



Legislation Passed March 9, 2010

The Tacoma City Council, at its regular City Council meeting of March 9, 2010, 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. 37992

Setting Thursday, April 1, 2010, at 1:30 p.m., as the date for a hearing by the Hearing Examiner for Local Improvement District No. 3967, for the relocation and construction of sanitary sewer mains to serve the Point Ruston, LLC development within the City of Tacoma and the Town of Ruston.

Resolution No. 37993

Awarding contracts to:

1. Wiss, Janney, Elstner Associates, Inc., in the amount of \$217,426, sales tax not applicable, budgeted from the Street Special Revenue Fund, to conduct a study and provide consulting services for the live load rating of the Hylebos Bridge – Specification No. PW09-0075F; and
2. Mortenson Construction, Inc., in the amount of \$23,000,000, plus a contingency of \$1,408,750, for a contract total of \$26,547,750, including sales tax, budgeted from the 2009 LTGO Bond Cheney Stadium Phase III, for the Cheney Stadium Upgrade Phase III Design Build Project – Specification No. PF09-0561F.

Resolution No. 37994

Authorizing an amendment to the Neighborhood Stabilization Plan with the Washington State Department of Commerce to include authorizing funds to be used for the acquisition of property with blighted structures, the demolition of blighted structures, and the construction of new, affordable housing.

Resolution No. 37995

Authorizing the execution of a Design-Build Preconstruction Services Agreement with GLY Construction, Inc., in the amount of \$328,000, budgeted from the Community and Economic Development Special Revenue Fund, for a public garage to be built in conjunction with the Elks on Broadway, LLC mixed-use development project located at 545-565 Broadway.

INITIAL

RESOLUTION NO. 37992

A RESOLUTION relating to public works and improvements; setting the date of April 1, 2010, as the date for a hearing by the Hearing Examiner to consider the City's intent to acquire certain improvements and to form Local Improvement District No. 3967 in order to provide long-term financing for the acquired improvements.

L.I.D. No. 3967

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

Section 1. That it is the intention of the City Council to order the local improvements described below and to pay the cost of such improvements by imposing and collecting special assessments upon the real property that will receive special benefit from the improvements.

Section 2. That the improvements shall consist of the following:

A. Laying a sanitary sewer main of various diameters with tees and/or risers for side sewers, manholes, etc., and all other work necessary to complete the same in accordance with the plans and specifications approved by the City Engineer.

B. Replacement of a 30-inch sanitary sewer main in existing Ruston Way from North 49th Street northwesterly 710 feet, more or less, to a private roadway referred to as Main Street.

C. Construction of a new 30-inch sanitary sewer main within a public sanitary sewer easement, commencing at the intersection of a private roadway referred to as Main Street and Ruston Way, northeasterly 210 feet, thence continuing in said private roadway (Main Street) northwesterly 1,965 feet, more or less, to another private roadway referred to as Cascade Avenue, thence within said private roadway westerly 200 feet, more or less, to proposed Yacht Club Road.

D. Construction of a 24-inch, sanitary sewer main in proposed Yacht Club Road from the private roadway referred to as Cascade Avenue southerly 405 feet, more or less, to proposed Ruston Way, thence continuing with a 24-inch sanitary sewer main westerly in North 51st Street 130 feet, more or less, from proposed Ruston Way.

E. Construction of a 12-inch sanitary sewer main from the intersection of proposed Ruston Way and proposed Yacht Club Road, southerly 300 feet, to connect to an existing sanitary sewer main in Baltimore Street.

F. Construction of an 8-inch sanitary sewer main in proposed Yacht Club Road northerly from the private roadway referred to as Cascade Avenue 185 feet, more or less.

G. Construction of an 8-inch sanitary sewer main in proposed Ruston Way from the intersection of North 51st Street and proposed Ruston Way southeasterly 310 feet, more or less.

Such improvements may also include sanitary side-sewer connections from the sewer main to the property line or to the edge of the public sanitary sewer easement; provided, however, that where such side-sewer connections are installed, the installation shall be considered a sole benefit to the abutting property, and the costs of side-sewer installation shall be assessed as a sole benefit and not prorated throughout the district.

Section 3. That the real property to be benefited by the improvements and which will constitute Local Improvement District No. 3967 situated within the City of Tacoma and the Town of Ruston is described as follows:

Within the City of Tacoma:

Those portions of the west half of Section 24,
Township 21 North, Range 02 East, W.M., described
as follows:

Boundary Line Adjustment MPD 2008-40000118826,
situated in the City of Tacoma, County of Pierce,
State of Washington, per the Boundary Line
Adjustment recorded under Pierce County Auditor's
Fee Number 2008-10-14-5002, except Parcels 'A',
'B' & 'L'

Within the Town of Ruston:

Those portions of the Northeast Quarter of
Section 23, Township 21N, Range 02E, W.M.
described as follows:

Boundary Line Adjustment Number 08-01, situated in
the Town of Ruston, County of Pierce, State of
Washington, per the Boundary Line Adjustment
recorded under Pierce County Auditors Fee Number
2009-02-06-5003, except Tracts 12 through 16,
except Tract 19

Actual assessments may vary from assessment estimates so long as the assessments do not exceed the increased true and fair value the improvements add to the property being assessed. At the option of the property owners, the assessments levied against the property shall become due and payable in cash, without interest, within 30 days after publication of notice of assessment, or in 20 equal annual installments with interest on deferred payments at a rate to be hereafter fixed, but in no event greater than one-half percent above the rate of interest fixed upon sale of bonds for the district.

Section 4. That the Hearing Examiner of the City of Tacoma shall conduct a hearing to consider the creation of the proposed local improvement district described herein. That such hearing shall be held in the City Council Chambers in the Tacoma Municipal Building, at 747 Market Street, on April 1, 2010, at 1:30 p.m. That all persons who may desire to object to the construction of the improvements shall do so in writing and file such complaint with the City Clerk before 1:30 p.m. on Thursday, April 1, 2010, or shall appear and present their objections at the hearing.

Section 5. That the Director of Public Works shall submit to the Hearing Examiner, at a date prior to April 1, 2010, the estimated cost of the improvements; a statement of the proportionate amount thereof, which should be borne by the property within the proposed local improvement district; a statement of the aggregate actual value of the real estate, including 25 percent of the actual value of the improvements thereon within the district, according to the valuation last placed upon it for the purpose of general taxation; a statement in detail of the local improvement assessments outstanding and unpaid against the property within the district, together with a diagram or print showing the lots, tracts, and parcels of land that will be specially benefited by the improvements; and the estimated amount of the cost and expense of the improvements to be borne by each parcel of property.

Section 6. That the City Clerk shall publish this resolution in the official newspaper of the City of Tacoma, as required by law.

Section 7. That the Director of Public Works shall give notice of the hearing, as required by law.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Property description approved:

Deputy City Attorney

Chief Surveyor, Public Works Department



RESOLUTION NO. 37993

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the appropriate City officials to
3 enter into contracts and, where specified, waiving competitive bidding
4 requirements, authorizing sales of surplus property, or increasing or
5 extending existing agreements.

6 WHEREAS the City has complied with all applicable laws governing the
7 acquisition of those supplies, and/or the procurement of those services,
8 inclusive of public works, set forth in the attached Exhibit "A," which Exhibit is
9 incorporated herein as though fully set forth, and

10 WHEREAS the Board of Contracts and Awards has reviewed the
11 proposals and bids received by the City, and the Board has made its
12 recommendation as set forth in Exhibit "A," and

13 WHEREAS the Board of Contracts and Awards has also made its
14 recommendations as to entering into purchasing agreements with those
15 governmental entities identified in Exhibit "A"; Now, Therefore,

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

17 That the Council of the City of Tacoma does hereby concur in the
18 findings and recommendations of the Board of Contracts and Awards set forth
19 in the attached Exhibit "A," and does hereby approve and authorize the:

20 (X) A. Procurement of those supplies, services, and public works
21 recommended for acceptance in the attached Exhibit "A";

22 () B. Rejection of those bids and/or proposals that are recommended
23 for rejection in the attached Exhibit "A";
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() C. Entry into the proposed purchasing agreement with those governmental entities identified in the attached Exhibit "A," which proposed agreement is on file in the office of the City Clerk;

() D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:



City Attorney



City of Tacoma
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 37993

ITEM NO.: 1

MEETING DATE: MARCH 9, 2010

DATE: February 19, 2010

TO: Board of Contracts and Awards

SUBJECT: On-Call Roster for Consultant Services
Budgeted from Street Special Revenue Funds 1060
Request for Qualifications Specification No. PW09-0075F

RECOMMENDATION: Public Works Engineering Division – Special Projects recommends a contract to be awarded to **Wiss, Janney, Elstner Associates, Inc., Seattle, WA**, to conduct a study to upgrade the Live Load Rating for the main span of the Hylebos Bridge. The contract amount reflects a total award of \$217,426, sales tax not applicable.

EXPLANATION: The purpose of this project is to conduct a load rating study on the bridge. The current design is intended to restore the main span of the Hylebos Bridge to its original strength (H-15). The study will also evaluate potential upgrades to increase the Live Load Rating of the bridge to accommodate an HS-20 design truck load and the City of Tacoma maximum fire truck load. In addition, the consultant will design the bridge improvements to bring the load rating to the level directed by the City and assist the City with contractor questions during the construction.

COMPETITIVE SOLICITATION: Request for Qualifications Specification No. PW09-0075F initially advertised in February 2009, is an Architectural and Engineering Roster used to prequalify consulting firms. This Architectural and Engineering Roster was established for federally funded projects in accordance with the WSDOT Local Agency Guidelines (LAG) Chapter 31 and 39.80 RCW. This roster allows for continual enrollment. Four (4) firms were selected from the roster based on qualifications and invited to participate in phone interviews. Three (3) firms participated. The selection process and ranking of the firms was based on the expertise, experience, and the familiarity with the Hylebos Bridge project.

<u>Respondent</u>	<u>Location (city and state)</u>	<u>Rank</u>
Wiss, Janney, Elstner Associates, Inc.	Seattle, WA	1
Exeltech Consulting, Inc.	Lacey, WA	2
AustinCina, Architects, Inc., P.S.	Tacoma, WA	3

CONTRACT HISTORY: New contract.

FUNDING: Funds for this contract are available in the PW Street Special Revenue Fund 1060.

HUB/LEAP COMPLIANCE: Not applicable.

PROJECT ENGINEER/COORDINATOR: Kurtis Kingsolver, PW Engineering, Division Manager (253) 591-5269.

Richard E. McKinley
Public Works Director

cc: Charles Blankenship, Purchasing
Percy Jones, HUB
Peter Guzman, LEAP
Said Seddiki, Engineering Division



City of Tacoma
Public Assembly Facilities

EXHIBIT "A"

RESOLUTION NO.: 37993
ITEM NO.: 2
MEETING DATE: MARCH 9, 2010

DATE: February 22, 2010
TO: Board of Contracts and Awards
SUBJECT: Cheney Stadium Upgrade Phase III Design Build Project
Budgeted from 3218 CHENY 2009 LTGO Bond Cheney Stadium Phase III
Request for Proposals, Specification No. PF09-0561F

RECOMMENDATION: Public Assembly Facilities Department recommends a contract be awarded to **Mortenson Construction, Inc., Bellevue, WA**, for the Cheney Stadium Upgrade Phase III Design Build Project. The contract amount reflects a base award of \$23,000,000, plus a contingency of \$1,408,750, for an aggregate total of \$26,547,750, including sales tax.

EXPLANATION: In September 2009 the City of Tacoma issued an RFQ/RFP for design build teams to submit qualifications for the Cheney Stadium Phase III Design Build project. Three teams were shortlisted from that process and invited to submit Design Build proposals for the project. Mortenson/Populous Team's proposal was scored the highest based on the published criteria in the Request for Proposal by the project's Selection Advisory Committee. The project will be funded by a combination of private contributions and City funds generated from the sale of bonds authorized by the City Council. The work will generally consist of remodeling the Stadium's superstructure, seating, concessions, seismic and ADA upgrades, restrooms, premium seating, lighting, team offices, and locker rooms, electrical and mechanical systems.

COMPETITIVE SOLICITATION: This procurement is the continuation of the RFQ process in which six Design Build teams submitted qualifications. The three teams listed below were shortlisted in the qualification's stage and invited to participate in the RFP phase by submitting proposals. After review of both their technical and price proposals the Selection Advisory Committee scored Mortenson Construction, Inc., as the highest overall score.

<u>Respondent</u>	<u>Location (city and state)</u>	<u>Score</u>
Mortenson Construction, Inc.	Bellevue, WA	137.98
Turner Construction Company, Inc.	Seattle, WA	124.0
WPC/Barton Malow D/B Team J/V	Gig Harbor, WA	114.6

CONTRACT HISTORY: New contract.

FUNDING: Funds for this contract are available in the 3218 CHENY 2009 LTGO Bond Cheney Stadium Phase III. Funding beyond the current biennium is subject to future availability of funds.

HUB/LEAP COMPLIANCE:

The M.A. Mortenson Company has indicated that they will be awarding 15% of the base construction cost to HUB subcontractors. This commitment is based on their base bid subtotal of \$23,000,000.

The Local Employment and Apprenticeship Training Program (LEAP) objective is met and the LEAP Goal will be negotiated post award between the City of Tacoma and the Prime Contractor, Mortenson Construction, Inc.

PROJECT ENGINEER/COORDINATOR: Rick Melvin, Engineering Division, Special Projects Section, 253-573-2548.



Mike Combs, Director
Public Assembly Facilities Department

MFC/rm

cc: Charles Blankenship, Purchasing Analyst
Percy Jones, HUB
Peter Guzman, LEAP
Jim Parvey, City Engineer
Cynthia Davis, PAF
Leigh Starr, Construction Division
Rick Melvin, Engineering Division, Special Projects

RESOLUTION NO. 37994

A RESOLUTION relating to housing and economic recovery; authorizing an amendment to the Neighborhood Stabilization Plan with the Washington State Department of Commerce to include authorizing funds to be used for the acquisition of property with blighted structures, the demolition of blighted structures, and the construction of new, affordable housing.

WHEREAS, as part of the Housing and Economic Recovery Act, enacted by Congress on July 30, 2008, \$3.92 billion was allocated to the Neighborhood Stabilization Act to provide funds to counties and cities throughout the United States to reduce the negative impact of mortgage foreclosures, and

WHEREAS, on March 24, 2009, the City Council adopted Resolution No. 37758, authorizing the submittal of the Neighborhood Stabilization Plan (“NSP”) to the Washington State Department of Commerce, formerly known as Washington State Department of Community, Trade, and Economic Development, and

WHEREAS, pursuant to Resolution No. 37758, \$3,083,548 was awarded to the City, and the City allocated the funds to the Tacoma Community Redevelopment Authority (“TCRA”) to implement the programs in the NSP to reduce the negative impact of foreclosures on City neighborhoods by providing financing assistance and down payment assistance to very low-income, low-income, and moderate-income households to purchase a home of their own and/or acquisition, rehabilitation, and resale assistance to help eligible homebuyers purchase a foreclosed, vacant home, and

WHEREAS, in order to allow TCRA to award NSP funds to nonprofit organizations for the acquisition of property with blighted structures, the

demolition of blighted structures, and the construction of new, affordable housing, it is necessary to amend the NSP; Now, Therefore,

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

That the proper officers of the City are hereby authorized to amend the Neighborhood Stabilization Plan with the Washington State Department of Commerce to include authorizing funds to be used for the acquisition of property with blighted structures, the demolition of blighted structures, and the construction of new, affordable housing.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

RESOLUTION NO. 37995

A RESOLUTION relating to community and economic development; authorizing the execution of a Design-Build Preconstruction Services Agreement with GLY Construction, Inc., in the amount of \$328,000, budgeted from the Community and Economic Development Special Revenue Fund, for a public garage to be built in conjunction with the Elks on Broadway, LLC, 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 private mixed-use development project consisting of a public garage of approximately 300 stalls, approximately 22,500 square feet of grocery retail, and 68 market rate apartments above the commercial space, and

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

WHEREAS, on December 1, 2009, the City Council adopted Resolution No. 37939, authorizing the execution of a Project Management Agreement with EOB whereby EOB is responsible to undertake the management of the design, permitting, and construction of the public garage, and

WHEREAS Resolution No. 37874 also authorized the use of \$450,000 of Urban Development Action Grant funds for the design of the garage, which will be reimbursed when the bonds are sold for its construction, and

WHEREAS the Project Management Agreement contemplated that the City and EOB would follow the design-build alternative public works selection process to select a design-build team for the public garage, and

WHEREAS, on December 9, 2009, in accordance with chapter 39.10 RCW, the City issued a Design-Build Request for Qualifications for a public garage, and

WHEREAS, through the City's selection process, the evaluation committee ranked GLY Construction, Inc., highest and recommended that it be retained for design-build services for the public garage; Now, Therefore,

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

That the proper officers of the City hereby authorize the execution of a Design-Build Preconstruction Services Agreement with GLY Construction, Inc., in the amount of \$328,000, budgeted from the Community and Economic Development Special Revenue Fund, for a public garage to be built in conjunction with the Elks on Broadway, LLC, mixed-use development project located at

545-565 Broadway, said document to be substantially in the form of the proposed Design-Build Preconstruction Services Agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney