members of the Tacoma Arts Commission upon personal notice being given to all members of the Tacoma Arts Commission. If personal notice cannot be given, written notice must be received by such members at least 24 hours prior to said meeting.

1.28A.110 Organization and procedures.

- A. The Tacoma Arts Commission may make and alter any rules and regulations governing its organization and procedure not inconsistent with this chapter or any other ordinance of the City.
- B. A simple majority of appointed, filled positions shall constitute a quorum.
- C. A majority vote of the quorum is required to pass any motion.
- D. The Tacoma Arts Commission shall have the power and authority to excuse any member from attendance at any regular business meeting or study session for good cause.
- E. Requests for recommendations and study of matters within the area of interest of the Tacoma Arts Commission shall be submitted to the Executive Committee for review and inclusion on the agenda.
- F. The Tacoma Arts Commission shall keep an accurate record of its proceedings and transactions. All minutes of the Tacoma Arts Commission's meetings shall be filed with the City Clerk.
- G. The Tacoma Arts Commission shall submit an annual report to the City Council.
- H. The Tacoma Arts Commission is subject to the provisions of the Open Meetings Act, chapter 42.30 RCW; to public disclosure provisions; and to the provisions of the Ethics Code, Chapter 1.46 TMC.
- I. The Tacoma Arts Commission will adopt bylaws and/or administrative rules and regulations that conform to the authority of the Tacoma Municipal Code to support the implementation of Subchapters 1.28A and 1.28B.

1.28A.120 Administration.

The City Manager shall appoint an officer or employee of the City to act as Administrator of the Tacoma Arts Commission. The Tacoma Arts Commission shall be located within the Community and Economic Development Department.

The Tacoma Arts Administrator shall act as ex officio secretary and shall keep accurate records of the Tacoma Arts Commission's proceedings and transactions, conduct official correspondence, assist in organizing and supervising the Tacoma Arts Commission, and organize and supervise clerical and technical work of the Tacoma Arts Commission to the extent required to administer this chapter.

The Tacoma Arts Administrator shall be responsible for providing such other staff service as may be required by the Tacoma Arts Commission within the limits of the budget for the Community and Economic Development Department, as approved by the City Council.

In addition, the Tacoma Arts Administrator shall:

- A. Implement and administer the "Contracts for Cultural Services" program;
- B. Implement policies and procedures related to arts and cultural planning for the City of Tacoma;
- C. Develop and implement cultural programming that supports the purposes of the Tacoma Arts Commission, as set forth in Chapter 1.28 TMC;
- D. Act as resource and ombudsman for arts- and culture-related issues in the City;
- E. Coordinate the development of a Municipal Art Plan in partnership with client departments and the Tacoma Arts Commission;
- F. Manage the selection and implementation of public art projects for all City departments;
- G. Manage the stewardship of the Municipal Art Collection, including maintenance and conservation;
- H. Upon request by the Public Works Department, review permit applications for compliance with Tacoma Municipal Code Title 13, as related to bonus and variance requests involving art;
- I. Represent the City of Tacoma on local, regional, and/or national steering committees, panels, and boards;
- J. Make public presentations on issues related to arts and culture;
- K. Provide information to civic groups, public agencies, and citizen groups interested in arts and culture;
- L. Recommend such policies, rules, and regulations for adoption by the Tacoma Arts Commission, as are deemed necessary to carry out the purposes of this chapter;
- M. Respond to requests for interpretations of the codes, policies, and procedures related to public art, as defined herein and within related documents adopted by the Tacoma Arts Commission;
- N. Fulfill the essential duties and responsibilities, as outlined in the City of Tacoma's Arts Administrator job description;
- O. Perform other duties as required by the City Manager, City Council or the Community and Economic Development Department.

Subchapter 1.28B

Municipal Art Program

- 1.28B.010 Purpose.
- 1.28B.020 Definitions.
- 1.28B.030 Municipal Art Fund.
- 1.28B.040 Appropriate Use of Program Funds.
- 1.28B.050 Funding Basis.
- 1.28B.060 Appropriation.
- 1.28B.070 Utilities.
- 1.28B.080 Municipal Art Plan.
- 1.28B.090 Authority of the Commission.
- 1.28B.100 Severability.

1.28B.010 Purpose.

It is the purpose of this chapter and the policy of the City of Tacoma to dedicate 1 percent of the construction costs for Capital Improvement Projects to the selection, acquisition, fabrication, installation, maintenance, management, deaccessioning, community education, and documentation and registration of public art and to provide artists, client departments, and the public with the rules that define the Municipal Art Program.

1.28B.020 Definitions.

- A. "Alteration" means a physical change to a structure or a site. Alteration does not include normal maintenance and repair or total demolition.
- B. "Comprehensive Local Improvement Districts (LIDs)": streetscape improvements that are initiated by the City of Tacoma in highly visible areas, such as downtown, mixed-use centers, and business districts.
- C. "Construction Costs" means the total value of all construction work, as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems, site work, and any other permanent work or permanent equipment.
- D. "Eligible Capital Improvement Project" means any visible or accessible project paid for, wholly or in part, by the City of Tacoma for the construction or alteration thereof of a structure, park, trail, Comprehensive LID, parking facility, or any portion thereof, within the City of Tacoma limits. Improvement projects that are developed privately or in partnership with the City and leased back to the City of Tacoma participate fully in the Municipal Art Program, pursuant to the provisions of this chapter. The City is not precluded from including a public art component in other capital projects not listed here and may do so voluntarily.
- E. "Eligible Fund" means a source fund for construction projects from which art is not precluded as an object of expenditure.
- F. "In Lieu Fee" is a payment made to the Municipal Art Fund instead of including artwork in the project. In Lieu Fees shall be equal to the value of 1 percent of construction costs. Projects may include artwork in a project less than the value of 1 percent for art and pay an In Lieu Fee equal to the balance. In Lieu Fees are identified in Title 13 TMC.
- G. "Maintenance" means any work that is performed on a regularly scheduled basis, e.g., daily, weekly, monthly, seasonally, semiannually, but not less frequently than once per year, to service, check, or replace items that are not broken, or work that is not regularly scheduled but is required to maintain the asset so that repair does not become necessary.
- H. "Municipal Art Collection" means any work of art that has been commissioned by or accepted by the Tacoma Arts Commission and is accessioned into the collective body of artwork owned and managed by the City.

- I. "Municipal Art Fund" means a fund within the City of Tacoma into which eligible moneys dedicated to public art, including donations, are deposited.
- J. "Municipal Art Plan" means a report that describes the funding sources, budgets, and descriptions of proposed and ongoing public art projects and establishes budgets and descriptions for new public art projects.
- K. "Municipal Art Program" means the 1 percent for art program and all the associated management and implementation required to establish and maintain public art in the City of Tacoma.
- L. "Municipal Art Program Contribution" means the value equal to 1 percent of construction costs that is paid into the Municipal Art Fund.
- M. "Public art" means original artwork which is sited in a manner accessible and visible to the public and/or public employees and which has been approved as public art by the Tacoma Arts Commission acting on behalf of the Tacoma City Council.
- N. "Public space" means any place or property within the City limits that is open to the general public for its use or that is in public view or is generally accessible and visible to the public.

1.28B.030 Municipal Art Fund.

There is hereby established a fund designated as the Municipal Art Fund into which shall be deposited Municipal Art Program Contributions, funds designated or appropriated for public art, public art maintenance, any monetary gifts received, and/or In Lieu Fees.

- A. The Municipal Art Fund shall be used exclusively as a means of isolating and identifying all monetary transactions pertaining to the Municipal Art Program. The Tacoma City Treasurer is hereby designated as the custodian of the Municipal Art Fund, and the disbursements of all money therefrom shall be made in the manner provided by law.
- B. Separate accounts shall be established within the Municipal Art Fund to segregate receipts by source.
- C. A percentage of the Municipal Art Fund shall be appropriated for administrative costs associated with the project.
- D. Staff salaries will not be funded from the Municipal Art Fund; however, administrative costs, including directly related staff costs associated with specific projects may be charged against the Municipal Art Fund.
- E. In order to offset maintenance costs for the Municipal Art Collection, a maintenance account shall be established within the Municipal Art Fund for purposes of maintaining and repairing any artwork in the Municipal Art Collection. Unless precluded by applicable law, appropriations for artwork shall provide 5 percent be set aside for such maintenance account.

1.28B.040 Appropriate Use of Program Funds.

The Municipal Art Fund shall support the following uses:

- A. The selection, acquisition, and display of works of art, which may be an integral part of the project; or which may be placed in, on, or about the project or other public space;
- B. Artist fees, design, planning, and predesign service contracts and commissions;
- C. Expenses for technical assistance provided by architects and/or engineers to artists in order to design, document, and/or certify the artwork;
- D. Repair and maintenance of City public artworks benefited by the Municipal Art Fund;
- E. Citizen forums and educational workshops to gather information and/or educate about public art and the City's public art collection;
- F. Documentation and public education material for the Municipal Art Program and public art projects; and.
- G. Public art project management

1.28B.050 Funding Basis.

Calculations for eligible projects will follow these considerations:

A. Calculation Base. All authorizations and/or appropriations for eligible Capital Improvement Projects paid for wholly or in part by the City of Tacoma shall include an amount equal to at least 1 percent of such authorization and/or appropriation.

B. Each eligible project will pay a Municipal Art Program Contribution equivalent to 1 percent of the construction costs.

C. Funds appropriated as part of any one project, but not deemed necessary or appropriate in total or in part for said project site, may be accumulated in the Municipal Art Fund and expended for art in other City projects or existing public facilities that are owned or leased by the City.

D. If the source of funding or other appropriate laws with respect to any particular project precludes art as an object of expenditure of funds, the amount of funds so restricted shall be excluded from the total project cost in making aforesaid calculation.

E. If a component of the project is not eligible to participate in the Municipal Art Program, the value of that component will not be included in the calculation.

F. In all cases where the City appropriates funds that are used for a non-City construction project, 1 percent of eligible City funds shall be transferred to the Municipal Art Fund to be used for public art.

G. Grant Moneys: Grant-funded Capital Improvement Projects will participate unless artwork is explicitly prohibited. City department shall inform all funders that the City of Tacoma contributes amounts equivalent to 1 percent of construction costs for artists' services and/or artworks, as specified herein.

H. General Obligation Bond Proceeds. In the case of any City construction project that involves the use of General Obligation Bond proceeds, the resolution or ordinance submitted to the voters or the City Council shall include an allocation for public art equal to 1 percent of the eligible project cost. Bond proceeds shall be accounted for separately within the Municipal Art Fund and shall be applied directly to the project, if necessary, to comply with these requirements.

I. Comprehensive Local Improvement Districts (LID). Comprehensive LIDs shall contribute 1 percent of the City's contribution. Funding from Comprehensive LIDs shall be accounted for separately within the Municipal Art Fund and shall be applied directly to the project.

1.28B.060 Appropriation.

At the time a City construction project is proposed, the client department shall calculate and include a budgeted line item identifying the Municipal Art Program Contribution in each eligible project.

The Finance Department shall confirm the calculations with the client department(s) and Tacoma Arts Commission staff and include the agreed upon appropriations for art in the proposed City biennial budget, including amendments. The amounts budgeted for art in particular projects may be adjusted to reflect City Council changes to the budget for the City construction project.

Final construction costs will be calculated from the bids accepted to construct a project.

1.28B.070 Utilities.

The Tacoma Public Utilities Department is not required to participate in the Municipal Art Program but may do so voluntarily.

General Government Utilities shall participate in the Municipal Art Program.

1.28B.080 Municipal Art Plan.

When the appropriation for the Municipal Art Fund is approved by the City Council, a draft report identifying budget sources, program strategies, prioritized projects, descriptions, and proposed budgets will be developed by the Tacoma Arts Administrator in partnership with client departments for review by the Tacoma Arts Commission. The Tacoma Arts Commission will review the list of eligible projects to determine which projects will be recommended to include public art.

Upon approval by the Tacoma Arts Commission, the Municipal Art Plan will be transmitted to the City Council for approval.

1.28B.090 Authority of the Commission.

The Tacoma Arts Commission is authorized to adopt rules and policies to administer the Municipal Art Program. The Tacoma Arts Commission will create policies, procedures, and regulations consistent with this chapter and Subchapter 1.28A to facilitate the implementation of responsibilities under Subchapters 1.28A and 1.28B.

1.28B.100 Severability.

If any section, subsection, sentence, clause, chapter, provision, or phrase of this chapter or its application to any person or circumstance is found to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the chapter or the application or the provisions to other persons or circumstances.

ORDINANCE NO. 27836

AN ORDINANCE relating to environmental training services; authorizing the acceptance of a federal American Recovery and Reinvestment Act of 2009 Brownfields Job Training grant, in the amount of \$500,000, for deposit into and appropriation from the LEAP Grant Fund; authorizing the execution of a contract with Clover Park Technical College, in the amount of \$223,547, budgeted from the LEAP Grant Fund, to provide training and employment support for the Brownfields Job Training Program for the period of October 1, 2009, through September 12, 2012; and declaring an emergency.

WHEREAS, on October 24, 2000, the City Council adopted Ordinance No. 26719, authorizing the execution of a grant agreement with the United States Environmental Protection Agency, which enabled the City to partner with the Metropolitan Development Council, Clover Park Technical College, and Tacoma-Pierce County Employment Training Consortium (d.b.a. WorkForce Central) to assist in the development and implementation of the Brownfields Job Training Program ("BJTP"), and

WHEREAS the objective of the BJTP is to target redevelopment of Pierce County Brownfields sites identified by the Tacoma-Pierce County Health Department within its 2009 Assessment Grant, and

WHEREAS the City has been awarded a federal American Recovery and Reinvestment Act of 2009 ("ARRA") Brownfields Job Training grant, in the amount of \$500,000, to provide training and employment support for local residents in the environmental field, and

WHEREAS it is in the best interest of the City to accept grant funding for BJTP efforts and to execute a contract with Clover Park Technical College for training and employment support thereof; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the proper officers of the City are authorized to accept the sum of \$500,000, or so much thereof as may be made available, from the federal American Recovery and Reinvestment Act of 2009 for deposit into and appropriation from the LEAP Grant Fund, said funds to be used to provide training and employment support for the Brownfields Job Training Program ("BJTP").

Section 2. That the proper officers of the City are authorized to execute a contract with Clover Park Technical College, in the amount of \$223,547, budgeted from the LEAP Grant Fund, for training and employment support of the BJTP.

Section 3. That acceptance of the grant and appropriation of funds must begin on October 1, 2009; therefore, an emergency is hereby declared to exist, making necessary the passage of this ordinance immediately upon publication.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney