



## Legislation Passed December 1, 2009

The Tacoma City Council, at its regular City Council meeting of December 1, 2009, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

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### **Resolution No. 37932**

Setting Thursday, January 7, 2010, at 9:30 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate the west two feet above-grade portion and west four feet below-grade portion of Chandler Street between South Tacoma Way and the Sound Transit rail right-of-way. (1625 Tacoma, LLC; File No. 124.1301)

### **Resolution No. 37933**

Setting Thursday, January 7, 2010, at 9:30 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate the South Hosmer Street right of way between the Sound Transit rail right-of-way and South Tacoma Way. (ATLAS Castings & Technology; File No. 124.1303)

### **Resolution No. 37934**

Authorizing the execution of an amendment to the grant agreement with the National Association of Child Care Resource & Referral Agencies, in the amount of \$26,180, for a cumulative total of \$340,335; accepting and depositing said sum into the Human Rights and Human Services Special Revenue Fund, to support the further development and maintenance of military-certified child care providers in Pierce County through October 30, 2009.

### **Resolution No. 37935**

Appointing Keith H. James to serve on the Citizen Review Panel for a term to begin December 2, 2009 through December 31, 2012.

### **Purchase Resolution No. 37936**

Awarding a contract to:

Ticketmaster, for ticketing services for the Tacoma Dome and the Greater Tacoma Convention and Trade Center, for a three-year period, with the option to renew for two additional one-year periods, generating approximately \$3,440,000 of revenue over the five-year contract – Specification No. PF09-0525F.

### **Resolution No. 37937**

Authorizing the execution of an eight-year Multi-Family Property Tax Exemption Agreement with O'Connor & Associates, LLC, for the development of 32 market rate apartments as part of a mixed-use development, including a private medical office, located at 712 South 19th Street in the Downtown Mixed-Use Center.

**Resolution No. 37938**

Amending the policy for Sister Cities by authorizing any interested community member to apply to be on a Sister City Committee and allowing each Committee to appoint its own members.

**Resolution No. 37939**

Authorizing the execution of a Project Management Agreement with Elks on Broadway, LLC; and authorizing the use of \$450,000 of Urban Development Action Grant funds for predevelopment expenses to facilitate a mixed-use development project located at 545-565 Broadway.

**Resolution No. 37940**

Authorizing the execution of an amendment to the lease agreement with the United States Government, General Services Administration, for the continued lease of 6,014 square feet of office space within the Tacoma Municipal Building North, through July 31, 2010.

**Resolution No. 37941**

Authorizing the execution of Supplement No. 2 to the Turnback Agreement with the Washington State Department of Transportation (WSDOT) transferring the ownership of the Murray Morgan Bridge from WSDOT to the City of Tacoma and for state funding for the rehabilitation of the Bridge.

**Ordinance No. 27854**

Amending Title 17 of the Municipal Code, entitled "Animal Control," to clarify liability for animal violations, responsibilities of owners of potentially dangerous dogs, and impose requirements that dogs be humanely restrained.

## **RESOLUTION NO. 37932**

A RESOLUTION relating to the vacation of City right-of-way; setting a public hearing before the City of Tacoma Hearing Examiner on the petition of 1625 Tacoma, LLC to vacate the westerly 2.0 feet above-grade portion and the westerly 4.0 feet below-grade portion of Chandler Street between South Tacoma Way and the Sound Transit rail right-of-way.

WHEREAS 1625 Tacoma, LLC, having received the consent of the owners of more than two-thirds of the properties abutting the westerly 2.0 feet above-grade portion and the westerly 4.0 feet below-grade portion of Chandler Street between South Tacoma Way and the Sound Transit rail right-of-way, described as follows:

THE WESTERLY 2.0 FEET OF CHANDLER STREET ABOVE-GRADE AND 4.0 FEET BELOW-GRADE ABUTTING AND ADJACENT TO THE FOLLOWING PROPERTY:

UNITS 1 THROUGH 6, INCLUSIVE OF STW #1625, A CONDOMINIUM, ACCORDING TO DECLARATION THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 200410190324, RECORDS OF PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 THROUGH 13, BLOCK 9, REPLAT OF CHANDLERS ADDITION TO TACOMA, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 4 OF PLATS, PAGE 30, IN PIERCE COUNTY, WASHINGTON;

EXCEPT THE WESTERLY 4.0 FEET THEREOF CONVEYED TO THE CITY OF TACOMA UNDER AUDITOR'S FILE NUMBER 1776621;

ALSO EXCEPT THAT PORTION OF SAID LOT 13 APPROPRIATED BY THE CITY OF TACOMA BY DECREE ENTERED JANUARY 20, 1936 UNDER PIERCE COUNTY SUPERIOR COURT CASE NUMBER 75246;

