

## **Legislation Passed August 15, 2017**

The Tacoma City Council, at its regular City Council meeting of August 15, 2017, 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. 39777**

A resolution setting Tuesday, August 29, 2017, at approximately 5:15 p.m., as the date for the public hearing by the City Council, on the sale of approximately .30 acres of property, located at the southwest corner of 51st Street Northeast and Caledonia Road Northeast, in unincorporated Pierce County, to Jeff and Mary Norton, for the amount of \$160,000. [Greg Muller, Real Estate Officer; Chris McMeen, Deputy Water Superintendent]

#### **Resolution No. 39778**

A resolution setting Thursday, September 28, 2017, at 1:30 p.m., as the date for a hearing by the Hearing Examiner on the request to vacate the remaining segment of South 45th Street, lying west of South Adams Street, for the redevelopment and expansion of existing businesses.

(Lackermayer Holdings, LLC and Lackermayer Family, LLC; File No. 124.1381) [Ronda Cornforth, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

#### Resolution No. 39779

A resolution approving the reappointment of William A. Gaines to the position of Director of Utilities for the period of September 22, 2017, through December 2, 2017; and approving a Transition and Separation Agreement.

[Bill Fosbre, City Attorney]

#### Resolution No. 39780

A resolution awarding a contract to Comprehensive Mental Health of Tacoma-Pierce County d.b.a. Comprehensive Life Resources, in the amount of \$455,000, sales tax not applicable, budgeted from the General Fund and the Neighborhood and Community Service Special Revenue Fund, for professional services related to a holistic intervention to reduce youth violence and transform the lives of youth in our community, from September 1, 2017 through December 31, 2018 - Specification No. NC17-0137F. [Vicky McLaurin, Project Manager; Linda Stewart, Interim Director, Neighborhood and Community Services]

### Resolution No. 39781

A resolution authorizing the execution of an agreement with the University of Washington, in an amount not to exceed \$350,000, budgeted from various departmental funds, for the Livable City Year Program for public health, urban design, economic development, and community service projects throughout the City, from September 2017 through September 2018.

[Tanisha Jumper, Tacoma 2025 Program Manager; Elizabeth Pauli, City Manager]

#### Resolution No. 39782

A resolution authorizing Tacoma Power to accept a 20-year extension of the non-exclusive franchise with the City of Lakewood, to allow Tacoma Power to continue serving electric customers within the City of Lakewood.

[Dolores Stegeman, Transmission and Distribution Manager; Chris Robinson, Power Superintendent]

### **Amended Resolution No. 39783**

A resolution expressing the City Council's legislative intent to fund 24-hour Tacoma Fire Department engine staffing on the Tide Flats, until such time as Fire Station 5 can become fully operational, allowing the City Manager to commence all necessary implementation steps.

[Deputy Mayor Thoms and Council Member McCarthy]

#### Ordinance No. 28435

An ordinance vacating a portion of the alley right-of-way lying between East 28th Street and East 29th Street from Portland Avenue to the extended East line of Lot 24 of Blocks 7846 and 7945 of the Indian Addition to the City of Tacoma, for the construction of a multi-level garage structure, casino, and hotel as part of the Emerald Queen Casino Relocation project.

(Puyallup Tribe of Indians; File No. 124.1371) [Jeff H. Capell, Hearing Examiner]



RESOLUTION NO. 39777

A RESOLUTION relating to utility-owned surplus property; setting Tuesday, August 29, 2017, as the date for a public hearing on the sale of approximately .30 acres (approximately 13,000 square feet) of property, located at the southwest corner of 51st Street NE and Caledonia Road NE, in unincorporated Pierce County, owned by the City of Tacoma, through its Department of Public Utilities, Water Division, and now surplus to its needs, to Jeff and Mary Norton for the sum of \$160,000.

WHEREAS the City of Tacoma, through its Department of Public Utilities, Water Division (d.b.a. "Tacoma Water"), owns approximately .30 acres (approximately 13,000 square feet) of real property located at the southwest corner of 51st Street NE and Caledonia Road NE, in unincorporated Pierce County, Washington ("Property"), and

WHEREAS the Property was part of Tacoma Water's 2001 acquisition of the Hyada Mutual Service Company, and has remained vacant since that time, and

WHEREAS Tacoma Water determined that the Property was not essential for continued effective utility service, and declared it surplus in 2002, and

WHEREAS the Property is zoned single-family residential, as part of the Browns Point/Dash Point Community Plan by Pierce County, and

WHEREAS the Property was offered for sale in July 2008 and March 2015, via a sealed bid process, but did not sell, and

WHEREAS the Property remains on the City's surplus website, and was recently listed with a real estate broker for the appraised value of \$160,000, and



WHEREAS Tacoma Water has negotiated an offer to sell the Property to Jeff and Mary Norton for \$160,000, and will reserve an easement in the north 10 feet of the Property, and

WHEREAS the sale proceeds will be used to offset the historical costs incurred to replace and upgrade the infrastructure included in the 2001 acquisition of the property, and

WHEREAS the proposed sale was approved by the Public Utility Board on August 9, 2017, pursuant to Resolution No. U-10948, and the transaction was forwarded to the City Council for a public hearing and final approval, and

WHEREAS, pursuant to RCW 35.94.040 and TMC 1.06.280, the City Council shall conduct a public hearing on the proposed sale of 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 .30 acres (approximately 13,000 square feet) of surplus property located at the southwest corner of 51st Street NE and Caledonia Road NE, in unincorporated Pierce County, Washington, owned by the City of Tacoma, through its Department of Public Utilities, Water Division (d.b.a. "Tacoma Water") and now surplus to its needs, to Jeff and Mary Norton for the amount of \$160,000, 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, August 29, 2017, at approximately 5:15 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.

5	Adopted		
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8	Attest:	Mayor	
9	/ titost.		
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11	City Clerk	•	
12	Approved as to form:		
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City Attorney

Requested by Public Utility Board Resolution No. U-10948

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**RESOLUTION NO. 39778** 

A RESOLUTION relating to the vacation of City right-of-way; setting Thursday, September 28, 2017, at 1:30 p.m., as the date for a hearing before the City of Tacoma Hearing Examiner on the petition of Lackermayer Holdings, LLC, and Lackermayer Family, LLC, to vacate the remaining segment of South 45th Street, lying west of South Adams Street, for the redevelopment and expansion of existing businesses.

WHEREAS Lackermayer Holdings, LLC, and Lackermayer Family, LLC, having received the consent of the owners of more than two-thirds of the properties abutting the remaining segment of South 45th Street, lying west of South Adams Street, has petitioned for the vacation of the following legally described right-of-way area:

All that portion of South 45th Street, lying between and abutting the East half of Blocks 3 and 6 of Amended Map of a part of Latshaws Addition and Manning Addition to Tacoma, Washington, according to the Plat thereof filed for record in Volume 4 of Plats at Page 56, records of Pierce County, Washington, being an Amendment of that certain Plat entitled Map of Latshaws, Manning and Hays Addition to Tacoma, Washington, as per plat recorded in Volume 4 of Plats at Page 28, records of Pierce County, Washington, lying Westerly of the Westerly margin of South Adams Street and Easterly of previously vacated South 45th Street by City of Tacoma Ordinance Number 25455, recorded under Auditor's File Number 9404040427, records of Pierce County, Washington.

All situate in the City of Tacoma, County of Pierce, State of Washington; within the Southeast Quarter of the Southeast Quarter of Section 13, Township 20 North, Range 02 East of the Willamette Meridian;

Now, Therefore,

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

Section 1. That Thursday, September 28, 2017, at 1:30 p.m., is hereby fixed as the date and time, and the Council Chambers on the first floor



 Location:

of the Tacoma Municipal Building, 747 Market Street, in the City of Tacoma, as the place when and where said request will be heard by the Hearing Examiner and his 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	
Attest:	Mayor
City Clerk	
Approved as to form:	Property description approved:
Deputy City Attorney	Chief Surveyor Public Works Department

The remaining segment of South 45th Street, lying west of

South Adams Street

Petitioner: Lackermayer Holdings, LLC and Lackermayer Family, LLC

File No.: 124.1381



## **RESOLUTION NO. 39779**

A RESOLUTION relating to the Director of Utilities; approving the reappointment of William A. Gaines to the position of Director of Utilities for the period of September 22, 2017, through December 2, 2017; and approving a Transition and Separation Agreement.

WHEREAS Tacoma City Charter § 4.18 states that the Public Utility "Board shall appoint, subject to confirmation by the City Council, a Director of Utilities . . . ," and

WHEREAS the Public Utility Board conducted its annual performance reviews, and on June 21, 2017, passed Amended Motion 17-04 to reappoint William A. Gaines as Director of Utilities, and

WHEREAS the City Council has not yet reconfirmed the reappointment of Mr. Gaines, and Mr. Gaines and the Public Utility Board have not agreed to terms for a successor compensation agreement to go into effect beyond December 31, 2017, and

WHEREAS, during July 2017, Mr. Gaines notified the Public Utility Board of his consideration of retirement from his current position, pursuant to the provisions of the Tacoma Employees' Retirement System, and the Public Utility Board desires to ensure an orderly leadership transition for the Department of Public Utilities according to the provisions of a Transition and Separation Agreement, attached hereto as Exhibit "A," and

WHEREAS, at a Special Utility Board meeting held on August 7, 2017, pursuant to Utility Board Resolution No. U-10949, the Public Utility Board approved the reappointment of Mr. Gaines to the position of Director of Utilities for the period of September 22, 2017, through December 2, 2017; approved a



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Transition and Separation Agreement; and repealed Amended Motion 17-04, all pending confirmation by the City Council; Now, Therefore,

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

Section 1. That the Transition and Separation Agreement between William A. Gaines and the City is hereby approved.

Section 2. That, subject to the terms of the Transition and Separation Agreement, the City Council hereby reconfirms the reappointment of William A. Gaines to the at-will position of Director of Utilities for the period of September 22, 2017, through December 2, 2017, and the City Council withholds reconfirmation of the reappointment following such period.

Section 3. That the proper officers of the City are authorized to execute the Transition and Separation Agreement and other documents to affect the intent of this resolution.

Section 4. That the Public Utility Board, as required by Tacoma City Charter § 4.17, utilize the services of the City's Human Resources Department to immediately seek, retain, and coordinate the services of an individual or organization with the necessary expertise to assist the Public Utility Board in developing and conducting a nationwide search for the appointment of a new Director of Public Utilities, with such search to begin as soon as possible.

Section 5. That the Public Utility Board is requested to include input and assistance from the Mayor and City Council, City Manager, Department of



Human Resources, utility customers, ratepayers, constituents, and other utility stakeholders in the City's recruiting and hiring process for the Director of Public Utilities position. Adopted \_\_\_\_\_ Mayor Attest: City Clerk Approved as to form: City Attorney Requested by Public Utility Board Resolution No. U-10949 



## **RESOLUTION NO. 39780**

A RESOLUTION related to the purchase of materials, supplies or equipment, and the furnishing of services; authorizing the execution of a contract with Comprehensive Mental Health of Tacoma-Pierce County, d.b.a. Comprehensive Life Resources, in the amount of \$455,000, sales tax not applicable, budgeted from the Neighborhood and Community Service Special Revenue Fund and the General Fund, for professional services related to a holistic intervention to reduce youth violence and transform the lives of youth in our community, from September 1, 2017, through December 31, 2018, pursuant to Specification No. NC17-0137F.

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 the attached 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 Comprehensive Mental Health of Tacoma-Pierce County, d.b.a. Comprehensive Life Resources, in the amount of \$455,000, sales tax not applicable, budgeted from the Neighborhood and Community Service Special Revenue Fund and the General Fund, for professional services related to a holistic intervention to reduce youth violence and transform the lives of youth in



	our community, from September 1	, 2017, through December 31, 2018, pursuant
1	to Specification No. NC17-0137F,	consistent with Exhibit "A."
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6	Attest:	Mayor
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8	City Clerk	
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10	Approved as to form:	
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12	City Attorney	
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# **RESOLUTION NO. 39781**

A RESOLUTION relating to the Livable City Year Program; authorizing the execution of a Livable City Year Program agreement with the University of Washington, in an amount not to exceed \$350,000, budgeted from various departmental funds, for public health, urban design, economic development, and community service projects throughout the City.

WHEREAS the Livable City Year ("LCY") Program is an initiative led by University of Washington ("UW") faculty, which enables local government to tap into the talent and energy of UW faculty and students in order to create livable communities, and

WHEREAS the LCY Program helps cities reach these goals in an affordable way, while providing opportunities for students to learn through real-life problem solving, and

WHEREAS UW has the expertise to develop specific, year-long engagements with local communities, and seeks to promote research, education, service, and public outreach related to the development of livable communities, and

WHEREAS, in 2017, the City applied for and was selected as the 2017-2018 LCY Community Partner, and

WHEREAS the proposed agreement, in an amount not to exceed \$350,000, will be in effect for one year, from September 2017 through September 2018, and may be extended by mutual written agreement of the parties, and will allow for approximately 30 projects throughout the City, relating to public health, urban design, economic development, and community service, and



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 WHEREAS the City will provide concerns, problems, ideas, and issues to the LCY Program, and UW will provide 35,000-85,000 hours of technical assistance, research, education, and public outreach to develop solutions; Now, Therefore,

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

That the proper officers are hereby authorized to enter into a Livable City Year Program agreement with the University of Washington, in an amount not to exceed \$350,000, budgeted from various departmental funds, for public health, urban design, economic development, and community service projects throughout the City, said document to be substantially in the form of the agreement on file in the office of the City Clerk.

Attest:	Mayor
City Clerk	_
Approved as to form:	
Deputy City Attorney	<del>-</del>

Adopted \_\_\_\_



## **RESOLUTION NO. 39782**

A RESOLUTION relating to the City of Tacoma, Department of Public Utilities, Light Division, d.b.a. Tacoma Power ("Tacoma Power"); authorizing Tacoma Power to accept a 20-year extension of the non-exclusive Franchise Agreement with the City of Lakewood, to allow Tacoma Power to continue serving electric customers within the City of Lakewood.

WHEREAS, in 1997, the City of Lakewood ("Lakewood") granted a non-exclusive Franchise Agreement ("Franchise") to the City of Tacoma, Department of Public Utilities, Light Division, d.b.a. Tacoma Power ("Tacoma Power"), for the purpose of providing electric service for customers located within the City of Lakewood, which is set to expire in October 2017, and

WHEREAS the existing Franchise provides for up to two, five-year extensions; however, Tacoma Power and Lakewood agree that extending the term of the Franchise to 20 years would be mutually beneficial and create more stability for planning purposes, and

WHEREAS, on July 17, 2017, the Lakewood City Council approved

Ordinance No. 672, granting a 20-year Franchise extension to Tacoma Power for continued operations within Lakewood, and

WHEREAS the administrative fee, assessed in lieu of permit and processing fees, will be adjusted with this extension to match the Gross Earnings Tax rate

Tacoma Power pays to the City of Tacoma, and

WHEREAS the extension will also lengthen the notification time for relocation of major utility infrastructure and remove a 2003 amendment allowing Click! to extend into the Flett Creek Area, as this language is now included in the 2004 Click! franchise agreement with the City of Lakewood, and



WHEREAS, by adoption of Public Utility Board Resolution No. U-10945 on August 9, 2017, the Franchise was approved, pending confirmation from the City Council, and

WHEREAS it is in the best interests of the City to accept the Franchise as recommended; Now, Therefore,

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

Section 1. That the request of the City of Tacoma, Department of Public Utilities, Light Division, d.b.a. Tacoma Power ("Tacoma Power"), to enter into a 20-year extension of the non-exclusive Franchise Agreement granted by the City of Lakewood to Tacoma Power, to allow Tacoma Power to continue serving electric customers within City of Lakewood boundaries, is hereby approved.

Section 2. That the Superintendent of Tacoma Power is hereby authorized to enter into and execute on behalf of the City the Franchise Agreement with the City of Lakewood, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted	
Attest:	Mayor
City Clerk	
Approved as to form:	
City Attorney	

Requested by Public Utility Board

Resolution No. U-10945

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Req. #17-0830 Amended 8-15-17

# **RESOLUTION NO. 39783**

BY REQUEST OF DEPUTY MAYOR THOMS AND COUNCIL MEMBER McCARTHY

A RESOLUTION relating to the Tacoma Fire Department; expressing the City Council's legislative intent to fund 24-hour Tacoma Fire Department engine staffing on the Tide Flats, until such time as Fire Station 5 can become fully operational, allowing the City Manager to commence all necessary implementation steps.

WHEREAS Fire Station 5, located at 3510 East 11th Street on the Tacoma Tide Flats, has been inactive since 2007 due to budget constraints and the need to prioritize services, and

WHEREAS the nearest fire station to the central Tide Flats is Engine 3 in Northeast Tacoma, which is an estimated 4.7 minutes away, and it is in the best interest of area businesses and surrounding residential community to strive toward a shorter response time, and

WHEREAS planned and existing industrial development in the Tide Flats demonstrate a need for enhanced public safety services for this crucial hub of economic activity, as well as the surrounding community, and

WHEREAS the City plans to renovate Fire Station 5 during 2018 and bring it back into operation in 2019, and

WHEREAS it is the City Council's intent that appropriate steps be taken to mitigate the risk of a fire-related emergency for businesses and surrounding neighborhoods and reduce response times in the Tide Flats area during the renovation process by providing 24-hour engine coverage on the Tide Flats, and

WHEREAS funding sources are anticipated to include the recently awarded Staffing for Adequate Fire and Emergency Response ("SAFER") grant from the



U.S. Department of Homeland Security to hire, train, and employ 12 additional firefighters for a three-year period; Now, Therefore,

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

That the City Council hereby expresses its legislative intent to fund 24-hour Tacoma Fire Department engine staffing on the Tide Flats as of October 2017, until such time as Fire Station 5 can become fully operational, allowing the City Manager to commence all necessary implementation steps.

Adopted		
Attest:	Mayor	
City Clerk		
Approved as to form:		
Deputy City Attorney		



## **ORDINANCE NO. 28435**

AN ORDINANCE related to the vacation of City right-of-way; vacating a portion of the alley right-of-way lying between East 28th Street and East 29th Street, from Portland Avenue to the extended Easterly line of Lot 24 in Blocks 7846 and Block 7945 of the Indian Addition to the City of Tacoma, for the construction of a multi-level garage structure, casino, and hotel as part of the Emerald Queen Casino Relocation project; and adopting the Hearing Examiner's Findings, Conclusions, and Recommendations related thereto.

WHEREAS, upon petition of the Puyallup Tribe of Indians for vacation of a portion of the herein described alley right-of-way, the Hearing Examiner convened a public hearing and took testimony and received materials regarding the vacation and issued a report and recommendation dated April 6, 2017, and transmitted by First Class Mail Delivery to the petitioner and to other parties of interest, including David Smith and his attorney, and WHEREAS on April 16, 2017, a notice of appeal of the

recommendation of the Hearing Examiner was filed with the Office of the City

Req. #17-0380



Clerk on behalf of David Smith, the owner of property located in the vicinity of the alley right-of-way vacation, and

WHEREAS a closed record hearing was convened before the City
Council on June 20, 2017, at approximately 5:30 p.m., whereupon the
petitioner, Puyallup Tribe of Indians, represented by counsel, and appellant
David Smith, represented by counsel, appeared and presented oral argument
to the City Council in favor of and in opposition to the alley right-of-way
vacation, and

WHEREAS the City Council, having considered the written and oral arguments of the petitioner and appellant and having reviewed the record of proceedings before the Hearing Examiner and the report and recommendation of the Hearing Examiner, and having been in all matters fully advised, determined that the appeal should be denied, and that the Examiner's Findings, Conclusions, and Recommendations as contained in the Hearing Examiner's Report and Recommendation to the City Council should be adopted, and

WHEREAS all steps and proceedings required by law and by resolution of the City Council to vacate the portion of the right-of-way hereinafter described have been duly taken and performed; Now, Therefore,

Req. #17-0380



# BE IT

#### BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner's Findings, Conclusions, and Recommendations as contained in the Hearing Examiner's Report and Recommendation to the City Council bearing File No. 124.1371, and dated April 6, 2017, which Report is on file in the office of the City Clerk.

Section 2. That the portion of the alley right-of-way lying between East 28th Street and East 29th Street, from Portland Avenue to the extended Easterly line of Lot 24 in Blocks 7846 and Block 7945 of the Indian Addition to the City of Tacoma, legally described as follows:

All that certain alley right-of-way lying between and abutting Lots 2 through 24 of Blocks 7846 and 7945 of the Indian Addition to the City of Tacoma, as per Plat recorded in Volume 7 of Plats at Page 30, records of Pierce County, Washington.

Situate in the City of Tacoma, County of Pierce, State of Washington; within Section 10, Township 20 North, Range 03 East of the Willamette Meridian:

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, as a part thereof, and all right or title of the City in and to the portion of the right-of-way so vacated does hereby vest in the owners of the property abutting thereon, all in the manner



 provided by law; provided, however, that there is hereby retained and reserved, pursuant to the statutes of the state of Washington, the following easements, to-wit:

## **TACOMA POWER**

An easement shall be retained for the benefit of Tacoma Power over the southerly 10 feet of the westerly 45 feet of the subject alley for existing electrical infrastructure, including, but not limited to, power pole, anchor, guywire, and service.

Passed		
Attest:		Mayor
City Clerk		
Approved a	as to form:	Property description approved:
Chief Depu	ity City Attorney	Chief Surveyor Public Works Department
Location:  Petitioner:	and East 29th Street, from Easterly line of Lot 24 in Addition to the City of Tack	

Req. #17-0380

Vacation Req. No. 124.1371