



Legislation Passed September 9, 2014

The Tacoma City Council, at its regular City Council meeting of September 9, 2014, 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. 38996

A resolution setting Tuesday, September 23, 2014, at approximately 5:30 p.m., as the date for a public hearing by the City Council to declare surplus and approve the negotiated sale of approximately 0.85 of an acre of surplus land located near the intersection of Canyon Road and 172nd Street East in Pierce County to Fretoc, LLC for \$50,000.

[Gloria Fletcher, Sr. Real Estate Officer; Linda McCrea, Superintendent, Tacoma Water]

Resolution No. 38997

A resolution authorizing the execution of an amendment to the Staffing for Adequate Fire and Emergency Response (SAFER) grant award from the U.S. Department of Homeland Security, accepting and depositing \$575,380 into the Fire Miscellaneous Special Revenue Fund, for a total grant award of \$4,021,560 to pay the salary and benefit costs of five firefighters for one additional year.

[James P. Duggan, Chief, Tacoma Fire Department]

Resolution No. 38998

A resolution reappointing Glen Garrett to the Board of Building Appeals.

[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Resolution No. 38999

A resolution reappointing Erle Thompson and Scott Winship to the Planning Commission.

[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Resolution No. 39000

A resolution awarding contracts to EnviroTech Services, Inc., in the amount of \$808,515, plus sales tax, and Salt Distributors Inc., in the amount of \$415,800, plus sales tax, budgeted from the Street Operations and Maintenance Fund, for the purchase of solid deicer (road salt) and brine salt for the snow and ice removal program - Washington State Contract 02714.

[Rae Bailey, Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39001

A resolution authorizing the increase of a contract with Global Contractors, LLC, in the amount of \$50,000, sales tax not applicable, for a cumulative total of \$245,413, budgeted from the Transportation Capital Fund, for construction of the pedestrian crossing and sidewalks on Pacific Avenue at South 17th Street - Specification No. PW14-0303F.

[Chris E. Larson, P.E., Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39002

A resolution awarding a contract to Pape & Sons Construction, Inc., in the amount of \$1,410,906.13, plus sales tax, plus a 10 percent contingency, for a cumulative total of \$1,551,996.75, budgeted from the Transportation Capital, Surface Water, Wastewater and Water Funds, for improving two alleys and one residential street located in north Tacoma Local Improvement District Nos. 8652-1; 8652-2; and 8655-1 - Specification No. PW14-0019F.

[Chris E. Larson, P.E., Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39003

A resolution modifying the existing boundaries for Local Improvement District Nos. 3967, 5728, 6980, 7726, and 8656, relating to the Point Ruston neighborhood.

[Michael San Soucie, Treasury Manager; Andy Cherullo, Director, Finance]

Resolution No. 39004

A resolution relating to Sound Transit's Link Light Rail; recommending that one alternative with the following proposed Tacoma Link Stations locations be included in the Environmental Review Process: (1) Martin Luther King Jr Way ("MLK")/ South 19th Street; (2) MLK/South 11th Street; (3) MLK/6th Avenue; (4) Stadium District; (5) Stadium Way/South 4th Street; (6) Old City Hall, as an alternative to the existing Theater District Station; and (7) Division Avenue.

[Kurtis D. Kingsolver, P.E., Director, Public Works]

Amended Resolution No. 39005

A resolution relating to a lease agreement between the City and the Tacoma Community Redevelopment Authority for the Pantages Theater; authorizing an early termination of various subleases with tax credit investors and payment of a termination fee.

[Andy Cherullo, Director, Finance]



RESOLUTION NO. 38996

1 A RESOLUTION related to surplus property; setting Tuesday, September 23,
2 2014, as the date for a public hearing regarding the proposed sale of
3 approximately .85 of an acre of property located near the intersection of
4 Canyon Road and 172nd Street East, in Pierce County, owned by the
5 Department of Public Utilities, Water Division (d.b.a. "Tacoma Water")
6 and now surplus to its needs, to Fretoc, LLC, for the negotiated price of
7 \$50,000.

8 WHEREAS the City of Tacoma, Department of Public Utilities, Water
9 Division (d.b.a. "Tacoma Water"), acquired 73 acres of property in 1893 as part
10 of the City's acquisition of the Tacoma Light and Water Company, and
11

12 WHEREAS the subject property is a triangular-shaped, remnant portion
13 approximately .85 of an acre in size, located on the west side of Canyon Road
14 near the intersection of 172nd Street East, in Pierce County ("Property"), with
15 an estimated market value of \$50,000, all as more fully described in the
16 documents on file in the office of the City Clerk, and
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18 WHEREAS the Property is significantly encumbered by a Bonneville
19 Power Administration transmission line and has little economic value to the
20 larger, 73-acre parcel of property located primarily on the east side of Canyon
21 Road, and
22

23 WHEREAS Fretoc, LLC, expressed interest in purchasing the Property
24 to enhance the development of its abutting property, and, after negotiations,
25 offered to purchase the Property for the amount of \$50,000, plus transactional
26 costs, and



1 WHEREAS Tacoma Water has determined that the Property is not
2 necessary for current or future needs, and a negotiated sale in the amount of
3 \$50,000 would be in the best interests of the City, and

4 WHEREAS, on August 27, 2014, by adoption of Public Utility Board
5 Resolution No. U-10716, the Property was declared surplus to the needs of
6 Tacoma Water and approved for sale, pending confirmation from the City
7 Council, and

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

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

12 Section 1. That a public hearing on the sale of approximately .85 of an
13 acre of property near the intersection of Canyon Road and 172nd Street East,
14 in Pierce County, owned by the Department of Public Utilities, Water Division
15 (d.b.a. "Tacoma Water") and now surplus to its needs, to Fretoc, LLC, for the
16 negotiated price of \$50,000, plus transactional costs, shall be held before the
17 City Council in the Council Chambers on the first floor of the Tacoma Municipal
18 Building, 747 Market Street, Tacoma, Washington, on Tuesday, September 23,
19 2014, at approximately 5:30 p.m. or as soon thereafter as the same may be
20 heard.
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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:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10716



RESOLUTION NO. 38997

1 A RESOLUTION relating to the Tacoma Fire Department; authorizing an
2 amendment to the City's current Staffing for Adequate Fire and Emergency
3 Response ("SAFER") grant award from the U.S. Department of Homeland
4 Security, to accept an additional \$575,380, for a total grant award of
5 \$4,021,560, for deposit into the Fire Miscellaneous Special Revenue Fund,
6 for the purpose of paying salary and benefits costs for five firefighters for
7 one additional year.

8 WHEREAS, pursuant to Resolution No. 38841, adopted February 11, 2014,
9 the City Council authorized acceptance of a Staffing for Adequate Fire and
10 Emergency Response ("SAFER") grant, in the amount of \$3,446,180, from the
11 U.S. Department of Homeland Security, for the purpose of funding
12 non-overtime-related wage and benefit costs for 20 firefighters for two years, and

13 WHEREAS, without grant funding, these positions were projected to remain
14 vacant due to a prospective 2015-2016 General Fund budget shortfall, and

15 WHEREAS the SAFER grant program includes an optional competitive
16 award of one additional year of grant funding for positions filled by military veteran
17 recruits, for which TFD applied, and

18 WHEREAS, in July 2014, TFD was notified that it was eligible to receive an
19 additional \$575,380 to fund one additional year of salary and benefit costs for five
20 existing firefighters, making the revised total grant award \$4,021,560, and

21 WHEREAS the grant includes a provision that if the City lays off any
22 firefighters during the period of the grant, it will be considered in default of the
23 grant and the award will be terminated, and
24
25
26



1 WHEREAS the grant funding will be used to help retain current operational
2 staffing while General Fund revenues continue to recover during the 2015-2016
3 biennium; Now, Therefore,

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

5
6 That the proper officers of the City are hereby authorized to amend the
7 City's current Staffing for Adequate Fire and Emergency Response ("SAFER")
8 grant from the U.S. Department of Homeland Security, to accept the amount of
9 \$575,380, for a total grant award of \$4,021,560, for deposit into the Fire
10 Miscellaneous Special Revenue Fund, for the purpose of paying salary and benefit
11 costs for five firefighters for one additional year, said document to be substantially
12 in the form of the proposed document on file in the office of the City Clerk.

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14
15 Adopted _____

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17 _____
Mayor

18 Attest:

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20 _____
City Clerk

21 Approved as to form:

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23 _____
Deputy City Attorney
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RESOLUTION NO. 38998

1 BY REQUEST OF COUNCIL MEMBERS BOE, IBSEN, MELLO, AND WALKER

2 A RESOLUTION relating to committees, boards, and commissions; reappointing an
3 individual to the Board of Building Appeals.

4 WHEREAS a vacancy exists on the Board of Building Appeals, and

5 WHEREAS, at its meeting of August 13, 2014, the Infrastructure, Planning
6 and Sustainability Committee conducted interviews and recommended the
7 reappointment of Glen Garrett to said board, and

8
9 WHEREAS, pursuant to City Charter 2.4 and the Rules, Regulations, and
10 Procedures of the City Council, Glen Garrett has been nominated to serve on the
11 Board of Building Appeals; Now, Therefore,

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

13 That Glen Garrett is hereby confirmed and reappointed as a member of the
14 Board of Building Appeals, to serve a five-year term to expire August 12, 2019.
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16 Adopted _____
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19 _____
Mayor

20 Attest:

21 _____
22 City Clerk

23 Approved as to form:

24 _____
25 City Attorney
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RESOLUTION NO. 38999

1 BY REQUEST OF COUNCIL MEMBERS BOE, IBSEN, MELLO, AND WALKER

2 A RESOLUTION relating to committees, boards, and commissions; reappointing
3 individuals to the Planning Commission.

4 WHEREAS vacancies exist on the Planning Commission, and

5 WHEREAS, at its meeting of August 13, 2014, the Infrastructure, Planning,
6 and Sustainability Committee conducted interviews and recommended the
7 reappointment of individuals to said commission, and

8 WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,
9 Regulations, and Procedures of the City Council, the persons named on Exhibit "A"
10 have been nominated to serve on the Planning Commission; Now, Therefore,
11

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

13 That those nominees to the Planning Commission, listed on Exhibit "A," are
14 hereby confirmed and reappointed as members of such commission for such terms
15 as are set forth on Exhibit "A."
16

17 Adopted _____

18 _____
19 Mayor

20 Attest:

21 _____
22 City Clerk

23 Approved as to form:

24 _____
25 City Attorney
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EXHIBIT "A"

PLANNING COMMISSION

Reappointing **Erle Thompson** to the Development Community position to serve a three-year term to expire June 30, 2017.

Reappointing **Scott Winship** to the District No. 1 position to serve a three-year term to expire June 30, 2017.



RESOLUTION NO. 39000

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with EnviroTech Services, Inc., in the amount of \$808,515, plus sales
4 tax, and Salt Distributors Inc., in the amount of \$415,800, plus sales tax,
5 budgeted from the Street Operations and Maintenance Fund, for the
6 purchase of solid deicer (road salt) and brine salt for the snow and ice
7 removal program pursuant to Washington State Contract No. 02714.