TOGETHER WITH THE WEST 4.0 FEET OF CHANDLER STREET  
ABUTTING THEREON, VACATED BY CITY OF TACOMA  
ORDINANCE NUMBER 15761, DATED DECEMBER 26, 1956,  
AND RECORDED UNDER AUDITOR'S FILE NUMBER 1776638;

ALL SITUATE IN THE NORTHEAST QUARTER OF THE  
SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 20  
NORTH, RANGE 3 EAST OF THE W.M.

has petitioned for the vacation of the aforesaid property; Now, Therefore,

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

Section 1. That Thursday, January 7, 2010, at 9:30 a.m., is hereby  
fixed as the date and time, and the Council Chambers on the first floor of  
the Tacoma Municipal Building, 747 Market Street, in the City of Tacoma,  
as the place when and where said request will be heard by the Hearing  
Examiner, and his recommendations thereafter transmitted to the Council  
of the City of Tacoma.

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

Adopted \_\_\_\_\_

Attest: \_\_\_\_\_ Mayor

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

Location: Vacate the westerly 2.0 feet above grade portion and the westerly 4.0 feet below grade portion of Chandler Street between South Tacoma Way and the Sound Transit rail right-of-way

Petitioner: 1625 Tacoma, LLC

Vacation Request File No. 124.1301

Approved as to form:

Property description approved:

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

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

## **RESOLUTION NO. 37933**

A RESOLUTION relating to the vacation of City right-of-way; setting a public hearing before the City of Tacoma Hearing Examiner on the petition of ATLAS Castings & Technology to vacate the South Hosmer Street right-of-way between the Sound Transit rail right-of-way and South Tacoma Way.

WHEREAS ATLAS Castings & Technology, having received the consent of the owners of more than two-thirds of the properties abutting the South Hosmer Street right-of-way between the Sound Transit rail right-of-way and South Tacoma Way, described as follows:

THAT PORTION OF THE SOUTH HOSMER STREET RIGHT-OF-WAY BETWEEN BLOCKS 19 AND 20; AND BLOCKS 16 AND 17, INCLUSIVE OF SOUTH 30TH STREET RIGHT-OF-WAY ADJACENT TO SAID BLOCKS, PLAT OF CARROLL AND HANNAH ADDITION TO TACOMA, W.T., FILED FOR RECORD ON MAY 16, 1888, AT VOLUME 2, PAGE 7 RECORDS OF PIERCE COUNTY, WASHINGTON;

EXCEPT THAT PORTION PREVIOUSLY VACATED UNDER ORDINANCE NO. 6449;

ALL SITUATE IN THE S.W. QUARTER OF SECTION 08, TOWNSHIP 20 NORTH, RANGE 03 EAST, W.M.

has petitioned for the vacation of the aforesaid property; Now, Therefore,

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

Section 1. That Thursday, January 7, 2010, at 9:30 a.m., is hereby fixed as the date and time, and the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, in the City of Tacoma, as the place when and where said request will be heard by the Hearing

Examiner, and his recommendations thereafter transmitted to the Council of the City of Tacoma.

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

Location: Vacate the South Hosmer Street right-of-way between the Sound Transit rail right-of-way and South Tacoma Way

Petitioner: ATLAS Castings & Technology

Vacation Request File No. 124.1303

Approved as to form:

Property description approved:

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

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

## **RESOLUTION NO. 37934**

A RESOLUTION relating to child care services; authorizing the execution of an amendment to grant agreement with the National Association of Child Care Resource & Referral Agencies, in the amount of \$26,180, bringing the grant total to \$340,335; and accepting said sum and depositing same into the Human Rights and Human Services Special Revenue Fund to support the further development and maintenance of military-certified child care.

WHEREAS, on January 13, 2009, City Council adopted Resolution No. 37708, authorizing the execution of a service agreement with the National Association of Child Care Resource & Referral Agencies (“NACCRRA”), accepting grant funds in the amount of \$314,155, allowing the City to continue developing and maintaining military-certified child care providers in Pierce County through September 30, 2009, and

WHEREAS the NACCRRA wishes to amend the agreement, accepting additional grant funds in the amount of \$26,180, for a grant total of \$340,335, with the City to continue developing and maintaining military-certified child care providers in Pierce County through October 30, 2009; Now, Therefore,

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

Section 1. That the proper officers of the City are authorized to execute an amendment to the grant agreement with the National Association of Child Care Resource & Referral Agencies, in the amount of \$26,180, bringing the grant total to \$340,335, said document to be substantially in the form of the proposed grant agreement on file in the office of the City Clerk.

Section 2. That the proper officers of the City are authorized to accept the sum of \$26,180 and deposit said funds into the Human Rights and Human Services Special Revenue Fund, for the development of military-certified child care providers in Pierce County, through October 30, 2009.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## RESOLUTION NO. 37935

BY REQUEST OF MAYOR BAARSMA AND COUNCIL MEMBERS FEY,  
LONERGAN, AND MANTHOU

A RESOLUTION relating to committees, boards, and commissions; and  
appointing Keith H. James to the Citizen Review Panel for a term  
expiring on December 31, 2009.

WHEREAS a vacancy exists on the Citizen Review Panel, and

WHEREAS, under Tacoma City Charter Section 2.4, appointments may  
be made by a majority vote of the City Council from names presented in writing  
to the City Council by the Mayor, and

WHEREAS the Mayor has nominated Keith H. James to serve on the  
Citizen Review Panel; Now, Therefore,

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

That Keith H. James is hereby appointed to serve on the Citizen Review  
Panel for a term to expire on December 31, 2009 and until a successor is  
appointed.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 37936

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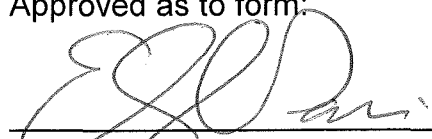
( ) C. Entry into the proposed purchasing agreement with those governmental entities identified in the attached Exhibit "A," which proposed agreement is on file in the office of the City Clerk;

( ) 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

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City of Tacoma  
Public Assembly Facilities

EXHIBIT "A"

RESOLUTION NO.: 37936

ITEM NO.: 1

MEETING DATE: December 1, 2009

**DATE:** November 16, 2009

**TO:** Board of Contracts and Awards

**SUBJECT:** Ticketing Distribution Services  
Budgeted from Fund\_4180 PAF Tacoma Dome Operating Fund  
Request for Proposals Specification No. PF09-0525F

**RECOMMENDATION:** Public Assemblies Department recommends a contract be awarded to **Ticketmaster, Seattle, WA**, for PF09-0525F. This contract would be for three years with an option for two 1 year renewals. There are no expenses attached to this contract. It is a revenue receiving contract with a projection of an accumulative total \$3,440,000 for the entire 5 year contract period.

**EXPLANATION:** This contract would be for ticketing services for the Tacoma Dome and the Greater Tacoma Convention and Trade Center. It provides the rights to Ticketmaster as the company selected to sell tickets to the events at these locations using phone, internet, and outlet services.

**COMPETITIVE SOLICITATION:** Request for Proposals Specification No. PF09-0525F was opened September 8, 2009. Ten companies were invited to bid in addition to normal advertising of the project. Four submittals were received.

<u>Respondent</u>	<u>Location (city and state)</u>	<u>Select Rank or Score</u>
Ticketmaster	Seattle, WA	503.9
Tickets West	Spokane, WA	456.6
ShoWare	Fresno, CA	257.4
Veritix	Cleveland, OH	251.4

**CONTRACT HISTORY:** New contract.

**FUNDING:** Funds for this contract are available in the Fund\_4180 PAF Tacoma Dome Operating Fund. Funding beyond the current biennium is subject to future availability of funds.

**HUB/LEAP COMPLIANCE:** Not applicable.

**PROJECT ENGINEER/COORDINATOR:** Rob Henson, Deputy Director PAF, 253-272-3663.

Mike Combs  
Director, PAF

cc: Marie Holm  
Percy Jones, HUB  
Peter Guzman, LEAP

## **RESOLUTION NO. 37937**

A RESOLUTION relating to the multi-family tax exemption program; authorizing the proper officers of the City to execute an agreement with O'Connor & Associates, LLC, for the eight year property tax exemption, for the development of thirty-two (32) market-rate apartments as part of a mixed-use development, including a private medical office, located at 712 South 19th Street, in the Downtown Mixed-Use Center.

WHEREAS the City has, pursuant to Chapter 84.14 of the Revised Code of Washington, designated several Residential Target Areas for the allowance of a limited property tax exemption for new multi-family residential housing, and

WHEREAS the City has, through Ordinance No. 25789, enacted a program whereby property owners in Residential Target Areas may qualify for a Final Certificate of Tax Exemption which certifies to the Pierce County Assessor-Treasurer that the owner is eligible to receive a limited property tax exemption, and

WHEREAS the Director of Community and Economic Development has reviewed the proposed property tax exemption and recommends that conditional property tax exemptions be awarded, as set forth in Exhibit "A";  
Now, Therefore,

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

Section 1. That the City Council does hereby approve and authorize conditional property tax exemptions, for a period of eight years, to O'Connor & Associates, LLC, as set forth in the attached Exhibit "A."

Section 2. That the proper officers of the City are authorized to execute the necessary document to implement this resolution, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## EXHIBIT "A"

O'Connor & Associates, LLC is proposing to develop 32 new market-rate apartments as part of the 19th and Yakima Mixed-Use project. The development will include a private medical office. The apartments will be located at the corner of South 19th and Yakima Avenue in the Downtown Mixed-Use Center. The units will range in size from approximately 510 square feet to 950 square feet, consisting of 15 one bedroom units with one bathroom and 17 two bedroom units with two bathrooms. There will be 36 parking spaces designated exclusively for the housing units. The units are expected to rent for between \$900 and \$1,600 per month. This project will provide housing for individuals and small families. The construction will provide short-term employment for approximately 75 construction trades people. The cost of the residential portion of the construction is estimated at approximately \$5,000,000. The property taxes to be exempted will be approximately \$58,100 of which \$11,760 would be the City's portion. A vacant four-plex, with a value of \$189,100, will be demolished; however the land and commercial portion of the project will continue to produce tax revenues. The Community and Economic Development Department has determined that the proposed project qualifies for the eight-year, multi-family property tax exemption. O'Connor & Associates will enter into an agreement prepared by the city to develop the site, as described in plans currently on file with the City.

## **RESOLUTION NO. 37938**

A RESOLUTION relating to international programs and the Sister Cities Committees and Council; authorizing any interested community member to apply to be on a Sister City Committee.

WHEREAS, in 1961, the City Council adopted Resolution No. 16561, establishing one Sister City Committee whereby committee members were appointed by the Mayor and confirmed by the City Council, and

WHEREAS, in 1980, the City Council adopted Resolution No. 26464, establishing a Sister City Committee for each sister city, and

WHEREAS, in 1991, the City Council adopted Resolution No. 31568, creating a Sister Cities Council, which is a nonprofit organization under 26 U.S.C. 501 c (3), to serve as the executive Sister Cities Committee, and

WHEREAS the City wishes to allow any interested member of the community, including City and Port of Tacoma employees, to be able to apply to serve on a Sister Cities Committee, and

WHEREAS the City wishes to allow each Sister City Committee to appoint its own members; Now, Therefore,

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

Section 1. That any interested member of the community may apply to serve on a Sister City Committee.

Section 2. That each Sister City Committee may appoint its own members.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **RESOLUTION NO. 37939**

A RESOLUTION relating to community and economic development; authorizing the execution of a project management agreement with Elks on Broadway, LLC; and authorizing the use of \$450,000 of Urban Development Action Grant funds for predevelopment expenses to facilitate a mixed-use development project located at 545-565 Broadway.

WHEREAS, on September 22, 2009, the City Council adopted Resolution No. 37874, authorizing the execution of a nonstatutory Development Agreement with Elks on Broadway, LLC (“EOB”), and Elks Temple Properties LLC (“ETP”) for the Elks Building renovation and for the development of the adjacent vacant land to the north of the structure into a mixed-use development project, and

WHEREAS, on October 30, 2009, ETP took title to the Elks Building and the City acquired the adjacent vacant land, and

WHEREAS the Development Agreement contemplated that the City would enter into a project management agreement with EOB whereby EOB would undertake the management of the design, permitting, and construction of the garage, and

WHEREAS this approach will help to facilitate the development of approximately 22,500 square feet of retail space and the estimated 68 apartment units that are anticipated to be constructed above the garage, and

WHEREAS, on September 22, 2009, the City Council authorized the use of \$450,000 of UDAG funds for the design of the garage, which will be reimbursed when bonds are sold for its construction, and

WHEREAS an additional \$450,000 is requested from the UDAG fund, which will be similarly reimbursed for the following predevelopment expenses, which include, but are not limited to, cultural resource assessment, final geotechnical evaluation, easements, construction plan printing, contractor preconstruction services, a portion of the project management fee, and City project administration; 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 project management agreement with Elks on Broadway, LLC, said document to be substantially in the form of the proposed project management agreement on file in the office of the City Clerk; and authorizing the use of \$450,000 of Urban Development Action Grant funds for predevelopment expenses to facilitate a mixed-use development project located at 545-565 Broadway.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **RESOLUTION NO. 37940**

A RESOLUTION relating to city-owned facilities; authorizing the execution of an amendment to the lease agreement with the United States Government, General Services Administration, for the continued lease of space within the Tacoma Municipal Building North.

WHEREAS the City acquired the facilities presently known as Tacoma Municipal Building North ("TMBN") with the purpose of acquiring and housing external tenants, and

WHEREAS, on March 24, 1998, the City Council adopted Resolution No. 34004, authorizing the execution of a five-year lease agreement, with the option to renew for an additional five years, with the United States Government, General Services Administration ("GSA"), for the lease of 6,014 square feet of office space in the TMBN, and

WHEREAS, on August 28, 2008, the City Council adopted Resolution No. 37586, authorizing the execution of amendment to the lease agreement with GSA, extending the term of the lease through July 31, 2009, and

WHEREAS the term of the amendment expired July 31, 2009, and City staff recommends amending the lease agreement with GSA through June 31, 2010; 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 an amendment to the lease agreement with the United States Government, General Services Administration, for the continued lease of 6,014 square feet

of office space within Tacoma Municipal Building North, said document to be substantially in the form of the proposed supplemental lease agreement on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form and legality:

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

## **RESOLUTION NO. 37941**

A RESOLUTION relating to the Murray Morgan Bridge; authorizing the execution of Supplement No. 2 to the Turnback Agreement with the State of Washington Department of Transportation (“WSDOT”) for the transfer of the ownership of the Murray Morgan Bridge (“Bridge”) from WSDOT to the City and for state funding for the rehabilitation of the Bridge.

WHEREAS, for the past 15 years, the City and the Washington State Department of Transportation (“WSDOT”) have been discussing the return of the Murray Morgan Bridge (“Bridge”) to City ownership, and

WHEREAS, in November 2007, WSDOT closed the Bridge to vehicular traffic, and

WHEREAS the 2009-2011 Washington State Transportation Budget directed WSDOT to develop an agreement with the City on the timing of transfer of ownership of the Bridge and any state funding required to achieve the transfer and rehabilitation of the Bridge by January 1, 2010, and

WHEREAS the City’s Public Works Department and WSDOT management have developed an agreement to transfer ownership of the Bridge and provide sufficient funding to restore traffic to the Bridge; 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 Supplement No. 2 to the Turnback Agreement with the State of Washington Department of Transportation (“WSDOT”) for the transfer of the ownership of the Murray Morgan Bridge (“Bridge”) from WSDOT to the City and for state

funding for the rehabilitation of the Bridge, said document to be substantially in the form of the proposed Supplement No. 2 on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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

## **ORDINANCE NO. 27854**

AN ORDINANCE relating to animal control; amending Title 17 of the Tacoma Municipal Code to clarify liability for animal violations, responsibilities of owners of potentially dangerous dogs, and to impose requirements that animals be humanely restrained.

WHEREAS owners of animals that have been at large, have chased vehicles, or have committed other violations are avoiding liability under the current language of the Tacoma Municipal Code (“TMC”), and

WHEREAS the proposed changes to the TMC are intended to make owners of animals liable for violations, such as animals at large or chasing vehicles, regardless of whether the owner is physically present at the time of the violation, and

WHEREAS animals at large present a public safety problem as they can cause traffic accidents, harass other animals and people, or attack other animals or people, and

WHEREAS the threshold dollar amount that is required before a violation for an animal damaging property is considered a misdemeanor crime is proposed to be increased to \$750 to track recent changes in the state theft statute, and

WHEREAS a violation below \$750 will be a Class 1 civil infraction, and

WHEREAS the proposed changes will require that dogs determined to be potentially dangerous, as defined by the TMC, be spayed or neutered, and

WHEREAS it will also clarify the requirement for annual inspections of secure enclosures required for potentially dangerous dogs and that the owner

of a potentially dangerous dog must comply with the orders of the animal control supervisor pending any appeal of a declaration that the dog is potentially dangerous, and

WHEREAS improper chaining or tethering of an animal can cause pain, injury, or death to the animal, and

WHEREAS a new section to the TMC is proposed, imposing humane standards for tethering animals, and

WHEREAS these include a minimum tether length, access to shelter and water, and minimum standards to ensure that animals are not injured by the type of collar or tether and will not become entangled in the tether, and

WHEREAS violations will be a Class 1 civil infraction in the amount of \$250; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Title 17 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"

### Chapter 17.01

#### ANIMAL CONTROL – GENERAL PROVISIONS

##### 17.01.110 Mandatory spay/neuter for impounded dogs and cats –exception.

A. No unaltered dog or cat that is impounded more than once in any 12-month period may be redeemed by any person until the animal is spayed or neutered. The alteration shall be accomplished by the shelter or by ~~any duly licensed veterinarian in Pierce County authorized by the shelter. In all cases, the veterinarian fees shall be paid at the time of redemption by the animal's owner.~~

**Deleted:** transport of the animal by animal control personnel to

B. Exceptions. The alteration shall not be required upon a showing of proof of alteration from a licensed veterinarian. The alteration shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian stating that the spay or neuter procedure would be harmful to the animal

\* \* \*

##### 17.01.140 Injured or diseased animals.

Any animal suffering from serious injury or disease may be humanely euthanized by the shelter or City; provided, that the shelter or City shall immediately notify the owner if the owner is known. ~~The shelter and City have no obligation to determine the owner of such animal if the animal is not wearing a license or other identification or is not microchipped.~~

**Deleted:** and if the owner is unknown, make a reasonable effort to locate and notify the owner

\* \* \*

##### 17.01.165 Humane restraint standards for animals.

A. Any animal that is restrained by a chain or rope, or similar device, must be restrained in compliance with this section. Any chain, rope, or tie-out must comply with the following requirements:

1. Chain must be links of 5/16 of an inch or smaller.
2. The use of chains or choke chains as collars is prohibited. This subsection does not apply to choke chains used for training purposes when a person is present at all times and actively engaged in training the animal.
3. Any chain, rope, or other tie-out must be connected to a collar or harness on a swivel or in a manner that prevents the chain from tangling.
4. The tether may be connected to the animal only by a buckle-type or snap-on collar or a body harness made of nylon or leather. Any collar or harness must fit the animal properly.
5. Any chain, rope, or tie-out must be at least ten feet in length, and the animal must have access to water and shelter while tethered. The shelter and water vessel must be constructed or attached in such a way that the animal cannot knock over the shelter or water vessel.
6. If there are multiple animals, each animal must be tethered, chained, or tied separately.

B. It is a violation:

1. To tether any animal in such a manner as to permit the animal to leave the owner's property; or
2. To tether any animal in such a manner that the animal can become entangled with any obstruction or any other tethered animal or be able to partially or totally jump over any fence; or
3. To fail to remove waste from the tethered area on a reasonable basis to ensure a healthful environment for the animal; or

4. To tether any animal in a manner that does not comply with subsection A above or endangers the health or safety of the animal.

\* \* \*

**Chapter 17.02**  
ANIMAL CONTROL

**17.02.010 Animals at large on public grounds.**

A. ~~If any animal is at large in any park, public beach, pond, fountain, or stream, or upon any public playground or school ground, or in any public building the owner or person having control or custody of the animal has violated this subsection.~~ Any animal entering or trespassing upon such property may be seized and impounded.

B. This section does not apply:

1. to areas designated as an off-leash area by the City or by the Metropolitan Parks District;
2. if animals are allowed off-leash as part of a special events permit issued under TMC 11.15; or
3. if off-leash activity has been authorized by a public property owner on the owner's property. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)

**Deleted:** It is a violation for the owner or person having control or custody of

**Deleted:** to allow such animal to be

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**17.02.020 Animals at large on private property.**

~~If any animal enters or trespasses upon private property without the express permission of the owner or caretaker of such property the owner or person having control or custody of the animal has violated this subsection.~~ Any such animal may be seized and impounded. (Ord. 26949 § 6; passed Jul. 16, 2002)

**Deleted:** It is a violation for the owner or person having control or custody of

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**Deleted:** Unless in a designated off-leash area ("off-leash area" shall mean any area designated by the City or Metropolitan Parks Tacoma within which dogs, under the effective control of the owner or custodian, may be off leash), it shall be a violation for the owner or custodian of

**Deleted:** to cause, permit, or allow such dog to roam, run, stray, or be away from

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**Deleted:** and to be on any public place or on any public property or the private property of another in the City unless

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**17.02.050 Dogs off premises to be on leash.**

~~If any dog is off the premises of its owner or custodian, such dog, while away from such premises, must be controlled by a leash or chain not more than eight feet in length, such control to be exercised by such owner or custodian or other competent and authorized person. Failure to control a dog in this manner is a violation.~~ Any dog found roaming, running, straying, or being away from such premises and not on a leash as herein provided is hereby declared to be a nuisance and such dog may be seized and impounded.

~~A "custodian" for the purposes of this subsection includes any person who consents to the dog's presence on his or her property.~~ (Ord. 27144 § 1; passed Sep. 16, 2003; Ord. 26949 § 6; passed Jul. 16, 2002)

**Deleted:** It is a violation for the owner or other person having control of

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**Deleted:** It is a violation for the owner or other person having control of

**Deleted:** to allow such dog to frequently or habitually to

**Deleted:** It is a violation for the owner or other person having control or custody of

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**Deleted:** of less than \$250

**17.02.060 Dogs chasing vehicles on public roads.**

~~If any dog chases, runs after, or jumps at vehicles, including bicycles, lawfully using the public road, street, avenues, alleys, and ways the owner or person having control or custody of the animal has violated this subsection.~~ Any such dog may be seized and impounded. (Ord. 27558 § 9; passed Dec. 5, 2006; Ord. 26949 § 6; passed Jul. 16, 2002)

**17.02.080 Dogs jumping and/or threatening pedestrians.**

~~If any dog chases, runs after, snarls at, growls at, jumps upon, or threatens persons upon public sidewalks, roads, streets, alleys, or public places the owner or person having control or custody of the animal has violated this subsection.~~ Any such dog may be seized and impounded. (Ord. 27672 Ex. A; passed Dec. 11, 2007; Ord. 26949 § 6; passed Jul. 16, 2002)

**Deleted:** B. It is unlawful for the owner or other person having control or custody of any animal to allow such animal to damage or destroy any property or thing of value upon the private property of another in the total amount of equal to or greater than \$250, or upon any public property. Any such animal may be seized and impounded.

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**17.02.130 Animals injuring private and public property – infraction or misdemeanor.**

A. ~~If any animal damages or destroys any property or thing of value upon the private property of another, or upon any public property the owner or person having control or custody of the animal has violated this subsection.~~ Any such animal may be seized and impounded. Any violation of this section is an infraction up to damage in the total amount is \$750 or less.

~~Damage in the total amount greater than \$750 shall be a misdemeanor.~~ (Ord. 26949 § 6; passed Jul. 16, 2002)

**17.02.140 Public disturbance noise and public nuisance noise made by an animal.**

Any public disturbance noise made by an animal is unlawful and may be enforced under the provisions of TMC Sections 8.12.060 and 8.12.065 or as a civil infraction under this section.

A. When animal noise is prosecuted as a crime, the terms of TMC 8.12.060 and 8.12.065 shall govern.

B. When animal noise is treated as a civil infraction, the following is a violation:

1. Any animal which by its barking, howling, baying, squealing, crowing, crying, bleating, screeching, whining, or making any other noise, by its volume or frequency, unreasonably disturbs or interferes with the peace of any person(s) for more than 15 minutes in any one-hour period of any day, and is documented by three or more separate episodes of such noise in a sequential seven-day period. The burden is upon the owner of such animal(s) to maintain quiet.

2. Exceptions to this subsection are commercial pet facilities, animal welfare facilities, veterinary hospitals, or grooming parlors otherwise in compliance with the Tacoma Municipal Code, or those who can substantiate that such animal noise was caused by an injury or illness of the animal(s) or by willful trespass, torment, or abuse of the animal(s) on its property by others.

3. Enforcement may be undertaken only upon written receipt of a complaint made to either the animal control authority or law enforcement by a person(s) residing at or who is employed in an area affected by such public noise disturbance. Any such animal(s) shall be deemed a nuisance and may be seized and impounded if the disturbance reoccurs after the owner or custodian of such animal(s) has received two written warnings, two notices of civil infraction, or a written warning and a notice of civil infraction from either the animal control authority or law enforcement within a calendar year.

4. Animal noise violations [under this chapter](#) are a Class 1 civil infraction.

**Chapter 17.04**  
DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS

**17.04.032 Hearing Procedure – Potentially Dangerous Dogs.**

A. If the owner of the dog wishes to object to the declaration, he or she may request a hearing before the Hearing Examiner of the City by filing a request for hearing, along with payment of the required fee and proof of a current valid pet license for the dog, to the office of the Hearing Examiner within ten days of service of the declaration that the dog is dangerous. The appeal fee shall be \$100. No person other than the dog's owner may object to the declaration.

B. Hearings shall be conducted in accordance with TMC 1.23 and the Hearing Examiner's Rules of Procedure. The animal control authority shall bear the burden of proving that the dog is potentially dangerous by a preponderance of the evidence.

C. If the Hearing Examiner finds the dog is potentially dangerous, he or she may, in addition to the requirements of this chapter, impose any additional conditions of confinement set forth in RCW 16.08, as now exists or as may be amended hereafter, including, but not limited to, posting of warning signs and maintenance of liability insurance coverage. The Hearing Examiner ~~shall order that a potentially~~

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**17.04.040 Permits and fees.**

A. Within ten days following a declaration of potentially dangerous dog, and the exhaustion of any appeal therefrom, the owner of a potentially dangerous dog shall obtain a permit for such dog from the Finance Department of the City and shall be required to pay a fee for such permit in the amount of \$250, have the dog implanted with a microchip, and provide the microchip number to the Finance Department of the City.

B. Any potentially dangerous dog is also subject to any additional conditions of confinement set forth in RCW 16.08, as now exists or as may be amended hereafter, including, but not limited to, posting of warning signs and maintenance of liability insurance coverage.

C. The owner of a potentially dangerous dog shall pay an annual renewal fee for such permit in the amount of \$50.

~~D. The owner of a potentially dangerous dog shall allow an annual inspection of a proper enclosure that holds the dog. If the proper enclosure is a residence, the inspection shall be limited to the exterior of the residence. Refusal to allow an annual inspection is a violation. An owner who refuses to allow an annual inspection shall have his or her permit revoked and may be fined for each day the inspection is refused.~~

~~E. Should the owner of a potentially dangerous dog fail to comply with Sections 17.04.040.A through 17.04.040.C herein, the owner may have his or her permit revoked and may be fined for each violation.~~

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~~The City is authorized to seize and impound the potentially dangerous dog of any such owner and euthanize said dog pursuant to the procedures set forth in Section 17.04.070. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter.~~

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~~F. This section also applies to any dog declared dangerous under any prior ordinance and prior to the effective date of this ordinance~~

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**17.04.050 Confinement of dangerous dog or potentially dangerous dogs.**

A. When a dog is declared a dangerous dog, the dog shall be impounded. Such dog shall be held in the shelter or a secure veterinary hospital until a hearing is held to determine the dog's status or the deadline for requesting such a hearing has passed. The owner of a dog that is declared dangerous shall immediately surrender the dog to an animal control officer or police officer. Refusal to surrender a dog that is declared dangerous to an animal control officer or police officer is a gross misdemeanor.

~~B.1.~~ When a dog is declared a potentially dangerous dog, the dog may be impounded. The law enforcement or animal control officer may require that such dog be held in the shelter or a secure veterinary hospital until a hearing is held to determine the animal's status or the deadline for requesting such a hearing has passed. If a dog declared potentially dangerous is not impounded, the owner shall comply with all requirements imposed by the animal control authority. The owner of a dog that is declared potentially dangerous shall immediately surrender the dog to an animal control officer or police officer upon the order of that officer. Refusal to surrender a dog that is declared potentially dangerous to an animal control officer or police officer is a misdemeanor.

~~2.~~ From the date of initial declaration of potentially dangerous dog by the City animal control supervisor, unless and until said declaration shall be rescinded, the owner must keep the dog confined in a proper enclosure that is securely enclosed and locked, unless the dog is securely leashed and humanely muzzled or otherwise securely restrained.

C. From the date of initial declaration of potentially dangerous by the City animal control supervisor, unless and until said declaration shall be rescinded and the restrictions imposed thereby annulled, it shall be unlawful for any person to allow or permit such dog to:

1. be unconfined on the premises of such person; or  
2. go beyond the premises of such person unless such dog is securely leashed and humanely muzzled or otherwise securely restrained.

3. The animal control authority may impose any additional restrictions contained in RCW 16.08 for dangerous or potentially dangerous dogs, as now exists or as may be amended hereafter.

D. Any potentially dangerous dog shall be confiscated by the City if the dog is not confined as set forth herein. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter.

E. These requirements take effect immediately upon notification that the dog is declared potentially dangerous and remain in force during any appeal of a declaration that a dog is potentially dangerous.

F. This section also applies to any dog declared potentially dangerous under any prior ordinance and prior to the effective date of this ordinance. Any dog declared dangerous prior to the effective date of this ordinance must comply with all conditions imposed by the animal control authority.

#### **17.04.060 Notification of status of potentially dangerous dog.**

The owner shall immediately notify the animal control authority of the City, followed by written notice to Animal Control, when a dog which has been classified as potentially dangerous:

- A. is loose or unconfined; provided that, the owner shall first call 911;
- B. has bitten a human being or attacked another animal; provided, the owner shall first call 911;
- C. is sold or given away, or dies; or
- D. is moved to another address.

~~E.1.~~ If a potentially dangerous dog dies or is euthanized, the owner shall provide animal control with the location where the dog was disposed of and, if applicable, where the dog was euthanized.

~~2.~~ Prior to a potentially dangerous dog's being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority and the Finance Department of the City. The new owner shall comply with all of the requirements of this chapter. Should the owner of a potentially dangerous dog fail to provide such notification, the City is authorized to seize and impound any such dog and euthanize said dog pursuant to the procedures set forth in Section 17.04.060. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all penalties set forth in this chapter.

~~F.~~ This section also applies to any dog declared dangerous under any prior ordinance and prior to the effective date of this ordinance.

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~~G.1.~~ Any person desiring to bring a dog to live in the City which has been previously declared to be potentially dangerous, dangerous, vicious, or similar designation in another jurisdiction, must notify the animal control authority and the Finance Department of the City prior to moving the dog to the City. The person must provide all information requested by the animal control authority and Finance Department and must comply with all restrictions imposed by the animal control authority. There is no right to bring

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into the City a dog that has been the subject of a declaration or similar process in another jurisdiction and the animal control authority will determine whether such a dog will be licensed and permitted to reside in the City.

2. If the animal control authority determines that the dog's behavior that led to another jurisdiction's determination that the dog is potentially dangerous, dangerous, vicious, or similar designation would lead to a declaration as a dangerous dog under the municipal code in effect at the time of the proposed move, it shall not permit the dog to be licensed or to remain in the City and shall notify the dog's owner, either personally or via mail at the address provided by the owner.

3. Any person knowingly bringing a dog into the City or failing to remove a dog from the City after the animal control authority has notified the person that the dog is not allowed in the City is guilty of a gross misdemeanor.

4. Any person who fails to notify the animal control authority and the Finance Department that he or she has brought a dog covered by this section into the City is guilty of a misdemeanor.

5. Any person visiting the City with a dog which has been previously declared to be potentially dangerous, dangerous, vicious, or similar designation in another jurisdiction, must notify the animal control authority and obtain permission to do so from the Animal Control Supervisor, prior to bringing the dog into the City and must comply with all the requirements of this code.

6. Any dog brought into the City in violation of this section may be impounded.