



## Legislation Passed October 1, 2013

The Tacoma City Council, at its regular City Council meeting of October 1, 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. 38742**

A resolution setting Tuesday, October 15, 2013, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the proposed sale of 2,115 square feet of real property within Tacoma Rail Mountain Division railroad right-of-way to the Washington State Department of Transportation to accommodate the Interstate 5, M Street to Portland Avenue, HOV Project.

### **Resolution No. 38743**

A resolution setting Tuesday, October 22, 2013, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the proposed interim land use regulations concerning the production, processing, and retail sale of recreational marijuana.

### **Resolution No. 38744**

A resolution authorizing the execution of an Interlocal Agreement with the City of University Place, in the amount of \$389,500 in grant funding, and a required match of \$60,750, for a total of \$450,250, for the design of the South 56th Street and Cirque Drive corridor improvements.

### **Resolution No. 38745**

A resolution authorizing the execution of Amendment No. 1 to the Interlocal Agreement with Pierce Transit, in the amount of \$49,576.58, depositing said sum into the Street Fund, for additional equipment installation services for the Transit Signal Priority Project.

### **Resolution No. 38746**

A resolution reappointing Lillian Hunter to the Tacoma Public Library Board of Trustees for a five-year term beginning October 5, 2013 through October 5, 2018.

**Resolution No. 38747**

A resolution awarding a contract to Fehr & Peers, in the amount of \$500,000, sales tax not applicable, budgeted from the General Fund, for consultant services for the preparation of the City's Transportation Master Plan - Specification No. PW13-0377F.

**Resolution No. 38748**

A resolution expressing support for the passage of City of Tacoma Proposition No. 1, to be held at the Tuesday, November 5, 2013 election which reads as follows:

CITY OF TACOMA  
SPECIAL ELECTION - PROPOSITION NO. 1  
2% UTILITY COMPANY EARNINGS TAX  
FOR TACOMA STREET IMPROVEMENTS

The City Council of the City of Tacoma adopted Substitute Resolution No. 38700 concerning an additional 2% earnings tax on utility companies for streets. If passed, Proposition No. 1 would authorize the City to levy an additional 2% earnings tax on natural gas, electric, and phone companies for the sole purpose of funding basic maintenance and safety upgrades City-wide, for roads, arterials, and bridges; permanent pothole repairs; pedestrian safety improvement to crosswalks near schools, sidewalks and intersections; repaving neighborhood streets; and improved signal timing, all as provided in Substitute Resolution No. 38700. Should Proposition No. 1 be enacted into law?

Yes [ ]

No [ ]

**Substitute Ordinance No. 28177**

A substitute ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, creating a new position, entitled PAF Maintenance Chief, Assistant, and implementing rates of pay and compensation for said position.



## RESOLUTION NO. 38742

1 A RESOLUTION relating to surplus property; setting Tuesday, October 15, 2013, as  
2 the date for a public hearing on the proposed sale of 2,115 square feet of  
3 real property within Tacoma Rail Mountain Division railroad right-of-way to  
4 the Washington State Department of Transportation to accommodate its  
5 Interstate 5, M Street to Portland Avenue, HOV Project.

6 WHEREAS the Washington State Department of Transportation (“WSDOT”)  
7 desires to purchase property within the Tacoma Rail Mountain Division (“TRMW”)  
8 right-of-way for the purpose of widening the Interstate 5 (“I-5”) bridge at the  
9 I-5/Interstate 705 (“I-705”)/State Route 7 (“SR-7”) interchange located in the City,  
10 and

11 WHEREAS this project widens the northbound and southbound lanes of I-5  
12 to four general-purpose lanes, and adds one additional HOV lane, and

13 WHEREAS an additional HOV lane will ensure that transit, vanpools, and  
14 carpools can move efficiently through the corridor even when traffic is congested in  
15 the adjoining general-purpose lanes, and

16 WHEREAS the property requested by WSDOT is held in fee simple by  
17 TRMW, but most other TRMW right-of-way located within the I-5/I-705/SR-7  
18 interchange is held by easement rights, and

19 WHEREAS selling fee simple title to WSDOT, while retaining necessary  
20 easement rights, is consistent with other TRMW property rights in the area and will  
21 provide additional revenue to TRMW, and

22 WHEREAS WSDOT has offered \$10,500 to purchase the subject property in  
23 fee, subject to a perpetual easement for continued TRMW railroad operations under  
24 the highway overcrossing and an easement for existing storm and sewer lines, and  
25  
26



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

WHEREAS TRMW has reviewed WSDOT's plans for the project and has determined that the proposed sale and easement reservation will not affect railroad operations, 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 real property; Now, Therefore,

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

Section 1. That a public hearing on the proposed sale of 2,115 square feet of real property within Tacoma Rail Mountain Division railroad right-of-way to the Washington State Department of Transportation to accommodate its I-5, M Street to Portland Avenue, HOV Project 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, October 15, 2013, at approximately 5:30 p.m. or as soon thereafter as the same may be heard.

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

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## RESOLUTION NO. 38743

1 A RESOLUTION relating to land use regulations associated with Initiative 502;  
2 setting Tuesday, October 22, 2013, as the date for a public hearing on the  
3 proposed interim land use regulations concerning the production,  
4 processing, and retail sale of recreational marijuana.

5 WHEREAS Initiative 502 (“I-502”), approved by Washington voters in  
6 November 2012, provides a framework for licensing and regulating the production,  
7 processing, and retail sale of recreational marijuana, and

8 WHEREAS the Washington State Liquor Control Board (“WSLCB”) is tasked  
9 with establishing rules and procedures to implement I-502 and determine a  
10 “maximum number of retail outlets that may be licensed in each county,” and

11 WHEREAS, according to the WSLCB’s current timeline, the rules will  
12 become effective on November 16, 2013, and the state will begin accepting  
13 applications for all license types on November 18, 2013, and

14 WHEREAS, while the impacts of I-502 are largely unknown, the City Council  
15 is considering various response options pending the state’s adoption of the  
16 licensing regulations and procedures and/or resolution of the underlying conflict  
17 with federal law, and

18 WHEREAS, in light of the rules and schedule currently proposed by the  
19 WSLCB, it is in the best interest of the City to pursue land use and zoning options  
20 to provide policy and regulatory guidance to facilitate the review, in a proactive and  
21 timely manner, of marijuana license applications within City limits that are expected  
22 to come forward in November 2013, and  
23  
24  
25  
26



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

WHEREAS, at the August 13, 2013, meeting of the Committee of the Whole, the City Council recommended that the process for imposing interim land use regulations be initiated, and

WHEREAS the proposed amendments would adopt marijuana-specific uses (Marijuana Production, Marijuana Processing, and Marijuana Retail); provide zoning and development standards concerning each of these three new uses; and add Urban Horticulture as a new use category, and

WHEREAS, pursuant to RCW 36.70A.390 and Tacoma Municipal Code 13.02.055, the City Council shall conduct a public hearing on the proposed interim land use regulations; Now, Therefore,

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

Section 1. That a public hearing on the proposed interim land use regulations concerning the production, processing, and retail sale of recreational marijuana 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, October 22, 2013, at approximately 5:30 p.m. or as soon thereafter as the same may be heard.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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:

\_\_\_\_\_  
City Attorney



## RESOLUTION NO. 38744

1 A RESOLUTION relating to community and economic development; authorizing  
2 the execution of an interlocal agreement with the City of University Place for  
3 the design of the 56th Street/Cirque Drive Corridor Improvements.

4 WHEREAS the 56th Street/Cirque Drive corridor is one of the major arterials  
5 in south Tacoma and University Place, and will be one of the primary entrances to  
6 the Chambers Bay Golf Course for the 2015 US Open, and

7 WHEREAS, in 2012, Tacoma assisted University Place in applying for  
8 Surface Transportation Program ("STP") grant funding for design of the corridor  
9 improvements, and

10 WHEREAS the corridor improvements consist of a center landscaped  
11 median with left turn lanes where needed, pavement overlay and striping, new  
12 streetlights, new landscaping in the planting strip, new or repaired sidewalks, and  
13 ADA improvements, and

14 WHEREAS the goal is to complete the project prior to the US Open in 2015,  
15 if construction funding can be obtained, and

16 WHEREAS, in December 2012 and February 2013, University Place was  
17 awarded STP funding totaling \$778,500 for the design portion of the project, and

18 WHEREAS the local agency match for this funding is \$121,500, and

19 WHEREAS University Place and Tacoma have agreed to split the grant  
20 funding and the local agency match 50/50, which equates to \$389,500 in grant  
21 funding for Tacoma with a required \$60,750 match, for total Tacoma design funding  
22 of \$450,250, and

23 WHEREAS Tacoma's funding match comes from gas tax revenues, which is  
24 budgeted and available, and  
25  
26





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

WHEREAS the 56th Street/Cirque Drive Corridor Improvements project improves this major arterial not only for the 2015 US Open, but for the future use of the corridor, and

WHEREAS this resolution will authorize the execution of an interlocal agreement with University Place for the design of improvements to the 56th Street/Cirque Drive Corridor; Now, Therefore,

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

That the proper officers of the City are hereby authorized to execute an interlocal agreement with University Place for the design of improvements to the 56th Street/Cirque Drive Corridor, said document to be substantially in the form of the proposed interlocal agreement on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## RESOLUTION NO. 38745

1 A RESOLUTION relating to public works; authorizing execution of Amendment  
2 No. 1 to the Interlocal Agreement with Pierce Transit, in the amount of  
3 \$49,576.58, for deposit into the 1060 Street Fund, for additional equipment  
4 installation services provided by City staff for the Transit Signal Priority  
5 project.

6 WHEREAS, on November 23, 2010, the City Council approved Resolution  
7 No. 38148, authorizing the execution of an Interlocal Agreement (“Agreement”) with  
8 Pierce Transit for equipment installation and annual maintenance for the Transit  
9 Signal Priority (“TSP”) project, and

10 WHEREAS the Agreement provides for the following: (1) produce a network  
11 system of interactive traffic controls addressing 86 signalized intersections in the  
12 downtown area of Tacoma; (2) reduce transit delay through the deployment of new  
13 technology and equipment; (3) purchase and install signal controller upgrades and  
14 communications equipment; and (4) establish a long-term commitment for use and  
15 maintenance of the TSP and signal preemption technology, and

16 WHEREAS Article II, Section 3, of the Agreement provides for a maximum  
17 contract amount of \$297,908 for City signal staff labor to install TSP equipment, and

18 WHEREAS the Agreement allows for additional compensation by mutual  
19 agreement, and

20 WHEREAS, during construction, Pierce Transit requested additional services  
21 from City crews to install and test upgraded traffic signal controller software that  
22 was required to fully integrate transit priority at light rail intersections, and  
23  
24  
25  
26



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

WHEREAS the value of the additional work provided by City crews is \$49,576.58, bringing the cumulative cost of equipment installation to \$347,484.58, and

WHEREAS, following approval of Amendment No. 1 to the Agreement, Pierce Transit will pay the City additional compensation in the amount of \$49,576.58, to cover the additional expenditure; Now, Therefore,

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

That the proper officers of the City are hereby authorized to enter into an amendment to the Interlocal Agreement with Pierce Transit, in the amount of \$49,576.58, for deposit into the 1060 Street Fund, for additional equipment installation services provided by City staff for the Transit Signal Priority project, said amendment 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. 38746

1 BY REQUEST OF MAYOR STRICKLAND

2 A RESOLUTION relating to committees, boards, and commissions; and appointing  
3 an individual to the Tacoma Public Library Board of Trustees.

4 WHEREAS the Tacoma Public Library Board of Trustees position currently  
5 held by Lillian Hunter will expire on October 4, 2013, and

6 WHEREAS, under Tacoma City Charter Section 2.4, appointments may be  
7 made by a majority vote of the City Council from names presented in writing to the  
8 City Council by the Mayor, and

9  
10 WHEREAS the Mayor has nominated Lillian Hunter to serve on the Tacoma  
11 Public Library Board of Trustees for an additional five-year term through October 5,  
12 2018; Now, Therefore,

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

14 That Lillian Hunter is hereby reappointed to serve on the Tacoma Public  
15 Library Board of Trustees for a five-year term through October 5, 2018, and until a  
16 successor is appointed.  
17

18  
19 Adopted \_\_\_\_\_

20 \_\_\_\_\_  
21 Mayor

22  
23 \_\_\_\_\_  
24 City Clerk

25 Approved as to form:  
26 \_\_\_\_\_  
City Attorney



## RESOLUTION NO. 38747

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and  
2 the furnishing of services; authorizing the execution of a contract with  
3 Fehr & Peers in the amount of \$500,000, budgeted from the General Fund,  
4 for consultant services for the City's Transportation Master Plan.

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

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

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

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

16 Section 2. That the proper officers of the City are hereby authorized to  
17 enter into a contract with Fehr & Peers in the amount of \$500,000, budgeted from  
18

19  
20  
21  
22  
23  
24  
25  
26



1 the General Fund, for consultant services for the City's Transportation Master  
2 Plan, consistent with Exhibit "A."

3  
4 Adopted \_\_\_\_\_

5

6

\_\_\_\_\_  
Mayor

7 Attest:

8

9

\_\_\_\_\_  
City Clerk

10

Approved as to form:

11

12

\_\_\_\_\_  
City Attorney

13

14

15

16

17

18

19

20

21

22

23

24

25

26



## RESOLUTION NO. 38748

1 BY REQUEST OF MAYOR STRICKLAND, DEPUTY MAYOR CAMPBELL, AND  
2 COUNCIL MEMBERS BOE AND MELLO

3 A RESOLUTION expressing support for the passage of City of Tacoma Proposition  
4 No. 1 at the November 5, 2013, election for the sole purpose of financing  
5 street maintenance improvements and safety upgrades in the City of  
6 Tacoma.

6 WHEREAS the City of Tacoma is committed to core services that it is  
7 uniquely able to provide, is dedicated to providing these services as efficiently and  
8 cost effectively as possible, and is focused on clearly communicating with the  
9 citizens of Tacoma how resources are expended and the benefits that are provided  
10 to the citizens that the City serves, and

11 WHEREAS the City's streets and transportation infrastructure have  
12 documented deficiencies, and the citizens of Tacoma have consistently stated that  
13 repair and maintenance of City and neighborhood streets is a top concern and  
14 priority for funding, and

15 WHEREAS the City seeks to provide a sustainable, transparent and  
16 dedicated source of revenue to address the deficiencies with the City's streets and  
17 transportation infrastructure, and

18 WHEREAS, on July 23, 2013, the City Council passed Substitute Resolution  
19 No. 38700, which provided for the submission of City of Tacoma Proposition No. 1  
20 to the electors of the City of Tacoma at the November 5, 2013, election, and

21 WHEREAS, if passed by the voters of the City of Tacoma, Proposition No. 1  
22 would provide up to \$10-11 million annually for the sole purpose of funding  
23 Citywide street improvements, and



1 WHEREAS, if passed, Proposition No. 1 would provide for basic  
2 neighborhood street maintenance and repair, including the permanent repair of an  
3 additional 3,600 potholes annually throughout the City, and the repaving of over  
4 510 neighborhood blocks over the next five years, and

5 WHEREAS, if passed, Proposition No. 1 would provide for safety upgrades  
6 to City roads, arterials and bridges, including adding safety crosswalks and  
7 flashing beacons in 46 school zones in the first five years alone, and fund basic  
8 maintenance of city-owned bridges to keep them safe, and

9 WHEREAS, if passed, Proposition No. 1 would provide matching funds for  
10 utility projects so that street improvements could be coordinated with water and  
11 sewer improvements, and would provide matching funds to secure additional grant  
12 funds, and

13 WHEREAS RCW 42.17A.555 authorizes members of a legislative body to  
14 take action at an open public meeting to express a collective decision, or vote upon  
15 a resolution, to support or oppose a ballot proposition, provided that the required  
16 notice of the meeting includes the title and number of the ballot proposition and  
17 that members of the City Council and the public are afforded an approximately  
18 equal opportunity for the expression of an opposing view; Now, Therefore,  
19

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

21 That the City Council hereby expresses its support for the passage of City  
22 of Tacoma Proposition No. 1 at the November 5, 2013, election for the purposes  
23 hereinabove enumerated, which ballot title reads as follows:  
24  
25  
26





**CITY OF TACOMA  
SPECIAL ELECTION - PROPOSITION NO. 1  
2% UTILITY COMPANY EARNINGS TAX FOR TACOMA  
STREET IMPROVEMENTS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

The City Council of the City of Tacoma adopted Substitute Resolution No. 38700 concerning an additional 2% earnings tax on utility companies for streets. If passed, Proposition No. 1 would authorize the City to levy an additional 2% earnings tax on natural gas, electric, and phone companies for the sole purpose of funding basic maintenance and safety upgrades City-wide, for roads, arterials, and bridges; permanent pothole repairs; pedestrian safety improvement to crosswalks near schools, sidewalks and intersections; repaving neighborhood streets; and improved signal timing, all as provided in Substitute Resolution No. 38700. Should Proposition No. 1 be enacted into law?

Yes.....[ ]  
No.....[ ]

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
City Attorney



# SUBSTITUTE ORDINANCE NO. 28177

1 AN ORDINANCE relating to the Compensation Plan; amending Section 1.12.355 of  
2 the Tacoma Municipal Code; and declaring the effective date thereof to  
3 implement rates of pay and compensation.

4 BE IT ORDAINED BY THE CITY OF TACOMA:

5 Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby  
6 amended effective as provided by law, as follows:

7 \* \* \*

Code	Title	1	2	3	4	5
5049	PAF Maintenance Chief, Assistant	23.90	25.09	26.35	27.67	29.05

10 \* \* \*

11 Section 2. That Section 1 of this ordinance shall become effective as  
12 provided by law.

13 Passed \_\_\_\_\_

14  
15  
16  
17 \_\_\_\_\_  
18 Mayor

19 Attest:

20 \_\_\_\_\_  
21 City Clerk

22 Approved as to form:

23 \_\_\_\_\_  
24 Deputy City Attorney