



Legislation Passed July 9, 2013

The Tacoma City Council, at its regular City Council meeting of July 9, 2013, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 38688

Appointing and reappointing individuals to serve on the Human Rights Commission, Public Utility Board, and Tacoma Planning Commission.

Purchase Resolution No. 38689

Awarding contracts to:

1. NAC Architecture, in the amount of \$746,097.00 sales tax not applicable, budgeted from the LTGO Bond Funds 2009E and 2010E, for design, permitting, and construction administration of the People's Community Center New Pool and Aquatics Facility through September 30, 2015 – Specification No. PW11-0505F;
2. Pease Construction, Inc., on its bid of \$3,063,480.00, plus sales tax, plus a 14 percent contingency, for a cumulative total of \$3,492,367.20, budgeted from the LTGO Bond Funds 2009E and 2010D, for the Marine Security Operations Center project located at 3301 Ruston Way to be completed in August of 2014. – Specification No. PW13-0188F; and
3. Reid Middleton, Inc., in the amount of \$108,978.00, sales tax not applicable, for a cumulative total of \$577,457.00, budgeted from the LTGO Bond Funds 2009E and 2010D, to increase the contract for construction administration services for the Marine Security Operations Center project located at 3301 Ruston Way – Specification No. PW10-0748F.

Resolution No. 38690

Authorizing approximately \$375,000 of the excess proceeds of the 2009 LTGO Bond Series E Fund to pay costs pursuant to the Memorandum of Understanding with the Metropolitan Park District of Tacoma to replace an estimated 3,300 linear feet of existing water main and add seven new fire hydrants to Fort Nisqually in Point Defiance Park.

Resolution No. 38691

Authorizing the execution of a Development Agreement between the Foss Waterway Development Authority and the Henry Foss Group, LLC, for the property located at 1933 Dock Street on the Foss Waterway; and the execution of a Hazardous Substances Indemnification Agreement.

Resolution No. 38692

Authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with the Foss Waterway Development Authority and the Henry Foss Group LLC, for the development of approximately 167 market-rate multi-family rental housing units located at 1933 Dock Street in the Downtown Mixed-Use Center.

Ordinance No. 28160

Amending Chapters 12.01, 12.06, 12.08, 12.09, and 12.10, relating to utilities, to increase the bill due date from 10 to 15 days on utility customer invoices.



RESOLUTION NO. 38688

1 BY REQUEST OF MAYOR STRICKLAND, DEPUTY MAYOR CAMPBELL, AND
2 COUNCIL MEMBER WOODARDS

3 A RESOLUTION relating to committees, boards, and commissions; appointing and
4 reappointing individuals to the Human Rights Commission, Public Utility
5 Board and Tacoma Planning Commission.

6 WHEREAS vacancies exist on the Human Rights Commission, Public Utility
7 Board and Tacoma Planning 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 committees, boards, and commissions listed;

11 Now, Therefore,

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

13 That those nominees to the committees, boards, and commissions, listed on
14 Exhibit "A" are hereby confirmed and appointed or reappointed as members of
15 such committees, boards, and commissions, for such terms as are set forth on
16 Exhibit "A."
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18 Adopted _____
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20 _____
21 Mayor

22 Attest:
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24 _____
25 City Clerk

26 Approved as to form:

City Attorney



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EXHIBIT "A"

HUMAN RIGHTS COMMISSION

Appointing **Nicci R. Montgomery** to a new term to expire May 2, 2016.

Appointing **April Sanders** to a new term to expire May 11, 2016.

PUBLIC UTILITY BOARD

Appointing **Monique Trudnowski** to a new term to expire June 30, 2018.

TACOMA PLANNING COMMISSION

Reappointing **Sean Gaffney** to the Architecture, Historic Preservation and/or Urban Design position to a new term to expire June 30, 2016.

Appointing **Stephen Wamback** to the District No. 4 position to a new term to expire June 30, 2016.

Appointing **Alexandria Teague** to the Environmental position to a new term to expire June 30, 2016.



RESOLUTION NO. 38689

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the appropriate City officials to
3 enter into contracts and, where specified, waiving competitive bidding
4 requirements, authorizing sales of surplus property, or increasing or
5 extending existing agreements.

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

10 WHEREAS the Board of Contracts and Awards has reviewed the
11 proposals and bids received by the City, and the Board has made its
12 recommendation as set forth in Exhibit "A," and

13 WHEREAS the Board of Contracts and Awards has also made its
14 recommendations as to entering into purchasing agreements with those
15 governmental entities identified in Exhibit "A"; Now, Therefore,

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

17 That the Council of the City of Tacoma does hereby concur in the
18 findings and recommendations of the Board of Contracts and Awards set forth
19 in the attached Exhibit "A," and does hereby approve and authorize the:
20

21 (X) A. Procurement of those supplies, services, and public works
22 recommended for acceptance in the attached Exhibit "A";
23

24 () B. Rejection of those bids and/or proposals that are recommended
25 for rejection in the attached Exhibit "A";
26



