



Legislation Passed September 29, 2015

The Tacoma City Council, at its regular City Council meeting of September 29, 2015, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 39272

A resolution setting Thursday, November 5, 2015, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate the alley between East D Street and East E Street, north of Puyallup Avenue and south of the BNSF Railway Company property and the terminus of City right-of-way, for a passenger drop-off and bus zone. (PCSD Tacoma Facilities I, LLC; File No. 124.1353)
[Ronda Cornforth, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39273

A resolution authorizing the execution of an amendment to the contract with Pape Machinery, Inc., in the amount of \$200,000, plus sales tax, for a cumulative total of \$400,000, budgeted from various departmental funds, to extend the contract for occasional warranty and non-warranty services, repairs, and parts for the City's John Deere equipment on an as-needed basis through November 30, 2017 - Specification No. GF15-0501N.
[Justin E. Davis, Facilities Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39274

A resolution authorizing the execution of an agreement with Pierce County, in the amount of \$875,000, budgeted from the Solid Waste Fund, to provide household hazardous waste collection services to Pierce County residents, for an initial five-year term, with the option to renew for one additional two-year term, for a projected contract total of \$1,225,000; and providing for 100 percent reimbursement by Pierce County, beginning January 1, 2016.
[Gary H. Kato, Solid Waste Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

Ordinance No. 28321

An ordinance amending Chapter 8.66 of the Municipal Code, relating to Weapons, to permit the possession of air guns, air rifles, B-B guns, and slingshots, while preserving the misdemeanor offense of discharging or shooting such items in the City; and allow for a limited exception for the discharge of air guns, air rifles, and B-B guns for recreational purposes in an indoor, licensed business facility.
[Keith Echterling, Assistant City Attorney; Elizabeth Pauli, City Attorney]



RESOLUTION NO. 39272

1 A RESOLUTION relating to the vacation of City right-of-way; setting Thursday,
2 November 5, 2015, at 9:00 a.m., as the date for a hearing before the City of
3 Tacoma Hearing Examiner on the petition of PCSD Tacoma Facilities I, LLC,
4 to vacate all that certain alley lying between East "D" Street and
5 East "E" Street, northerly of Puyallup Avenue and southerly of the BNSF
6 Railway Company property and the terminus of City right-of-way, for a
7 passenger drop-off and bus zone.

8 WHEREAS PCSD Tacoma Facilities I, LLC, having received the consent of
9 the owners of more than two-thirds of the properties abutting that certain alley lying
10 between East "D" Street and East "E" Street, northerly of Puyallup Avenue and
11 southerly of the BNSF Railway Company property and the terminus of City
12 right-of-way, for a passenger drop-off and bus zone, have petitioned for the
13 vacation of the following legally described right-of-way:

14 A portion of the 20 foot alley way lying between Blocks 7321 and 7322
15 of the Plat of TACOMA LAND COMPANY'S FIRST ADDITION TO
16 TACOMA, W.T., recorded July 7, 1884, Pierce County, Washington,
17 situated in the Northwest quarter of the Northeast quarter of Section 09,
18 Township 20 North, Range 03 East, W.M. more particularly described
19 as follows:

20 Commencing at the Northeast corner of said Block 7321 and the
21 southerly margin of the Burlington Northern and Santa Fe Railway
22 Company's right of way; Thence South 07°32'17" East along the
23 easterly margin of said Block 7321, a distance of 121.12 feet to the
24 Point of Beginning; Thence continuing South 07°32'17" East, a distance
25 of 158.88 feet to the Southeast corner of said Block 7321; Thence
26 North 82°37'19" East, a distance of 20.00 feet to the Southwest corner
of said Block 7322; Thence North 07°32'17" West along the westerly
margin of said Block 7322, a distance of 158.49 feet;

Thence South 83°43'54" West a distance of 20.00 feet to the Point of
Beginning;

Now, Therefore,



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

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Section 1. That Thursday, November 5, 2015, at 9:00 a.m., is hereby fixed as the date and time, and the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, in the City of Tacoma, as the place when and where the petition of PCSD Tacoma Facilities I, LLC, to vacate all that certain alley lying between East "D" Street and East "E" Street, northerly of Puyallup Avenue and southerly of the BNSF Railway Company property and the terminus of City right-of-way, for a passenger drop-off and bus zone, will be heard by the Hearing Examiner and her recommendations thereafter transmitted to the Council of the City of Tacoma.

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

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: All that certain alley lying between East "D" Street and East "E" Street, northerly of Puyallup Avenue and southerly of the BNSF Railway Company property and the terminus of City right-of-way

Petitioner: PCSD Tacoma Facilities I, LLC
File No.: 124.1353



RESOLUTION NO. 39273

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the increase of Contract
3 No. 4600008374 with Pape Machinery, Inc., in the amount of \$200,000,
4 plus sales tax, for a cumulative total of \$400,000, budgeted from various
5 departmental funds, to extend the contract for occasional warranty and
6 non-warranty services, repairs, and parts for the City's John Deere
7 equipment on an as-needed basis through November 30, 2017, pursuant
8 to Specification No. GF15-0501N.

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

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

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

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

19 Section 2. That the proper officers of the City are hereby authorized to
20 increase Contract No. 4600008374 with Pape Machinery, Inc., in the amount of
21 \$200,000, plus sales tax, for a cumulative total of \$400,000, budgeted from
22 various departmental funds, to extend the contract for occasional warranty and
23 non-warranty services, repairs, and parts for the City's John Deere equipment
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1 on an as-needed basis through November 30, 2017, pursuant to Specification
2 No. GF15-0501N, consistent with Exhibit "A."

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4 Adopted _____

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Mayor

7 Attest:

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City Clerk

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Approved as to form:

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City Attorney

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RESOLUTION NO. 39274

1 A RESOLUTION relating to household hazardous waste; authorizing the execution
2 of an agreement with Pierce County, in the amount of \$875,000, budgeted
3 from the Solid Waste Fund, to provide household hazardous waste collection
4 services to Pierce County residents for an initial five-year term, with the
5 option to renew for one additional two-year term, for a projected total of
6 \$1,225,000; and providing for 100 percent reimbursement by Pierce County
7 for said services, to be deposited into the Solid Waste Fund beginning
8 January 1, 2016.

9 WHEREAS the City has a Household Hazardous Waste Facility (“HHW
10 Facility”) to collect, store, and prepare for the transfer of household hazardous
11 waste received from City residents, and

12 WHEREAS, since August 1994, Pierce County residents have utilized the
13 HHW Facility pursuant to agreements between the City and Pierce County, and

14 WHEREAS Pierce County reimburses the City for the costs of services
15 rendered to County participants, which is in accord with the Solid Waste
16 Management Plan (“Plan”) for Pierce County, due for revisions by 2020, and

17 WHEREAS the parties desire to enter into a five-year agreement to allow
18 services to continue through the term of the current Plan, and to allow for one
19 two-year extension of services in the event Plan revisions are not completed as
20 scheduled, and

21 WHEREAS consolidation of the program creates operational efficiencies,
22 provides savings for both parties in the form of lower disposal rates, and protects
23 the environment from inappropriate disposal of household hazardous wastes, and

24 WHEREAS Pierce County will reimburse the City in the approximate amount
25 of \$175,000 per year over the five-year period, which will reduce the overall costs of
26 the City’s HHW program, and



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WHEREAS staffing levels at the HHW Facility are sufficient to manage the increased volume of customers, and

WHEREAS, at the end of the proposed agreement term, the mechanism for providing services for collection of HHW from Pierce County residents can be reviewed in light of its new Solid Waste Management Plan; 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 agreement with Pierce County, in the amount of \$875,000, budgeted from the Solid Waste Fund, to provide household hazardous waste collection services to Pierce County residents for an initial five-year term, with the option to renew for one additional two-year term, for a projected total of \$1,225,000, said document to be substantially in the form of the agreement on file in the office of the City Clerk; and to provide for 100 percent reimbursement by Pierce County for said services, to be deposited into the Solid Waste Fund beginning January 1, 2016.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



ORDINANCE NO. 28321

1 AN ORDINANCE relating to public safety; amending Chapter 8.66 of the Tacoma
2 Municipal Code by amending Sections 8.66.120, 8.66.130, and 8.66.140
3 thereof to permit the possession of air guns, air rifles, B-B guns, and
4 slingshots, while preserving the misdemeanor offense of discharging or
5 shooting such items in the City; and allow for a limited exception for the
6 discharge of air guns, air rifles, and B-B guns for recreational purposes in an
7 indoor, licensed business facility.

8 WHEREAS Tacoma Municipal Code (“TMC”) 8.66.120 prohibits, with no
9 exceptions, the carrying, shooting, or discharging of any air gun, air rifle, B-B gun,
10 or slingshot in the City of Tacoma, and any person engaging in said conduct is
11 guilty of a misdemeanor offense, and

12 WHEREAS TMC 8.66.130 provides that a parent or guardian of a child under
13 the age of 18 years who knowingly permits such child to engage in conduct
14 prohibited in TMC 8.66.120 is also guilty of a misdemeanor offense, and

15 WHEREAS staff desires to eliminate the criminal penalty for merely
16 possessing an air gun, air rifle, B-B gun, or slingshot, and

17 WHEREAS staff further desires to allow a limited exception to TMC 8.66.120
18 for the purpose of allowing the shooting or discharging of an air gun, air rifle, or
19 B-B gun for recreational purposes in an indoor, licensed business facility, and

20 WHEREAS the proposed TMC amendments will (1) permit the possession
21 of air guns, air rifles, B-B guns, and slingshots, while preserving the misdemeanor
22 offense of discharging or shooting such items in the City; and (2) create a limited
23 exception for shooting or discharging any air gun, air rifle, or B-B gun for
24 recreational purposes in an indoor, licensed business facility, so long as such use
25 does not endanger persons or property, or create a public or private nuisance, and
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WHEREAS the proposed amendments will allow for the issuance of a
business license for recreational air gun use in such facilities, and

WHEREAS the proposed amendments were presented to the Public Safety,
Human Services, and Education (“PSHSE”) Committee on March 26, June 11, and
August 27, 2015, and the PSHSE Committee recommended the proposed
amendments for consideration by the City Council; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 8.66 of the Municipal Code is hereby amended by amending
Sections 8.66.120, 8.66.130, and 8.66.140 thereof, as set forth in the attached
Exhibit “A.”

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney



EXHIBIT "A"

**Chapter 8.66
WEAPONS**

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Sections:

8.66.010 Definitions.

8.66.020 *Repealed.*

8.66.030 *Repealed.*

8.66.040 *Repealed.*

8.66.050 *Repealed.*

8.66.060 *Repealed.*

8.66.070 *Repealed.*

8.66.080 Unlawful use of weapons.

8.66.090 Exemptions – Dangerous knives.

8.66.100 *Repealed.*

8.66.110 *Repealed.*

8.66.120 Discharging Aair guns and slingshots prohibited – Exception.

8.66.130 Air guns and slingshots – Parents permitting use.

8.66.140 Air guns and slingshots – Confiscation.

8.66.150 Violation – Penalty.

8.66.160 *Repealed.*

8.66.170 *Repealed.*

* * *

8.66.120 Discharging Aair guns and slingshots prohibited – Exception.

It is unlawful for any person ~~to carry or~~ to shoot or discharge any air gun, air rifle, B-B gun, or slingshot in the City of Tacoma, except that a person may shoot or discharge any air gun, air rifle, or B-B gun for recreational purposes in a licensed indoor business facility designed and operated for such purposes, where the shooting or discharging will not endanger any person or property or create a nuisance for the public or any adjacent property owner.

8.66.130 Air guns and slingshots – Parents permitting use.

It is unlawful for the parent or guardian of any child under the age of 18 years to knowingly permit such child to ~~carry or~~ discharge any air gun, air rifle, B-B gun, or slingshot in the City of Tacoma, except as provided in Section 8.66.120.

8.66.140 Air guns and slingshots – Confiscation.

Whenever any person shall be convicted of violating any of the provisions of Section 8.66.120 of this chapter, the air gun, air rifle, B-B gun, or slingshot so ~~carried or~~ discharged shall be confiscated and ordered destroyed by the Municipal Court of the City of Tacoma.