Legislation Passed October 21, 2014

The Tacoma City Council, at its regular City Council meeting of October 21, 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. 39030**
A resolution setting Tuesday, November 4, 2014, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the surplus and proposed sale of approximately 867 square feet of land owned by the Department of Public Utilities and located near the intersection of Bridgeport Way and 21st Street West in University Place, to the City of University Place for the amount of $11,900.

[Gloria Fletcher, Senior Real Estate Officer; Ted Coates, Power Superintendent]

**Resolution No. 39031**
A resolution setting Tuesday, November 4, 2014, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the 2015-2016 Biennial Budget.

[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]

**Resolution No. 39032**
A resolution setting Tuesday, November 4, 2014, at approximately 5:30 p.m., as the date for a public hearing by the City Council to set the proposed Ad Valorem tax levies and other General Fund revenues for 2015.

[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]

**Resolution No. 39033**
A resolution declaring surplus and approving the sale of approximately .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 in the amount of $50,000.

[Gloria Fletcher, Senior Real Estate Officer; Linda McCrea, Water Superintendent]

**Resolution No. 39034**
A resolution declaring surplus and approving the sale of approximately 20 acres of real property owned by the Department of Public Utilities and located in the Green River Watershed to the United States of America, Army Corp of Engineers, for the amount of $142,300.

[Gloria Fletcher, Senior Real Estate Officer; Linda McCrea, Water Superintendent]

**Resolution No. 39035**
A resolution authorizing the execution of an amendment to the Loan Agreement with the Foss Waterway Development Authority (FWDA), to allow a portion of the proceeds from the sale of property to be retained by FWDA for operating expenses during the 2015-2016 biennium; and to add additional properties to the list of assets to secure repayment of the $4.1 million General Fund loan.

[Andy Cherullo, Director, Finance]
RESOLUTION NO. 39030

A RESOLUTION related to surplus property; setting Tuesday, November 4, 2014, as the date for a public hearing regarding the proposed sale of approximately 867 square feet of land located adjacent to Bridgeport Way near the intersection of Bridgeport Way and 21st Street West, in University Place, owned by the Department of Public Utilities, Power Division (d.b.a. “Tacoma Power”) and now surplus to its needs, to the City of University Place, for the negotiated price of $11,900.

WHEREAS the City of Tacoma, Department of Public Utilities, Power Division (d.b.a. “Tacoma Power”), owns approximately 867 square feet of land (the “Property”) located adjacent to Bridgeport Way near the intersection of Bridgeport Way and 21st Street West, in University Place, and

WHEREAS this property is an 8.5 foot wide strip comprising the western border of Tacoma Power’s University Substation, and is currently a part of a larger landscaping buffer between Bridgeport Way and the substation, and

WHEREAS the City of University Place has been in the process of making improvements to Bridgeport Way for several years, and this project is part of Phase 5 of the overall roadway improvement plan, and

WHEREAS the City of University Place, expressed interest in purchasing the Property, and, after fair market value was determined by a third party appraiser, offered to purchase the Property for the amount of $11,900, and

WHEREAS Tacoma Power as determined that there is no foreseeable need for continued ownership of this property, and that its current operations are not impacted by this transaction, and

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WHEREAS, on October 15, 2014, by adoption of Public Utility Board Resolution No. U-10721, the Property was declared surplus to the needs of Tacoma Water, pending confirmation from the City Council, and

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

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

Section 1. That a public hearing on the sale of approximately 867 square feet of land located adjacent to Bridgeport Way near the intersection of Bridgeport Way and 21st Street West, in University Place, owned by the Department of Public Utilities, Power Division (d.b.a. “Tacoma Power”) and now surplus to its needs, to the City of University Place, for the negotiated price of $11,900, 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, November 4, 2014, 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:

______________________________ Chief Deputy City Attorney

Requested by Public Utility Board Resolution No. U-10721
RESOLUTION NO. 39031

A RESOLUTION relating to the Biennial Budget; setting November 4, 2014, as the date for a public hearing on the City of Tacoma’s 2015-2016 Biennial Budget.

WHEREAS RCW 35.34.100 provides that, following the filing of the preliminary budget with the City Clerk, the Clerk shall publish a notice once a week, for two consecutive weeks, stating that the preliminary budget for the ensuing fiscal biennium has been filed with the Clerk; designating the date, time, and place of the legislative budget meeting; and that any taxpayer may appear and be heard for or against the budget, and

WHEREAS RCW 35.34.110 provides that a city’s legislative body shall meet on or before the first Monday of the month next preceding the beginning of the ensuing fiscal biennium for the purpose of fixing the final budget of the city at the time and place designated in the notice thereof; Now, Therefore,

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

Section 1. That the budget hearing prescribed pursuant to RCW 35.34.100 and 35.34.110, for the purpose of considering the 2015-2016 Biennial Budget, shall commence on Tuesday, November 4, 2014, at approximately 5:30 p.m., or as soon thereafter as the same may be heard, in the City Council Chambers, First Floor, Tacoma Municipal Building, 747 Market Street, Tacoma, Washington.
Section 2. That the City Clerk shall give proper notice of the time and place of said hearing.

Adopted ______________

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Mayor

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
RESOLUTION NO. 39032

A RESOLUTION relating to revenue sources; setting November 4, 2014, as the date for a public hearing to set the proposed Ad Valorem tax levies and other General Fund revenues for 2015.

WHEREAS RCW 84.55.120 requires that a taxing district, other than the state, that collects regular levies shall hold a public hearing on revenue sources for the district’s following year’s current expenses budget, and

WHEREAS the hearing must include consideration of possible increases in property tax revenues and shall be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied; Now, Therefore,

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

Section 1. That the hearing required by RCW 84.55.120 for the purpose of setting the proposed Ad Valorem tax levies and other General Fund revenues for 2015 shall commence on November 4, 2014, at approximately 5:30 p.m., in the City Council Chambers, First Floor, Tacoma Municipal Building, 747 Market Street, Tacoma, Washington.

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:

_______________________________________
Deputy City Attorney
RESOLUTION NO. 39033

A RESOLUTION related to surplus property; approving the sale of approximately 0.85 of an acre of property located near the intersection of Canyon Road and 172nd Street East, in Pierce County, owned by the Department of Public Utilities, Water Division (d.b.a. “Tacoma Water”) and now surplus to its needs, to Fretoc, LLC, for the negotiated price of $50,000.

WHEREAS the City of Tacoma, Department of Public Utilities, Water Division (d.b.a. “Tacoma Water”), acquired 73 acres of property in 1893 as part of the City’s acquisition of the Tacoma Light and Water Company, and

WHEREAS the subject property is a triangular-shaped, remnant portion approximately 0.85 of an acre in size, located on the west side of Canyon Road near the intersection of 172nd Street East, in Pierce County ("Property"), with an estimated market value of $50,000, all as more fully described in the documents on file in the office of the City Clerk, and

WHEREAS the Property is significantly encumbered by a Bonneville Power Administration transmission line and has little economic value to the larger, 73-acre parcel of property located primarily on the east side of Canyon Road, and

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

WHEREAS Tacoma Water has determined that the Property is not necessary for current or future needs, and a negotiated sale in the amount of $50,000 would be in the best interests of the City, and
WHEREAS, on August 27, 2014, by adoption of Public Utility Board Resolution No. U-10716, the Property was declared surplus to the needs of Tacoma Water and approved for sale, pending confirmation from the City Council, and

WHEREAS, as required by state law, a public hearing was held on September 23, 2014, to allow the public to comment on the proposed sale, and no objections were received, and

WHEREAS, there being no foreseeable need for continued City ownership of the Property, a declaration of surplus and negotiated disposition of the Property and the execution of a Purchase and Sale Agreement to convey said Property in fee simple to Fretoc, LLC, for the negotiated price of $50,000 appears to be in the best interests of the City, pending final approval from the City Council; Now, Therefore,

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

Section 1. That continued fee ownership of the City property, consisting of an 0.85 acre of property located near the intersection of Canyon Road and 172nd Street East, in Pierce County, is not essential to the needs of the City and is hereby declared surplus property pursuant to RCW 35.22.020 and Article I, Section 1.2, and Article IX of the Tacoma City Charter.

Section 2. That the proper officers of the City are hereby authorized to enter into a Real Estate Purchase and Sale Agreement to convey this portion of
real property in fee simple to Fretoc, LLC, for the negotiated price of $50,000,
said agreement 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:

__________________________________
Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10716
RESOLUTION NO. 39034

A RESOLUTION related to surplus property; approving the sale of approximately 20 acres of real property located in the Green River Watershed, owned by the Department of Public Utilities, Water Division (d.b.a. “Tacoma Water”) and now surplus to its needs, to the United States of America, Army Corps of Engineers, for the negotiated price of $142,300.

WHEREAS, in 1986, the City of Tacoma, Department of Public Utilities, Water Division (d.b.a. “Tacoma Water”), issued the United States of America, Army Corps of Engineers (“ACOE”), permission to install, operate, and maintain 15 piezometers and related underground infrastructure on its property located near the Howard Hanson Dam, which is within the Green River Watershed, and

WHEREAS the piezometers track groundwater and this information is analyzed to monitor the safety of the dam, and

WHEREAS, since the original permit, the ACOE has added 16 piezometers, as well as additional drainage tunnels and two small log boom anchor sites, and

WHEREAS the extent of these improvements has resulted in a significant encumbrance to the real property, and therefore it was determined by both Tacoma Water and the ACOE that a transfer of this property would be in the best interests of both parties, and

WHEREAS Tacoma Water and the ACOE have worked collaboratively to determine the boundaries of the areas to be conveyed in a manner that results in minimal impact to Tacoma Water's watershed operations, and

WHEREAS the subject property is approximately 20 acres of real property located in the Green River Watershed (“Property”), with an estimated market value