1 () C. Entry into the proposed purchasing agreement with those
2 governmental entities identified in the attached Exhibit "A," which proposed
3 agreement is on file in the office of the City Clerk;
4

5 () D. Waiver of competitive bidding procedures in those instances, as
6 set forth in Exhibit "A," in which it is impracticable to obtain supplies or public
7 works improvements by competitive bid, or in those instances in which supplies
8 and/or public works are available from a single source.
9

10 Adopted _____
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12 _____
13 Mayor

14 Attest:
15 _____

16 City Clerk

17 Approved as to form:

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19 _____
20 City Attorney
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City of Tacoma
Public Works Department

EXHIBIT "A"
RESOLUTION NO.: 38689
ITEM NO.: 1
MEETING DATE: JULY 9, 2013

DATE: June 24, 2013
TO: Board of Contracts and Awards
SUBJECT: Professional Services Contract for People's Community Center,
New Pool and Aquatics Facility
Budgeted from LTGO Bond Funds 2009E and 2010E
Request for Qualifications, Specification No. PW11-0505F

RECOMMENDATION: The Public Works Facilities Management Division recommends a contract be awarded to **NAC Architecture, Seattle, WA**, for design, permitting and construction administration of the People's Community Center, New Pool and Aquatics Facility. The contract period will be through September 30, 2015 for a cumulative amount of \$746,097, sales tax not applicable.

EXPLANATION: People's Community Center is a City-owned facility operated by Metro Parks Tacoma (MPT) under contract. The Center was built in the Hilltop neighborhood in 1978. During an engineering assessment in preparation for the 2005 Bond improvements for People's Center, MPT hired a consultant to identify any significant structural issues in the existing pool portion of the building. The study identified deterioration of the portion of the building that houses the pool. The deterioration was caused by moisture issues and the chemical makeup of the pool environment, which is highly corrosive to metal. Due to the condition of the existing pool it was closed to the public.

The City and MPT have worked with community stakeholders and aquatics professionals to develop concepts and programming for a new pool and aquatics facility. The Steering Committee has made formal recommendations for the types of amenities and features for the new pool, based on input from the surrounding neighborhoods and stakeholders, as well as recognizing the importance the center and pool can play as an anchor to the Dr. Martin Luther King, Jr. Way location.

NAC Architecture was recommended to provide consultant services for the project by the Evaluation Committee in October 2011. An update on the project and consultant contract was provided to the Neighborhoods and Housing Committee on December 5, 2011, where the Committee recommended postponing the award of the contract until full project funding could be achieved. Early this year, MPT passed a resolution authorizing \$1,650,000 of 2005 Park Improvement Bond funding, which provided the funding to move forward with the project.

COMPETITIVE SOLICITATION: Request for Qualifications Specification No. PW11-0505F was opened September 13, 2011. In addition to normal advertising of the project, 23 companies were invited to bid. Six submittals were received. The Evaluation Committee thoroughly reviewed the qualifications and invited the top four highest ranked firms to interview. Based on the review the Evaluation Committee ranked NAC Architecture highest and recommended that they be awarded the consultant services contract.

<u>Respondent</u>	<u>Location (City and State)</u>	<u>Rank</u>
NAC Architecture	Seattle, WA	1
BLRB Architect	Tacoma, WA	2
TCF Architecture	Tacoma, WA	3
BCRA Architects	Tacoma, WA	4

SHKS Architect	Seattle, WA	5
Merritt Architecture	Tacoma, WA	6

CONTRACT HISTORY: New contract.

FUNDING: Funds are budgeted from LTGO Bond Funds 2009E and 2010E. MPT is contributing \$1,650,000 of funding for the project.

PROJECT ENGINEER/COORDINATOR: Jeffrey A. Jenkins, Facilities Management Division Manager, 253-591-5508.



Kurtis D. Kingsolver, P.E.
Interim Public Works Director/City Engineer

cc: Chuck Blankenship, Senior Buyer, Finance/Purchasing
Charles Wilson, SBE Coordinator
Peter Guzman, LEAP Coordinator
Jeffrey Jenkins, Facilities Management



City of Tacoma

Memorandum

TO: T.C. Broadnax
City Manager

FROM: Kurtis D. Kingsolver, P.E. *KDK*
Interim Public Works Director/City Engineer

SUBJECT: Council Action Memo – Purchase Resolution – July 9, 2013
People's Community Center, New Pool and Aquatics Facility
Professional Services Contract

DATE: June 28, 2013

The Public Works Facilities Management Division requests City Council award a new contract to NAC Architecture, of Seattle, WA, for design, permitting and construction administration of the People's Community Center, New Pool and Aquatics Facility. The contract period will be through September 30, 2015 for a contract amount of \$746,097, sales tax not applicable.

