



Legislation Passed January 31, 2017

The Tacoma City Council, at its regular City Council meeting of January 31, 2017, 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. 39640

A resolution setting Tuesday, February 14, 2017, at approximately 5:15 p.m., as the date for a public hearing by the City Council, on the surplus and exchange of approximately 4,157 square feet of Tacoma Water property located in Cumberland, to Mr. Ted Coutts in exchange for an equal amount of property and \$10,000 for the relocation of existing improvements.

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

Resolution No. 39641

A resolution authorizing an increase to the contract with Asphalt Patch Systems, Inc., in the amount of \$2,574,000, plus sales tax, for a total of \$4,320,290, budgeted from various departmental funds, for Citywide asphalt patching and concrete repair services through November 2018 - Specification No. CT14-0059F.

[Patsy Best, Procurement and Payables Division Manager; Andy Cherullo, Director, Finance]

Resolution No. 39642

A resolution directing the City Manager to establish a convening of immigrants and refugees and their advocates, and support them in creating an Immigrant and Refugee Task Force, to further the City's vision as an inclusive and equitable city.

[Council Member Campbell]

Ordinance No. 28408

An ordinance amending Chapter 12.13 of the Municipal Code, relating to Click! Network Cable TV Products, to adjust the rates by an average of 13 percent in 2017 and offer promotional pricing.

[Tenzin Gyaltzen, Click! General Manager; Chris Robinson, Power Superintendent]



RESOLUTION NO. 39640

1 A RESOLUTION relating to utility-owned surplus property; setting Tuesday,
2 February 14, 2017, as the date for a public hearing on the exchange of
3 approximately 4,157 square feet of property, located in Cumberland,
4 Washington, owned by the City of Tacoma through its Department of Public
5 Utilities, Water Division, and now surplus to its needs, to Ted Coutts in
6 exchange for an equal amount of property owned by Mr. Coutts, plus
7 \$10,000 for the relocation of existing improvements.

8 WHEREAS the City of Tacoma, Department of Public Utilities, Water
9 Division's (d.b.a. "Tacoma Water") Pipeline No. 1 is located in close proximity to
10 Deep Creek in the unincorporated community of Cumberland, in King County, and
11

12 WHEREAS 22 feet of the pipeline has been exposed due to stream erosion
13 and is at risk of damage, and

14 WHEREAS Tacoma Water has determined that rerouting Deep Creek
15 further from the pipe into a new stream location would provide pipeline protection,
16 restore stream and riparian habitats, and is supported by regulatory agencies, and
17 further, that this approach would result in substantial savings compared to moving
18 the pipeline, and

19 WHEREAS Ted Coutts owns real property adjacent to the Pipeline No. 1
20 property, and is willing to exchange a 20-foot wide strip of land, approximately
21 4,157 square feet in size, for an equal amount of land owned by Tacoma Water,
22 plus \$10,000 to be used by Mr. Coutts to relocate existing improvements on his
23 property, to enable Tacoma Water to reroute Deep Creek, and

24 WHEREAS the parties have entered into a Real Estate Exchange
25 Agreement for said purpose, and
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WHEREAS, on January 25, 2017, by adoption of Public Utility Board Resolution No. U-10904, the Property was declared surplus to Tacoma Water's needs and approved for disposal, 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 proposed exchange 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 exchange of approximately 4,157 square feet of property, located in Cumberland, Washington, owned by the City of Tacoma through its Department of Public Utilities, Water Division (d.b.a. "Tacoma Water"), and now surplus to its needs, to Ted Coutts in exchange for an equal amount of property owned by Mr. Coutts, plus \$10,000 to be used by Mr. Coutts to relocate existing improvements on his property, 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, February 14, 2017, at approximately 5:15 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-10904



RESOLUTION NO. 39641

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. 4600010150 with Asphalt Patch Systems, Incorporated, in the
4 amount of \$2,574,000, plus sales tax, for a cumulative total of
5 \$4,320,290, budgeted from various departmental funds, for Citywide
6 asphalt patching and concrete repair services through November 2018
7 pursuant to Specification No. CT14-0059F.

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 the attached Exhibit "A"; Now,

14 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. 4600010150 with Asphalt Patch Systems, Incorporated, in
21 the amount of \$2,574,000, plus sales tax, for a cumulative total of \$4,320,290,
22 budgeted from various departmental funds, for Citywide asphalt patching and
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1 concrete repair services through November 2018 pursuant to Specification
2 No. CT14-0059F, consistent with Exhibit "A."

