



Legislation Passed June 6, 2017

The Tacoma City Council, at its regular City Council meeting of June 6, 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. 39734

A resolution awarding a contract to General Mechanical, Inc., in the amount of \$371,000, excluding sales tax, plus a 20 percent contingency, for a total of \$445,200, budgeted from the Wastewater Fund, for improvements to the Central Wastewater Treatment Plant oxygenation supply piping, Dock Street Pump Station catwalk, and the Dock Street Yard emergency overflow weirs - Specification No. ES17-0126F.

[Geoffrey M. Smyth, Science and Engineering Division Manager;
Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 39735

A resolution awarding a contract to Northwest Cascade, Inc., in the amount of 956,934.10, excluding sales tax, plus a 20 percent contingency, for a total of \$1,148,320.92, budgeted from the Wastewater Fund, for the construction of approximately 2,000 linear feet of underground wastewater sewer pipes in various locations throughout the City - Specification No. ES17-0023F.

[Geoffrey M. Smyth, Science and Engineering Division Manager;
Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 39736

A resolution awarding a contract to PacWest Machinery LLC, in the amount of 264,655.06, plus applicable sales tax, budgeted from the Surface Water Fund, for one TYMCO 500X Street Sweeper - State of Washington Contract No. 02613.

[Judith Scott, Operations and Maintenance Division Manager;
Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 39737

A resolution awarding a contract to Guy F. Atkinson Construction, LLC, in the amount of \$30,650,000, sales tax not applicable, plus a 5 percent contingency, for a total of \$32,182,500, budgeted from the Transportation Capital Fund, for the replacement of a portion of the Puyallup River Bridge - Specification No. PW16-0302F.

[Chris Storey, Project Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39738

A resolution authorizing an increase to the contract with Quigg Bros., Inc., in the amount of \$350,000.00, plus applicable sales tax, for a total of \$3,303,451.85, budgeted from the Paths and Trails Fund and the Surface Water Fund, for construction of a shared use path between Dock Street and Pacific Avenue, paralleling Hood Street and crossing over the South 15th Street Bridge through December 31, 2017 - Specification No. PW16-0266F.

[Chris Storey, Project Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39739

A resolution authorizing an increase to the contract with KPG, Inc., in the amount of \$122,018.40, sales tax not applicable, for a total of \$246,001.03, budgeted from the Capital Projects Fund, for the 38th Streetscape Project, to provide design services for the Festival Street improvements along Yakima Avenue between South 38th Street and South 39th Street through December 31, 2018 - Specification No. CT12-0001F.
[Mark R. D'Andrea, P.E., Project Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39740

A resolution approving service area expansion in the vicinity of 128th Street East and Canyon Road East in Pierce County, and authorizing the execution of a Water System Acquisition Agreement with the Curran Road Mutual Water Association (Curran), to establish the terms and conditions under which Tacoma Water will acquire Curran's service area and provide retail water service to its members.
[Gloria Fletcher, Senior Real Estate Officer; Chris McMeen, Deputy Water Superintendent]

Substitute Resolution No. 39741

A resolution designating the Cushman Substation, located at 3713 North 19th Street and the Adams Street Substation, located at 1920 North Adams Street, as City Landmarks and placing said properties on the Tacoma Register of Historic Places.
[Reuben McKnight, Historic Preservation Officer; Peter Huffman, Director, Planning and Development Services]

Resolution No. 39742

A resolution requesting the Planning Commission to consider amending Chapter 13.06 of the Municipal Code, relating to zoning of marijuana uses, on an interim basis, by adding local definitions of "Playground" and "Recreation center or facility," in order to protect Metro Parks Tacoma owned playgrounds and recreation centers and facilities to the level intended by the State, but currently not covered by state definitions.
[Deputy Mayor Thoms]

Ordinance No. 28431

An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented by the Tacoma Fire Fighters Union, Local 31, and remove the application of rate for the classification of Fabrication Welder.
[Gary Buchanan, Interim Director, Human Resources]

Ordinance No. 28432

An ordinance adopting interim zoning and land use controls as an emergency measure to permit the City to site temporary emergency shelters in response to a declared public emergency; to be effective for a period of six months; setting a public hearing date for July 25, 2017; referring the interim regulations to the Planning Commission for review and recommendation; and establishing an effective date.
[Brian Boudet, Planning Division Manager; Peter Huffman, Director, Planning & Development Services]



RESOLUTION NO. 39734

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 General Mechanical, Inc., in the amount of \$371,000, excluding sales tax,
4 plus a 20 percent contingency, for a cumulative total of \$445,200, budgeted
5 from the Wastewater Fund, for improvements to the Central Wastewater
6 Treatment Plant oxygenation supply piping, Dock Street Pump Station
7 catwalk, and the Dock Street Yard emergency overflow weirs, pursuant to
8 Specification No. ES17-0126F.

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 the attached Exhibit "A"; Now,
15 Therefore,

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

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

20 Section 2. That the proper officers of the City are hereby authorized to
21 enter into a contract with General Mechanical, Inc., in the amount of \$371,000,
22 excluding sales tax, plus a 20 percent contingency, for a cumulative total of
23 \$445,200, budgeted from the Wastewater Fund, for improvements to the
24 Central Wastewater Treatment Plant oxygenation supply piping, Dock Street
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Pump Station catwalk, and the Dock Street Yard emergency overflow weirs,
pursuant to Specification No. ES17-0126F, consistent with Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 39735

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with Northwest Cascade, Inc., in the amount of \$956,934.10, excluding
4 sales tax, plus a 20 percent contingency, for a cumulative total of
5 \$1,148,320.92, budgeted from the Wastewater Fund, for the construction
6 of approximately 2,000 linear feet of underground wastewater sewer
7 pipes in various locations throughout the City pursuant to Specification
8 No. ES17-0023F.

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 the attached Exhibit "A"; Now,
15 Therefore,

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

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

20 Section 2. That the proper officers of the City are hereby authorized to
21 enter into a contract with Northwest Cascade, Inc., in the amount of
22 \$956,934.10, excluding sales tax, plus a 20 percent contingency, for a
23 cumulative total of \$1,148,320.92, budgeted from the Wastewater Fund, for the
24 construction of approximately 2,000 linear feet of underground wastewater
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1 sewer pipes in various locations throughout the City pursuant to Specification
2 No. ES17-0023F, consistent with Exhibit "A."

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4 Adopted _____

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6 _____
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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RESOLUTION NO. 39736

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with PacWest Machinery LLC, in the amount of \$264,655.06, plus
4 applicable sales tax, budgeted from the Surface Water Fund, for one
TYMCO 500X Street Sweeper pursuant to State of Washington Contract
No. 02613.

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

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

13 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 PacWest Machinery LLC, in the amount of
20 \$264,655.06, plus applicable sales tax, budgeted from the Surface Water Fund,
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for one TYMCO 500X Street Sweeper pursuant to State of Washington
Contract No. 02613, consistent with Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 39737

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with Guy F. Atkinson Construction, LLC, in the amount of \$30,650,000,
4 sales tax not applicable, plus a 5 percent contingency, for a cumulative
5 total of \$32,182,500, budgeted from the Transportation Capital Fund, for
6 the replacement of a portion of the Puyallup River Bridge, pursuant to
7 Specification No. PW16-0302F.

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 enter into a contract with Guy F. Atkinson Construction, LLC, in the amount of
21 \$30,650,000, sales tax not applicable, plus a 5 percent contingency, for a
22 cumulative total of \$32,182,500, budgeted from the Transportation Capital
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1 Fund, for the replacement of a portion of the Puyallup River Bridge, pursuant to
2 Specification No. PW16-0302F, 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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11 Approved as to form:

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City Attorney

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RESOLUTION NO. 39738

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. 4600011876 with Quigg Bros., Inc., in the amount of \$350,000.00,
4 plus applicable sales tax, for a total of \$3,303,451.85, plus applicable
5 sales tax, budgeted from the Paths and Trails Fund and the Surface
6 Water Fund, for construction of a shared use path between Dock Street
7 and Pacific Avenue, paralleling Hood Street and crossing over the
8 South 15th Street Bridge through December 31, 2017, pursuant to
9 Specification No. PW16-0266F.

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

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

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

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

21 Section 2. That the proper officers of the City are hereby authorized to
22 increase Contract No. 4600011876 with Quigg Bros., Inc., in the amount of
23 \$350,000.00, plus applicable sales tax, for a total of \$3,303,451.85, plus
24 applicable sales tax, budgeted from the Paths and Trails Fund and the Surface
25 Water Fund, for construction of a shared use path between Dock Street and
26 Pacific Avenue, paralleling Hood Street and crossing over the South 15th Street



1 Bridge through December 31, 2017, pursuant to Specification No. PW16-0266F,
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. 39739

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. 4600011186 with KPG, Inc., in the amount of \$122,018.40, sales
4 tax not applicable, for a cumulative total of \$246,001.03, budgeted from
5 the Capital Projects Fund, for the 38th Streetscape Project, to provide
6 design services for the Festival Street improvements along Yakima
7 Avenue between South 38th Street and South 39th Street through
8 December 31, 2018, pursuant to Specification No. CT12-0001F.

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 the attached Exhibit "A"; Now,
15 Therefore,

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

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

20 Section 2. That the proper officers of the City are hereby authorized to
21 increase Contract No. 4600011186 with KPG, Inc., in the amount of \$122,018.40,
22 sales tax not applicable, for a cumulative total of \$246,001.03, budgeted from the
23 Capital Projects Fund, for the 38th Streetscape Project, to provide design
24 services for the Festival Street improvements along Yakima Avenue between
25
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1 South 38th Street and South 39th Street through December 31, 2018, pursuant
2 to Specification No. CT12-0001F, 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. 39740

1 A RESOLUTION relating to the Department of Public Utilities, Water Division
2 (d.b.a. "Tacoma Water"); approving service area expansion and authorizing
3 the execution of a Water System Acquisition Agreement with the Curran
4 Road Mutual Water Association ("Curran") to establish the terms and
5 conditions under which Tacoma Water will acquire Curran's service area
6 and provide retail water service to its members.

7 WHEREAS the Curran Road Mutual Water Association ("Curran") serves
8 more than 620 customers in the vicinity of 128th Street East and Canyon Road
9 East in Pierce County, Washington, and receives all of its water through a
10 wholesale connection with the City of Tacoma, Department of Public Utilities,
11 Water Division (d.b.a. "Tacoma Water"), and

12 WHEREAS, as a requirement of the Washington State Department of
13 Health, Curran Road is due to develop a new water system plan and make
14 necessary system improvements, and has requested that Tacoma Water acquire
15 its service area and provide direct retail service to its members in-lieu of
16 developing a new water system plan, and

17 WHEREAS RCW 35.92.200 authorizes a city to provide water service
18 outside its corporate limits, and

19 WHEREAS, over a 10-year period, Tacoma Water proposes to replace
20 more than six miles of asbestos cement water main and complete other system
21 improvements, at an estimated cost of \$12,000,000, which will be paid by those
22 customers within the boundaries of the Curran Road water system through a
customer surcharge over an estimated 33-year period, and



1 WHEREAS Tacoma Water has budgeted \$1,000,000 for the Curran Road
2 water system improvement work to be completed during the 2017-2018 biennium,
3 with the balance of the water system improvement costs planned for in Tacoma
4 Water's 10-year Capital Improvement Plan, and

5 WHEREAS the proposed expansion satisfies the criteria set forth in the
6 Service Expansion Policy approved by the Public Utility Board and City Council,
7 and

8 WHEREAS, pursuant to City of Tacoma Charter Section 4.11, the Public
9 Utility Board may initiate system expansion, extensions, additions and betterments,
10 subject to the approval of the City Council, and

11 WHEREAS the proposed agreement establishes the terms and conditions
12 under which Tacoma Water will acquire Curran's service area and provide retail
13 water service to its members, and

14 WHEREAS, by adoption of Public Utility Board Resolution No. U-10929 on
15 May 10, 2017, the proposed agreement was approved, pending confirmation from
16 the City Council, and

17 WHEREAS it appears to be in the best interest of the public to approve the
18 inclusion of the above-described area within Tacoma Water's service area and
19 authorize the agreement with Curran; Now, Therefore,

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

21 Section 1. That the request of the City of Tacoma, Department of Public
22 Utilities, Water Division (d.b.a. "Tacoma Water"), to expand its service to include
more than 620 customers in the vicinity of 128th Street East and Canyon Road



1 East in Pierce County, Washington, currently served by Curran Road Mutual Water
2 Association ("Curran"), is hereby approved.

3 Section 2. That the Tacoma Water is hereby authorized to enter into a
4 Water System Acquisition Agreement with Curran to establish the terms and
5 conditions under which Tacoma Water will acquire Curran's service area and
6 provide retail water service to its members, and the Water Superintendent is
7 authorized to execute said document to be substantially in the form of the
8 proposed agreement on file in the office of the City Clerk.

9 Adopted _____

10 _____
11 Mayor

12 Attest:

13 _____
14 City Clerk

15 Approved as to form:

16 _____
17 City Attorney

18 Requested by Public Utility Board
19 Resolution No. U-10929
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**SUBSTITUTE
RESOLUTION NO. 39741**

1 BY REQUEST OF COUNCIL MEMBERS IBSEN AND McCARTHY

2 A RESOLUTION relating to historic preservation; adding the proposed landmarks
3 to the Tacoma Register of Historic Places and imposing controls for the
4 following properties: Cushman Substation, located at 3713 North 19th
5 Street, and Adams Street Substation, located at 1920 North Adams Street;
6 said landmarks hereby designated by the Landmarks Preservation
7 Commission under Chapter 13.07 of the Tacoma Municipal Code.

8 WHEREAS the Tacoma Landmarks and Historic Districts Code,
9 Chapter 13.07 of the Tacoma Municipal Code (“TMC”), establishes a procedure for
10 the designation and preservation of structures and areas having historical, cultural,
11 architectural, archaeological, engineering, or geographic importance, and

12 WHEREAS, pursuant to TMC 13.07.050, the nominations of the Cushman
13 Substation, located at 3713 North 19th Street, and Adams Street Substation,
14 located at 1920 North Adams Street (“Properties”), were submitted by a private
15 citizen for inclusion on the Tacoma Register of Historic Places, along with the
16 requisite application materials, and

17 WHEREAS the Cushman Substation property and transmission line were
18 previously added to the National Register of Historic Places in 2016, and

19 WHEREAS the Properties are of primary historical significance to Tacoma,
20 are significant for their association with the region’s growth as a result of
21 hydroelectric power production, and are an excellent example of monumental,
22 neoclassical revival style architecture, and

23 WHEREAS, as originally submitted, the nomination included the Properties
24 substation buildings, including the interior of the Cushman Substation condenser
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1 room, the site surrounding both buildings (but not the switchyard equipment in the
2 Cushman yard), and the lattice transmission towers located in the center of North
3 21st Street that run from the substations to North Highland Street, and

4 WHEREAS the Landmarks Preservation Commission (“Commission”)
5 reviewed the requests on December 14, 2016, at which time it voted to exclude the
6 transmission towers within North 21st Street from further consideration, and

7 WHEREAS, on February 8, 2017, the Commission held a public hearing on
8 the nomination of the remaining elements, which included one remaining lattice
9 transmission tower located adjacent to the Adams Street Substation, to receive
10 public comment on the historic significance of the Properties, and

11 WHEREAS, according to TMC 13.07.040, the Commission found that the
12 Properties meet the eligibility requirements for listing on the Tacoma Register of
13 Historic Places, and

14 WHEREAS the remaining lattice tower will create a significant technical
15 hurdle and add additional expense to the planned North 21st Street tower and
16 power transmission line replacement project, necessitating a rerouting of the
17 transmission lines associated with the North 21st Street project or requiring
18 relocation of the remaining lattice tower, and

19 WHEREAS the interior of the condenser room of the Cushman Substation
20 has not been historically used and is not currently used as a public area or
21 assembly space appropriate for designation as an historic landmark, and

22 WHEREAS the Adams Street Substation is not currently in active use and
23 maintenance of that portion of the Properties has been deferred, and



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WHEREAS the site surrounding the Properties substation buildings may require environmental cleanup prior to any future changed use of the Properties, and

WHEREAS a timely redevelopment of the Properties is desirable, and

WHEREAS, based upon said findings, the City Council believes that it would be in the best interest of the City to designate only the portions of the Properties described below as historic landmarks and place them on the Tacoma Register of Historic Places subject to the additional stated direction related to preparation of the Properties for potential development; Now, Therefore,

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

Section 1. Designation. That, pursuant to the provisions of Chapter 13.07 of the Tacoma Municipal Code ("TMC"), the City Council of Tacoma approves the designation of the following properties as historic landmarks and places said properties on the Tacoma Register of Historic Places:

(1) Adams Street Substation

More particularly described as: 1920 North Adams Street, Tacoma, WA 98406

Parcel No.: 7475021970

Legal Description:

That portion of the Southeast quarter of the Northeast quarter of Section 36, Township 21 North, Range 02 East, W.M. more particularly described as follows:

The East 170 feet of the North 120 feet of Block 102, Amended Map of Second School Land Addition to the City of Tacoma as recorded in Volume 7 of Plats at Pages 78 and 79, records of Pierce County Auditor;

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



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based upon satisfaction of the following standards of TMC 13.07.040, that the

Property:

- A. Is associated with events that have made a significant contribution to the broad patterns of our history;
- C. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;
- F. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood or City.

(2) Cushman Substation

More particularly described as: 3713 North 19th Street, Tacoma, WA 98406

Parcel No.: 475021883

Legal Description:

That portion of the Southeast quarter of the Northeast quarter of Section 36, Township 21 North, Range 02 East, W.M. more particularly described as follows:

Tracts A and B, Block 103, Amended Map of Second School Land Addition to the City of Tacoma as recorded in Volume 7 of Plats at Pages 78 and 79, records of Pierce County Auditor;

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

based upon satisfaction of the following standards of TMC 13.07.040, that the

Property:

- A. Is associated with events that have made a significant contribution to the broad patterns of our history;
- C. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses



high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;

F. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood or City.

Section 2. Controls. A Certificate of Approval must be obtained from the Landmarks Preservation Commission pursuant to TMC 13.05.047 et seq., or the time for denying an application for a Certificate of Approval must have expired before the owners may make alterations or changes to the following properties:

A. Cushman Substation

1. Building exterior.
2. Site on the surrounding parcel (but specifically excluding the existing electrical switchyard equipment in the Cushman yard).

B. Adams Street Substation

1. Building exterior.
2. Site on the surrounding parcel.

Section 3. Amenability to Future Development. The City Manager is directed to work with Tacoma Power in order to address the current condition of the Adams Street Substation, to maintain the interior and exterior of both of the Properties to a standard that will be attractive and amenable to future development and to evaluate the degree to which environmental cleanup of the Properties will be required.

Section 4. Timely Efforts Toward Redevelopment of the Properties. The City Manager is further directed to work with Tacoma Power and enter into Memorandum of Understanding as necessary to establish a process to encourage timely redevelopment of the Properties. The process will address elements



1 including, but not limited to, setting a schedule that promotes the expedited
 2 relocation of the current Tacoma Power operations from the Cushman Substation;
 3 establishing a process for a prompt internal transfer of the Properties from Tacoma
 4 Public Utilities to the City of Tacoma General Government, such process to include
 5 establishing the fair market value for the Properties (less encumbrances);
 6 establishing and funding the cost for any required environmental cleanup of the
 7 Properties; allocating the risk and responsibility for any environmental liability past,
 8 present, and future, which may be included as a factor in the internal transfer
 9 sales' price; and setting out a process by which City will conduct a Request for
 10 Proposals (including community input) for future redevelopment of the Properties,
 11 and prior to issuing a Request for Proposals the City will work with community
 12 stakeholders to identify community goals for redevelopment of the Properties,
 13 which will be reconciled with costs and market constraints that could include public
 14 amenities and private redevelopment.
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17 Adopted _____

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 19 _____
 Mayor

20 Attest:
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 22 _____
 City Clerk

23 Approved as to form:
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 25 _____
 Deputy City Attorney

Legal Description Approved:

 Chief Surveyor
 Public Works Department



RESOLUTION NO. 39742

1 BY REQUEST OF DEPUTY MAYOR THOMS

2 A RESOLUTION relating to interim zoning; requesting that the Planning
3 Commission consider amending Chapter 13.06 of the Tacoma Municipal
4 Code, relating to the zoning of marijuana uses, on an interim basis, by
5 adding local definitions of "Playground" and "Recreation center or facility,"
6 in order to protect Metro Parks Tacoma-owned playgrounds and
7 recreation centers and facilities to the level intended by the state, but
8 currently not covered by state definitions.

9 WHEREAS the City's marijuana land use regulations, as set forth in
10 Amended Ordinance No. 28361, adopted on May 24, 2016, and found at
11 Section 13.06.565 of the Tacoma Municipal Code, are barely a year old, and

12 WHEREAS Washington State's regulatory framework for licensing and
13 regulating the production, processing and retail sale of marijuana is also relatively
14 new, and

15 WHEREAS City staff has discovered a gap between the state's intent to
16 require greater setback buffers for public playgrounds and recreational centers and
17 facilities and the state's definitions for these sites, found at Washington
18 Administrative Code ("WAC") 314-55-010(24)-(27), and

19 WHEREAS this gap arises from the state's unintended omission of
20 "metropolitan parks districts" from the ownership paradigm in the WAC definitions
21 of "Playground" and "Recreation center or facility," and

22 WHEREAS the City understands that the state intends to correct this
23 omission in its definitions, but it may take some time to do so; in the meantime, the
24 City can prevent conflicts from arising in local permitting, as has already happened,
25 by adding these two definitions in the TMC on an interim basis, and
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WHEREAS adding local definitions into the City's marijuana regulations for
“Playground” and “Recreation center or facility” that include ownership by a
metropolitan parks district will alleviate the problems that have arisen in permitting
marijuana uses that appear to conform with the state definitions, but not with the
state’s intent, until such time as the state corrects its own definitions; Now,
Therefore,

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

That the City Council hereby requests that the Planning Commission
consider amending Chapter 13.06 of the Tacoma Municipal Code, relating to
Zoning, on an interim basis, by adding local definitions of “Playground” and
“Recreation center or facility” as shown in Exhibit “A” hereto, in order to protect
Metro Parks Tacoma-owned playgrounds and recreation centers and facilities to
the level intended by the state, but currently not covered by state definitions.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney



EXHIBIT "A"

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13.06.565 Marijuana Uses.

A. Intent. In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. In April 2015, the state Legislature enacted two laws, 2SSB 5052 and 2E2SHB 2136. The new laws establish regulations for the formerly unregulated aspects of the marijuana system, establish a "medical marijuana endorsement" that allows licensed marijuana retailers to sell medicinal marijuana to qualifying patients and designated providers, and attempt to align these changes with the existing recreational system.

Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma.

Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

B. Applicability. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district. All licensed marijuana uses are required to fully comply with the provisions of this Section.

1. No Marijuana use as regulated herein and in WAC 314-55, that existed prior to the enactment of Ordinance No. 28182 on November 5, 2013, shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. As of July 1, 2016, in accordance with state law, collective gardens are prohibited.

3. For purposes of this Section and the standards applicable to state-licensed marijuana uses, the terms and definitions provided in WAC 314-55 shall ~~generally~~ apply ~~unless the context clearly indicates otherwise~~ except for the following definitions:

(a) "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government, or a metropolitan parks district.

(b) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government, or a metropolitan parks district.



ORDINANCE NO. 28431

1 AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of the
 2 Tacoma Municipal Code to implement rates of pay and compensation for
 3 employees represented by Tacoma Fire Fighters Union, Local 31, and to
 4 implement changes to reflect the organizational structure; and declaring the
 5 effective dates thereof.

BE IT ORDAINED BY THE CITY OF TACOMA:

6 Section 1. That Section 1.12.640 of the Tacoma Municipal Code is hereby
 7 amended, effective retroactive to January 1, 2017, to read as follows:

8 1.12.640 Application of additional rates.

9 * * *

10 L31 In recognition of the fact that future technology creates needs which did not
 11 previously exist for internal training and mentoring, highly experienced
 12 employees shall be assigned additional duties and shall receive a 2 percent
 13 application of rate. Highly experienced employees shall be defined as those
 14 with 25 years of service as a commissioned Tacoma firefighter in the
 15 classifications of Firefighter, Fire Lieutenant, Fire Captain, Fire Chief Battalion,
 16 Fire Battalion Chief Aide, Firefighter-Paramedic, Firefighter Paramedic
 17 Supervisor, Fire Boat Pilot, Fire Inspector, Fire Marshal Deputy, Fire
 18 Communications Center Lieutenant, Fire Captain Dispatcher, [Fire Medical
 19 Services Officer](#), and Fire Communications Center Supervisor. These duties
 20 shall be assigned and this applied rate shall commence at the first of the
 21 calendar year in which an employee will complete the 25 years of service.

22 * * *

23 Section 2. That Section 1.12.640 of the Tacoma Municipal Code is hereby
 24 amended, effective retroactive to January 1, 2017, to read as follows:

25 1.12.640 Application of additional rates.

26 * * *

~~5310 A Fabrication Welder (CSC 5310) will receive nonautomatic step 2 rate of
 pay when, at the sole discretion of management, the employee is determined to
 be responsible for the primary operation of a structural steel fabrication weld
 shop. Effective January 1, 2014, the current Fabrication Welder at Public Works
 Fleet Services — Fleet Operations will qualify for this step 2 rate of pay.~~

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Section 3. That Sections 1 and 2 are effective retroactive to January 1,
2017.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



ORDINANCE NO. 28432

1 AN ORDINANCE relating to zoning and land use controls; adopting interim zoning
2 and land use controls as an emergency measure to permit the City to site
3 temporary emergency shelters in response to a declared public
4 emergency; to be effective for a period of six months; setting a public
5 hearing date for July 25, 2017; referring the interim regulations to the
6 Planning Commission for review and recommendation; and establishing an
7 effective date.

8 WHEREAS, on May 2, 2017, the City Council adopted Resolution
9 No. 39716, directing the City Manager to promptly prepare and present to the City
10 Council an Emergency Temporary Aid and Shelter Program to respond to the
11 homelessness crisis and to prepare and present an ordinance declaring a state of
12 emergency, and

13 WHEREAS, on May 9, 2017, the City Council passed Ordinance No. 28430,
14 declaring a state of public health emergency relating to the conditions of homeless
15 encampments located in the City, and

16 WHEREAS the City Council concluded therein, inter alia, that the ongoing
17 suffering of individuals, families, and unaccompanied youth occupying homeless
18 encampments, and the threat to the public health and safety, will continue in the
19 absence of the immediate implementation of interim measures designed to meet
20 the survival and safety needs of those persons, such as the provision of hygiene
21 facilities; trash collection; sanitary facilities; temporary shelters; outreach and
22 gateway services; safe and stable shelter; linkage to tailored services to meet each
23 individual's unique needs; a connection to housing, social, public and mental
24 health services; storage of property and safety; potable drinking water; solid waste
25 disposal; and human waste disposal, and
26



1 WHEREAS the City Manager has proposed and presented to the Mayor and
2 City Council a three-phase Emergency Temporary Aid and Shelter Program to
3 respond to the homeless crisis and the emergent conditions endangering the
4 public health, safety, and welfare, and

5 WHEREAS the three-phase plan consists of mitigation of the conditions in
6 homeless encampments in the first phase, providing emergency sheltering and
7 transition services in the second phase, and providing long-term housing in the
8 third phase, and

9 WHEREAS the second phase will include the City's establishment of
10 temporary emergency shelter sites on public property, or private property made
11 available by the owners to the City, to be managed and operated by the City, and

12 WHEREAS such temporary emergency shelter sites provide needed
13 community services in response to the declared public health emergency, and

14 WHEREAS the provisioning of basic emergency shelter, temporary
15 transitional shelters, and related supportive services for persons experiencing
16 homeless is consistent with Policies H-4.7 and H-4.8 of Goal H-4 of the Housing
17 Element of the City's Comprehensive Plan, Policy PFS-6.9 of Goal PFS-6 of the
18 Public Facilities and Services element of the Comprehensive Plan, and is
19 consistent with the human and social needs community priorities identified in
20 Tacoma 2025, to increase housing security so that everyone has shelter, and

21 WHEREAS the current zoning and land use controls governing emergency
22 housing do not address the need for establishment and operation of temporary
23 emergency shelters by the City under the circumstances of a public emergency,
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and require additional review and public hearings to develop suitable land use controls applicable during a declared state of emergency, and

WHEREAS while such amendments to the land use code are under consideration, and in response to the current state of emergency as declared by the City Council pursuant to Ordinance No. 28430, it is necessary to establish interim land use controls for a six month period to permit the establishment and operation of temporary emergency shelter sites, and

WHEREAS RCW 36.70A.390 and TMC 13.02.055 authorize the establishment of interim zoning controls when an emergency exists; provided that, a public hearing must be held within 60 days of passage of an ordinance adopting interim zoning controls, and

WHEREAS based upon the foregoing and the findings, conclusions and declaration of a public health emergency pursuant to Ordinance No. 28430, the City Council finds that it is in the best interest of the public health, safety, and welfare to adopt the interim zoning and land use controls as set forth in Exhibit "A," attached hereto, and

WHEREAS the City Council further desires to fix a time and date for public hearing for the purpose of considering the proposed interim zoning and land use controls; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the interim zoning and land use controls as set forth in Exhibit "A," attached hereto and incorporated by this reference as though fully set forth herein, are hereby adopted.



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Section 2. That the interim zoning and land use controls adopted hereby shall be in force and effect from the time of passage until 11:59 p.m. on November 14, 2017, unless sooner terminated or extended as provided by law.

Section 3. That Tuesday, July 25, at approximately 5:15 p.m., is hereby fixed as the time, and the City Council Chambers on the First Floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, as the place when and where a public hearing shall be held on the interim zoning and land use controls adopted pursuant to this ordinance.

Section 4. That the City Clerk shall give proper notice of the time and place of said hearing.

Section 5. That, pursuant to Section 13.02.055 of the Tacoma Municipal Code, the City Council hereby refers these interim regulations to the Planning Commission for its review and to develop findings and a recommendation regarding the interim regulations prior to the City's Council's hearing on July 25, 2017.

Section 6. That, based upon the declaration of a public health emergency set forth at Ordinance No. 28430 and the findings of the City Council herein, a



1 public emergency exists, making this ordinance effective upon passage by an
2 affirmative vote of a least six members of the City Council.

3
4 Passed _____

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6 _____
Mayor

7 Attest:
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9 _____
City Clerk

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11 Approved as to form:
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13 _____
Chief Deputy City Attorney

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EXHIBIT "A"

**INTERIM LAND USE PROVISIONS
EMERGENCY TEMPORARY SHELTERS**

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SECTION 1 – Purpose and Intent

The purpose of this ordinance is to provide regulatory guidance regarding the provision of emergency temporary shelters and associated support services to distressed persons requiring basic assistance after an emergency has been declared. This ordinance establishes an expedited process for approval of the nature, scope, form, design, and location of emergency temporary shelters established by the City in response to a declared public emergency.

SECTION 2 – Authority and Specific Responsibilities

The roles and responsibilities of key elected and appointed officials in times of emergency are set forth in the City Charter, the Tacoma Municipal Code ("TMC"), the City's Comprehensive Emergency Management Plan, and state law. The Director shall be vested with authority to give approvals, to make orders and rules, and to make or issue notices, licenses, permits, certificates, or other documents for the purposes set forth herein.

In carrying out the responsibilities of this ordinance, the Director shall coordinate with and may delegate, as appropriate, to the Administrator of Emergency Management (see TMC 1.10.040), the City's Emergency Management Team, individual City Departments, and/or outside agencies and humanitarian aid organizations. For example, per the City's Emergency Management Plan, the Neighborhood and Community Services Department is generally the lead implementing agency for temporary sheltering programs, with support from other departments and agencies, such as Tacoma Public Utilities, Environmental Services, Public Works, Police, Fire, Health, and Planning and Development Services.

SECTION 3 – Definitions

Declared Public Emergency. For purposes of this ordinance, a declared public emergency shall mean an emergency that has been declared or proclaimed to exist within the corporate limits of the City, by a governmental official, governing body or governmental agency vested with authority to declare or proclaim a public emergency within the corporate limits of the City.

Director. For purposes of this ordinance, director shall mean and refer to the Director of Emergency Management for the City of Tacoma, the director's successors and designees, and the administrator of Emergency Management



when acting on behalf of the director when the director is unable to carry out the director's duties.

Emergency. For purposes of this ordinance, emergency shall mean an event or set of circumstances: (a) which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences, or (b) which reaches such a dimension or degree of destructiveness as to warrant the City Council proclaiming the existence of a disaster or the Governor declaring a state of emergency in accordance with appropriate local and state statute, or (c) in which human health or safety is jeopardized and/or public or private property is imminently endangered, or (d) which has been declared an emergency by the Governor pursuant to Chapter 43.06 RCW

Emergency Temporary Shelter. For purposes of this ordinance, Emergency Temporary Shelter is defined as temporary living quarters and sites, along with related temporary support services, equipment, and facilities, provided by, or on behalf of, the City or other governmental entity in response to a declared public emergency. The emergency temporary shelter may include, but is not limited to, facilities such as tents, temporary structures, mobile structures, recreational vehicles, use of existing structures, etc.

SECTION 4 – Approval of Emergency Temporary Shelters; Permitted Use

In the event of a declared public emergency and when the Director has determined that there is a need for emergency temporary shelter, the Director shall have the authority, upon consultation with the appropriate public officials when and where practicable, to approve the nature, form, scope, design, and location, and provide oversight over, the erection, installation, implementation, management, and operation of emergency temporary shelters. Such approval and oversight shall be based upon the circumstances attendant to the declared public emergency and the need to protect public health, safety, or welfare through the provisioning and operation of emergency temporary shelter.

Notwithstanding any provision to the contrary in the City's land use codes or regulations, such emergency temporary shelters shall be a permitted use in any zone in the City and shall be exempt from land use regulations and standards, except to the extent that federal or state law mandates compliance with a particular land use regulation or standard and compliance has not been excepted pursuant to operation of state or federal law or a declaration of emergency by the Governor or federal official or agency vested with authority to declare a public emergency. The Director when exercising the authority set forth in this ordinance, and to the extent practicable given the limitations associated with the circumstances of the declared emergency, shall take into consideration the general intent and purpose of the City's land use and other regulations and the factors set forth below.



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The implementation and management of emergency temporary shelters shall be consistent with the City's Comprehensive Emergency Management Plan, and shall, when and where practicable, given the limitations associated with the circumstances of the declared emergency, include consideration of factors such as:

- Access to basic health and sanitation services, such as food, solid and sanitary waste collection, and temporary water, power and other utility services;
- Access to support services, such as healthcare, social services, counseling, legal services, and skill training;
- Access to arterials, public transit, and other transportation services and facilities;
- Minimizing impacts on businesses and residential neighborhoods;
- Minimizing impacts on environmentally sensitive areas and features;
- Site and facility designs and operations that ensure safety and security of the occupants and the surrounding community;
- Reasonable accommodation for those with access and functional needs; and
- Where feasible and appropriate, public outreach and engagement to gain the community's assistance in this effort.