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

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

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

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

18 Section 2. That the proper officers of the City are hereby authorized to
19 enter into a contract with EnviroTech Services, Inc., in the amount of \$808,515,
20 plus sales tax, and Salt Distributors Inc., in the amount of \$415,800, plus sales
21 tax, budgeted from the Street Operations and Maintenance Fund, for the
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1 purchase of solid deicer (road salt) and brine salt for the snow and ice removal
2 program pursuant to Washington State Contract No. 02714, consistent with
3 Exhibit "A."
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5 Adopted _____
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7 _____
8 Mayor
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10 Attest:
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12 _____
13 City Clerk
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15 Approved as to form:
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17 _____
18 City Attorney
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TO: Board of Contracts and Awards
FROM: Kurtis D. Kingsolver, P.E., Public Works Director/City Engineer / *KDK*
Rae Bailey, Division Manager, Public Works Street Operations
COPY: City Council, City Manager, City Clerk, SBE Coordinator, LEAP Coordinator, and
Chuck Blankenship, Finance/Purchasing
SUBJECT: Solid Deicer and Brine Salt – WA State Contract 02714 – September 9, 2014
DATE: August 29, 2014

SUMMARY:

The Public Works Department recommends contracts be awarded to EnviroTech Services, Inc., Greeley, CO, for the purchase of solid deicer (road salt) in the amount of \$808,515.00, plus sales tax, and Salt Distributors Inc., Newman Lake, WA, for the purchase of brine salt in the amount of \$415,800.00, plus sales tax. The contract amount reflects a total award of \$1,224,315.00, plus sales tax, for the execution of the Street Operations Division's snow and ice removal program.

STRATEGIC POLICY PRIORITY:

- Plan for and improve public infrastructure that meets the transportation needs of all Tacoma residents and visitors.

These products will be used in the Public Works Street Operations Division's snow and ice removal program.

BACKGROUND:

ISSUE: Over the next five years, Street Operations anticipates using an estimated 1,000 tons of road salt and 600 tons of brine salt per year. With approval of these contracts, Public Works anticipates being able to undertake five years of snow and ice removal to maintain public safety during inclement weather.

ALTERNATIVES: Snow and ice control is performed using chlorides such as sodium chloride (NaCl), Magnesium Chloride (MgCl) or Calcium Chloride (CaCl₂). The City uses sodium chloride (NaCl) during their snow and ice removal as Magnesium Chloride (MgCl) or Calcium Chloride (CaCl₂) are not as environmentally friendly and are more corrosive to vehicles and infrastructure.

COMPETITIVE SOLICITATION: WA State Contract 02714 is a competitively solicited contract that meets Tacoma's competitive solicitation requirements. Through an interlocal purchasing agreement, Street Operations will procure product for snow and ice removal at the same prices, terms and conditions of said contract.

COMPETITIVE ANALYSIS: This contract was competitively bid by the WA State Department of Enterprise Services which allows state and local agencies to utilize the contract through an interlocal purchasing agreement. Street Operations is choosing to use this contract because these products meet our emergency operational needs and they are readily available at this time.

CONTRACT HISTORY: New contract.

SUSTAINABILITY: These products are used because they are more environmentally friendly than other chlorides and less corrosive to vehicles and infrastructure. Using these products also minimizes the use of sand which can impact the City storm water system.



SBE/LEAP COMPLIANCE: Not applicable.

RECOMMENDATION:

The Public Works Department recommends contracts be awarded to EnviroTech Services, Inc., Vancouver, WA, for the purchase of solid deicer (road salt) in the amount of \$808,515.00, plus sales tax, and Salt Distributors Inc., Spokane, WA, for the purchase of brine salt in the amount of \$415,800.00, plus sales tax. The contract amount reflects a total award of \$1,224,315.00, plus sales tax, for the execution of the Street Operations Division’s snow and ice removal program.

FISCAL IMPACT:**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT *
Street Ops & Mnt Fund 1065-STOP	662429	5220100	\$1,224,315
TOTAL			\$1,224,315

* Plus applicable sales tax

REVENUES:

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
Street Ops & Mnt Fund 1065-STOP	662424	5220100	\$1,224,315
TOTAL			\$1,224,315

FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$1,224,315.00, plus applicable sales tax.

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? Yes

IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED: N/A



RESOLUTION NO. 39001

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the increase of Contract
3 No. 4600009857 with Global Contractors, LLC, in the amount of \$50,000,
4 sales tax not applicable, for a cumulative total of \$245,413, budgeted
5 from the Transportation Capital Fund, for construction of the pedestrian
6 crossing and sidewalks on Pacific Avenue at South 17th Street pursuant
7 to Specification No. PW14-0303F.

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

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

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

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

18 Section 2. That the proper officers of the City are hereby authorized to
19 increase Contract No. 4600009857 with Global Contractors, LLC, in the amount
20 of \$50,000, sales tax not applicable, for a cumulative total of \$245,413, budgeted
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1 from the Transportation Capital Fund, for construction of the pedestrian crossing
2 and sidewalks on Pacific Avenue at South 17th Street pursuant to Specification
3 No. PW14-0303F, consistent with Exhibit "A."
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5 Adopted _____
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7 _____
8 Mayor

9 Attest:
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11 _____
12 City Clerk

13 Approved as to form:
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15 _____
16 City Attorney
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TO: Board of Contracts and Awards
FROM: Kurtis D. Kingsolver, P.E., Public Works Director/City Engineer / *[Signature]*
Chris E. Larson, P.E., Engineering Division Manager, Public Works
COPY: City Council, City Manager, City Clerk, SBE Coordinator, LEAP Coordinator, Chuck Blankenship, Finance/Purchasing, and Diane Sheesley, Project Manager, Engineering Division
SUBJECT: Increase to Construction Contract for Pacific Avenue Crossing at South 17th Street
Request for Bids Specification No. PW14-0303F, Contract No. 4600009857 – September 9, 2014
DATE: August 25, 2014

SUMMARY:

The Public Works Department recommends an increase to Contract No. 4600009857 with Global Contractors, LLC, Puyallup, WA, by \$50,000, sales tax not applicable, for change orders necessary for construction of the Pacific Avenue Crossing at South 17th Street. This increase includes a six percent contingency, which will bring the contract to a cumulative total of \$245,413, sales tax not applicable.

STRATEGIC POLICY PRIORITY:

- Foster neighborhood, community, and economic development vitality and sustainability.

The Pacific Avenue Crossing at South 17th Street has been coordinated with the construction at the Tacoma Art Museum and will be completed before the museum's grand re-opening. This project will make it safer for pedestrians crossing between Tollefson Plaza and the Tacoma Art Museum and foster community and economic development by working together with the Tacoma Art Museum.

BACKGROUND:

ISSUE: The City is currently reconstructing the crossing between Tacoma Art Museum (TAM) and Tollefson Plaza before the TAM grand re-opening in November 2014. The City's dark concrete crossing will tie into TAM's dark concrete sidewalk construction to create an aesthetically pleasing and cohesive appearance. The original bid price came in at \$195,413.00. Change order No. 1 was completed to move the construction start date back in consideration of the military parade on August 16, 2014. Change order No. 2 is needed to replace curbing that sustained damage since the completion of the crossing design and incorporate additional subgrade material necessary because the existing concrete roadway section was thicker than anticipated. The anticipated depth was 10 inches based on the section present at the recently completed Pacific Avenue project, the actual depth varied between 13 and 14 inches. An additional six percent contingency is being requested because utilities may be found within the curb line (such as those found during prior construction on Pacific Avenue), which could further increase project costs.

ALTERNATIVES: The alternative course of action would be to leave failing curb in place that will continue to degrade, particularly during construction activities, which would double the cost if replaced at a later date because of future mobilization, traffic control, and public outreach. Because the contractor is already on-site, future savings are achieved. In addition, once the concrete roadway is poured removing curbing could damage the roadway, causing additional work and destroying the aesthetics of the walk and crossing.

COMPETITIVE SOLICITATION: Request for Bids Specification No. PW14-0303F, was opened June 17, 2014. No companies were invited to bid in addition to the normal advertising process. Three bids were received. The project was awarded to the lowest responsible and responsive bidder, which was Global Contractors, LLC.



CONTRACT HISTORY: This contract was originally awarded to Global Contractors, LLC as a result of Request for Bids Specification No. PW14-0303F in June 2014. This increase will bring the contract to a cumulative amount of \$245,413, sales tax not applicable.

RECOMMENDATION:

The Public Works Department recommends an increase to Contract No. 4600009857 with Global Contractors, LLC, Puyallup, WA, by \$50,000, sales tax not applicable, for change orders necessary for construction of the Pacific Avenue Crossing at South 17th Street. This increase includes a six percent contingency, which will bring the contract to a cumulative total of \$245,413, sales tax not applicable.

FISCAL IMPACT:**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
1060 - Transportation Capital Fund	PWK-01005	5600000	\$50,000
TOTAL			\$50,000

* General Fund: Include Department

REVENUES:

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
1060 - Transportation Capital Fund	PWK-01005	4335410	\$50,000
TOTAL			\$50,000

POTENTIAL POSITION IMPACT: N/A

POSITION TITLE	PERMANENT/ PROJECT TEMPORARY POSITION	FTE IMPACT	POSITION END DATE
TOTAL			

This section should only be completed if a subsequent request will be made to increase or decrease the current position count.

FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: N/A

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? Yes

IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED. N/A

FINANCE PURCHASING
AUG 25 2014 16:13:33



RESOLUTION NO. 39002

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with Pape & Sons Construction, Inc., in the amount of \$1,410,906.13,
4 plus sales tax, plus a 10 percent contingency, for a cumulative total of
5 \$1,551,996.75, budgeted from the Transportation Capital, Surface
6 Water, Wastewater and Water Funds, for improving two alleys and one
7 residential street located in north Tacoma, pursuant to Specification
8 No. PW14-0019F.

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

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

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

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

19 Section 2. That the proper officers of the City are hereby authorized to
20 enter into a contract with Pape & Sons Construction, Inc., in the amount of
21 \$1,410,906.13, plus sales tax, plus a 10 percent contingency, for a cumulative
22 total of \$1,551,996.75, budgeted from the Transportation Capital, Surface
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1 Water, Wastewater and Water Funds, for improving two alleys and one
2 residential street located in north Tacoma, pursuant to Specification
3 No. PW14-0019F, consistent with Exhibit "A."
4

5 Adopted _____
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7 _____
8 Mayor

9 Attest:
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11 _____
12 City Clerk

13 Approved as to form:
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15 _____
16 City Attorney
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TO: Board of Contracts and Awards
FROM: Kurtis D. Kingsolver, P.E., Public Works Director/City Engineer / *1401c*
Chris E. Larson, P.E., Engineering Division Manager, Public Works
COPY: City Council, City Manager, City Clerk, SBE Coordinator, LEAP Coordinator, Chuck Blankenship, Finance/Purchasing and Krista Kimmel, Engineer, Engineering Division
SUBJECT: Local Improvement Districts (LIDs) 8652-1, 8652-2 and 8655-1
Request for Bids Specification No. PW14-0019F – September 9, 2014
DATE: August 25, 2014

SUMMARY:

The Public Works Department recommends a contract be awarded to low bidder Pape & Sons Construction, Inc., Gig Harbor, WA, for improving two alleys and one residential street located in north Tacoma. The contract amount reflects a base award of \$1,410,906.13, plus sales tax, plus a 10 percent contingency, for a cumulative amount of \$1,551,996.75, plus sales tax.

STRATEGIC POLICY PRIORITY:

- Plan for and improve public infrastructure that meets the transportation needs of all Tacoma residents and visitors.

This project significantly improves the public infrastructure by removing a temporary street surface and replacing it with three inches of asphalt over a structural section. This will eliminate gravel surfaces replacing them with two inches of asphalt over a structural section on two alleys, enhancing the livability of the neighborhoods.

BACKGROUND:

ISSUE: This contract will construct standard pavement for two alleys and one residential street. The work also includes construction of sewers, water, and storm with associated structures. The LID project includes work on private properties per property owner agreements. Work on private properties may include driveway construction, removal of obstructions and vegetation, and removal and construction of fences. The project also includes improving wastewater sewer systems, water systems, storm sewer systems and ADA compatible alley approaches at sidewalk crossings. The total project cost estimate including design, project management, construction management, inspection, construction, LID administration, and sales tax is \$2,200,000. The projects are located at:

LID 8652-1

- The alley between North 12th Street and North 13th Street from Madison Street to Monroe Street.

LID 8652-2

- The alley between Ferdinand Street and Mullen Street from North 37th Street to North 38th Street and North 38th Street from Ferdinand Street to Mullen Street.
- Sanitary main replacement and storm water extensions on North 38th Street from Ferdinand Street to Huson Street ending at McBride Street.

LID 8655-1

- North Defiance Street from North 49th Street to North 50th Street.



COMPETITIVE SOLICITATION: Request for Bids Specification No. PW14-0019F was opened August 12, 2014. Three submittals were received. The Small Business Enterprise (SBE) participation level proposed by the bidder(s) are reflected as a credit (maximum applies) against the submitted base bid to arrive at an “Evaluated Submittal” for ranking purposes. Pape & Sons Construction, Inc. submitted a bid that resulted in the lowest evaluated submittal after consideration of SBE participation goals. The table below reflects the amount of the total award.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>Submittal Amount</u> <i>Plus sales tax</i>	<u>Evaluated Submittal</u>
Pape & Sons Construction, Inc.	Gig Harbor, WA	\$1,410,906.13	\$1,340,360.82
ICON Materials	Pacific, WA	\$1,425,557.00	\$1,355,011.69
Northwest Cascade, Inc.	Puyallup, WA	\$1,440,124.60	\$1,369,579.29

Pre-bid Estimate: \$1,394,395.50

The recommended award is 1.2 percent above the pre-bid estimate.

CONTRACT HISTORY: New contract.

SUSTAINABILITY: This project will install new asphalt pavement for two alleys reducing dust and providing storm water management. The project also includes replacing one street with standard asphalt and improving the sewer, storm water, and water systems. ADA compatible alley approaches will be constructed at sidewalk crossings.

SBE/LEAP COMPLIANCE: The recommended contractor is in compliance with the Small Business Enterprise (SBE) Regulation requirements per memorandum dated August 19, 2014. The SBE goal for this project is 15 percent. The SBE participation level of the recommended contractor is 14.54 percent. Pape & Sons Construction, Inc. submitted the lowest evaluated bid per the SBE Regulation requirements. The Local Employment and Apprenticeship Training Program (LEAP) goal is 921 hours.

RECOMMENDATION:

The Public Works Department recommends a contract be awarded to low bidder Pape & Sons Construction, Inc. for LIDs 8652-1, 8652-2, and 8655-1 which will improve two alleys and one residential street located in north Tacoma. The contract amount reflects a base award of \$1,410,906.13, plus sales tax, plus a 10 percent contingency, for a cumulative amount of \$1,551,996.75, plus sales tax.

FINANCE PURCHASING
AUG 25 2014 16:13:49

**FISCAL IMPACT:****EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
1060 – Transportation Capital	LID-8652R / 8655R	5330100	\$662,042.00
ES Surface Water Fund 4301	LID-8652S / 8655S	5330100	\$214,170.75
ES Wastewater Fund 4300	LID-8652W / 8655W	5330100	\$563,377.00
Water Fund 4600	WTR-00440-12	5330100	\$112,407.00
TOTAL			\$1,551,996.75

* General Fund: Include Department

REVENUES:

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
Property Owner Assessments	LID-8652R / 8655R	6398645	\$73,852.00
1060 – Transportation Capital	LID-8652R / 8655R	4300000	\$98,150.00
2010 LTGO Bonds Fund 3220-10D	LID-8655R	6311000	\$253,326.00
Cap Projects – REET Fund 3211	LID-8652R / 8655R	6311065	\$236,714.00
ES Surface Water Fund 4301	LID-8652S / 8655S	4300020	\$214,170.75
ES Wastewater Fund 4300	LID-8652W / 8655W	4300020	\$563,377.00
Water Fund 4600	WTR-00440-12	4300020	\$112,407.00
TOTAL			\$1,551,996.75

POTENTIAL POSITION IMPACT: N/A

POSITION TITLE	PERMANENT/ PROJECT TEMPORARY POSITION	FTE IMPACT	POSITION END DATE
TOTAL			

*This section should only be completed if a subsequent request will be made to increase or decrease the current position count.***FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$625,000.00****ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? Yes****IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED.**

Expenses are budgeted and covered.



RESOLUTION NO. 39003

1 A RESOLUTION relating to Local Improvement Districts; modifying the existing
2 boundaries for Local Improvement District Nos. 3967, 5728, 6980, 7726,
3 and 8656, relating to the Point Ruston neighborhood.

4 WHEREAS, pursuant to Ordinance No. 27900, the City Council created
5 Local Improvement District ("LID") No. 3967 to pay the cost of construction of
6 sanitary sewers serving the Point Ruston neighborhood, and approved and
7 confirmed the assessment roll for LID No. 3967 through Ordinance No. 28116,
8 passed January 15, 2013, and

9 WHEREAS, pursuant to Ordinance No. 27987, the City Council created
10 LID No. 5728 to pay the cost of construction of water mains serving the Point
11 Ruston neighborhood, and approved and confirmed the assessment roll for LID
12 No. 5728 through Ordinance No. 28117, passed January 15, 2013, and

14 WHEREAS, pursuant to Ordinance No. 27988, the City Council created
15 LID No. 6980 to pay the cost of construction of street lighting serving the Point
16 Ruston neighborhood, and approved and confirmed the assessment roll for
17 LID No. 6980 through Ordinance No. 28118, passed January 15, 2013, and

19 WHEREAS, pursuant to Ordinance No. 27989, the City Council created
20 LID No. 7726 to pay the cost of installation of primary electrical distribution,
21 utilities, telephone, and cable TV lines serving the Point Ruston neighborhood,
22 and approved and confirmed the assessment roll for LID No. 7726 through
23 Ordinance No. 28119, passed January 15, 2013, and

25 WHEREAS, pursuant to Ordinance No. 27991, the City Council created
26 LID No. 8656 to pay the cost of the installation of concrete curbs and gutters,



storm drain lines and storm water catch basins, where needed, sidewalks, and multi-use path and landscaping serving the Point Ruston neighborhood, and approved and confirmed the assessment roll for LID No. 8656 through Ordinance No. 28121, passed January 15, 2013, and

WHEREAS the parcel known as Parcel "E" (Parcel No. 8950003315), corresponding to Assessment No. 7 and more particularly described in the attached Exhibit "A," has been subdivided into two lots as described in the attached Exhibit "B," and

WHEREAS Assessment No. 7 was originally assessed \$376,205.05 (LID 3967), \$102,810.40 (LID 5728), \$71,516.50 (LID 6980), \$424,198.45 (LID 7726), \$2,025,670.70 (LID 8656), pursuant to Ordinance Nos. 28116, 28117, 28118, 28119, and 28121, and

WHEREAS, pursuant to RCW 35.44.410, all owners of Point Ruston, LLC have joined in a request that the City segregate the original assessment against the property into smaller parts, and

WHEREAS the amount of the outstanding principal attributed to the tract of land described in Exhibit "A," exclusive of interest, is \$2,893,243.93, and

WHEREAS the total amounts assessed against each segregated parcel equals the outstanding principal balance of \$2,893,243.93 assessed against the unsegregated parcel, and



1 WHEREAS, pursuant to RCW 35.44.410, those seeking segregation are
2 to tender a fee of \$10 for each parcel to be segregated, for a total of \$10, in
3 addition to the City's clerical and engineering costs incident to segregation, and
4

5 WHEREAS the Finance Director has estimated that the City will incur
6 approximately \$3,698.95 in engineering fees and clerical costs to complete the
7 segregation, and

8 WHEREAS, based upon the Finance Director's conclusion that
9 segregation will not jeopardize the security for any outstanding LID obligations
10 payable from assessments, the Director has recommended that a segregation of
11 LID Nos. 3967, 5728, 6980, 7726, and 8656 be made; Now, Therefore,
12

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

14 1. That the City Council hereby determines that a segregation of Local
15 Improvement District ("LID") Nos. 3967, 5728, 6980, 7726, and 8656 shall be
16 made as set forth in the attached Exhibit "C."
17

18 2. That the City Clerk shall deliver to the City Treasurer a certified copy of
19 this resolution, all as provided in RCW 35.44.410; that the City Treasurer shall
20 proceed to make the segregation on the original assessment roll for LID
21 Nos. 3967, 5728, 6980, 7726, and 8656, upon payment of \$10 by the owner or
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1 owners of those properties described in Exhibit "A," together with the City's actual
2 engineering and clerical costs, and upon presentation of suitable evidence of the
3 recording of the final plat.
4

5 Adopted _____
6

7 _____
8 Attest: Mayor
9

10 _____
11 City Clerk

12 Approved as to form:
13

14 _____
15 Deputy City Attorney

16 _____
17 Chief Surveyor
18 Public Works Department
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EXHIBIT "A"

LEGAL DESCRIPTION OF ORIGINAL PARCEL

PARCEL "E" OF BLA 2008-10-14-5002 DESCRIBED AS THAT PORTION OF LOTS 7 THROUGH 16, INCLUSIVE, BLOCK 110, OF THE PLAT OF TACOMA TIDELANDS, AS RECORDED IN VOLUME 2 OF PLATS AT PAGES 18 AND 19, RECORDS OF PIERCE COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF VACATED ENELL STREET, ALSO BEING A PORTION OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 02 EAST, W.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE ALONG THE WEST LINE OF SAID SECTION N 01°29'42" E, 1675.67 FEET; THENCE S 42°51'51" E, 289.38 FEET TO THE POINT OF BEGINNING; THENCE N 47°16'18" E, 384.62 FEET TO THE SOUTHWESTERLY LINE OF BLOCK "B" OF THE "1961 SUPPLEMENTAL MAPS OF TACOMA TIDELANDS" AS SHOWN ON THE OFFICIAL MAPS OF SAID TIDELANDS ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS AT OLYMPIA, WASHINGTON; THENCE ALONG SAID SOUTHWESTERLY LINE, S 42°35'02" E, 456.66 FEET; THENCE S 47°08'09" W, 380.52 FEET; THENCE N 48°52'33" W, 17.78 FEET; THENCE N 42°51'51" W, 439.88 FEET TO THE POINT OF BEGINNING.



EXHIBIT "B"

LEGAL DESCRIPTION OF SUBDIVIDED PARCELS

LOT 3 OF BLA 2013-08-19-5003 DESCRIBED AS COMMENCING AT THE WEST QUARTER CORNER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 02 EAST, W.M.; THENCE ALONG THE WEST LINE OF SAID SECTION N 01°29'42" E, 1675.67 FEET; THENCE S 42°51'51" E, 289.38 FEET TO THE MOST WESTERLY CORNER OF PARCEL "E" OF BLA 200810145002 AND THE POINT OF BEGINNING; THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL "E", N 47°16'18" E, 195.57 FEET; THENCE S 42°51'51" E, 457.10 FEET TO THE SOUTHEASTERLY LINE OF SAID PARCEL "E"; THENCE ALONG SAID SOUTHEASTERLY LINE S 47°08'09" W, 193.71 FEET TO THE MOST SOUTHERLY CORNER OF SAID PARCEL "E"; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL "E", N 48°52'33" W, 17.78 FEET; THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE, N 42°51'51" W, 439.88 FEET TO THE POINT OF BEGINNING.

LOT 4 OF BLA 2013-08-19-5003 DESCRIBED AS COMMENCING AT THE WEST QUARTER CORNER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 02 EAST, W.M.; THENCE ALONG THE WEST LINE OF SAID SECTION N 01°29'42" E, 1675.67 FEET; THENCE S 42°51'51" E, 289.38 FEET TO THE MOST WESTERLY CORNER OF PARCEL "E" OF BLA 200810145002; THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL, N 47°16'18" E, 195.57 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE, N 47°16'18" E, 150.08 FEET; THENCE S 42°31'55" E, 42.34 FEET; THENCE S 81°00'02" E, 68.68 FEET; THENCE S 46°10'25" E, 29.97 FEET; THENCE S 40°28'53" E, 310.49 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY 44.53 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 59.11 FEET, THE RADIUS POINT OF WHICH BEARS S 49°02'11" E, THROUGH A CENTRAL ANGLE OF 43°09'58" TO THE SOUTHEASTERLY LINE OF SAID PARCEL; THENCE ALONG SAID SOUTHEASTERLY LINE, S 47°08'09" W, 142.58 FEET; THENCE N 42°51'51" W, 457.10 FEET TO THE POINT OF BEGINNING.



EXHIBIT "C"
ASSESSMENT AMOUNTS

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Original Assessments

Segregated Assessments

LID 8656, Assmt. No. 7

Parcel E \$1,953,325.32

Lot 3 \$ 1,014,676.13

Lot 4 \$ 938,649.19

\$ 1,953,325.32

LID 7726, Assmt. No. 7

Parcel E \$ 409,048.51

Lot 3 \$ 212,484.71

Lot 4 \$ 196,563.80

\$ 409,048.51

LID 6980, Assmt. No. 7

Parcel E \$ 68,962.34

Lot 3 \$ 35,823.24

Lot 4 \$ 33,139.10

\$ 68,962.34

LID 5728, Assmt. No. 7

Parcel E \$ 99,138.60

Lot 3 \$ 51,498.62

Lot 4 \$ 47,639.98

\$ 99,138.60

LID 3967, Assmt. No. 7

Parcel E \$ 362,769.16

Lot 3 \$ 188,444.40

Lot 4 \$ 174,324.76

\$ 362,769.16



RESOLUTION NO. 39004

1 A RESOLUTION relating to Sound Transit's Link Light Rail; recommending that
2 one alternative with the following proposed Tacoma Link Station locations
3 be included in the Environmental Review Process: (1) Martin Luther King
4 Jr Way ("MLK")/ South 19th Street; (2) MLK/South 11th Street;
5 (3) MLK/6th Avenue; (4) Stadium District; (5) Stadium Way/South 4th
6 Street; (6) Old City Hall, as an alternative to the existing Theater District
7 Station; and (7) Division Avenue.

8 WHEREAS, in February 2014, the City Council recommended, and the
9 Sound Transit Board approved, the A1/B1 (Stadium Way/MLK) alignment for
10 Tacoma Link expansion to advance into preliminary design and
11 environmental review, and

12 WHEREAS, in March 2014, Sound Transit submitted a letter to the
13 Federal Transit Administration ("FTA"), declaring its intention to develop the
14 identified alignment into a project eligible for funding from the Small Starts
15 program, which was approved by the FTA in May 2014, and

16 WHEREAS Sound Transit staff has been working closely with City staff
17 and the FTA to prepare an application for funding from the FTA Small Starts
18 program for the Tacoma Link Expansion Project, and

19 WHEREAS the FTA requires environmental review of the project under
20 the National Environmental Policy Act, and, for the Small Starts program, the
21 FTA determines the level of review necessary, and

22 WHEREAS, in August 2014, FTA advised Sound Transit that the Tacoma
23 Link Expansion Project could qualify for a Categorical Exclusion ("CE")
24 environmental process if the project contained only one alternative for the
25 proposed location of stations, and
26



1 WHEREAS, based on feedback from the Sound Transit presentation to
2 the Infrastructure, Planning and Sustainability ("IPS") Committee in May 2014,
3 as well as feedback collected from public outreach initiatives, a single alternative
4 for the location of stations can be identified for the Tacoma Link Expansion
5 Project, and
6

7 WHEREAS the presentation to the IPS Committee included information
8 on a project development timeline, proposed station locations, next steps for
9 community outreach and comment, and noted that the FTA would, at some point
10 in the future, determine whether the environmental process would be a
11 Categorical Exclusion or an Environmental Assessment ("EA"), and
12

13 WHEREAS the project development timeline showed that with a CE, the
14 earliest an award from Small Starts could be anticipated would be mid-2015;
15 and with an EA, the earliest an award could be anticipated would be late 2015,
16 and
17

18 WHEREAS the following six station locations were reviewed with the IPS
19 Committee and circulated in public outreach efforts: (1) Martin Luther King Jr.
20 Way ("MLK")/ South 19th Street; (2) MLK/South 11th Street; (3) MLK/6th
21 Avenue; (4) Stadium District; (5) Stadium Way/South 4th Street; and (6) Old City
22 Hall (as an alternative to the existing Theater District Station), and
23

24 WHEREAS a majority of respondents supported the Stadium Way/South
25 4th Street Station, even among those who expressed preference for a station at
26 Old City Hall, and



1 WHEREAS public responses show that there is no strong preference for
2 eliminating any of the six proposed locations from environmental review with a
3 majority requesting consideration of a station at MLK/Division Avenue, and
4

5 WHEREAS the IPS Committee had recommended that Sound Transit
6 review the options of a route with, and a route without, the Stadium Way/South
7 4th Street Station, and

8 WHEREAS, per the FTA direction received in August, carrying forward
9 two options such as this would not qualify the project for a CE and would prompt
10 an EA, and
11

12 WHEREAS it is recommended that one alternative that examines seven
13 new stations be pursued, thus qualifying the Tacoma Link Expansion Project for
14 a CE that projects a timeline in which an award from Small Starts could be
15 anticipated as early as mid-2015; Now, Therefore,
16

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

18 That the City of Tacoma hereby recommends that one alternative, with
19 the following proposed Tacoma Link Station Locations be included in the
20 Environmental Review Process: (1) Martin Luther King Jr Way
21 ("MLK")/South 19th Street; (2) MLK/South 11th Street; (3) MLK/6th Avenue;
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(4) Stadium District; (5) Stadium Way/South 4th Street; (6) Old City Hall (as an alternative to the existing Theater District Station), and (7) Division Avenue.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 39005

1 A RESOLUTION relating to a lease agreement between the City and the Tacoma
2 Community Redevelopment Authority for the Pantages Theater; and
3 authorizing an early termination of various subleases with tax credit investors
and payment of a termination fee.

4 WHEREAS in February 1983, the City of Tacoma entered into a series
5 of simultaneous lease transactions (the "Lease") in order to monetize available
6 tax credits to provide funding for improvements to the Pantages Theater, and
7

8 WHEREAS, while the transaction was complex and involved a number of
9 leases and subleases between the City and limited purpose entities, it is, at its
10 most fundamental level, a 65-year lease between the City, through the
11 Tacoma Community Redevelopment Agency, and tax credit investors, led by
12 Urban Securities Profit Sharing Trust, Inc., and
13

14 WHEREAS the Lease expires in 2048, with optional early termination, at
15 fair market value, in either 2018 or 2028, and

16 WHEREAS the Broadway Center is currently in the process of soliciting
17 public and private donations and support through its Centennial Campaign, in
18 which the funds raised will be used to make improvements to the City's
19 performing arts facilities, and
20

21 WHEREAS the goal of the campaign is to raise approximately \$45 million
22 from combined sources, including a requested amount of \$15 million from the
23 City of Tacoma, and
24

25 WHEREAS the Broadway Center's request of the City consists of three
26 distinct phases: (1) terminating the Lease; (2) exploring the potential of



1 structuring and issuing a new market tax credit financing of approximately \$7
2 million; and (3) donating approximately \$8 million in cash, and

3 WHEREAS the City has advised the Broadway Center of its current
4 structural budget deficit and constraints on providing credit and/or cash
5 resources to the Centennial Campaign and has advised that it may not be able
6 to complete all of the phases, and

7 WHEREAS the City is nearing completion on the first phase of the plan
8 and is poised to effectuate the termination on September 10, 2014, and

9 WHEREAS this early termination will release contractual encumbrances on
10 the facilities and allow the City to pursue the second phase of the plan, which is
11 to explore the possibility of structuring a new market tax credit financing to raise
12 funds which could then be applied to the Centennial Campaign's \$15 million
13 funding request, and

14 WHEREAS a portion of the up-front payment received by the City when
15 the Lease was originated in 1983 was invested and specifically reserved to
16 offset the termination price in the City's option years of 2018 or 2028, and

17 WHEREAS the reserved amount is sufficient to satisfy the termination
18 payment of \$3.295 million, such that the City will not be utilizing General Fund
19 moneys for this purpose, and

20 WHEREAS once termination has been successfully completed, staff will
21 begin evaluating options which may be utilized to fund improvements to the
22 Broadway Center facilities; Now, Therefore,



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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA

That the City Council hereby authorizes early termination of the leveraged subleases relating to the Pantages Theater, payment of the termination fee, and the execution of any and all documents to effectuate the same, including mutual releases of any and all representations, warranties, claims, liabilities and obligations.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney