Legislation Passed October 1, 2013

The Tacoma City Council, at its regular City Council meeting of October 1, 2013, 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. 38742
A resolution setting Tuesday, October 15, 2013, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the proposed sale of 2,115 square feet of real property within Tacoma Rail Mountain Division railroad right-of-way to the Washington State Department of Transportation to accommodate the Interstate 5, M Street to Portland Avenue, HOV Project.

Resolution No. 38743
A resolution setting Tuesday, October 22, 2013, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the proposed interim land use regulations concerning the production, processing, and retail sale of recreational marijuana.

Resolution No. 38744
A resolution authorizing the execution of an Interlocal Agreement with the City of University Place, in the amount of $389,500 in grant funding, and a required match of $60,750, for a total of $450,250, for the design of the South 56th Street and Cirque Drive corridor improvements.

Resolution No. 38745
A resolution authorizing the execution of Amendment No. 1 to the Interlocal Agreement with Pierce Transit, in the amount of $49,576.58, depositing said sum into the Street Fund, for additional equipment installation services for the Transit Signal Priority Project.

Resolution No. 38746
A resolution reappointing Lillian Hunter to the Tacoma Public Library Board of Trustees for a five-year term beginning October 5, 2013 through October 5, 2018.
Resolution No. 38747
A resolution awarding a contract to Fehr & Peers, in the amount of $500,000, sales tax not applicable, budgeted from the General Fund, for consultant services for the preparation of the City’s Transportation Master Plan - Specification No. PW13-0377F.

Resolution No. 38748
A resolution expressing support for the passage of City of Tacoma Proposition No. 1, to be held at the Tuesday, November 5, 2013 election which reads as follows:

CITY OF TACOMA
SPECIAL ELECTION - PROPOSITION NO. 1
2% UTILITY COMPANY EARNINGS TAX
FOR TACOMA STREET IMPROVEMENTS

The City Council of the City of Tacoma adopted Substitute Resolution No. 38700 concerning an additional 2% earnings tax on utility companies for streets. If passed, Proposition No. 1 would authorize the City to levy an additional 2% earnings tax on natural gas, electric, and phone companies for the sole purpose of funding basic maintenance and safety upgrades City-wide, for roads, arterials, and bridges; permanent pothole repairs; pedestrian safety improvement to crosswalks near schools, sidewalks and intersections; repaving neighborhood streets; and improved signal timing, all as provided in Substitute Resolution No. 38700. Should Proposition No. 1 be enacted into law?

Yes [ ]  
No [ ]

Substitute Ordinance No. 28177
A substitute ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, creating a new position, entitled PAF Maintenance Chief, Assistant, and implementing rates of pay and compensation for said position.
RESOLUTION NO. 38742

A RESOLUTION relating to surplus property; setting Tuesday, October 15, 2013, as the date for a public hearing on the proposed sale of 2,115 square feet of real property within Tacoma Rail Mountain Division railroad right-of-way to the Washington State Department of Transportation to accommodate its Interstate 5, M Street to Portland Avenue, HOV Project.

WHEREAS the Washington State Department of Transportation ("WSDOT") desires to purchase property within the Tacoma Rail Mountain Division ("TRMW") right-of-way for the purpose of widening the Interstate 5 ("I-5") bridge at the I-5/Interstate 705 ("I-705")/State Route 7 ("SR-7") interchange located in the City, and

WHEREAS this project widens the northbound and southbound lanes of I-5 to four general-purpose lanes, and adds one additional HOV lane, and

WHEREAS an additional HOV lane will ensure that transit, vanpools, and carpools can move efficiently through the corridor even when traffic is congested in the adjoining general-purpose lanes, and

WHEREAS the property requested by WSDOT is held in fee simple by TRMW, but most other TRMW right-of-way located within the I-5/I-705/SR-7 interchange is held by easement rights, and

WHEREAS selling fee simple title to WSDOT, while retaining necessary easement rights, is consistent with other TRMW property rights in the area and will provide additional revenue to TRMW, and

WHEREAS WSDOT has offered $10,500 to purchase the subject property in fee, subject to a perpetual easement for continued TRMW railroad operations under the highway overcrossing and an easement for existing storm and sewer lines, and
WHEREAS TRMW has reviewed WSDOT’s plans for the project and has
determined that the proposed sale and easement reservation will not affect railroad
operations, and

WHEREAS, pursuant to RCW 35.94.040 and TMC 1.06.280, the City
Council shall conduct a public hearing on the proposed sale of real property; Now,

Therefore,

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

Section 1. That a public hearing on the proposed sale of 2,115 square feet
of real property within Tacoma Rail Mountain Division railroad right-of-way to the
Washington State Department of Transportation to accommodate its I-5, M Street to
Portland Avenue, HOV Project shall be held before the City Council in the Council
Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street,
Tacoma, Washington, on Tuesday, October 15, 2013, at approximately 5:30 p.m. or
as soon thereafter as the same may be heard.

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

Adopted __________________________

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Mayor

Attest:

____________________________
City Clerk

Approved as to form:

____________________________
Deputy City Attorney
RESOLUTION NO. 38743

A RESOLUTION relating to land use regulations associated with Initiative 502; setting Tuesday, October 22, 2013, as the date for a public hearing on the proposed interim land use regulations concerning the production, processing, and retail sale of recreational marijuana.

WHEREAS Initiative 502 (“I-502”), approved by Washington voters in November 2012, provides a framework for licensing and regulating the production, processing, and retail sale of recreational marijuana, and

WHEREAS the Washington State Liquor Control Board (“WSLCB”) is tasked with establishing rules and procedures to implement I-502 and determine a “maximum number of retail outlets that may be licensed in each county,” and

WHEREAS, according to the WSLCB’s current timeline, the rules will become effective on November 16, 2013, and the state will begin accepting applications for all license types on November 18, 2013, and

WHEREAS, while the impacts of I-502 are largely unknown, the City Council is considering various response options pending the state’s adoption of the licensing regulations and procedures and/or resolution of the underlying conflict with federal law, and

WHEREAS, in light of the rules and schedule currently proposed by the WSLCB, it is in the best interest of the City to pursue land use and zoning options to provide policy and regulatory guidance to facilitate the review, in a proactive and timely manner, of marijuana license applications within City limits that are expected to come forward in November 2013, and
WHEREAS, at the August 13, 2013, meeting of the Committee of the Whole, the City Council recommended that the process for imposing interim land use regulations be initiated, and

WHEREAS the proposed amendments would adopt marijuana-specific uses (Marijuana Production, Marijuana Processing, and Marijuana Retail); provide zoning and development standards concerning each of these three new uses; and add Urban Horticulture as a new use category, and

WHEREAS, pursuant to RCW 36.70A.390 and Tacoma Municipal Code 13.02.055, the City Council shall conduct a public hearing on the proposed interim land use regulations; Now, Therefore,

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

Section 1. That a public hearing on the proposed interim land use regulations concerning the production, processing, and retail sale of recreational marijuana shall be held before the City Council in the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, on Tuesday, October 22, 2013, at approximately 5:30 p.m. or as soon thereafter as the same may be heard.
Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted ______________________

_______________________________
Mayor

Attest:

_______________________________
City Clerk

Approved as to form:

_______________________________
City Attorney
RESOLUTION NO. 38744

A RESOLUTION relating to community and economic development; authorizing the execution of an interlocal agreement with the City of University Place for the design of the 56th Street/Cirque Drive Corridor Improvements.

WHEREAS the 56th Street/Cirque Drive corridor is one of the major arterials in south Tacoma and University Place, and will be one of the primary entrances to the Chambers Bay Golf Course for the 2015 US Open, and

WHEREAS, in 2012, Tacoma assisted University Place in applying for Surface Transportation Program ("STP") grant funding for design of the corridor improvements, and

WHEREAS the corridor improvements consist of a center landscaped median with left turn lanes where needed, pavement overlay and striping, new streetlights, new landscaping in the planting strip, new or repaired sidewalks, and ADA improvements, and

WHEREAS the goal is to complete the project prior to the US Open in 2015, if construction funding can be obtained, and

WHEREAS, in December 2012 and February 2013, University Place was awarded STP funding totaling $778,500 for the design portion of the project, and

WHEREAS the local agency match for this funding is $121,500, and

WHEREAS University Place and Tacoma have agreed to split the grant funding and the local agency match 50/50, which equates to $389,500 in grant funding for Tacoma with a required $60,750 match, for total Tacoma design funding of $450,250, and

