



Legislation Passed January 5, 2016

The Tacoma City Council, at its regular City Council meeting of January 5, 2016, 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. 39348

A resolution approving the final plat of Devonshire (previously named "Turner's Landing"), an 18-lot residential subdivision for single-family development, located at 6802 East Portland Avenue.

(IRA Funding, LLC; File No. PLT2015-40000243059)

[Dustin Lawrence, Senior Planner; Peter Huffman, Director, Planning and Development Services]

Resolution No. 39349

A resolution electing Council Member Ryan Mello as Deputy Mayor to serve a one-year term through December 31, 2016.

[Mayor Strickland]

Resolution No. 39350

A resolution reappointing individuals to the Board of Ethics.

[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Resolution No. 39351

A resolution authorizing the execution of an amendment to the agreement with 3MW Studio LLP, dba 3 Square Blocks, LLP, in the amount of \$17,590, for a cumulative total of \$242,590, sales tax not applicable, budgeted from the NEP Watershed Grant and Miscellaneous Planning Grants, to provide additional assistance in the development of the Tacoma Mall Subarea Plan and Environmental Impact Statement - Specification No. PL14-0428F.

[Elliott Barnett, Associate Planner; Peter Huffman, Director, Planning and Development Services]

Resolution No. 39352

A resolution awarding a contract to Zones, Inc., in the amount of \$295,092.94, plus a \$29,509.29 contingency, for a cumulative total of \$324,602.23, plus sales tax, budgeted from the Information Systems Fund, for purchase of corporate network hardware, for the period of January 1, 2016 through December 31, 2016 -

State of Washington Contract No. 01114.

[Kipling Morris, Infrastructure and Operations Manager; Jack Kelanic, Director, Information Technology]

Resolution No. 39353

A resolution awarding a contract to InfoReliance Corporation, in the amount of \$1,757,909.40, plus a 5 percent contingency, for cumulative total of \$1,845,804.87, plus sales tax, budgeted from the Information Systems Fund, for records management software services, and professional implementation services, for a three-year contract period - GSA Federal Contract No. GS-35F-0273L.

[Michelle Lewis-Hodges, Information Technology Manager; Jack Kelanic, Director, Information Technology]

Resolution No. 39354

A resolution conveying a non-exclusive perpetual easement to Pierce County, for the amount of \$10,000; accepting and depositing said sum into the Tacoma Rail Mountain Division Fund, for a sanitary sewer pipeline and associated appurtenances under, over, and through a portion of Tacoma Rail Mountain Division right-of-way in the Frederickson area of Pierce County.

[Justin E. Davis, Facilities Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39355

A resolution approving the cancellation of the following six regular City Council meetings in 2016: January 19; May 31; July 5; September 6; December 20; and December 27.

[Mayor Strickland]

Resolution No. 39356

A resolution setting Tuesday, January 12, 2016, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the proposed temporary moratorium on new marijuana retail uses; and requesting the Planning Commission to develop findings of fact and a recommendation.

[Brian Boudet, Planning Division Manager; Peter Huffman, Director, Planning and Development Services]



RESOLUTION NO. 39348

1 A RESOLUTION relating to the platting and subdivision of real property; approving
2 the final plat of DEVONSHIRE (previously named "Turner's Landing"), an
3 18-lot subdivision for single-family development, located at 6802 East
4 Portland Avenue.

5 WHEREAS all owners of that certain real property situate in Pierce County,
6 Washington, legally described as follows:

7 Beginning at the Northeast corner of the Northwest quarter of the
8 Southwest quarter of the Northeast quarter of Section 27, Township 20
9 North, Range 3 East, W.M., in Pierce County, Washington;
10 Thence South along the East line of said subdivision 160 feet;
11 Thence West 285 feet;
12 Thence South 80 feet;
13 Thence West 369.18 feet, more or less, to the West line of said
14 subdivision;
15 Thence North 240 feet to the Northwest corner of said subdivision;
16 Thence East along the North line of said subdivision, 654.24 feet, more
17 or less, to the point of beginning.

18 Except the East 30 feet for right of way for Portland Avenue as conveyed
19 and dedicated to the City of Tacoma, a municipal corporation, in
20 instrument recorded under Auditor's No. 781672;

21 Also except the West 7 feet of the East 37 feet for widening Portland
22 Avenue as conveyed to the City of Tacoma, a municipal corporation, in
23 instrument recorded under Auditor's No. 1911491;

24 Also except that portion thereof, conveyed to the City of Tacoma
25 municipal corporation, in instrument recorded under Auditor's
26 No. 8509180311.

27 Situate in the City of Tacoma, County of Pierce, State of Washington;
28
29 have joined in a plat of the property to be known and designated as DEVONSHIRE
30 (previously named "Turner's Landing"), and

31 WHEREAS the preliminary plat of the residential subdivision known as
32 DEVONSHIRE (previously named "Turner's Landing") was tentatively approved by



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the Hearing Examiner subject to the conditions contained in the Hearing Examiner's Report and Decision, dated December 12, 2007, and the conditions have now been fully complied with by the owners of the property, and

WHEREAS the plat, evidenced by the official drawing thereof, has been approved by the Director of Public Works, the City Engineer, the Director of Planning and Development Services, and the City Attorney, and the requirements of Chapter 13.04 of the Tacoma Municipal Code have been fully complied with, and

WHEREAS the residential subdivision known as DEVONSHIRE plat is hereby submitted to the City Council for acceptance and approval; Now, Therefore,

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

Section 1. That the final plat of the residential subdivision to be known as DEVONSHIRE is hereby accepted and approved.



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Section 2. That the Mayor and the proper City officers are hereby authorized to indicate upon the original tracing(s) of the plat the acceptance by the City Council of the same as provided in Chapter 13.04 of the Tacoma Municipal Code.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Legal description approved:

Chief Surveyor
Public Works Department

Location: 6802 East Portland Avenue
Applicant: IRA Funding, LLC
File No.: PLT2015-40000243059



RESOLUTION NO. 39349

1 BY REQUEST OF MAYOR STRICKLAND

2 A RESOLUTION related to the organization of City government; appointing
3 Council Member Ryan Mello to the office of Deputy Mayor to serve a
4 one-year term through December 31, 2016.

5 WHEREAS David Boe's term as Deputy Mayor expired on
6 December 31, 2015, and

7 WHEREAS Section 1.18.010 of the Tacoma Municipal Code provides
8 that the Deputy Mayor shall be elected by the City Council at its first meeting
9 after such office becomes vacant, or as soon thereafter as practical, and
10

11 WHEREAS Section 2.4 of the Tacoma City Charter provides that all
12 appointments shall be made by majority vote of the City Council members
13 from nominees whose names are presented in writing to the City Council by
14 the Mayor or by any three members of the City Council, and

15 WHEREAS, pursuant to Resolution No. 33268, the City Council has
16 adopted a process for rotating the office of Deputy Mayor based upon
17 seniority, and
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19 WHEREAS Council Member Ryan Mello has been nominated to fill the
20 vacancy of Deputy Mayor for a one-year term through December 31, 2016;

21 Now, Therefore,
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

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That Ryan Mello is hereby elected as Deputy Mayor of the City of Tacoma for a term through December 31, 2016, and continuing until such time as a successor is elected.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 39350

1 BY REQUEST OF COUNCIL MEMBERS CAMPBELL, LONERGAN, AND THOMS

2 A RESOLUTION relating to committees, boards, and commissions; reappointing
3 individuals to the Board of Ethics.

4 WHEREAS vacancies exist on the Board of Ethics, and

5 WHEREAS, at its meeting of December 2, 2015, the Government

6 Performance and Finance Committee conducted interviews and recommended

7 the reappointment of individuals to said board, 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 Board of Ethics; Now, Therefore,

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

12 That those nominees to the Board of Ethics, listed on Exhibit "A" are hereby
13 confirmed and appointed or reappointed as members of such board for such terms
14 as are set forth on Exhibit "A."
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16 Adopted _____
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18 _____
19 Mayor

20 Attest:
21 _____
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23 City Clerk

24 Approved as to form:

25 _____
26 City Attorney



EXHIBIT "A"

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BOARD OF ETHICS

Reappointing **William Siems** to a three-year term to expire December 31, 2017.

Reappointing **Joseph Atkinson** to a three-year term to expire December 31, 2018.



RESOLUTION NO. 39351

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. 4600010695 with 3MW Studio LLP, dba 3 Square Blocks, LLP, in the
4 amount of \$17,590, for a cumulative total of \$242,590, sales tax not
5 applicable, budgeted from the NEP Watershed Grant and Miscellaneous
6 Planning Grants, to provide additional assistance to the City in the
7 development of the Tacoma Mall Subarea Plan and Environmental
8 Impact Statement, pursuant to Specification No. PL14-0428F.

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. 4600010695 with 3MW Studio LLP, dba 3 Square Blocks,
21 LLP, in the amount of \$17,590, for a cumulative total of \$242,590, sales tax not
22 applicable, budgeted from the NEP Watershed Grant and Miscellaneous Planning
23 Grants, to provide additional assistance to the City in the development of the
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1 Tacoma Mall Subarea Plan and Environmental Impact Statement, pursuant to
2 Specification No. PL14-0428F, consistent with Exhibit "A."

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4 Adopted _____

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6 _____
7 Mayor

8 Attest:
9 _____
10 City Clerk

11 Approved as to form:
12 _____
13 City Attorney

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RESOLUTION NO. 39352

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 Zones, Inc., in the amount of \$295,092.94, plus a \$29,509.29 contingency,
4 for a cumulative total of \$324,602.23, plus sales tax, budgeted from the
5 Information Systems Fund, for purchase of corporate network hardware, for
6 the period of January 1, 2016, through December 31, 2016, pursuant to
7 State of Washington Contract No. 01114.

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

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

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

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

18 Section 2. That the proper officers of the City are hereby authorized to
19 enter into a contract with Zones, Inc., in the amount of \$295,092.94, plus a
20 \$29,509.29 contingency, for a cumulative total of \$324,602.23, plus sales tax,
21 budgeted from the Information Systems Fund, for purchase of corporate
22 network hardware, for the period of January 1, 2016, through December 31,
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2016, pursuant to State of Washington Contract No. 01114, consistent with

1 Exhibit "A."

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3 Adopted _____

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Mayor

6 Attest:

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City Clerk

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10 Approved as to form:

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12 _____
City Attorney

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RESOLUTION NO. 39353

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 InfoReliance Corporation, in amount of \$1,757,909.40, plus a 5 percent
4 contingency, for cumulative total of \$1,845,804.87, plus sales tax, budgeted
5 from the Information Systems Fund, for records management software
6 services, and professional implementation services, for a three-year
7 contract period, pursuant to GSA Federal Contract No. GS-35F-0273L.

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

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

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

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

18 Section 2. That the proper officers of the City are hereby authorized to
19 enter into a contract InfoReliance Corporation, in amount of \$1,757,909.40,
20 plus a 5 percent contingency, for cumulative total of \$1,845,804.87, plus sales
21 tax, budgeted from the Information Systems Fund, for records management
22 software services, and professional implementation services, for a three-year
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1 contract period, pursuant to GSA Federal Contract No. GS-35F-0273L,
2 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. 39354

1 A RESOLUTION relating to City-owned property; authorizing the execution and
2 conveyance of a non-exclusive perpetual easement to Pierce County for a
3 sanitary sewer pipeline and associated appurtenances under, over, and
4 through a portion of Tacoma Rail Mountain Division right-of-way in the
5 Frederickson area of Pierce County; and accepting the sum of \$10,000 for
6 deposit into Tacoma Rail Mountain Division Fund 4120, as consideration for
7 the rights granted under the easement.

8 WHEREAS Tacoma Rail Mountain Division ("TRMW") has owned, operated,
9 and/or maintained the rail line and right-of-way that runs between Tacoma and
10 Chehalis since it was acquired from the Weyerhaeuser Company in 1995, and

11 WHEREAS, included in this right-of-way is a Pierce County sewer main,
12 granted through an easement in 1988, and

13 WHEREAS Pierce County has requested this easement to allow sanitary
14 sewer services for the proposed 50-acre Rosemont 569-unit multi-family
15 development in the Frederickson area of Pierce County, and

16 WHEREAS the easement area comprises approximately 400 square feet, and
17 the proposed infrastructure includes approximately 22 linear feet of 12-inch diameter
18 sewer line, a service manhole with landing area, and protective retaining wall, and

19 WHEREAS it is not anticipated that the installation, operation, and
20 maintenance of the improvements will have a negative impact on TRMW's use or
21 operation of its 100-foot-wide right-of-way, and

22 WHEREAS a separate right-of-way permit agreement, issued
23 administratively, will be required in order to install the improvements, and

24 WHEREAS Pierce County will assume ownership and maintenance
25 responsibilities of the proposed infrastructure, and the developer, Rosemont
26



Properties L.L.C., will pay TRMW fair market value in the amount of \$10,000 for a
1 non-exclusive perpetual sewer easement, and

2 WHEREAS Real Property Services has worked with the City Attorney's
3 Office, TRMW, and Pierce County to prepare the proposed easement and now
4 seeks final approval from the City Council; Now, Therefore,
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6 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

7 Section 1. That the proper officers of the City are hereby authorized to
8 convey a non-exclusive perpetual easement to Pierce County for a sanitary sewer
9 pipeline and associated appurtenances under, over, and through a portion of
10 Tacoma Rail Mountain Division right-of-way in the Frederickson area of Pierce
11 County, said document to be substantially in the form of the proposed easement
12 on file in the office of the City Clerk.
13

14 Section 2. That the proper officers of the City are hereby authorized to
15 accept the sum of \$10,000, for deposit into Tacoma Rail Mountain Division
16 Fund 4120, for consideration of the rights granted under the easement.
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18 Adopted _____
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20 _____
21 Mayor

21 Attest:
22 _____
23 City Clerk

24 Approved as to form:
25 _____
26 Deputy City Attorney



RESOLUTION NO. 39355

1 BY REQUEST OF MAYOR STRICKLAND

2 A RESOLUTION relating to City Council meetings; approving the cancellation
3 of six regular City Council Meetings in 2016.

4 WHEREAS, pursuant to City Charter Section 2.8, the City Council shall meet
5 weekly at least 46 times per calendar year, and

6 WHEREAS the City Council can, by a majority vote, cancel up to six
7 meetings in 2016 while still meeting its regular meeting requirements, and

8
9 WHEREAS, after discussion at the December 15, 2015, Study Session, the
10 City Council determined that the following regular City Council meetings scheduled
11 for 2016 would be cancelled: January 19; May 31; July 5; September 6;
12 December 20; and December 27; Now, Therefore,

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

14 That the following City Council meetings scheduled for 2016 are hereby
15 cancelled: January 19; May 31; July 5; September 6; December 20; and
16 December 27.
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19 Adopted _____

20 Mayor

21 Attest:

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23 _____
City Clerk

24 Approved as to form:

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26 _____
City Attorney



RESOLUTION NO. 39356

1 A RESOLUTION relating to land use regulations; initiating the process to
2 consider enacting a temporary moratorium on new marijuana retail uses;
3 setting Tuesday, January 12, 2016, as the date for a public hearing on
4 the proposed temporary moratorium; and requesting the Planning
5 Commission to develop findings of fact and a recommendation.

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

9 WHEREAS, in February 2015, the City adopted pertinent land use
10 regulations in order to provide policy and regulatory guidance and facilitate the
11 review of recreational marijuana license applications within City limits, and

12 WHEREAS the State Legislature enacted the Cannabis Patient Protection
13 Act in 2015, establishing regulations for the formerly unregulated medical
14 marijuana system and aligning it with the existing recreational system, and

15 WHEREAS, in response to changes in state law adopted in the last
16 legislative session, the State Liquor and Cannabis Board has been working
17 through its rulemaking process to establish the administrative procedures and
18 standards for integration of medical marijuana into the existing recreational
19 marijuana marketplace, and, as part of that process, the state is looking to
20 expand the existing cap on retail marijuana stores in Tacoma and other potential
21 rule changes, and includes the establishment of a new class of use, the
22 marijuana cooperative, and

23 WHEREAS the City's existing regulations were adopted in response to
24 I-502 and associated state rules regarding the recreational marijuana
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26



1 marketplace, and were not necessarily designed to address the subsequent
2 changes made by the state regarding medical marijuana, including a potential
3 significant increase in the number of stores allowed and the potential
4 incorporation of new uses, and

5 WHEREAS the state is again processing applications for retail marijuana
6 uses potentially in excess of the number previously approved, and there are
7 concerns regarding the potential issuance of additional applications under the
8 City's existing regulations, and

9 WHEREAS, in order to preserve the City's regulatory authority and the
10 validity of its legislative process, it is necessary to put a temporary hold on the
11 establishment of new marijuana retail uses until the currently in process
12 reevaluation has completed, and

13 WHEREAS the City Council and Planning Commission have begun the
14 process of developing appropriate revisions to the Land Use Regulatory and
15 Nuisance Codes, and the Planning Commission is expected to forward its
16 recommendations to the City Council in March 2016, with final Council
17 consideration to occur in April or May of 2016, and

18 WHEREAS the City Council intends to enact a temporary moratorium on
19 new marijuana retail uses in order to allow adequate time for local policy
20 discussion at the Planning Commission and City Council levels, and

21 WHEREAS the proposed moratorium, if enacted, would expire within
22 six months or upon completion of the regulatory amendment process currently
23 going through the Planning Commission, and
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WHEREAS Tacoma Municipal Code 13.02.055 requires that, upon initiating a moratorium, the City Council shall conduct a public hearing to receive public comments on the proposed action and refer to the Planning Commission for findings of fact and a recommendation to justify the proposed action, and

WHEREAS the City Council's tentative schedule for enacting a temporary moratorium on new marijuana retail uses is as follows: initiating the process on January 5, 2016; conducting a public hearing on January 12, 2016; considering first and final readings of the ordinance under consideration on, respectively, January 12 and 26, 2016; and requesting the Planning Commission to develop findings of fact and a recommendation by January 20, 2016, regarding the proposed temporary moratorium; Now, Therefore,

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

Section 1. That a public hearing on a proposed temporary moratorium on new marijuana retail uses 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, January 12, 2016, 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.

Section 3. That, pursuant to Section 13.02.055 of the Tacoma Municipal Code, the City Council hereby refers the moratorium to the Planning Commission



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to develop findings of fact and recommendations, including the need for and duration of the proposed temporary moratorium, by January 20, 2016.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney