Legislation Passed June 2, 2015

The Tacoma City Council, at its regular City Council meeting of June 2, 2015, 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. 39201**
A resolution setting Thursday, July 9, 2015, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate the portion of South 22nd Street lying between the east margin of Interstate 705 and the west margin of Dock Street, to facilitate full closure of the rail crossing. (BNSF Railway Company; File No. 124.1349)
[Ronda Cornforth, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

**Resolution No. 39202**
A resolution setting Thursday, July 9, 2015, at 1:30 p.m., as the date for a hearing by the Hearing Examiner on the request to vacate a one-foot portion of Commerce Street, South 15th Street, and Pacific Avenue to cure a building foundation encroachment previously permitted under Street Occupancy Permit 140. (Tacoma Hospitality, L.L.C.; File No. 124.1356)
[Troy Stevens, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

**Resolution No. 39203**
A resolution setting Thursday, July 16, 2015, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate a portion of South 52nd Street lying east of South Trafton Street and west of the alley, for residential development. (SNR Northwest Properties, LLC; File No. 124.1352)
[Ronda Cornforth, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

**Resolution No. 39204**
A resolution appointing and reappointing Jeff Bessmer, Phil Coughlan, Rus Higley, and Agnes Pate to the Sustainable Tacoma Commission.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

**Resolution No. 39205**
A resolution awarding a contract to Pape & Sons Construction, Inc., in the amount of $428,244.00, plus a 20 percent contingency, for a cumulative total of $513,892.80, excluding sales tax, budgeted from the Wastewater Fund, for the construction of approximately 940 linear feet of 8-inch diameter underground wastewater pipe in the vicinity of 6th Avenue and Monroe Street - Specification No. ES15-0003F.
[Geoffrey M. Smyth, P.E., Science and Engineering Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]
Resolution No. 39206
A resolution awarding a contract to IMS Infrastructure Management Services, L.L.C., in the amount of $325,645, plus a contingency of $24,355, for a cumulative total of $350,000, plus sales tax, budgeted from the Street Fund, to perform a pavement condition index survey - Specification No. PW15-0223F.
[Rae Bailey, Street Operations Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39207
A resolution authorizing the execution of an Interagency Agreement with the Washington State Department of Ecology to improve the review of certain permits relating to the proposed Puget Sound Energy Liquefied Natural Gas Facility through December 31, 2015.
[Shirley Schultz, Principal Planner; Peter Huffman, Director, Planning and Development Services]

Resolution No. 39208
A resolution authorizing the purchase of the property located at 625 Commerce Street in the amount of $4,000,000, plus closing costs, budgeted from the Economic Development Special Revenue Fund, for the preservation of Old City Hall.
[Ricardo Noguera, Director, Community and Economic Development]
RESOLUTION NO. 39201

A RESOLUTION relating to the vacation of City right-of-way; setting Thursday, July 9, at 9:00 a.m. as the date for a hearing before the City of Tacoma Hearing Examiner on the request to vacate that portion of South 22nd Street lying between the easterly margin of Interstate 705 and the westerly margin of Dock Street, to facilitate full closure of the rail crossing as negotiated in the Exchange Agreement between the City and the BNSF Railway Company, dated April 17, 2014.

WHEREAS Resolution No. 38638, adopted Mach 5, 2013, authorized the execution of an Exchange Agreement between the City and the BNSF Railway Company, dated April 17, 2014, and

WHEREAS, through the agreement, BNSF agreed to grant the City various easements necessary for projects such as the Prairie Line Trail and Pedestrian Crossing Improvements at “A” and “D” Streets, and the City agreed to vacate portions of “A” Street for use by BNSF, and

WHEREAS BNSF has petitioned for the vacation of the following legally described right-of-way area to facilitate full closure of the rail crossing as negotiated in the Exchange Agreement between the City and BNSF:

South 22nd Street lying between the Easterly margin of Interstate 705 and the Westerly margin of Dock Street, within the Northeast Quarter of the Northwest Quarter of Section 09, Township 20 North, Range 3 East, W.M., within the City of Tacoma, County of Pierce, State of Washington;

Now, Therefore,

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

Section 1. That Thursday, July 9, 2015, at 9:00 a.m., is hereby fixed as the date and time, and the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, in the City of Tacoma, as the place when
and where the request by BNSF Railway Company (“BNSF”) to vacate that
portion of South 22nd Street lying between the easterly margin of Interstate 705
and the westerly margin of Dock Street to facilitate full closure of the rail crossing
as negotiated in the Exchange Agreement between the City of Tacoma and
BNSF, dated April 17, 2014, will be heard by the Hearing Examiner and her
recommendations thereafter transmitted to the Council of the City of Tacoma.

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

Adopted

Mayor

Attest:

City Clerk

Approved as to form: Property description approved:

Deputy City Attorney Chief Surveyor
Public Works Department

Location: That portion of South 22nd Street lying between the easterly margin of
Interstate 705 and the westerly margin of Dock Street
Petitioner: BNSF Railway Company
File No.: 124.1349
RESOLUTION NO. 39202

A RESOLUTION relating to the vacation of City right-of-way; setting Thursday, July 9, 2015, at 1:30 p.m., as the date for a hearing before the City of Tacoma Hearing Examiner on the petition of Tacoma Hospitality, L.L.C., to vacate a one-foot portion of Commerce Street, South 15th Street, and Pacific Avenue to cure a building foundation encroachment previously permitted under Street Occupancy Permit No. 140.

WHEREAS, during the construction of the Marriott Hotel and remodel of the Waddell Building, a survey disclosed one-foot portion of the Waddell Building’s foundation encroached into the right-of-way at Commerce Street, South 15th Street, and Pacific Avenue, and

WHEREAS the City and Hollander Investments, Inc. entered into a Development Agreement and Street Occupancy Permit No. 140 to allow the building foundation to remain in the right-of-way until such time that the foundation encroachment could be cured through the street vacation process, and

WHEREAS Tacoma Hospitality, L.L.C. has petitioned for the vacation of the following legally described right-of-way area:

That portion of the Northwest quarter of the Southwest quarter of Section 04, Township 20 North, Range 03 East, W.M. more particularly described as follows:

The Westerly 1.00 foot of Pacific Avenue lying adjacent to and being contiguous with the Northerly 34.37 feet of Block 1504, of the Map of New Tacoma, according to the plat recorded February 3, 1875 in Volume 1 of plats, page 1, records of Pierce County, Washington;

AND

The Easterly 1.00 foot of Commerce Street lying adjacent to and being contiguous with the Northerly 35.57 feet of said Block 1504;
AND

The Southerly 1.00 foot of South 15th Street lying adjacent to and being contiguous with Lot 1 of said Block 1504;

TOGETHER WITH the Southerly 1.00 feet of said South 15th Street lying adjacent to and contiguous with said Westerly 1.00 foot of Pacific Avenue;

AND TOGETHER WITH the Southerly 1.00 feet of said South 15th Street lying adjacent to and contiguous with said Easterly 1.00 foot of Commerce Street;

Situate in the City of Tacoma, Pierce County, Washington;

Containing approximately 172 square feet.

Now, Therefore,

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

Section 1. That Thursday, July 9, 2015, at 1:30 p.m., is hereby fixed as the date and time, and the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, in the City of Tacoma, as the place when and where the request by Tacoma Hospitality, L.L.C., to vacate a one-foot portion of Commerce Street, South 15th Street, and Pacific Avenue to cure a building foundation encroachment previously permitted under Street Occupancy Permit No. 140, will be heard by the Hearing Examiner and her recommendations thereafter transmitted to the Council of the City of Tacoma.
Section 2. That the Clerk of the City of Tacoma shall give proper notice of
the time and place of said hearing.

Adopted ____________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form: Property description approved:

______________________________
Deputy City Attorney

______________________________
Chief Surveyor
Public Works Department

Location: A one-foot portion of Commerce Street, South 15th Street, and
Pacific Avenue

Petitioner: Tacoma Hospitality, L.L.C.

File No.: 124.1356
RESOLUTION NO. 39203

A RESOLUTION relating to the vacation of City right-of-way; setting Thursday, July 16, 2015, at 9:00 a.m., as the date for a hearing before the City of Tacoma Hearing Examiner on the petition of SNR Northwest Properties, LLC to vacate a portion of South 52nd Street lying easterly of South Trafton Street and west of the alley to SNR Northwest Properties, LLC, for residential development.

WHEREAS SNR Northwest Properties, LLC, having received the consent of the owners of more than two-thirds of the properties abutting a portion of South 52nd Street lying easterly of South Trafton Street and west of the alley to SNR Northwest Properties, LLC, have petitioned for the vacation of the following legally described right-of-way area:

That portion of South 52nd Street lying within the Northeast Quarter of Section 19, Township 20 North, Range 03 East, W.M. more particularly described as follows:

Beginning at the intersection of the Easterly margin of South Trafton Street and the Northerly margin of South 52nd Street, said point being the Southwest corner of Lot 21, Block 16, in Barker’s Addition to Tacoma, Washington, according to the Plat thereof recorded in Volume 7 of Plats at Page 106, in Pierce County, Washington; thence South 01°03’40” West, along the Easterly margin of South Trafton Street, a distance of 66.00 feet to the Northwest Corner of Lot 1, Block 25 of said Barker’s Addition; thence South 88°55’16” East, along the north line of said Lot 1, a distance of 115.00 feet; thence North 01°03’40” East 66.00 feet to the Southeast corner of said Lot 21; thence North 88°55’16” West, along the south line of said Lot 21, a distance of 115.00 feet to the True Point of Beginning.

Situate in the City of Tacoma, County of Pierce, State of Washington.

Now, Therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Thursday, July 16, 2015, at 9:00 a.m., is hereby fixed as the date and time, and the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, in the City of Tacoma, as the place when and where the petition of SNR Northwest Properties, LLC, to vacate a portion of South 52nd Street lying easterly of South Trafton Street and west of the alley to SNR Northwest Properties, LLC, for residential development, will be heard by the Hearing Examiner and her recommendations thereafter transmitted to the Council of the City of Tacoma.

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

Adopted ________________

__________________________
Mayor

Attest:

__________________________
City Clerk

Approved as to form: Property description approved:

__________________________
Deputy City Attorney

__________________________
Chief Surveyor
Public Works Department

Location: A portion of South 52nd Street lying easterly of South Trafton Street and west of the alley to SNR Northwest Properties, LLC

Petitioner: SNR Northwest Properties, LLC

File No.: 124.1352
RESOLUTION NO. 39204

BY REQUEST OF DEPUTY MAYOR BOE AND COUNCIL MEMBERS IBSEN AND WALKER

A RESOLUTION relating to committees, boards, and commissions; appointing and reappointing individuals to the Sustainable Tacoma Commission.

WHEREAS vacancies exist on the Sustainable Tacoma Commission, and

WHEREAS, at its meeting of May 13, 2015, the Infrastructure, Planning, and Sustainability Committee recommended the appointment and reappointment of individuals to said commission, and

WHEREAS, pursuant to the City Charter Section 2.4 and the Rules, Regulations, and Procedures of the City Council, the persons named on Exhibit “A” have been nominated to serve on the Sustainable Tacoma Commission; Now,

Therefore,

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

That those nominees to the Sustainable Tacoma Commission, listed on Exhibit “A,” are hereby confirmed and appointed or reappointed as members of such commission for such terms as are set forth on Exhibit “A.”

Adopted __________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
City Attorney

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EXHIBIT “A”

SUSTAINABLE TACOMA COMMISSION

Appointing Jeff Bessmer to a three-year term to expire April 30, 2018.
Appointing Rus Higley to a three-year term to expire April 30, 2018.
Reappointing Phil Coughlan to a three-year term to expire April 30, 2018.
Reappointing Agnes Pate to a three-year term to expire April 30, 2018.
RESOLUTION NO. 39205

A RESOLUTION related to the purchase of materials, supplies or equipment, and the furnishing of services; authorizing the execution of a contract with Pape & Sons Construction, Inc., in the amount of $428,244.00, plus a 20 percent contingency, for a cumulative total of $513,892.80, excluding sales tax, budgeted from the ES Wastewater Fund, for the construction of approximately 940 linear feet of 8-inch diameter underground wastewater pipe in the vicinity of 6th Avenue and Monroe Street pursuant to Specification No. ES15-0003F.

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 Pape & Sons Construction, Inc., in the amount of $428,244.00, plus a 20 percent contingency, for a cumulative total of $513,892.80, excluding sales tax, budgeted from the ES Wastewater Fund, for the construction of approximately 940 linear feet of 8-inch diameter
underground wastewater pipe in the vicinity of 6th Avenue and Monroe Street
pursuant to Specification No. ES15-0003F, consistent with Exhibit “A.”

Adopted ______________________

______________________________
Mayor
Attest:
______________________________
City Clerk
Approved as to form:
______________________________
City Attorney
RESOLUTION NO. 39206

A RESOLUTION related to the purchase of materials, supplies or equipment, and the furnishing of services; authorizing the execution of a contract with IMS Infrastructure Management Services, L.L.C., in the amount of $325,645, plus a contingency of $24,355, for a cumulative total of $350,000, plus sales tax, budgeted from the PW Street Fund, to perform a Pavement Condition Index survey pursuant to Specification No. PW15-0223F.

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 IMS Infrastructure Management Services, L.L.C., in the amount of $325,645, plus a contingency of $24,355, for a cumulative total of $350,000, plus sales tax, budgeted from the PW Street Fund, to perform a
Pavement Condition Index survey pursuant to Specification No. PW15-0223F, consistent with Exhibit "A."

Adopted __________________________

Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
City Attorney
RESOLUTION NO. 39207

A RESOLUTION authorizing the execution of an Interagency Agreement between the City of Tacoma and the Washington State Department of Ecology for the purpose of structuring and improving the review of certain permits related to the proposed Puget Sound Energy Liquefied Natural Gas facility.

WHEREAS Puget Sound Energy (“PSE”) has proposed a $275 million Liquified Natural Gas (“LNG”) facility to be constructed at the corner of 11th Street and Taylor Way, on land leased from the Port of Tacoma, and

WHEREAS the City of Tacoma, Planning and Development Services Department (“PDS”), desires to enter into an Interagency Agreement with the Washington State Department of Ecology (“WSDOE”) for the purpose of structuring and improving the review of certain permits related to the proposed LNG facility, and

WHEREAS, under the agreement, PDS would reimburse certain review costs incurred by WSDOE for permitting responsibilities and, in turn, PSE would reimburse the City for these expenditures, and

WHEREAS the City, through PDS, will be the lead permitting agency for environmental review, shoreline permitting, and building permits related to the proposed facility, and

WHEREAS WSDOE will review shoreline permits, all water quality permitting, and all coastal zone management, and will provide subject expertise for the environmental review, and
WHEREAS PDS currently has a cost-reimbursement agreement with PSE for the environmental review; and the agreement would be modified to accommodate the additional reimbursement costs; Now, Therefore,

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

That, pursuant to authority granted under Chapter 39.34 RCW, the proper officers of the City are hereby authorized to enter into an Interagency Agreement with the Washington State Department of Ecology ("WSDOE"), for the purpose of structuring and improving the review of certain permits relating to the proposed Puget Sound Energy Liquefied Natural Gas facility, said interagency 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:

__________________________________
Deputy City Attorney
RESOLUTION NO. 39208

A RESOLUTION relating to the acquisition of real property; authorizing the purchase of property located at 625 Commerce Street for the preservation of Old City Hall at a purchase price of $4,000,000, plus closing costs, budgeted from the Economic Development Special Revenue Fund.

WHEREAS 625 Commerce Street ("Property") is the location of Old City Hall, a five-story historic structure that represents the earliest days of City municipal government, and

WHEREAS the building, completed in 1893, was heavily influenced by Italian Renaissance architecture and, along with Union Station, is one of the most architecturally and historically significant buildings in the City, and

WHEREAS Old City Hall served as the hub of the local government for 66 years and originally included the offices of the Mayor and City Council, Municipal Court, Public Library, and Public Utilities, and

WHEREAS the Property was renovated in 1974 for commercial office/retail use, and in 2005, was sold to Old City Hall LLC, which planned to convert the building to residential use; however, those plans did not materialize, and

WHEREAS the building has been vacant and in disrepair for several years, suffering from neglect, flooding, and other damage, and since 2013, its condition has been addressed through multiple City code enforcement actions, and

WHEREAS, with the City’s purchase of the Property, staff will work to prevent further deterioration and preserve the historic elements of the building, and, at a future date, the building will be made available for private development

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consistent with the City’s goals for downtown development in the historic district;

Now, Therefore,

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

That the proper officers of the City are hereby authorized to acquire the property located at 625 Commerce Street for the purchase price of $4,000,000, plus closing costs, budgeted from the Economic Development Special Revenue Fund, for the preservation of Old City Hall.

Adopted __________________________

__________________________________
Mayor

Attest:

__________________________________
City Clerk

Approved as to form:

__________________________________
Deputy City Attorney