Background

People's Community Center is a City-owned facility operated by Metro Parks Tacoma (MPT) under contract. The Center was built in the Hilltop neighborhood in 1978. During an engineering assessment in preparation for the 2005 Bond improvements for People's Center, MPT hired a consultant to identify any significant structural issues in the existing pool portion of the building. The study identified deterioration of the portion of the building that houses the pool. The deterioration was caused by moisture issues and the chemical makeup of the pool environment, which is highly corrosive to metal. Due to the condition of the existing pool it was closed to the public.

The City and MPT have worked with community stakeholders and aquatics professionals to develop concepts and programming for a new pool and aquatics facility. The Steering Committee has made formal recommendations for the types of amenities and features for the new pool, based on input from the surrounding neighborhoods and stakeholders, as well as recognizing the importance the center and pool can play as an anchor to the Dr. Martin Luther King, Jr. Way location.

NAC Architecture was recommended to provide consultant services for the project by the Evaluation Committee in October 2011. An update on the project and consultant contract was provided to the Neighborhoods and Housing Committee on December 5, 2011, where the Committee recommended postponing the award of the contract until full project funding could be achieved. Early this year, MPT passed a resolution authorizing \$1,650,000 of 2005 Park Improvement Bond funding, which provided the funding to move forward with the project.

Competitive Selection Process

In accordance with RCW 39.80.40, the Public Works Facilities Management Division advertised a Request for Qualification (RFQ), Specification No. PW11-0505F, for A/E Consultant Services for the People's Community Center, New Pool and Aquatics Facility. RFQ Specification No. PW11-0505F was opened September 13, 2011. In addition to normal advertising of the project, 23 companies were invited to bid. Six submittals were received. The Evaluation Committee, comprised of members from the Public Works Department, Community & Economic Development Department and MPT, thoroughly reviewed the qualifications and invited the top four highest ranked firms to interview. Based on the review of the qualifications and final

interviews, the Evaluation Committee ranked NAC Architecture highest and recommended they be awarded the consultant services contract.

<u>Respondent</u>	<u>Location (City and State)</u>	<u>Rank</u>
NAC Architecture	Seattle, WA	1
BLRB Architect	Tacoma, WA	2
TCF Architecture	Tacoma, WA	3
BCRA Architects	Tacoma, WA	4
SHKS Architect	Seattle, WA	5
Merritt Architecture	Tacoma, WA	6

Sustainability

The project will incorporate sustainable practices into the design and construction. Sustainable efforts will focus on life cycle analysis for products and materials that reduce operating expenses of the facility.

Funding

The funding sources for the project include the following:

- LTGO Bond 2009E \$ 3,000,000
- LTGO Bond 2010E \$ 1,700,000
- Metro Parks Tacoma \$ 1,650,000
- **Total** \$ **6,350,000**

Schedule

Design work will begin summer 2013. Construction is anticipated to begin in summer 2014 and to be completed in summer 2015.



City of Tacoma
Public Works Department

EXHIBIT "A" 38689
RESOLUTION NO.: _____
ITEM NO.: 2
MEETING DATE: JULY 9, 2013

DATE: June 17, 2013
TO: Board of Contracts and Awards
SUBJECT: Marine Security Operations Center
Budgeted from LTGO Bond Funds 3218-2009E and 3220-2010D
Request for Bids Specification No. PW13-0188F

RECOMMENDATION: The Public Works Facilities Management Division recommends a contract be awarded to low bidder **Pease Construction, Inc., Lakewood, WA**, for the Marine Security Operations Center (MSOC) project. The contract amount reflects a base award of \$3,063,480.00, plus sales tax, plus a 14% contingency, for a cumulative amount of \$3,492,367.20, plus sales tax.

EXPLANATION: The project will provide improvements to the MSOC, located at 3301 Ruston Way. Major components of the project include: removal of a portion of the existing pier and piles; installation of a new float system and gangway for moorage of emergency service vessels; structural improvements to the existing building and pier structure and remodel of the station for joint public safety use; and addition of a new upland apparatus bay and site improvements for an emergency service vehicle.

COMPETITIVE SOLICITATION: Request for Bids Specification No. PW13-0188F was opened May 7, 2013. In addition to normal advertising of the project, 27 companies were invited to bid. Seven 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 bid" for ranking purposes. Pease 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 award. Jones & Roberts Company withdrew their Bid.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>Submittal Amount</u> Plus sales tax	<u>Evaluated Submittal</u>
Jones & Roberts Company	Olympia, WA	\$ 2,975,250.00	Withdrawn
Pease Construction, Inc.	Lakewood, WA	\$ 3,063,480.00	\$ 2,963,355.00
Quigg Brothers, Inc.	Aberdeen, WA	\$ 3,112,000.00	\$ 3,099,571.84
Redside Construction, Inc.	Port Gamble, WA	\$ 3,249,900.00	\$ 3,226,334.04
PCL Construction Services, Inc.	Bellevue, WA	\$ 3,305,000.00	\$ 3,299,959.86
Prospect Construction, Inc.	Puyallup, WA	\$ 3,392,247.00	\$ 3,312,244.70
Lewis / Cutler Construction, Inc.	Olympia, WA	\$ 3,499,400.00	\$ 3,346,226.00
	Pre-bid estimate	\$ 3,040,000.00	

The recommended award is approximately 1% percent above the pre-bid estimate.

SUSTAINABILITY FACTORS: Several sustainability factors were incorporated in this project. The project will remove 13 creosote piles in the waterway and utilize a waste management plan to separate construction waste for recycling. We will increase energy efficiency by removing old base board heating system and replacing it with high efficiency heat pumps and removing old inefficient lighting and replacing it with new fluorescent and LED lighting. By installing storm filter and trench filtration systems there will be improved storm drainage. The floating dock has been designed for a 50 year service life.

CONTRACT HISTORY: New contract.

FUNDING: Funds are budgeted from LTGO Bond Funds 3218-2009E and 3220-2010D. \$1,088,000 is made available through FEM Port Security Grant Funding.

SBE/LEAP COMPLIANCE: The recommended contractor is in compliance with the SBE Regulation requirements per memorandum dated May 14, 2013. The SBE goal for this project is 10 percent. The SBE participation level of the recommended contractor is 6.54 percent. The recommended contractor submitted the lowest evaluated bid per the SBE Regulation requirements. The Local Employment and Apprenticeship Training Program (LEAP) goal is 1,920 labor hours.

PROJECT ENGINEER/COORDINATOR: Jeffrey A. Jenkins, Facilities Management Division Manager, 253-591-5508.



Kurtis D. Kingsolver, P.E.
Interim Public Works Director/City Engineer

cc: Chuck Blankenship, Senior Buyer, Finance/Purchasing
Charles Wilson, SBE Coordinator
Peter Guzman, LEAP Coordinator
Jeffrey Jenkins, Facilities Management
Roger Edington, Tacoma Fire



City of Tacoma

Memorandum

TO: T.C. Broadnax
City Manager

FROM: Kurtis D. Kingsolver, P.E.
Interim Public Works Director/City Engineer *KDK*

SUBJECT: Council Action Memo – Purchase Resolution – July 9, 2013
Marine Security Operations Center (MSOC) – PW13-0188F

DATE: June 21, 2013

The Public Works Facilities Management Division recommends a contract be awarded to low bidder Pease Construction, Inc., of Lakewood, WA, for the Marine Security Operations Center (MSOC) project. The contract amount reflects a base award of \$3,063,480.00, plus sales tax, plus a 14% contingency, for a cumulative amount of \$3,492,367.20, plus sales tax.

Background

This contract with Pease Construction, Inc. will provide improvements to the MSOC, located at 3301 Ruston Way. The project is part of the Tacoma Fire Department's strategic plan, to create a joint Police and Fire use facility for public safety agencies. This will enhance the maritime response capabilities for the Commencement Bay and south Puget Sound area. Major components of the project include:

- Removal of a portion of the existing pier and piles. Installation of a new float system and gangway for moorage of emergency service vessels.
- Structural improvements to the existing building and pier structure, and remodel of the station for joint public safety use.
- Addition of a new upland apparatus bay and site improvements for an emergency service vehicle.

Funding

Funds are budgeted from LTGO Bond Funds 3218-2009E and 3220-2010D. FEMA Port Security Grant Funding will provide \$1,088,000.

Schedule

Construction is anticipated to begin in mid-August and to be completed in August 2014.



City of Tacoma
Public Works Department

EXHIBIT "A"
RESOLUTION NO.: 38689
ITEM NO.: 3
MEETING DATE: JULY 9, 2013

DATE: June 17, 2013
TO: Board of Contracts and Awards
SUBJECT: Professional Services Contract for Marine Security Operations Center
Budgeted from LTGO Bond Funds 3218-2009E and 3220-2010D
Request for Qualifications, Specification No. PW10-0748F
Contract No. 4600007256

RECOMMENDATION: The Public Works Facilities Management Division requests approval to increase Contract No. 4600007256 with **Reid Middleton, Inc., Everett, WA**, by \$108,978.00, sales tax not applicable, for construction administration services. This increase will bring the contract to a cumulative amount of \$577,457.00, sales tax not applicable.

EXPLANATION: This contract is for consulting services to provide improvements to the Marine Security Operations Center (MSOC), located at 3301 Ruston Way. A contract increase is required to provide construction administration services needed during the construction of the project. Construction administration services will include submittal/shop drawing review, response to contractor information requests, periodic site visits, project close-out support and record drawing preparation.

COMPETITIVE SOLICITATION: This contract was originally awarded to Reid Middleton, Inc., as a result of Request for Qualifications (RFQ) Specification No. PW10-0748F. The initial RFQ included design, permitting and construction support services. The contractor has agreed to increase the contract at the same prices, terms and conditions as the original contract.

CONTRACT HISTORY: The contract was awarded by Resolution No. 38226, in the amount of \$411,105, sales tax not applicable, on March 29, 2011. The contract was amended by Resolution No. 38485, in the amount \$57,374.00, on May 15, 2012 for additional design, permitting and bidding services. This second amendment for construction administration services will bring the contract to a cumulative amount of \$577,457.00, sales tax not applicable.

FUNDING: Funds are budgeted from LTGO Bond Funds 3218-2009E and 3220-2010D.

PROJECT ENGINEER/COORDINATOR: Jeffrey A. Jenkins, Facilities Management Division Manager, 253-591-5508.


Kurtis D. Kingsolver, P.E.
Interim Public Works Director/City Engineer

cc: Chuck Blankenship, Senior Buyer, Finance/Purchasing
Charles Wilson, SBE Coordinator
Peter Guzman, LEAP Coordinator
Jeffrey Jenkins, Facilities Management
Roger Edington, Tacoma Fire



City of Tacoma

Memorandum

TO: T.C. Broadnax
City Manager

FROM: Kurtis D. Kingsolver, P.E.
Interim Public Works Director/City Engineer *KDK*

SUBJECT: Council Action Memo – Purchase Resolution – July 9, 2013
Marine Security Operations Center (MSOC) – PW10-0748F
Contract No. 4600007256

DATE: June 21, 2013

The Public Works Facilities Management Division requests approval to increase Contract No. 4600007256 with Reid Middleton, Inc., of Everett, WA, by \$108,978.00, sales tax not applicable, for construction administration services. This increase will bring the contract to a cumulative amount of \$577,457.00, sales tax not applicable.

Background

The contract was originally awarded to Reid Middleton, Inc., as a result of Request for Qualifications (RFQ) Specification No. PW10-0748F. The initial RFQ included design, permitting and construction support services. This amendment will provide for the construction support services as planned for in the initial RFQ.

The project will provide improvements to the Marine Security Operations Center (MSOC), located at 3301 Ruston Way. This is part of the Tacoma Fire Department's (TFD) strategic plan to create a joint Police and Fire use facility for public safety agencies. This will enhance the maritime response capabilities for the Commencement Bay and south Puget Sound area. Major components of the project include:

- Removal of a portion of the existing pier and piles. Installation of a new float system and gangway for moorage of emergency service vessels.
- Structural improvements to the existing building and pier structure, and remodel of the station for joint public safety use.
- Addition of a new upland apparatus bay and site improvements for an emergency service vehicle.

The original contract was awarded by Resolution No. 38226, in the amount of \$411,105, sales tax not applicable, on March 29, 2011. The original contract provided design and permitting services. The contract was amended by Resolution No. 38485, and increased by \$57,374, sales tax not applicable, on May 15, 2012. The amendment provided for additional design and permitting services, and also supplemented the agreement to include bidding services.

This second amendment for construction administration services will bring the contract to a cumulative amount of \$577,457.00, sales tax not applicable. Construction administration services will include submittal/shop drawing review, response to contractor information requests, periodic site visits, project close-out support, and record drawing preparation.

Funding

Funds are budgeted from LTGO Bond Funds 3218-2009E and 3220-2010D.

Schedule

Construction is anticipated to begin in mid-August and to be completed in August 2014.



RESOLUTION NO. 38690

1 A RESOLUTION relating to parks operations and maintenance; authorizing a
2 portion of the excess proceeds of the 2009 LTGO Bond Series E Fund, in
3 the approximate amount of \$375,000 for replacement of approximately
4 3,300 linear feet of existing water main and the addition of seven new fire
hydrants to Fort Nisqually in Point Defiance Park, which sum represents
one-half of the estimated total project cost of \$750,000.

5 WHEREAS, pursuant to Resolution No. 38480, the City Council determined
6 that certain capital projects originally intended to be funded with the proceeds of
7 the 2009 LTGO Bond Series E Fund were no longer under consideration, and
8 identified excess proceeds that were available for other qualifying projects, and
9

10 WHEREAS, on June 11, 2013, the City Council approved Resolution
11 No. 38681, authorizing the execution of a Memorandum of Understanding (“MOU”)
12 with the Metropolitan Park District of Tacoma (“Metro Parks”) for the replacement
13 of approximately 3,300 linear feet of existing water main and the addition of seven
14 new fire hydrants at Fort Nisqually in Point Defiance, and
15

16 WHEREAS, pursuant to the MOU, total project costs, estimated in the
17 amount of \$750,000, are to be split equally between the City and Metro Parks, and
18

19 WHEREAS the City is responsible for approximately \$375,000 of the project
20 costs, with funds to be budgeted from the excess proceeds available for this
21 purpose in the 2009 LTGO Bond Series E Fund; Now, Therefore,

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

23 That, pursuant to the Memorandum of Understanding between the City of
24 Tacoma and Metropolitan Park District of Tacoma, the proper officers of the City
25 are hereby authorized to direct a portion of the excess proceeds of the
26



1 2009 LTGO Bond Series E Fund, in the approximate amount of \$375,000 for
2 replacement of approximately 3,300 linear feet of existing water main and the
3 addition of seven new fire hydrants to Fort Nisqually in Point Defiance Park, which
4 sum represents one-half of the estimated total project cost of \$750,000.
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6 Adopted _____
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9 Mayor

10 Attest:
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12 City Clerk

13 Approved as to form:
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15 Deputy City Attorney
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RESOLUTION NO. 38691

1 A RESOLUTION relating to community and economic development; authorizing the
2 execution of a Development Agreement between the Foss Waterway
3 Development Authority and the Henry Foss Group, LLC for property located at
4 1933 Dock Street on the Foss Waterway, and a Hazardous Substance
5 Indemnification Agreement.

6 WHEREAS, the Foss Waterway Development Authority (“FWDA”) wishes to
7 develop a 51,647 square-foot site located at 1933 Dock Street, and

8 WHEREAS FWDA issued a request for proposals in February, 2013 and
9 received one response from the Henry Foss Group, LLC, and

10 WHEREAS the FWDA Board evaluated the proposed project based on specific
11 criteria which included the developer's experience with similar projects, its knowledge
12 of the Tacoma market, its experience with developing brownfields, its proposed uses
13 of the property, the project's overall value to the development objectives of the
14 FWDA/Foss Plan, and the developer's financial capability, and

15 WHEREAS the FWDA determined that the Henry Foss Group, LLC met the
16 above criteria and selected the Henry Foss Group, LLC as the developer, and

17 WHEREAS Henry Foss Group, LLC proposes to construct 161 apartments,
18 ground floor office/retail space and approximately 286 parking stalls, and

19 WHEREAS the development will include the completion of the Dock Street
20 sidewalk along the development site, which will complete the transition zone from the
21 property line to the esplanade along the development site, and complete the permanent
22 improvements to the north view and access corridor (approximately 45 feet wide and
23 161 feet in length), and
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WHEREAS the property will convert from public ownership to private ownership resulting in new property tax revenue, and

WHEREAS, in conformity with prior development on the Foss Waterway, the developer and the FWDA have requested that the City provide a Hazardous Substance Indemnification Agreement in order to facilitate the development by indemnifying the developer from any historic contamination present on the property, Now, Therefore,

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

Section 1. That the proper officers of the Foss Waterway Development Authority are hereby authorized to execute a Development Agreement between the Foss Waterway Development Authority and the Henry Foss Group, LLC for property located at 1933 Dock Street on the Foss Waterway, said Agreement to be substantially in the form of the proposed document on file in the office of the City Clerk.

Section 2. That the proper officers of the City are hereby authorized to execute a Hazardous Substance Indemnification Agreement for the property, said Agreement to be substantially in the form of the proposed document on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 38692

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A RESOLUTION relating to the multifamily property tax exemption program; authorizing the execution of a Multi-family Housing Eight-Year Limited Property Tax Exemption Agreement with Foss Waterway Development Authority (FWDA) and Henry Foss Group LLC, for the development of approximately 167 new market-rate multi-family rental housing units, to be located at 1933 Dock Street in the Downtown Mixed-Use Center.

WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of Washington, designated several Residential Target Areas for the allowance of a limited property tax exemption for new multifamily residential housing, and

WHEREAS the City has, through Ordinance No. 25789, enacted a program whereby property owners in Residential Target Areas may qualify for a Final Certificate of Tax Exemption which certifies to the Pierce County Assessor-Treasurer that the owner is eligible to receive a limited property tax exemption, and

WHEREAS the Director of Community and Economic Development has reviewed the proposed property tax exemption and recommends that conditional property tax exemptions be awarded, as set forth in Exhibit "A"; Now, Therefore,

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

Section 1. That the City Council does hereby approve and authorize a conditional property tax exemption, for a period of eight years, to Foss Waterway Development Authority (FWDA) and Henry Foss Group LLC, as set forth in the attached Exhibit "A."



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Section 2. That the proper officers of the City are authorized to execute the necessary document to implement this resolution, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

1 Foss Waterway Development Authority (FWDA) and Henry Foss Group LLC
2 are requesting an eight-year property tax exemption to develop approximately
3 167 new market-rate multi-family rental housing units to be located at 1933
4 Dock Street in the Downtown Mixed-Use Center. The housing will consist of
5 approximately 21 studio units, 95 one bedroom/one bath units, 15 two
6 bedroom/one bath units and 30 two bedroom/two bath units. The studio units
7 will be approximately 528 square feet and rent for approximately \$975 per
8 month. The one bedroom units will range from approximately 615-680 square
9 feet and rent from approximately \$1,150 to \$1,250 per month. The two
10 bedroom units will range from approximately 950 to 1,200 square feet and
11 rent from approximately \$1,500 to \$2,200 per month. The project will include
12 approximately 205 on-site residential parking stalls. The project will provide
13 housing for both individuals and small families. Construction cost is estimated
14 at \$32,600,000 and will provide short term employment for approximately 930
15 construction trades people. Annual property taxes to be exempted from the
16 housing project are estimated to be approximately \$570,500, of which
17 \$114,100 would be the City's portion. The land will continue to produce tax
18 revenues. Construction is expected to begin in late 2013 and be completed
19 by December of 2014.
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ORDINANCE NO. 28160

1 AN ORDINANCE relating to public utility services; amending Sections
2 12.01.030, 12.06.110, 12.08.600, 12.08.160, and 12.10.060 of the
3 Tacoma Municipal Code regarding a change in the utility billing due date
4 and clarifying methods of invoice issuance.

4 WHEREAS Tacoma Public Utilities' Customer Services Division ("Customer
5 Services") seeks approval for a change in the due date specified on utility bills to
6 provide customers an additional five (5) days between the date an invoice is issued
7 and the date it becomes due, and

9 WHEREAS Customer Services' strategic plan identifies the need to provide
10 customers with easy to use payment options and an increase in the number of
11 days customers have between the utility bill invoice and due dates provides
12 residential and commercial customers more flexibility in the time period to pay their
13 bill, and

15 WHEREAS a review of other regional and national utilities identified an
16 industry standard of allowing customers 15 days to pay utility invoices, and

17 WHEREAS during a joint study session both the Utility Board and City
18 Council expressed an interest in increasing the number of days for utility
19 customers to pay their bill, and

21 WHEREAS a policy change will require the current 10 day utility bill due
22 date provisions specified in Tacoma Municipal Code Sections 12.06.110,
23 12.08.600, 12.09.160, and 12.10.060 to be amended to provide for an
24 additional five (5) days, and new language needs to be added to

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Section 12.01.030 to clarify the methods of invoice issuance, including existing electronic billing practices; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Sections 12.01.030, 12.06.110, 12.08.600, 12.09.160, and 12.10.060 of the Tacoma Municipal Code are amended, as set forth in the attached Exhibit "A".

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



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EXHIBIT "A"

12.01.030 Invoicing and Late payment fee charge.

A. Invoices for City utility services may be issued by mail and/or electronic means. Any invoice shall be deemed issued on the date it is deposited in the United States Post Office with postage paid and/or electronically made available by Customer Services for customer review, and such methods of issuance shall be evidence of receipt of the invoice by a customer.

B. A late payment fee will be assessed for delinquent utility account invoices(s) for City residential utility customers who fails to make full payment of his or her utility account(s), the late payment fee will be assessed on each invoice that is not paid in full within 30 days and from the date issued. For all other City utility customers who fail to make full payment of his or her utility bills the late payment fee will be assessed on each invoice that is not paid in full within 24 days from of the date on the initial billing shall be assessed a the invoice is issued. The late payment fee shall be charge as follows:

- Utility Amount Balance Late Payment Fee
- \$0 - \$9.99 \$0
- \$10.00 and over 1% of balance with a \$3.00 minimum

After the initial delinquency and failure to pay, the late payment charge fee shall compound on a monthly basis at the above-stated rate or 1 percent per month, whichever is more. The chargefee will be ~~made~~ assessed on the past due balance, and each utility will receive the portion assessed for its past due balance.

The late payment chargefee will be allocated to, and recorded as revenue for City tax purposes by each utility providing service.

C. The Director of Utilities is authorized to waive the late payment charges under the following circumstances:

A1. Residential utility customer who (1) qualifies as low income, (2) receives supplemental security income, or (3) is disabled and receives federal or state funds pursuant to the criteria set forth in TMC Section 12.06.165; or

B2. If the customer is a public agency or Indian Tribe that, due to governmental or similar processing delays, has substantial difficulty in paying accounts within 30 days.

12.06.110 Billing - Payment of bills and delinquency.

A. The Director shall cause a bill to be rendered to each customer for electric energy consumed and/or services rendered during the preceding period. The utility and said bill shall become due and payable at the office of the City Treasurer or such other ~~place or~~ places designated by ~~him~~ the Director within 150



1 days ~~after~~from the date an invoice is issued per TMC 12.01.030 and shall become delinquent thereafter of
 2 mailing of said bill. The Power Division shall compute any bill due under TMC 12.06 by carrying the
 3 computation to the third decimal place and rounding to a whole cent using a method that rounds up to the
 4 next cent whenever the third decimal place is greater than four. ~~The deposit of a bill in the United States~~
 5 ~~Post Office with postage paid shall be evidence of the receipt thereof by a customer.~~

6 B. If said bills are not paid when due, they shall become delinquent and the Director shall, if the same is
 7 necessary to enforce payment of said bills, cause a discontinuance of the service from the premises
 8 affected by such delinquency and service shall remain off until arrangement satisfactory to the Director
 9 has been made covering payment of the delinquent bill. In addition, any invoice that becomes delinquent
 10 shall be subject to a late payment fee as set forth in TMC 12.01.030.

11 C. All charges for electric energy or service shall be the personal obligation of the customer applying for
 12 or signing for and/or receiving such service, and in addition thereto, the City shall have all the lien rights
 13 granted by state laws against the premises where such service is furnished. The Director shall have the
 14 absolute authority, except as limited by said state laws, to refuse to furnish service to, to discontinue
 15 service to, or to refuse to resume service to any applicant or customer on account of the failure to pay
 16 delinquent bills owing Tacoma Power by such person, whether such bills cover service at the premises
 17 sought to be served or elsewhere.

18 D. The owner of the premises or the owner of a delinquent mortgage thereon to which electric energy has
 19 been furnished, when giving notice to cut off service to said premises shall give notice upon a form
 20 approved, furnished and provided by Tacoma Power and shall specifically state therein the right, title
 21 and/or interest of such person in said premises and the name or names of any other person having an
 22 interest therein.

23 E. Any tax now or hereafter imposed upon the sale and/or delivery of electric energy shall be added by
 24 the Department to the bills rendered for service, which bills shall be paid by the customers.

25 F. Meter readings may be made by the Department on a bi-monthly or other periodic basis. The
 26 Department may for any reason implement and impose charges based on estimated electrical
 consumption or an estimated meter reading.

12.08.600 Billing periods, payments, and collections.

1 A. All bills for wastewater and surface water service charges as set forth herein shall be rendered monthly
 2 or bimonthly as shall be determined by the City Manager. ~~The utility bill and~~ shall become due and
 3 payable at the office of the City Treasurer or such other places as approved by the City Treasurer ~~on or~~
 4 ~~before the 15th day after the statement has been mailed within 15 days from the date an invoice is issued~~
 5 ~~per TMC 12.01.030~~ and shall become delinquent thereafter.

6 B. ~~For any service charge which~~ Any invoice that becomes delinquent shall be subject to, the party shall
 7 be charged a late payment fee as set forth in TMC 12.01.030. Any service charge which becomes
 8 delinquent, together with interest, also shall immediately become a lien against the premises served under
 9 RCW 35.67.200. Such lien may be foreclosed by the City in the manner provided by Chapter 35.67
 10 RCW. In the event that the City files or releases a lien with the County Auditor, a processing fee will be
 11 added to the delinquent amounts owed equivalent to the current fees charged by the County Auditor for
 12 filing or releasing a lien. The processing fee will be allocated to Wastewater Management or Surface
 13 Water Management Funds, as appropriate, and, for City tax purposes, recorded as revenue. In addition to



such foreclosure, a customer whose said Wastewater Management or Surface Water Management account is delinquent shall also be subject to having City water utility services terminated for the subject premises (or other premises owned or rented by the customer), which termination shall continue until satisfactory arrangements are made to satisfy the delinquency.

C. Rates due under this chapter shall be computed by carrying the computation to the third decimal place and rounding to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

12.09.160 Billing periods, payments and collections.

A. All bills for Solid Waste Management services, as set forth herein, shall be rendered monthly or bimonthly as determined by the City Manager. The utility bill and shall become due on or before the 15th day after the statement has been mailed and payable at the office of the City Treasurer, or such other places as approved by the City Treasurer, within 15 days from the date an invoice is issued per TMC 12.01.030 and shall become delinquent thereafter.

The charge for service furnished for any portion of a billing period shall be prorated on the flat rate set forth herein.

B. Any ~~service charge which in invoice that~~ becomes delinquent shall be subject to a late payment fee as set forth in ~~Chapter 12.01 of the Tacoma Municipal Code TMC 12.01.030~~. Upon delinquency, all charges and penalties immediately become a lien against the premises served. Such lien may be foreclosed upon in accordance with and pursuant to, the provisions of RCW 35.21.130, 35.21.140, and 35.21.150. In addition to such foreclosure, a customer whose utility account is delinquent shall also be subject to having City water service shut off at the premises to which the solid waste services were furnished. Water service shall continue to be shut off until satisfactory arrangements are made to satisfy the delinquent account. In the event that the City files or releases a lien with the County Auditor, a processing fee will be added to the delinquent amounts owed equivalent to the current fees charged by the County Auditor for filing or releasing a lien. The processing fee will be allocated to Solid Waste Management Funds and for City tax purposes recorded as revenue.

C. It shall be the customer's and the property owner's responsibility to increase, reduce, or terminate Solid Waste Management service when necessary. Solid Waste Management assumes no responsibility for charges accrued due to the failure of a customer to notify Solid Waste Management of a change of service or occupancy.

D. A service fee of \$20.00 shall be made to the disposal charges for any returned check, (i.e., nonsufficient funds, stopped payment, or closed accounts).

12.10.060 Billing.

~~A statement of charges for water service shall be mailed to the customer and is-~~ The Director shall cause a bill to be rendered to each customer for water services rendered during the preceding period. The utility bill shall become due and payable at the City Treasurer's office or at such other places designated in the Tacoma Public Utilities Customer Service Policies on or before the tenth day after the statement has been mailed by the Director, within 15 days from the date an invoice is issued per TMC 12.01.030 and shall



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become delinquent thereafter. The Water Division shall compute any amounts due under TMC 12.10 by carrying the computation to the third decimal place and rounding to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four. Any invoice that becomes delinquent shall be subject to a late payment fee as set forth in TMC 12.01.030.
