



## Legislation Passed April 18, 2017

The Tacoma City Council, at its regular City Council meeting of April 18, 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.

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### **Resolution No. 39700**

A resolution authorizing the execution of an amendment to the Interlocal Agreement with the City of University Place for the South 56th Street/Cirque Drive Corridor Improvement Project; accepting grant funding in the amount of \$2,040,000, for deposit into the Transportation Capital Fund; and authorizing \$360,000 in required matching funds, budgeted from the Real Estate Excise Tax Fund, for a total of \$2,400,000.

[Diane Sheesley, P.E., Project Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

### **Resolution No. 39701**

A resolution authorizing the use of up to \$50,000, budgeted from the City Council Contingency Fund, for developing an anchor institutions strategy to complete a comprehensive study to align current planning efforts, identify gaps, and achieve Tacoma 2025 related goals; and directing the Interim City Manager to execute a professional services agreement for a third-party consultant outlining the scope of work and deliverables.

[Council Member Ibsen]

### **Resolution No. 39702**

A resolution requesting the Public Utility Board prohibit its internet service providers utilizing the Click! Network from collecting or selling customer data without express written approval from the customer; and requesting the Board prohibit internet service providers from refusing to provide services to customers who do not approve the collection or sale of personal information.

[Council Member Ibsen]

### **Ordinance No. 28307**

An ordinance vacating a portion of South Stevens Street north of South 64th Street, for a private driveway entrance, garden and landscaping.

(Brad Currah and Deborah McNamara; File No. 124.1344)

[Phyllis Macleod, Hearing Examiner]

### **Ordinance No. 28412**

An ordinance vacating a portion of the south 3.5 feet of North G Street, lying between North 1st and North 2nd Streets, to accommodate patios, stairs, and a community room in a new multi-use residential development. (Stadium Apartments, LLC, File No. 124.1374)

[Phyllis Macleod, Hearing Examiner]

**Ordinance No. 28424**

An ordinance amending Chapter 13.06 of the Municipal Code, relating to Zoning, to reclassify approximately 1.78 acres located at 4601 South Orchard Street, from an R-2 Single-Family Dwelling District to an M-1 Light Industrial District, for a stormwater detention facility and up to 100 parking spaces.

(H&P Tacoma Acquisition, LLC/New Cold Seattle, LLC; File No. REZ2013-40000199731)

[Phyllis K. Macleod, Hearing Examiner]



## RESOLUTION NO. 39700

1 A RESOLUTION relating to Public Works and transportation; authorizing the  
2 execution of an amendment to the Interlocal Agreement with the City of  
3 University Place for the South 56th Street/Cirque Drive Corridor  
4 Improvement Project; accepting grant funding in the amount of  
5 \$2,040,000, for deposit into the Transportation Capital Fund, and  
6 authorizing the amount of \$360,000 as a required City match, budgeted  
7 from the Real Estate Excise Tax Fund, for a cumulative total of  
8 \$2,400,000, for said project.

9 WHEREAS the 56th Street/Cirque Drive corridor is one of the major  
10 arterials in south Tacoma and University Place, and

11 WHEREAS, in 2013, pursuant to Resolution No. 38744, the cities of  
12 Tacoma and University Place entered into an Interlocal Agreement for the design  
13 of the 56th Street/Cirque Drive Improvement Project ("Project"), with  
14 improvements to consist of a center landscaped median with left turn lanes  
15 where needed, pavement overlay and striping, new streetlights, new landscaping  
16 in the planting strip, new or repaired sidewalks, and ADA improvements, and

17 WHEREAS, in 2014, Tacoma and University Place submitted a joint  
18 application for construction funding to the Puget Sound Regional Council, and  
19 were awarded a Federal Highway Administration Grant in the amount of  
20 \$3,995,000 for this Project, and

21 WHEREAS University Place is acting as the lead agency and will be  
22 responsible for advertising and awarding the contract, and

23 WHEREAS the proposed amendment will add the construction grant award  
24 and local match funds to the existing Interlocal Agreement, and

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WHEREAS grant funding and local match funds for Phase I construction will total \$4,700,000, and

WHEREAS University Place will expend \$1,955,000 of the grant and contribute \$345,000 in matching funds, for a total of \$2,300,000; and Tacoma will expend \$2,040,000 of the grant and contribute \$360,000 in matching funds, for a total of \$2,400,000, and

WHEREAS the proposed amendment will define Phase I construction of the Project to include the roadway section between Washington Street in Tacoma and 67th Avenue in University Place; Now, Therefore,

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

Section 1. That the proper officers of the City are hereby authorized to accept grant funding in the amount of \$2,040,000, for deposit into the Transportation Capital Fund; and to authorize a required grant match in the amount of \$360,000, budgeted from the Real Estate Excise Tax Fund, for a cumulative total of \$2,400,000, for the South 56th Street/Cirque Drive Corridor Improvement Project.

Section 2. That the proper officers of the City are hereby authorized to execute Amendment No. 1 to the Interlocal Agreement with University Place for



1 the Project identified in Section 1, said document to be substantially in the form  
2 of the proposed amendment on file in the office of the City Clerk.

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4 Adopted \_\_\_\_\_

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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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Deputy City Attorney

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## RESOLUTION NO. 39701

1 BY REQUEST OF MAYOR STRICKLAND AND COUNCIL MEMBERS CAMPBELL  
2 AND IBSEN

3 A RESOLUTION authorizing the use of up to \$50,000, budgeted from the City  
4 Council Contingency Fund, for the purpose of developing an anchor  
5 institutions strategy to complete a comprehensive study to align current  
6 planning efforts, identify gaps and achieve Tacoma 2025 related goals; and  
7 directing the Interim City Manager to execute a professional services  
8 agreement for a third-party consultant outlining the scope of work and  
9 deliverables.

10 WHEREAS the City is home to many thriving and innovative anchor  
11 institutions with the ability to leverage their unique resources and create  
12 relationships to support community and economic development goals, and

13 WHEREAS anchor institutions are defined as non-profit organizations that,  
14 once established, tend not to move location because of their large physical  
15 footprints and history, and

16 WHEREAS these institutions have a major economic impact in their cities  
17 due to their roles as employers, large purchasers of goods and services, and as  
18 real estate, business, and human capital developers, and

19 WHEREAS, with this recognition, leaders across the country have put a  
20 greater focus on the role and influence of these institutions to stimulate local  
21 economies and strengthen the competitiveness of their cities, and

22 WHEREAS the City's anchor institutions include the University of  
Washington Tacoma, University of Puget Sound, Tacoma Community College,  
Bates Technical College, Tacoma Public Schools, CHI Franciscan, Multicare, and  
the City of Tacoma, and



1 WHEREAS a formalized anchor institution initiative will align with the  
2 priorities identified in Tacoma 2025, including Livability, Economy and Workforce,  
3 Civic Engagement, Education and Equity and Accessibility, and will provide  
4 opportunities to form public-private partnerships, test strategies, and measure  
5 outcomes, and

6 WHEREAS development of an anchor institutions initiative will allow for  
7 long-term partnerships and commitments that will help the City move strategies  
8 forward, and the development of public-private partnerships to address many of  
9 the priorities identified in the original Tacoma 2025 vision document, and

10 WHEREAS, at the December 6, 2016, Study Session, a Council  
11 Consideration Request ("CCR") was shared, requesting the City Council to  
12 formalize the City's commitment to implement an anchor institutions strategy in  
13 partnership with anchor institutions, and

14 WHEREAS, at the April 11, 2017, Study Session, Council Member Ibsen  
15 shared a follow-up CCR, directing the Interim City Manager to allocate funding in  
16 the amount of up to \$50,000, budgeted from the City Council Contingency Fund, to  
17 hire a third-party consultant to assist with the development of a targeted strategy  
18 for the anchor institutions initiative, to include completing a comprehensive study to  
19 align current planning efforts, identify gaps, and outline opportunities to address  
20 the strategies outlined in Tacoma 2025; and to direct the Interim City Manager to  
21 negotiate a professional services agreement that outline the scope of work and  
22 deliverables for said funding, and



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WHEREAS Ordinance No. 22569 requires an affirmative vote of not less

than six members of the Council in order to withdraw moneys from this fund; Now,  
Therefore,

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

Section 1. That one-time funding in the amount of up to \$50,000, budgeted from the City Council Contingency Fund, is hereby approved for the purpose of developing an anchor institutions strategy to complete a comprehensive study to align current planning efforts, identify gaps, and achieve Tacoma 2025 related goals.

Section 2. That the Interim City Manager is hereby directed to negotiate and execute a professional services agreement for a third-party consultant, outlining the scope of work and deliverables for the services described in Section 1.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Deputy City Attorney





## RESOLUTION NO. 39702

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

3 A RESOLUTION relating to protecting the privacy and security of Click Network!  
4 internet users.

5 WHEREAS, in 1997, the City, through its electrical utility, embarked on an  
6 effort to construct and operate a state-of-the-art telecommunication system for the  
7 benefit of its electric utility and electric utility customers, and

8 WHEREAS the telecommunications system ("Click! Network") was  
9 constructed and has been in continuous operation since 1999, and

10 WHEREAS Click! Network has entered into agreements with private  
11 internet service providers ("ISPs") to use the Click! Network to provide internet  
12 services to approximately 25,000 retail customers, and

13 WHEREAS Click! Network and the ISPs have the ability to collect personal  
14 information resulting from their customers' use of the internet, including  
15 (a) financial information; (b) health information; (c) information pertaining to  
16 children; (d) social security numbers; (e) precise geolocation information;  
17 (f) content of communications; (g) call detail information; and (h) web browsing  
18 history, application usage history, and the functional equivalents of either, from  
19 the users of their services, and  
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21 WHEREAS, in 2016, the United State Federal Communications  
22 Commission ("FCC") proposed rules that would have required Click! Network and  
23 the ISPs to receive permission from their customers prior to collecting and selling  
24 such personal information, and

25 WHEREAS, on April 3, 2017, President Trump signed a United States  
26 congressional resolution that overturned the FCC internet privacy protections



1 related to Click! Network and the ISPs collecting and selling personal information  
2 resulting from internet use, and

3 WHEREAS the Washington State Legislature has proposed legislation  
4 (“HB 2200 and SB 5919”) that would institute similar protections included in the  
5 prior FCC internet privacy rules; however, it is unlikely that such protections will  
6 be enacted into law before the current legislative session ends, and

7 WHEREAS protecting the privacy and security of Click! Network customers  
8 is of vital concern to the City Council, and the City Council desires that the  
9 Tacoma Public Utility Board (“Board”) prohibit Click! Network and its ISPs from  
10 collecting or selling their customers’ personal information without prior written  
11 permission, or refusing to serve customers who do not approve the collection or  
12 sale of their personal information; Now, Therefore,

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

14 Section 1. That the City Council hereby requests that the Tacoma Public  
15 Utility Board (“Board”) prohibit internet service providers (including Click! Network  
16 pursuant to an “All-In” Retail Business Plan) who have entered into agreements  
17 with Tacoma Power to use Click! Network from collecting or selling personal  
18 information from a customer resulting from the customer’s use of the internet  
19 without express written approval from the customer.  
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21 Section 2. That the City Council hereby requests that the Board prohibit its  
22 internet service providers (including Click! Network pursuant to an “All-In” Retail  
23 Business Plan) from refusing to provide services to a customer on the grounds that  
24 the customer has not approved the collection or sale of the customer’s personal  
25 information.  
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Section 3. That the City Council hereby requests that in the event that Click! Network is sold or leased, the prohibitions as set forth in Sections 1 and 2 above be included as condition of the sale or lease.

Section 4. That the prohibitions requested in this resolution shall remain in effect until such time as either the federal government or the state of Washington enacts the same or broader privacy and security protections for internet users.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Acting City Attorney



## ORDINANCE NO. 28307

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating a  
4 portion of South Stevens Street lying northerly of South 64th Street for  
5 a private driveway entrance, garden and landscaping; and adopting the  
6 Hearing Examiner's Findings, Conclusions, and Recommendations  
7 related thereto.

8 WHEREAS all steps and proceedings required by law and by resolution  
9 of the City Council to vacate the portion of the right-of-way hereinafter  
10 described have been duly taken and performed; Now, Therefore,

11 BE IT ORDAINED BY THE CITY OF TACOMA:

12 Section 1. That the City Council hereby adopts the Hearing Examiner's  
13 Findings, Conclusions, and Recommendations as contained in the Hearing  
14 Examiner's Report and Recommendation to the City Council bearing File  
15 No. 124.1344 and dated June 1, 2015, which Report is on file in the office of  
16 the City Clerk.  
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Section 2. That the portion of South Stevens Street lying northerly of South 64th Street, legally described as follows:

Beginning at the Northwest corner of Lot 10, Block 18, Manito Park, Pierce County, according to the Plat thereof recorded in Volume 8 of Plats at Page 82, in Pierce County, Washington; thence North 88°35'14" West, along the Westerly extended North line of said Lot 10, a distance of 70.00 feet to the Easterly line of Block 19; thence South 01°27'43" West, along the East line of said Block 19, a distance of 85 feet, more or less, to the Northerly margin of South 64th Street; thence South 88°36'11" East, along said northerly margin, a distance of 70.00 feet to the West line of said Block 18; thence North 01°27'43" East, along said west line, a distance of 85 feet, more or less to the Point of Beginning.

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

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, as a part thereof, and all right or title of the City in and to the portion of the right-of-way so vacated does



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hereby vest in the owners of the property abutting thereon, all in the manner provided by law.

Passed \_\_\_\_\_

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Mayor

Attest:  
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City Clerk

Approved as to form:  
\_\_\_\_\_  
Deputy City Attorney

Property description approved:  
\_\_\_\_\_  
Chief Surveyor  
Public Works Department

Location: A portion of South Stevens Street lying northerly of South 64th Street  
Petitioner: Brad Currah and Deborah McNamara  
Vacation Req. No. 124.1344



## ORDINANCE NO. 28412

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating a  
4 portion of the southerly 3.5 feet of North "G" Street, lying between  
5 North 1st and North 2nd Streets, to accommodate patios, stairs, and  
6 a community room in a new multi-use residential development; and  
7 adopting the Hearing Examiner's Findings, Conclusions, and  
8 Recommendations related thereto.

9 WHEREAS all steps and proceedings required by law and by  
10 resolution of the City Council to vacate the portion of the right-of-way  
11 hereinafter described have been duly taken and performed; Now, Therefore,

12 BE IT ORDAINED BY THE CITY OF TACOMA:

13 Section 1. That the City Council hereby adopts the Hearing Examiner's  
14 Findings, Conclusions, and Recommendations as contained in the Hearing  
15 Examiner's Report and Recommendation to the City Council bearing File  
16 No. 124.1374 and dated January 18, 2017, which Report is on file in the office  
17 of the City Clerk.  
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Section 2. That a portion of the southerly 3.5 feet of North "G" Street, lying between North 1st and North 2nd Streets, legally described as follows:

A portion of land in the Northwest Quarter of the Southeast Quarter of Section 32, Township 21 North, Range 3 East, W.M., in Pierce County, Washington, described as follows:

The southerly 3.50 feet in width of the North "G" Street right-of-way adjacent to and abutting Lots 4 to 12, inclusive, Block 3114, Map of New Tacoma, Washington Territory, according to plat filed for record February 3, 1875 in the office of the County Auditor, in Pierce County, Washington, more particularly described as follows:

BEGINNING at the Northeast corner of Lot 12 in said Block 3114, also being a point on the southerly margin of said North "G" Street;

THENCE North 63°02'14" West, along the southerly margin for a distance of 224.79 feet to the Northwest corner of Lot 4 in said Block 3114;

THENCE North 26°57'53" East, along the northerly extension of the northwesterly line of said Lot 4 for a distance of 3.50 feet;

THENCE South 63°02'14" East, parallel with said southerly margin for a distance of 224.79 feet to a point on the northerly extension of the southeasterly line of Lot 12 in said Block 3114;

THENCE South 26°57'42" West, along said southeasterly line for a distance of 3.50 feet to the POINT OF BEGINNING;

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, as a part thereof, and all right or





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title of the City in and to the portion of the right-of-way so vacated does hereby vest in the owners of the property abutting thereon, all in the manner provided by law.

Passed \_\_\_\_\_

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Mayor

Attest:

\_\_\_\_\_

City Clerk

Approved as to form:

Property description approved:

\_\_\_\_\_

Deputy City Attorney

\_\_\_\_\_

Chief Surveyor  
Public Works Department

Location: A portion of the southerly 3.5 feet of North "G" Street, lying between North 1st and North 2nd Streets  
Petitioner: Stadium Apartments, LLC  
Vacation Req. No. 124.1374



## ORDINANCE NO. 28424

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3 AN ORDINANCE relating to zoning; changing the zoning classification of  
4 certain real property from an "R-2" Single-Family Dwelling District to  
5 an "M-2" Light Industrial District, following rezone action  
6 REZ2013-40000199731; and deleting the herein described property  
7 from classification under Section 13.06.100.B.3, and reclassifying it  
8 under Section 13.06.400.B.1.

9 WHEREAS, in 2017, H&P Tacoma Acquisition, LLC ("HPA")  
10 purchased the former Hanson Pipe site located at 4601 South Orchard Street,  
11 adjacent to the Tacoma Transfer facility, and

12 WHEREAS, in order to redevelop the site, HPA requested a rezone of  
13 the portion of the site that remained zoned "R-2" Single-Family Dwelling  
14 District, so that parking and storm water facilities could be located there, and

15 WHEREAS the rezone was recommended for approval by the Hearing  
16 Examiner; however, HPA appealed the imposition of certain conditions in the  
17 Hearing Examiner's recommendation regarding commercial vehicle access, and  
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WHEREAS HPA's appeal was heard before the City Council on October 1, 2013, and, after deliberation, the City Council voted to follow the Hearing Examiner's recommendation approving the rezone as conditioned; however, no legislation accompanied the appeal, and

WHEREAS thereafter, due to changes in ownership of the site, to New Cold Seattle, LLC, the rezone request was not returned to the City Council for final approval with an accompanying ordinance, and

WHEREAS the sale of the site has been completed and development is underway, the Concomitant Zoning Agreement required as part of the rezone is ready for recording, and the rezone requires City Council legislation enacting the rezone in accordance with the 2013 City Council vote; Now, Therefore,

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

Section 1. That the City Council hereby reaffirms its prior vote adopting the Hearing Examiner's Findings, Conclusions, and Recommendations contained in the Hearing Examiner's Report dated July 13, 2013, bearing File No. REZ2013-40000199731, which Report is on file in the office of the City Clerk.



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Section 2. That real property legally described below is removed from classification under Tacoma Municipal Code (“TMC”) 13.06.400.B.3, “R-2”

Single-Family Dwelling District:

Lots 3 and 4, Pierce County Short Plat Number 78-271, according to the plat thereof recorded April 6, 1978, in Volume 25 of Short Plats, Page 8, records of Pierce County Auditor.

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

Section 3. That the above legally-described property is hereafter classified under TMC 13.06.400.B.1, “M-1” Light Industrial District.

Section 4. That prior to final approval of this reclassification, the applicant shall have recorded with the County Auditor the Executed



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Concomitant Zoning Agreement (“CZA”) incorporating the conditions of approval hereby imposed.

Passed \_\_\_\_\_

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Mayor

Attest:  
  
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City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Deputy City Attorney

Property description approved:  
  
\_\_\_\_\_  
Chief Surveyor  
Public Works Department

Location: 4601 South Orchard Street  
Petitioner: H&P Tacoma Acquisitions, LLC / New Cold Seattle, LLC  
Request No.: REZ2013-40000199731