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of $142,300, all as more fully described in the documents on file in the office of the
City Clerk, and

WHEREAS the ACOE expressed interest in purchasing the Property, and, after negotiations, offered to purchase the Property for the amount of $142,300, and

WHEREAS Tacoma Water has confirmed that there is no foreseeable need for continued ownership of the Property, and that its current operations are not impacted by this transaction, and

WHEREAS, on September 24, 2014, by adoption of Public Utility Board Resolution No. U-10723, the Property was declared surplus to the needs of Tacoma Water and approved for sale, pending confirmation from the City Council, and

WHEREAS, as required by state law, a public hearing was held on October 14, 2014, to allow the public to comment on the proposed sale, and no objections were received, and

WHEREAS, there being no foreseeable need for continued City ownership of the Property, a declaration of surplus and negotiated disposition of the Property and the execution of a Purchase and Sale Agreement to convey said Property to the ACOE for the negotiated price of $142,300, appears to be in the best interests of the City, pending final approval from the City Council; Now, Therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That continued ownership of the City property, consisting of approximately 20 acres of real property located in the Green River Watershed, is not essential to the needs of the City and is hereby declared surplus property pursuant to RCW 35.22.020 and Article I, Section 1.2, and Article IX of the Tacoma City Charter.

Section 2. That the proper officers of the City are hereby authorized to enter into a Real Estate Purchase and Sale Agreement to convey this portion of real property to the United States of America, Army Corps of Engineers, for the negotiated price of $142,300, said agreement 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:

________________________________________________________________________

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10723
RESOLUTION NO. 39035

A RESOLUTION relating to the Foss Waterway Development Authority;

authorizing an amendment to a Loan Agreement with the Foss Waterway
Development Authority (“FWDA”) to allow a portion of the proceeds from the
sale of property to be retained by the FWDA to be used for operating
expenses during the 2015-2016 biennium; and to add additional properties
to the list of assets that secure repayment of the $4.1 million General Fund
loan.

WHEREAS the Foss Waterway Development Authority (“FWDA”) is a public
corporation chartered by the City, pursuant to chapter 35.21 RCW and Chapter 1.60
of the Tacoma Municipal Code, to assist the City in redeveloping properties along
and within the Thea Foss Waterway (“Waterway”) for public and private uses to
contribute to the economic, cultural, and recreational revitalization and further
enhancement of the Waterway, and

WHEREAS the redevelopment of the Waterway has been a major
component to the revitalization of the City, and

WHEREAS, on April 10, 2007, pursuant to Resolution No. 37158, the City
approved the execution of a Loan Agreement with the FWDA in the amount of
$4.1 million, and the FWDA pledged, as security for the loan, proceeds of the sale
of property known as “Site 1,” among others, and

WHEREAS the loan proceeds were used exclusively for infrastructure
improvements, primarily for the wharf/public esplanade and stabilization of the
Seaport building, and

WHEREAS the FWDA remains reliant on lease revenue from the
marina and non-recurring revenue from its development activities, with its primary
source of revenue being the sale of property, and

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WHEREAS, during the recent economic downturn, property sales did not occur as expected, and FWDA operating funds diminished despite significant reductions in operating expenses, and

WHEREAS, in the past, the City provided funds to the FWDA as gap funding for its operating budget, and

WHEREAS, on February 6, 2014, the FWDA closed the sale of Site 1 to The Henry Group LLC for the amount of $1,286,950, which is being developed with 161 apartment units and commercial space at ground level, and

WHEREAS the proposed amendment would divide the proceeds of $1,286,950 from the sale as follows: $643,475 to the City’s General Fund, to repay a portion of the $4.1 million loan; and $643,475 to be retained by the FWDA, to support its development activities, and

WHEREAS the proposed amendment will add the following additional properties as security for the repayment of the remaining portion of the $4.1 million loan: Development Site 10, Development Site 12, and the Delin Docks, and

WHEREAS the combined 2014 assessed value of these sites is $5.2 million, and

WHEREAS, based on current budget projections, modifying the Loan Agreement to allow the FWDA to keep a portion of the Site 1 sale proceeds will allow it to remain in a positive cash position through the end of the 2015-2016 biennium, and will eliminate the need for operating budget support from the City during the 2015-2016 biennium; Now, Therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby approved to enter into an Amendment to the Loan Agreement with the Foss Waterway Development Authority ("FWDA"), to allow a portion of the proceeds from the sale of Site 1 to be retained by the FWDA to be used for its operating expenses during the 2015-2016 biennium; and to add Development Site 10, Development Site 12, and the Delin Docks to the list of assets that secure the $4.1 million General Fund loan approved pursuant to Resolution No. 37158, all as more specifically set forth in the proposed Amendment to Loan Agreement on file in the office of the City Clerk.

Adopted ____________________

__________________________  Mayor
Attest:

__________________________  City Clerk
Approved as to form:

__________________________  Deputy City Attorney