WHEREAS Tacoma’s funding match comes from gas tax revenues, which is budgeted and available, and
WHEREAS the 56th Street/Cirque Drive Corridor Improvements project improves this major arterial not only for the 2015 US Open, but for the future use of the corridor, and

WHEREAS this resolution will authorize the execution of an interlocal agreement with University Place for the design of improvements to the 56th Street/Cirque Drive Corridor; 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 interlocal agreement with University Place for the design of improvements to the 56th Street/Cirque Drive Corridor, said document to be substantially in the form of the proposed interlocal agreement on file in the office of the City Clerk.

Adopted ______________________

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Mayor

Attest:

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City Clerk

Approved as to form:

______________________________
Deputy City Attorney
RESOLUTION NO. 38745

A RESOLUTION relating to public works; authorizing execution of Amendment No. 1 to the Interlocal Agreement with Pierce Transit, in the amount of $49,576.58, for deposit into the 1060 Street Fund, for additional equipment installation services provided by City staff for the Transit Signal Priority project.

WHEREAS, on November 23, 2010, the City Council approved Resolution No. 38148, authorizing the execution of an Interlocal Agreement (“Agreement”) with Pierce Transit for equipment installation and annual maintenance for the Transit Signal Priority (“TSP”) project, and

WHEREAS the Agreement provides for the following: (1) produce a network system of interactive traffic controls addressing 86 signalized intersections in the downtown area of Tacoma; (2) reduce transit delay through the deployment of new technology and equipment; (3) purchase and install signal controller upgrades and communications equipment; and (4) establish a long-term commitment for use and maintenance of the TSP and signal preemption technology, and

WHEREAS Article II, Section 3, of the Agreement provides for a maximum contract amount of $297,908 for City signal staff labor to install TSP equipment, and

WHEREAS the Agreement allows for additional compensation by mutual agreement, and

WHEREAS, during construction, Pierce Transit requested additional services from City crews to install and test upgraded traffic signal controller software that was required to fully integrate transit priority at light rail intersections, and
WHEREAS the value of the additional work provided by City crews is
$49,576.58, bringing the cumulative cost of equipment installation to $347,484.58,
and
WHEREAS, following approval of Amendment No. 1 to the Agreement,
Pierce Transit will pay the City additional compensation in the amount of
$49,576.58, to cover the additional expenditure; Now, Therefore,

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

That the proper officers of the City are hereby authorized to enter into an
amendment to the Interlocal Agreement with Pierce Transit, in the amount of
$49,576.58, for deposit into the 1060 Street Fund, for additional equipment
installation services provided by City staff for the Transit Signal Priority project, said
amendment to be substantially in the form of the document on file in the office of
the City Clerk.

Adopted ____________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
RESOLUTION NO. 38746

BY REQUEST OF MAYOR STRICKLAND

A RESOLUTION relating to committees, boards, and commissions; and appointing
an individual to the Tacoma Public Library Board of Trustees.

WHEREAS the Tacoma Public Library Board of Trustees position currently
held by Lillian Hunter will expire on October 4, 2013, 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 Lillian Hunter to serve on the Tacoma
Public Library Board of Trustees for an additional five-year term through October 5,
2018; Now, Therefore,

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

That Lillian Hunter is hereby reappointed to serve on the Tacoma Public
Library Board of Trustees for a five-year term through October 5, 2018, and until a
successor is appointed.

Adopted ________________

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Mayor

Attest:

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City Clerk

Approved as to form:

______________________________
City Attorney
RESOLUTION NO. 38747

A RESOLUTION related to the purchase of materials, supplies or equipment, and the furnishing of services; authorizing the execution of a contract with Fehr & Peers in the amount of $500,000, budgeted from the General Fund, for consultant services for the City’s Transportation Master Plan.

WHEREAS the City has complied with all applicable laws and processes governing the acquisition of those supplies, and/or the procurement of those services, inclusive of public works, as is shown by the attached Exhibit “A,” incorporated herein as though fully set forth, and

WHEREAS the Board of Contracts and Awards has concurred with the recommendation for award as set forth in Exhibit “A”; Now, Therefore,

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

Section 1. That the Council of the City of Tacoma concurs with the Board of Contracts and Awards to adopt the recommendation for award as set forth in the attached Exhibit “A.”

Section 2. That the proper officers of the City are hereby authorized to enter into a contract with Fehr & Peers in the amount of $500,000, budgeted from
the General Fund, for consultant services for the City’s Transportation Master
Plan, consistent with Exhibit “A.”

Adopted ____________________

Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
City Attorney
RESOLUTION NO. 38748

BY REQUEST OF MAYOR STRICKLAND, DEPUTY MAYOR CAMPBELL, AND COUNCIL MEMBERS BOE AND MELLO

A RESOLUTION expressing support for the passage of City of Tacoma Proposition No. 1 at the November 5, 2013, election for the sole purpose of financing street maintenance improvements and safety upgrades in the City of Tacoma.

WHEREAS the City of Tacoma is committed to core services that it is uniquely able to provide, is dedicated to providing these services as efficiently and cost effectively as possible, and is focused on clearly communicating with the citizens of Tacoma how resources are expended and the benefits that are provided to the citizens that the City serves, and

WHEREAS the City’s streets and transportation infrastructure have documented deficiencies, and the citizens of Tacoma have consistently stated that repair and maintenance of City and neighborhood streets is a top concern and priority for funding, and

WHEREAS the City seeks to provide a sustainable, transparent and dedicated source of revenue to address the deficiencies with the City’s streets and transportation infrastructure, and

WHEREAS, on July 23, 2013, the City Council passed Substitute Resolution No. 38700, which provided for the submission of City of Tacoma Proposition No. 1 to the electors of the City of Tacoma at the November 5, 2013, election, and

WHEREAS, if passed by the voters of the City of Tacoma, Proposition No. 1 would provide up to $10-11 million annually for the sole purpose of funding Citywide street improvements, and
WHEREAS, if passed, Proposition No. 1 would provide for basic neighborhood street maintenance and repair, including the permanent repair of an additional 3,600 potholes annually throughout the City, and the repaving of over 510 neighborhood blocks over the next five years, and

WHEREAS, if passed, Proposition No. 1 would provide for safety upgrades to City roads, arterials and bridges, including adding safety crosswalks and flashing beacons in 46 school zones in the first five years alone, and fund basic maintenance of city-owned bridges to keep them safe, and

WHEREAS, if passed, Proposition No. 1 would provide matching funds for utility projects so that street improvements could be coordinated with water and sewer improvements, and would provide matching funds to secure additional grant funds, and

WHEREAS RCW 42.17A.555 authorizes members of a legislative body to take action at an open public meeting to express a collective decision, or vote upon a resolution, to support or oppose a ballot proposition, provided that the required notice of the meeting includes the title and number of the ballot proposition and that members of the City Council and the public are afforded an approximately equal opportunity for the expression of an opposing view; Now, Therefore,

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

That the City Council hereby expresses its support for the passage of City of Tacoma Proposition No. 1 at the November 5, 2013, election for the purposes hereinabove enumerated, which ballot title reads as follows:
The City Council of the City of Tacoma adopted Substitute Resolution No. 38700 concerning an additional 2% earnings tax on utility companies for streets. If passed, Proposition No. 1 would authorize the City to levy an additional 2% earnings tax on natural gas, electric, and phone companies for the sole purpose of funding basic maintenance and safety upgrades City-wide, for roads, arterials, and bridges; permanent pothole repairs; pedestrian safety improvement to crosswalks near schools, sidewalks and intersections; repaving neighborhood streets; and improved signal timing, all as provided in Substitute Resolution No. 38700. Should Proposition No. 1 be enacted into law?

Yes..................[ ]
No...................[ ]

Adopted ________________

________________________________________
Mayor

Attest:

________________________________________
City Clerk

Approved as to form:

________________________________________
City Attorney
SUBSTITUTE
ORDINANCE NO. 28177

AN ORDINANCE relating to the Compensation Plan; amending Section 1.12.355 of the Tacoma Municipal Code; and declaring the effective date thereof to implement rates of pay and compensation.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended effective as provided by law, as follows:

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Section 2. That Section 1 of this ordinance shall become effective as provided by law.

Passed________________________

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney

Mayor