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4 Adopted _____

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Mayor

7 Attest:

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City Clerk

10 Approved as to form:

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City Attorney

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RESOLUTION NO. 39642

1 BY REQUEST OF COUNCIL MEMBERS CAMPBELL, LONERGAN AND
2 WALKER LEE

3 A RESOLUTION directing the City Manager to establish a convening of
4 immigrants and refugees and their advocates, and support them in creating
5 an Immigrant and Refugee Task Force, to further the City's vision as an
6 inclusive and equitable city.

7 WHEREAS the City wishes to be recognized as a livable and progressive
8 international city, regarded for the richness of its diverse population and natural
9 setting, and

10 WHEREAS recent federal executive orders have created fear and unease
11 among immigrants and refugees across the country and in our City, and

12 WHEREAS the City Council supports the rights and freedom of all
13 residents of the City and our nation to practice and embrace their heritage and
14 religious traditions without fear of persecution, and

15 WHEREAS the City Council believes in the dignity of all City residents,
16 regardless of immigration status, and recognizes the importance of their many
17 contributions to the social, religious, cultural and economic life of the City, and

18 WHEREAS the City passed the Welcoming Cities and Counties Initiative,
19 which encourages communities to create more welcoming, immigrant-friendly
20 environments that maximize opportunities for economic growth and vitality, and
21 supports all efforts to make the City more vibrant, inclusive, and welcoming for all
22 people, regardless of immigration status, and

23 WHEREAS, in 2016, the City supported the Center for Popular
24 Democracy's Anti-Hate Campaign, which condemns violence and hate speech
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and expresses solidarity with the campaign for Muslims and all those targeted for
1 their ethnicity, race, or religion, and

2 WHEREAS the City holds high the principles of building trust,
3 relationships, and legitimacy, and has worked to support an open dialogue
4 through undertakings such as Project PEACE, and
5

6 WHEREAS the City passed an Equity and Empowerment Initiative that
7 seeks to have purposeful community outreach and engagement, and supports
8 human rights and opportunities for every person to achieve their full potential, and
9

10 WHEREAS the City desires to foster a knowledgeable and safe community
11 by including immigrants in conversations, and

12 WHEREAS, at the January 31, 2017, City Council Study Session, Council
13 Member Campbell shared a Council Consideration Request, directing the City
14 Manager to establish a convening of immigrants and refugees and their
15 advocates, and support them in creating an Immigrant and Refugee Task Force,
16 and
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18 WHEREAS the Task Force will provide an opportunity for concerned
19 parties to work with the City to ensure all residents feel valued, secure, and
20 supported; Now, Therefore,

21 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:
22

23 That the City Manager is hereby directed to establish a convening of
24 immigrants and refugees and their advocates, and support them in creating an
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1 Immigrant and Refugee Task Force, to further the City's vision as an inclusive and
2 equitable city.

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4 Passed _____

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Mayor

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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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ORDINANCE NO. 28408

1 AN ORDINANCE relating to Tacoma Power; amending Chapter 12.13 of the
2 Tacoma Municipal Code to increase rates for Click! Network cable
television products and related services.

3 WHEREAS the City of Tacoma, Department of Public Utilities, Power
4 Division, Telecommunications Section, d.b.a. Click! Network ("Click!"), desires to
5 adjust pricing for its cable television products and services offered inside and
6 outside the City to generate sufficient revenue for commercial telecommunication
7 operations and to assist in recovering costs as represented in the 2017-2018
8 budget, and
9

10 WHEREAS rates for cable television are updated periodically as costs to
11 provide service increase and market pricing analysis is updated, and
12

13 WHEREAS the last rate adjustment for cable television was approved in
14 2014, while licensing fees for programming and other costs have continued to rise,
15 and
16

17 WHEREAS market prices for services in Tacoma remain significantly lower
18 than in non-competitive areas, and

19 WHEREAS the proposed rate increase is reflected in the approved Click!
20 revenue and expense budget for 2017-2018, and

21 WHEREAS the proposed rate adjustments average 13 percent, and will
22 become effective March 1, 2017, and
23

24 WHEREAS a second cable television rate adjustment will be recommended
25 by Click! later in 2017, to become effective in 2018, as part of the approval and
26



1 implementation of Click!'s plan to offer retail broadband, internet, and phone
2 service, and

3 WHEREAS telecommunication companies have historically used
4 promotional pricing as an effective tactic to attract new customers and compete for
5 market share, and Click! now seeks such authority in conjunction with this
6 proposed rate adjustment, and

7 WHEREAS Click! desires to continue offering its low-income, senior, and
8 disabled customers a 20 percent discount from its rates, and

9 WHEREAS the proposed rate adjustments are just, fair, reasonable, and
10 sufficient for Click! prices to remain competitive with those offered by other cable
11 companies in the Tacoma market; Now, Therefore,
12

13 BE IT ORDAINED BY THE CITY OF TACOMA:

14 Section 1. That Chapter 12.13 of the Tacoma Municipal Code is hereby
15 amended as set forth in the attached Exhibit "A," to become effective March 1,
16 2017.
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18 Section 2. That the request of Click!, to offer promotional pricing to attract
19 new customers in a manner consistent in amount and duration with the practices of
20 its industry peers and market competitors, is hereby approved.
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22 Section 3. That the request of Click!, to continue to offer its low-income,
23 senior, and disabled customers a 20 percent discount from its rates, is hereby
24 approved.
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Section 4. That all prior actions taken by Tacoma Power and Click! staff done in conformity with Utility Board Resolution No. U-10901 and this ordinance are hereby ratified and approved.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10901



EXHIBIT "A"

Chapter 12.13

CLICK! NETWORK CABLE TV PRODUCTS

Sections:

- 12.13.010 Click! Network Cable TV products – inside the City of Tacoma.
- 12.13.015 Click! Network Cable TV products and services – outside the City of Tacoma.
- 12.13.020 Click! Network Cable TV additional sports channels for businesses.
- 12.13.030 Broadband services and internet service providers.
- 12.13.040 Applicable taxes and franchise fees.
- [12.13.050 Promotional pricing.](#)

12.13.010 Click! Network Cable TV products – inside the City of Tacoma.

Click! Cable TV Products	Recurring Monthly Price
Broadcast--Includes broadcast, local, and PEG channels	\$17.99 19.69
Standard--Includes a large variety of satellite, broadcast, basic, local channels, and PEG	\$52.99 59.99

Click! Special Products	Recurring Monthly Price
Premium Channels (e.g., HBO, Showtime, Cinemax, Starz, commercial digital music, and others)	\$2.00 – \$29.95
Pay-per-View VOD Movies, Events, and Specials (e.g., NBA and NHL package subscriptions)	\$.99 – \$300.00
Set-top Receivers, Adjunct Equipment	\$0.00 – \$19. 99 00
Low-income/Disabled and Senior Discount (Must meet Tacoma Power customer requirements for eligibility)	20% discount on Broadcast or Standard service
Cable TV Guide (Paper Magazine; subject to annual 5% adjustment for mailing costs)	\$4.99

Bulk Rates for Apartment Complexes	Recurring Monthly Price	
1 – 25 Units (full retail rate)	Broadcast	\$17.99 19.69
	Standard	\$52.99 59.99
26 – 150 Units (5% discount on broadcast; 10% discount on standard)	Broadcast	\$17.09 18.71
	Standard	\$47.69 53.99
151 – 300 Units (5% discount on broadcast; 15% discount on standard)	Broadcast	\$17.09 18.71
	Standard	\$45.04 50.99
300 Units and Above (5% discount on broadcast; 20% discount on standard)	Broadcast	\$17.09 18.71
	Standard	\$42.39 47.99



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Other Fees	Non-recurring Price
Hourly Service Charge	\$40.00
Connect – Install new wiring	\$50.00
Connect – Using existing wiring	\$40.00
Install Additional Outlet	\$20.00
Unreturned Remote Control	\$10.00
Nonstandard Installation	Hourly service charge plus materials
Unreturned Rented Equipment	\$50.00 – 600.00
Miscellaneous Adjunct Equipment	\$ 5.00 – 150.00
Late Payment Charges	\$ 6.99
Credit Card Misuse Fee	\$20.00
Miscellaneous Customer Premise Visit (VCR connection, late payment pick-up fee, install A/B switch, and nonpayment reconnection fee)	Hourly service charge
Returned Item Fee (NSF check)	\$20.00
Nonpayment Reactivation Fee (Equipment Reauthorization)	\$ 1.99

12.13.015 Click! Network Cable TV products and services – outside the City of Tacoma.

Click! Cable TV Products	Recurring Monthly Price
Broadcast – Includes broadcast, local, and PEG channels	\$19.49 21.29
Standard – Includes a large variety of satellite, broadcast, local channels, and PEG	\$54.99 62.39

Click! Special Products	Recurring Monthly Price
Premium Channels (e.g., HBO, Showtime, Cinemax, Starz, commercial digital music, and others)	\$2.00 - 29.95
Pay-per-View VOD Movies, Events, and Specials (e.g., NBA and NHL package subscriptions)	\$.99 - 300.00
Set-top Receivers, Adjunct Equipment	\$0.00 - 19. 99 00
Low-income/Disabled and Senior Discount (Must meet Tacoma Power customer requirements for eligibility)	20% discount on Broadcast or Standard service
Cable TV Guide (Paper Magazine; subject to annual 5% adjustment for mailing costs)	\$4.99



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Bulk Rates for Apartment Complexes		Recurring Monthly Price	
1 – 25 Units (full retail rate)		Broadcast	\$ 19.49 <u>21.29</u>
		Standard	\$ 54.99 <u>62.39</u>
26 - 150 Units (5% discount on broadcast; 10% discount on standard)		Broadcast	\$ 18.51 <u>20.23</u>
		Standard	\$ 49.49 <u>56.15</u>
151 - 300 Units (5% discount on broadcast; 15% discount on standard)		Broadcast	\$ 18.51 <u>20.23</u>
		Standard	\$ 46.74 <u>53.03</u>
300 Units and Above (5% discount on broadcast; 20% discount on standard)		Broadcast	\$ 18.51 <u>20.23</u>
		Standard	\$ 43.99 <u>49.91</u>
Other Fees		Non-recurring Monthly Price	
Hourly Service Charge		\$40.00	
Connect--Install new wiring		\$50.00	
Connect--Using existing wiring		\$40.00	
Install Additional Outlet		\$20.00	
Unreturned Remote Control		\$10.00	
Nonstandard Installation		Hourly service charge plus materials	
Unreturned Rented Equipment		\$50.00 - 600.00	
Miscellaneous Adjunct Equipment		\$ 5.00 - 50.00	
Late Payment Charges		\$ 6.99	
Credit Card Misuse Fee		\$20.00	
Miscellaneous Customer Premise Visit (VCR connection, late payment pick-up fee, install A/B switch, and nonpayment reconnection fee)		Hourly service charge	
Returned Item Fee (NSF check)		\$20.00	
Nonpayment Reactivation Fee (Equipment Reauthorization)		\$ 1.99	

12.13.020 Click! Network Cable TV additional sports channels for businesses.

ROOT Sports Pricing Scale (for businesses)	
Estimated Viewing Area	Price
0 – 50 Patrons	\$ 46.88
51 – 100 Patrons	\$ 62.50
101 – 150 Patrons	\$ 93.75
151 – 200 Patrons	\$125.00
200+ Patrons	\$156.00
Non-Hospitality Business	\$ 10.00
Big Ten Sports Channel (for businesses)	
Commercial Big Ten	\$ 8.50



12.13.030 Broadband services and internet service providers.

Products	Monthly Rate Range	Monthly Variable Rate ¹	Monthly HUB Fee ²	Engineering NRC ³	HUB NRC ⁴	Labor & Materials ⁵
Click! ISP Advantage	\$5 – \$150	TBD	TBD	N/A	N/A	TBD
Click! Net 1	\$25 – \$1,200	TBD	TBD	TBD	TBD	TBD
Click! Net 3	\$125 – \$4,500	TBD	TBD	TBD	TBD	TBD
Click! Net OC3	\$2,170 – \$4,500	TBD	TBD	TBD	TBD	TBD
Click! Net OC12	\$3,100 – \$12,000	TBD	TBD	TBD	TBD	TBD
Click! Net OC48	\$10,000 – \$30,000	TBD	TBD	TBD	TBD	TBD
Click! Net 1 Includes an Internet DS1 Product - Click! Net 3 Includes an Internet DS3 Product – Click! Net OC3 Includes a 100 Base-T						
¹ Actual pass-through carrier fees with a 10% administration fee.						
² Actual monthly Hub cost for maintaining connection.						
³ Actual costs to engineer the job.						
⁴ Actual cost to terminate the circuit(s) in the Hub.						
⁵ Actual costs for current labor rates and materials. A 10% handling fee will apply to the materials.						

12.13.040 Applicable taxes and franchise fees.

The cable television prices and charges set forth in this chapter shall be subject to all applicable taxes and franchise fees.

12.13.050 Promotional pricing.

Click! staff may offer promotional pricing to attract new customers in a manner consistent in amount and duration with the practices of its industry peers and market competitors.

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