



Legislation Passed January 12, 2016

The Tacoma City Council, at its regular City Council meeting of January 12, 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. 39357

A resolution setting Thursday, February 18, 2016, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate the south 200 feet of the alley between Martin Luther King Jr Way and South J Street, lying between South 10th and 11th Streets, for mixed-use development.

(Jagpal Basra; File No. 124.1357)

[Troy Stevens, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39358

A resolution appointing Jeff McInnis to the Planning Commission.

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

Resolution No. 39359

A resolution declaring surplus and authorizing the execution of a Quit Claim Deed to convey two parcels located at 3524 McKinley Avenue and 715 East Morton Street to Pierce Real Properties, LLC, for the amount of \$281,700.

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

Resolution No. 39360

A resolution appointing individuals to the Click! Engagement Committee.

[Mayor Strickland]

Resolution No. 39361

A resolution appointing City Council members to various national, state, regional, and local committees, boards, and commissions, including the City Council's standing committees, for the year 2016.

[Mayor Strickland]

Substitute Ordinance No. 28343

An ordinance enacting a temporary moratorium on new marijuana retail uses and the establishment of marijuana cooperatives for a period of six months or until earlier terminated if the City's marijuana-related regulations are updated.

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



RESOLUTION NO. 39357

1 A RESOLUTION relating to the vacation of City right-of-way; setting Thursday,
2 February 18, 2016, at 9:00 a.m., as the date for a hearing before the City of
3 Tacoma Hearing Examiner on the petition of Jagpal Basra, to vacate the
4 southerly 200 feet of the alley between Martin Luther King Jr Way and
5 South J Street, lying between South 10th and 11th Streets, for a mixed-use
6 development.

7 WHEREAS Jagpal Basra, having received the consent of the owners of
8 more than two-thirds of the properties abutting the southerly 200 feet of the
9 alley between Martin Luther King Jr Way and South J Street, lying between
10 South 10th and 11th Streets, has petitioned for the vacation of the following
11 legally described right-of-way area:

12 That portion of the Southwest quarter of the Northeast quarter
13 of Section 05, Township 20 North, Range 03 East, W.M. more
14 particularly described as follows:

15 The alley abutting Lots 5 through 12, inclusive, Blocks 1020
16 and 1021, Map of New Tacoma, Washington Territory as
17 recorded February 3, 1875, records of Pierce County Auditor

18 Excepting therefrom that portion previously vacated by City of
19 Tacoma Ordinance No. 2130

20 Now, Therefore,

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

22 Section 1. That Thursday, February 18, 2016, at 9:00 a.m., is hereby
23 fixed as the date and time, and the Council Chambers on the first floor of the
24 Tacoma Municipal Building, 747 Market Street, in the City of Tacoma, as the
25 place when and where said request will be heard by the Hearing Examiner and
26 her recommendations thereafter transmitted to the Council of the City of
Tacoma.



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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:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: Southerly 200 feet of the alley between Martin Luther King Jr Way
and South J Street, lying between South 10th and 11th Streets
Petitioner: Jagpal Basra
File No.: 124.1357



RESOLUTION NO. 39358

1 BY REQUEST OF DEPUTY MAYOR MELLO AND COUNCIL MEMBERS CAMPBELL
2 AND IBSEN

3 A RESOLUTION relating to committees, boards, and commissions; appointing an
4 individual to the Planning Commission.

5 WHEREAS a vacancy exists on the Planning Commission, and

6 WHEREAS, at its meeting of December 9, 2015, the Infrastructure, Planning,
7 and Sustainability Committee recommended the appointment of Jeff McInnis to said
8 commission, and

9 WHEREAS, pursuant to City Charter 2.4 and the Rules, Regulations, and
10 Procedures of the City Council, Jeff McInnis has been nominated to serve on the
11 Planning Commission; Now, Therefore,
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13 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

14 That Jeff McInnis is hereby confirmed and appointed as a member of the
15 Planning Commission, to fill an unexpired term to expire June 30, 2017.
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17 Adopted _____

18 _____
19 Mayor

20 Attest:
21 _____
22 City Clerk

23 Approved as to form:
24 _____
25 City Attorney
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RESOLUTION NO. 39359

1 A RESOLUTION relating to surplus property, authorizing the Declaration of
2 Surplus and execution of a Quit Claim Deed to convey two parcels located
3 at 3524 McKinley Avenue and 715 East Morton Street to Pierce Real
4 Properties, LLC, for the amount of \$281,700.

5 WHEREAS the property located at 3524 McKinley Avenue and 715 East
6 Morton Street ("Property"), as more particularly described in Exhibit "A," was
7 acquired by the City in 1994 and remodeled as a police substation in 1995, and

8 WHEREAS the former Sector Four Police Substation is comprised of a
9 6,500 square-foot facility located on a 26,000 square-foot site, and

10 WHEREAS, in 2010, the Police Department relocated its Sector Four
11 police operations from this facility into a newly constructed police substation
12 located at 400 East 56th Street (Stewart Heights Facility), and

13 WHEREAS, in 2012, Animal Control relocated its operations from this
14 facility to Fleet Headquarters, and

15 WHEREAS the Property was declared surplus to the City's needs on
16 January 30, 2013, and

17 WHEREAS the Property is classified as a "Tier 2" Property pursuant to the
18 City's Policy for the Sale/Disposition of City-owned General Government Real
19 Property and is being sold via a competitive request for proposals process
20 ("RFP"), and

21 WHEREAS the proposed purchaser, Pierce Real Properties, LLC, plans to
22 rehabilitate the current structure into a multi-family housing complex, and
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WHEREAS the City must dispose of City-owned surplus property pursuant to the City's Policy for the Sale/Disposition of City-owned General Government Real Property, and

WHEREAS, there being no foreseeable need for continued City ownership of the Property, the sale of said Property appears to be in the best interests of the City, pending final approval from the City Council; Now, Therefore,

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

Section 1. That continued ownership of the City real property located at 3524 McKinley Avenue and 715 East Morton Street, as more particularly described in Exhibit "A," is not essential to the needs of the City and is hereby declared surplus 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 Quit Claim Deed to convey the subject parcels to Pierce Real



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Properties, LLC, for the amount of \$281,700, said document to be substantially in the form of the deed on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Legal Description Approved:

Chief Surveyor
Public Works Department



EXHIBIT "A"

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PARCEL NOS. 2087270030 and 2087270022

That portion of the Southeast quarter of the Southeast quarter of Section 09, Township 20 North, Range 03 East, W.M. more particularly described as follows:

Lots 5 through 12, inclusive, Block 8727 of TACOMA LAND COMPANY'S FIRST ADDITION TO TACOMA, WASHINGTON TERRITORY, according to the Plat filed for record July 7, 1884 in the office of the County Auditor, in Pierce County, Washington.

Situate in the City of Tacoma, County of Pierce, State of Washington.



RESOLUTION NO. 39360

1 BY REQUEST OF MAYOR STRICKLAND

2 A RESOLUTION relating to Click! Network; appointing individuals to the Click!
3 Engagement Committee.

4 WHEREAS, on December 15, 2015, the City Council adopted Resolution
5 No. 39347, authorizing Tacoma Power to prepare a business plan for Click!
6 Network ("Click!") to provide, in addition to retail cable television, retail internet
7 services including voice over data internet protocol, commercial broadband, and
8 Gigabit service, and
9

10 WHEREAS Resolution No. 39347 was amended to include the creation of a
11 Click! Engagement Committee to provide oversight and assistance to Tacoma
12 Power in the development of the Click! business plan, and
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14 WHEREAS Tacoma Power must present the initial business plan to the
15 Public Utility Board and City Council on or before April 29, 2016, and
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17 WHEREAS the Click! Engagement Committee will be comprised of the
18 following: two Public Utility Board members; two City Council members; two
19 members of the public who have experience in the broadband industry, one
20 selected by the Utility Board Chair and one selected by the Mayor; and one
21 Tacoma Power ratepayer at large, selected by the Mayor, and
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23 WHEREAS all appointments shall be approved by the Public Utility Board
24 and City Council, and
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WHEREAS The Click! Engagement Committee shall meet to consult with

Click! on a regularly scheduled basis established by the Committee and Click!;

Now, Therefore,

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

That those nominees to the Click! Engagement Committee, listed on Exhibit "A," are hereby confirmed and appointed as members of such committee, said term to expire on or before April 29, 2016.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



EXHIBIT "A"

CLICK! ENGAGEMENT COMMITTEE

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<u>NAME</u>	<u>DESIGNATION</u>
Marilyn Strickland	Mayor
Marty Campbell	City Council
Karen Larkin	Public Utility Board
Mark Patterson	Public Utility Board
David Hills	Citizen at Large
Janine Terrano	Citizen at Large
Andrea Cobb	Citizen at Large



RESOLUTION NO. 39361

1 BY REQUEST OF MAYOR STRICKLAND

2 A RESOLUTION relating to committees, boards, and commissions; appointing
3 City Council members to various national, state, regional, and local
4 committees, boards, and commissions, including the City Council's
standing committees, for the year 2016.

5 WHEREAS the Mayor and City Council members are called upon to
6 serve on a number of local, regional, state, and national committees, boards,
7 and commissions, and

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9 WHEREAS vacancies presently exist on certain committees, boards, and
10 commissions, and

11 WHEREAS, pursuant to the Tacoma City Charter and the rules,
12 regulations, and procedures of the City Council, the City Council Members
13 named on Exhibit "A" have been nominated to serve on said committees,
14 boards, and commissions listed thereon; Now, Therefore,

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

17 That those nominees to the committees, boards, and commissions listed
18 on Exhibit "A" are hereby confirmed, and the City Council Members designated
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1 thereon shall be appointed as members of such committees, boards, and
2 commissions, as set forth on said 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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11 Approved as to form:

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City Attorney

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EXHIBIT "A"

2016 CITY COUNCIL APPOINTMENTS

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1. Association of Washington Cities Board – ~~Walker, Loneragan~~Mello, Thoms (alternate)
2. Association of Washington Cities Legislative Committee – ~~Walker, Campbell~~Mello, Thoms (alternate)
3. Association of Washington Cities State and Federal Policy Committee – ~~Walker, Mello, Thoms~~ (alternate)
- ~~4. City Council Liaison to ASARCO Project – Strickland~~
- ~~45.~~ City Manager Performance Review Committee – Strickland, Campbell, Loneragan, Walker, Woodards, ~~Loneragan~~Thoms (alternate)
- ~~56.~~ Community Council Liaison – Mello
- ~~67.~~ Cross District Association of Tacoma – ~~Bee, Mello~~Woodards, McCarthy (alternate)
- ~~78.~~ Crystal Judson Family Justice Center – Campbell, Thoms
- ~~89.~~ Economic Development Board Executive Committee – Strickland, ~~Thoms~~ (alternate)
- ~~910.~~ Economic Development Committee – ~~Strickland~~Bee, Campbell, ~~Walker, Mello, Thoms, McCarthy~~ (alternate)
- ~~1011.~~ Firemen’s Pension Fund Board of Trustees – ~~Strickland, Loneragan, Strickland~~ (alternate)
- ~~1112.~~ ForeverGreen Trails – ~~Boel~~lsen
- ~~1213.~~ Foundation for Tacoma Schools – Woodards
- ~~1314.~~ Government Performance and Finance Committee – ~~Strickland, Campbell, Ibsen, Loneragan, Thoms, Ibsen~~Strickland (alternate)
- ~~1415.~~ Hotel-Motel Tax Advisory Committee – Woodards
- ~~1516.~~ Infrastructure, Planning, and Sustainability Committee – ~~Bee, Ibsen, McCarthy, Mello, Walker, Campbell~~Thoms, Blocker (alternate)



- 1 1617. Investment and Finance Committee – Strickland
- 2 1718. Joint Municipal Action Committee – Ibsen, Thoms, Campbell (alternate)
- 3 1819. Law and Justice Council – Woodards
- 4 1920. Law and Justice Community Oversight Subcommittee – Woodards
- 5 2021. National League of Cities – ~~Walker~~, Woodards, Blocker (alternate)
- 6 2122. Neighborhoods and Housing Committee – ~~Bee~~Blocker, Ibsen, Lonergan,
McCarthy~~Walker~~, Woodards (alternate)
- 7 2223. Parks Policy Group – Blocker, Campbell, ~~Walker~~
- 8 2324. Pierce County Commission Against Domestic Violence – Woodards,
9 Campbell (alternate)
- 10 2425. Pierce County Flood Control Zone District Advisory Committee – Mello
- 11 2526. Pierce County Regional Council – ~~Bee~~Ibsen, Lonergan, ~~Walker~~McCarthy,
12 Campbell~~Mello~~ (alternate)
- 13 2627. Pierce Transit Board – Strickland, ~~Walker~~, Mello (~~alternate~~)
- 14 2728. Police Disability and Pension Fund Board – Strickland, Lonergan (alternate)
- 15 2829. Public Safety, Human Services, and Education Committee –
16 ~~Strickland~~Blocker, Campbell, Lonergan, Woodards, Mello (alternate)
- 17 2930. Puget Sound Clean Air Agency Board/Board of Directors – Mello, ~~Walker~~
18 McCarthy (alternate)
- 19 3031. Puget Sound Regional Council/Executive Board – Strickland,
Thoms (alternate)
- 20 3132. Puget Sound Regional Council/Economic Development District Board –
21 ~~Walker~~, ~~Campbell~~McCarthy, Woodards(alternate)
- 22 3233. Puget Sound Regional Council/Growth Management Policy Board – Mello,
23 ~~Lonergan~~Thoms (alternate)
- 24 3334. Puget Sound Regional Council/Transportation Policy Board – ~~Bee~~, ~~Campbell~~
Thoms, Mello (alternate)
- 25 3435. Puyallup Tribe Community Contribution Committee [2 percent] – Strickland,
26 Campbell (alternate)



- 1 3536. Regional Access Mobility Partnership – Mello
- 2 3637. Safe Streets Board – Campbell
- 3 3738. Sound Transit Board – Strickland
- 4 3839. South Sound 911 – ~~Strickland~~, Lonergan, Thoms
- 5 3940. Tacoma Arts Commission – ~~Bee~~, Campbell, Blocker (alternate)
- 6 4041. Tacoma Council of PTA/City Government Liaison – Thoms
- 7 4142. Tacoma Employees’ Retirement System Board of Administration – Strickland
- 8 4243. Tacoma-Pierce County Board of Health – Campbell, Woodards, ~~Walker~~
- 9 Blocker (alternate)
- 10 ~~44. Tacoma Youth Symphony Advisory Board – Walker~~
- 11 4345. Trade Development Alliance of Greater Seattle – Strickland,
- 12 ~~Walker~~ Woodards (alternate)
- 13 4446. Urban Waters Board of Directors – Thoms, ~~Strickland~~ McCarthy (alternate)
- 14 4547. U.S. Conference of Mayors – Strickland
- 15 4648. WorkForce Central – Strickland, Lonergan
- 16 4749. Zoo Trek Authority – Ibsen, Lonergan
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SUBSTITUTE ORDINANCE NO. 28343

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AN ORDINANCE relating to land use regulations; enacting an immediate temporary moratorium on new marijuana retail uses and the establishment of marijuana cooperatives for a period of six months or until earlier terminated if the City’s marijuana-related regulations are updated.

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

WHEREAS, in February 2015, the City adopted pertinent land use regulations based on available information at the time in order to provide policy and regulatory guidance and facilitate the review of recreational marijuana license applications within City limits, and

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

WHEREAS, in response to changes in state law adopted in the last legislative session, the State Liquor and Cannabis Board has been working through its rulemaking process to establish the administrative procedures and standards for integration of medical marijuana into the existing recreational marijuana marketplace, and, as part of that process, the state is looking to expand the existing cap on retail marijuana stores in Tacoma at an earlier pace than the City anticipated, promulgate other potential rule changes, and establish a new class of use, the marijuana cooperative, and

WHEREAS the City’s existing regulations were adopted in response to I-502 and associated state rules regarding the recreational marijuana marketplace, and



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were not necessarily designed to address the subsequent changes made by the state regarding medical marijuana, including a potential significant increase in the number of stores allowed at a sooner date than anticipated, and the potential incorporation of new uses, and

WHEREAS the state is, at this present time, processing applications for retail marijuana uses potentially in excess of the number previously approved, and there are concerns regarding the potential issuance of additional applications under the City's existing regulations, and

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

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

WHEREAS the City Council intends to enact an immediate temporary moratorium on new marijuana retail uses and the establishment of marijuana cooperatives in order to allow adequate time for local policy discussion at the Planning Commission and City Council levels, and



1 WHEREAS the proposed immediate moratorium, if enacted, would expire
2 within six months or upon completion of the regulatory amendment process
3 currently going through the Planning Commission, and

4 WHEREAS, on January 5, 2016, the City Council adopted Resolution
5 No. 39356; setting a public hearing on January 12, 2016; considering first and final
6 readings of the ordinance under consideration on, respectively, January 12 and
7 January 26, 2016; and requesting the Planning Commission to develop findings of
8 fact and a recommendation by January 20, 2016, regarding the proposed
9 temporary moratorium, and

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11 WHEREAS, because of what appears to be the impending issuance of
12 additional marijuana retail licenses in the City, even prior to the City's originally
13 scheduled final reading date for this ordinance, the City Council finds it appropriate
14 to expedite the enactment of this ordinance on an emergency basis in accordance
15 with RCW 36.70A.390 and Tacoma Municipal Code 13.02.055; Now, Therefore,

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17 **BE IT ORDAINED BY THE CITY OF TACOMA:**

18 Section 1. Because of significant legal issues involved and the need for
19 additional staff analysis and the impending issuance of new licenses for marijuana
20 retail sales in the City, the City Council hereby enacts a temporary moratorium on
21 new marijuana retail uses and a prohibition on the establishment of marijuana
22 cooperatives in the City of Tacoma.

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24 Section 2. That pursuant to the provisions of RCW 36.70A.390, a
25 moratorium is hereby imposed on the filing, acceptance, and processing of
26 applications for licenses, and land use, building permits or other development



1 permits associated with the establishment, location, or permitting of retail sales of
2 marijuana, except as related to the continued operation of the existing, State and
3 City-licensed recreational marijuana retail establishments in the City, and the
4 establishment of marijuana collectives.

5 Section 3. That this moratorium shall be in effect for six (6) months following
6 the effective date of this ordinance, and may be renewed as provided by law.

7 Section 4. That, pursuant to Section 13.02.055 of the Tacoma Municipal
8 Code, the City Council hereby refers this moratorium to the Planning Commission
9 for its review and to develop findings of fact and a recommendation regarding the
10 moratorium, including the need for and duration of the moratorium, by
11 January 20, 2016, or as soon thereafter as feasible, but in no event later than
12 March 10, 2016.

13 Section 5. That as required by RCW 36.70A.390, and based on the public
14 hearing held January 12, 2016, within sixty (60) days of passage of this ordinance
15 the City Council will adopt all necessary findings required by law.

16 Section 6. That this Ordinance shall be transmitted to Washington State
17 Department of Commerce, pursuant to RCW 36.70A.106.

18 Section 7. That for the reasons set forth above, and to promote the
19 objectives stated above, the City Council finds that a public emergency exists,
20 necessitating that this ordinance take effect immediately upon its passage and
21 publication.

22 Section 8. That if any section, subsection, paragraph, sentence, clause, or
23 phrase of this ordinance, or its application to any person or situation, should be held
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to be invalid or unconstitutional for any reason by a court of competent jurisdiction,
such invalidity or unconstitutionality shall not affect the validity or constitutionality of
the remaining portions of this ordinance or its application to any other person or
situation.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney