



Legislation Passed November 17, 2009

The Tacoma City Council, at its regular City Council meeting of November 17, 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. 37916

Endorsing the creation and ongoing development of the Complete Streets Design Guidelines; and directing the City Manager to implement the Mixed-Use Centers Complete Streets Design Guidelines and the Residential Complete Streets Design Guidelines.

Resolution No. 37917

Stating a finding of substantial need, and authorizing the City to increase the 2010 Ad Valorem property tax revenue collection for the General Fund property tax levy to one percent, as the implicit price deflator is currently negative.

Resolution No. 37918

Stating a finding of substantial need, and authorizing the City to increase the 2010 Emergency Medical Services levy to one percent, as the implicit price deflator is currently negative.

Resolution No. 37919

Authorizing the execution of a long-term, 30-year agreement with SDL Baseball Partnership, LLC, for the lease of Cheney Stadium from January 1, 2011, through December 31, 2041.

Ordinance No. 27847

Amending Chapter 10.10 of the Municipal Code, relating to the contracting process, by amending Section 10.10.010 to align the retainage requirements on public improvements with state law, allow delegation of final acceptance of public improvements, provide flexibility to issue monthly progress payments throughout the month, and streamline the process for final contract payment calculation.

RESOLUTION NO. 37916

A RESOLUTION relating to the City's street design; endorsing the creation and ongoing development of Tacoma's Complete Streets Design Guidelines; and directing the City Manager to implement the Mixed-Use Centers Complete Streets Design Guidelines and the Residential Complete Streets Design Guidelines.

WHEREAS Tacoma's Complete Streets Design Guidelines ("Guidelines") are a comprehensive, balanced, and cost-effective street design approach tailored to the City, and

WHEREAS the Guidelines provide the appropriate level of detail to guide the implementation of City policies calling for streets and sidewalks to safely and comfortably accommodate all users and travel modes; to incorporate options that reduce environmental impacts; and to be aesthetically pleasing, as well as functional, and

WHEREAS the Mixed-Use Centers Complete Streets Design Guidelines ("Mixed-Use Centers Guidelines") and the Residential Complete Streets Design Guidelines ("Residential Guidelines") focus specifically on streets within designated Mixed-Use Centers and local residential streets, respectively, and

WHEREAS, over the past two years, the Community and Economic Development Department and the Public Works Department have collaborated with a broad range of other City departments, public agencies, groups, and citizens to develop the Guidelines, which began in 2008 with a focus on the Mixed-Use Centers, and

WHEREAS, due to strong community interest, the scope was expanded in 2009 to include local residential streets, and

WHEREAS the Mixed-Use Centers Guidelines and the Residential Guidelines are a well-vetted and broadly supported (both internally and externally) approach to achieving Tacoma's Complete Streets objectives, and

WHEREAS, in the future, additional guidelines will be developed for other areas of the City, and

WHEREAS additional policy and design guidelines are currently under development through the City's Mobility Master Plan process, and

WHEREAS implementation steps will include implementing the Guidelines in the design and review of proposed construction, alteration, and maintenance of City streets; incorporating the Guidelines in the development of the City's Six-Year Comprehensive Transportation Program, as amended, and in transportation grant applications; corresponding revisions and additions to the City's engineering and other standards; code changes, as necessary; changes to City processes to ensure Complete Streets principles are incorporated; and ongoing review and development of additional guidelines, and

WHEREAS the Environment and Public Works Committee gave the Mixed-Use Centers Guidelines and Residential Guidelines a "do pass" at its October 14, 2009, meeting; Now, Therefore,

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

Section 1. That the creation and ongoing development of the City's Complete Streets Design Guidelines is endorsed.

Section 2. That the City Manager is directed to implement the Mixed-Use Centers Complete Streets Design Guidelines ("Mixed-Use Centers Guidelines")

and the Residential Complete Streets Design Guidelines (“Residential Guidelines”), said documents to be substantially in the form of the proposed Mixed-Use Centers Guidelines and the Residential Guidelines on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

RESOLUTION NO. 37917

A RESOLUTION relating to property tax levies; stating a finding of substantial need; and authorizing the City to increase the 2010 Ad Valorem property tax revenue collection for the General Fund property tax levy to 1 percent, as the implicit price deflator is currently negative.

WHEREAS RCW 84.55.0101 provides that upon a finding of substantial need, the City may levy taxes in an amount no more than the limit factor multiplied by the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years plus an additional dollar amount resulting from new construction and improvements to property, newly constructed wind turbines, and any increase in the assessed value of state-assessed property, and

WHEREAS, under RCW 84.55.005(2)(c), without a finding of substantial need, the limit factor for a taxing jurisdiction with a population of more than 10,000 is the lesser of 101 percent or 100 percent plus inflation, and

WHEREAS RCW 84.55.005(1) defines "inflation" as the percentage change in the implicit price deflator for personal consumption expenditures for the United States, as published for the most recent 12-month period by the Bureau of Economic Analysis of the Federal Department of Commerce in September of the year before the taxes are payable, and

WHEREAS inflation for July 2009 is -0.848 percent and the limit factor is 99.152 percent, meaning the taxes levied in Pierce County in 2009 for collection in 2010 will decrease except for the amounts resulting from new construction and improvements to property, newly constructed wind turbines, and any increase in the value of state-assessed utility property, and

WHEREAS RCW 84.55.0101 provides for use of a limit factor of 101 percent or less with a finding of substantial need by a majority plus one council member, and

WHEREAS the adopted 2009-2010 budget assumes a 1 percent increase in property tax, and

WHEREAS 2009-2010 revenues are down, creating a shortfall in supporting the critical activities of the City, and losing the capacity to increase to 1 percent would permanently negatively affect revenue and could lead to service reductions or service changes, and

WHEREAS the adopted budget for the 2009-2010 biennium is \$443,429,000, but the estimated revenue for the biennium is \$409,701,000; Now, Therefore,

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

That the proper officers of the City hereby find that a substantial need exists under RCW 84.55.0101 to increase the 2010 Ad Valorem property tax revenue collection for the General Fund property tax levy to 1 percent, as the implicit price deflator is currently negative.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

RESOLUTION NO. 37918

A RESOLUTION relating to property tax levies; stating a finding of substantial need; and authorizing the City to increase the 2010 Emergency Medical Services levy to 1 percent, as the implicit price deflator is currently negative.

WHEREAS RCW 84.55.0101 provides that upon a finding of substantial need, the City may levy taxes in an amount no more than the limit factor multiplied by the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years plus an additional dollar amount resulting from new construction and improvements to property, newly constructed wind turbines, and any increase in the assessed value of state-assessed property, and

WHEREAS, under RCW 84.55.005(2)(c), without a finding of substantial need, the limit factor for a taxing jurisdiction with a population of more than 10,000 is the lesser of 101 percent or 100 percent plus inflation, and

WHEREAS RCW 84.55.005(1) defines "inflation" as the percentage change in the implicit price deflator for personal consumption expenditures for the United States, as published for the most recent 12-month period by the Bureau of Economic Analysis of the Federal Department of Commerce in September of the year before the taxes are payable, and

WHEREAS inflation for July 2009 is -0.848 percent and the limit factor is 99.152 percent, meaning the taxes levied in Pierce County in 2009 for collection in 2010 will decrease except for the amounts resulting from new construction and improvements to property, newly constructed wind turbines, and any increase in the value of state-assessed utility property, and

WHEREAS RCW 84.55.0101 provides for use of a limit factor of 101 percent or less with a finding of substantial need by a majority plus one council member, and

WHEREAS the adopted 2009-2010 budget assumes a 1 percent increase that is allowed by state statute, and

WHEREAS 2009-2010 revenues are down, creating a shortfall in supporting the critical activities of the City, and losing the capacity to increase to 1 percent would permanently negatively affect revenue and could lead to service reductions or service changes, and

WHEREAS the adopted budget for the 2009-2010 biennium is \$443,429,000, but the estimated revenue for the biennium is \$409,701,000; Now, Therefore,

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

That the proper officers of the City hereby find that a substantial need exists under RCW 84.55.0101 to increase the 2010 Emergency Medical Services tax levy to 1 percent, as the implicit price deflator is currently negative.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

RESOLUTION NO. 37919

A RESOLUTION relating to public assembly facilities; authorizing the execution of a long-term, 30-year agreement with SDL Baseball Partnership, LLC, for the lease of Cheney Stadium from January 1, 2011, through December 31, 2041.

WHEREAS the current agreement with SDL Baseball Partnership, LLC (“SDL Baseball”), expires on December 31, 2010, and

WHEREAS SDL Baseball has agreed to a new 30-year term for the lease of Cheney Stadium (“Stadium”) for Triple “A” baseball in the Pacific Coast League (“PCL”) and other facility uses through December 31, 2041, and

WHEREAS the City has retained the right to use of the facility for nonbaseball-ticketed events, as well as community events, and

WHEREAS the new lease requires the City to complete major renovations to the Stadium, which will be funded by a \$28 million bond issued by the City plus \$2 million from Pierce County for a total of \$30 million, which said improvements must be complete prior to the beginning of the 2011 PCL season, and

WHEREAS SDL will pay an annual rental fee of \$500,000, and

WHEREAS \$450,000 of the rental fee will be allocated to bond financing with the remaining \$50,000 being deposited into the Capital Repair and Replacement Fund, and

WHEREAS, in addition, a \$0.50 facility fee may be implemented on each paid admission with revenues from the facility fee placed into a debt service fund, and

WHEREAS the Stadium shall retain the name "Cheney Stadium" throughout the term of the lease; 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 long-term, 30-year agreement with SDL Baseball Partnership, LLC, for the lease of Cheney Stadium from January 1, 2011, through December 31, 2041, said document to be substantially in the form of the proposed lease agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

ORDINANCE NO. 27847

AN ORDINANCE relating to the City's contracting process; amending Section 10.10.010 of the Tacoma Municipal Code pertaining to retainage limits, schedule for monthly progress payments, and final acceptance of public improvements.

WHEREAS, on January 6, 2009, the City Council passed Ordinance No. 27777, which revised Title 1 of the Tacoma Municipal Code ("TMC") pertaining to the purchasing provisions ("Purchasing Code"), and

WHEREAS the revision updated and streamlined the City's purchasing process, and

WHEREAS, during the research and crafting of the revised Purchasing Code, City staff also reviewed other sections of the TMC to look for additional ways to streamline the contracting process and to ensure that the TMC met the requirements of Washington State ("State") law, and

WHEREAS, during the review of the TMC, City staff reviewed Section 10.10.010 TMC, which identifies the amount of retainage the City may withhold on public improvement projects, the schedule for issuing monthly progress payments to its contractors, and the memorialization requirements for final acceptance and payment of public improvement projects, and

WHEREAS the review identified that Section 10.10.010 TMC did not meet the retainage requirements of chapter 60.28 RCW; was unclear regarding the acceptance of improvement projects by the City Manager and the Director of Utilities, including the delegation of such acceptance decision; and unduly limited the processing of monthly progress and final contract payments, and

WHEREAS amending Section 10.10.010 TMC will align the retainage requirements on public improvements to State law, will allow the City Manager and the Director of Utilities to delegate final acceptance of public improvements to City staff of their choosing, will provide City staff the flexibility to issue monthly progress payments throughout the month, and will streamline the process for final contract payment calculation; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 10.10.010 of the Tacoma Municipal Code is amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

EXHIBIT "A"

10.10.010 Percentage to be retained.¹

Except as otherwise provided in State law, in letting all contracts for public works and improvements, the contracting department or division shall provide therein that there shall be reserved from the moneys earned by the contractor on estimates during the progress of the improvement work a sum not to exceed 5 percent as a trust fund for the protection and payment of any person or persons, mechanics, subcontractors or material men who shall perform any labor upon said contract for the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and for the State with respect to taxes imposed pursuant to Titles 50, 51, and 82 RCW, which may be due from such contractor. Said fund shall be retained for a period of 45 days following the final acceptance of said improvement or work as completed, and every person performing labor and furnishing provisions and supplies toward the completion of said improvement or work shall have a lien upon said funds so reserved; provided that, notice of the lien of such claimant shall be given in the manner and within the time provided by law. No improvement or work shall be deemed accepted as completed until the City Manager, or his or her designee, for the General Government or the Director of Utilities, or his or her designee, for the Department of Public Utilities shall have signed and filed with the City Clerk a statement declaring the same to be completed.

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During the time allowed in the contract for the completion thereof, the engineer or other officer of the department/division having said improvement or work in his or her charge, may, on a monthly basis, issue an estimate of the amount of work completed during the preceding month by the contractor, and after the expiration of the time allowed by the contract for the completion thereof, no estimate other than the final estimate shall be issued. To the extent chargeable against the contractor, all costs incurred or expenditures made by the City for abstract, advertising, accounting collection, as well as engineering or other necessary expenses, shall be computed or estimated by the department/division having the completion of the contract in its charge, and the same shall be deducted from the final payment due a contractor on any public improvement. Said computation or estimate shall be subject to review and audit by the Director of Finance and, upon his or her request, shall be filed with the Finance Department. All expenses incurred by the City after time allowed by the contract for the completion thereof shall be borne by the contractor as penalty for failure to complete the contract within the time specified.

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¹ See RCW 60.28.011 for statute.

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