



Legislation Passed October 21, 2014

The Tacoma City Council, at its regular City Council meeting of October 21, 2014, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 39030

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

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

Resolution No. 39031

A resolution setting Tuesday, November 4, 2014, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the 2015-2016 Biennial Budget.

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

Resolution No. 39032

A resolution setting Tuesday, November 4, 2014, at approximately 5:30 p.m., as the date for a public hearing by the City Council to set the proposed Ad Valorem tax levies and other General Fund revenues for 2015.

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

Resolution No. 39033

A resolution declaring surplus and approving the sale of approximately .85 of an acre of surplus land located near the intersection of Canyon Road and 172nd Street East in Pierce County to Fretoc, LLC for in the amount of \$50,000.

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

Resolution No. 39034

A resolution declaring surplus and approving the sale of approximately 20 acres of real property owned by the Department of Public Utilities and located in the Green River Watershed to the United States of America, Army Corp of Engineers, for the amount of \$142,300.

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

Resolution No. 39035

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

[Andy Cherullo, Director, Finance]



RESOLUTION NO. 39030

1 A RESOLUTION related to surplus property; setting Tuesday, November 4,
2 2014, as the date for a public hearing regarding the proposed sale of
3 approximately 867 square feet of land located adjacent to Bridgeport Way
4 near the intersection of Bridgeport Way and 21st Street West, in University
5 Place, owned by the Department of Public Utilities, Power Division (d.b.a.
6 "Tacoma Power") and now surplus to its needs, to the City of University
7 Place, for the negotiated price of \$11,900.

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

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

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

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

21 WHEREAS Tacoma Power as determined that there is no foreseeable
22 need for continued ownership of this property, and that its current operations
23 are not impacted by this transaction, and
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WHEREAS, on October 15, 2014, by adoption of Public Utility Board Resolution No. U-10721, the Property was declared surplus to the needs of Tacoma Water, pending confirmation from the City Council, and

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

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

Section 1. That a public hearing on the sale of approximately 867 square feet of land located adjacent to Bridgeport Way near the intersection of Bridgeport Way and 21st Street West, in University Place, owned by the Department of Public Utilities, Power Division (d.b.a. "Tacoma Power") and now surplus to its needs, to the City of University Place, for the negotiated price of \$11,900, shall be held before the City Council in the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, on Tuesday, November 4, 2014, at approximately 5:30 p.m. or as soon thereafter as the same may be heard.



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

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10721



RESOLUTION NO. 39031

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

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

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

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

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

Adopted _____

Mayor

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 39032

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

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

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

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

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

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

18 Adopted _____

19 _____
20 Mayor

21 Attest:
22 _____
23 City Clerk

24 Approved as to form:
25 _____

26 Deputy City Attorney



RESOLUTION NO. 39033

1 A RESOLUTION related to surplus property; approving the sale of approximately
2 0.85 of an acre of property located near the intersection of Canyon Road
3 and 172nd Street East, in Pierce County, owned by the Department of
4 Public Utilities, Water Division (d.b.a. "Tacoma Water") and now surplus to
5 its needs, to Fretoc, LLC, for the negotiated price of \$50,000.

6 WHEREAS the City of Tacoma, Department of Public Utilities, Water
7 Division (d.b.a. "Tacoma Water"), acquired 73 acres of property in 1893 as part
8 of the City's acquisition of the Tacoma Light and Water Company, and

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

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

18 WHEREAS Fretoc, LLC, expressed interest in purchasing the Property
19 to enhance the development of its abutting property, and, after negotiations,
20 offered to purchase the Property for the amount of \$50,000, plus transactional
21 costs, and
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23 WHEREAS Tacoma Water has determined that the Property is not
24 necessary for current or future needs, and a negotiated sale in the amount of
25 \$50,000 would be in the best interests of the City, and
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1 WHEREAS, on August 27, 2014, by adoption of Public Utility Board
2 Resolution No. U-10716, the Property was declared surplus to the needs of
3 Tacoma Water and approved for sale, pending confirmation from the City
4 Council, and

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

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

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

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

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23 Section 2. That the proper officers of the City are hereby authorized to
24 enter into a Real Estate Purchase and Sale Agreement to convey this portion of
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1 real property in fee simple to Fretoc, LLC, for the negotiated price of \$50,000,
2 said agreement to be substantially in the form of the document on file in the office
3 of the City Clerk.
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5 Adopted _____
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8 Mayor

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11 City Clerk

12 Approved as to form:
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14 _____
15 Chief Deputy City Attorney

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

1 A RESOLUTION related to surplus property; approving the sale of approximately
2 20 acres of real property located in the Green River Watershed, owned by
3 the Department of Public Utilities, Water Division (d.b.a. "Tacoma Water")
4 and now surplus to its needs, to the United States of America, Army Corps
5 of Engineers, for the negotiated price of \$142,300.

6 WHEREAS, in 1986, the City of Tacoma, Department of Public Utilities,
7 Water Division (d.b.a. "Tacoma Water"), issued the United States of America, Army
8 Corps of Engineers ("ACOE"), permission to install, operate, and maintain
9 15 piezometers and related underground infrastructure on its property located near
10 the Howard Hanson Dam, which is within the Green River Watershed, and

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

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

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

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

22 WHEREAS the subject property is approximately 20 acres of real property
23 located in the Green River Watershed ("Property"), with an estimated market value
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of \$142,300, all as more fully described in the documents on file in the office of the
1 City Clerk, and

2 WHEREAS the ACOE expressed interest in purchasing the Property, and,
3 after negotiations, offered to purchase the Property for the amount of \$142,300,
4 and
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6 WHEREAS Tacoma Water has confirmed that there is no foreseeable need
7 for continued ownership of the Property, and that its current operations are not
8 impacted by this transaction, and
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10 WHEREAS, on September 24, 2014, by adoption of Public Utility Board
11 Resolution No. U-10723, the Property was declared surplus to the needs of
12 Tacoma Water and approved for sale, pending confirmation from the City Council,
13 and
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15 WHEREAS, as required by state law, a public hearing was held on
16 October 14, 2014, to allow the public to comment on the proposed sale, and no
17 objections were received, and
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19 WHEREAS, there being no foreseeable need for continued City ownership
20 of the Property, a declaration of surplus and negotiated disposition of the Property
21 and the execution of a Purchase and Sale Agreement to convey said Property to
22 the ACOE for the negotiated price of \$142,300, appears to be in the best interests
23 of the City, pending final approval from the City Council; Now, Therefore,
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

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

Section 2. That the proper officers of the City are hereby authorized to enter into a Real Estate Purchase and Sale Agreement to convey this portion of real property to the United States of America, Army Corps of Engineers, for the negotiated price of \$142,300, said agreement to be substantially in the form of the document on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10723



RESOLUTION NO. 39035

1 A RESOLUTION relating to the Foss Waterway Development Authority;
2 authorizing an amendment to a Loan Agreement with the Foss Waterway
3 Development Authority ("FWDA") to allow a portion of the proceeds from the
4 sale of property to be retained by the FWDA to be used for operating
5 expenses during the 2015-2016 biennium; and to add additional properties
6 to the list of assets that secure repayment of the \$4.1 million General Fund
7 loan.

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

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

16 WHEREAS, on April 10, 2007, pursuant to Resolution No. 37158, the City
17 approved the execution of a Loan Agreement with the FWDA in the amount of
18 \$4.1 million, and the FWDA pledged, as security for the loan, proceeds of the sale
19 of property known as "Site 1," among others, and

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

23 WHEREAS the FWDA remains reliant on lease revenue from the
24 marina and non-recurring revenue from its development activities, with its primary
25 source of revenue being the sale of property, and
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1 WHEREAS, during the recent economic downturn, property sales did not
2 occur as expected, and FWDA operating funds diminished despite significant
3 reductions in operating expenses, and

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

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

9 WHEREAS the proposed amendment would divide the proceeds of
10 \$1,286,950 from the sale as follows: \$643,475 to the City's General Fund, to
11 repay a portion of the \$4.1 million loan; and \$643,475 to be retained by the FWDA,
12 to support its development activities, and

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

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

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

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

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney