



## Legislation Passed January 30, 2018

The Tacoma City Council, at its regular City Council meeting of January 30, 2018, 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. 39923**

A resolution setting Tuesday, February 6, 2018, at approximately 5:15 p.m., as the date for a public hearing by the City Council on the proposed Correctional and Detention Facilities Permanent Regulations, as recommended by the Planning Commission.

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

### **Resolution No. 39924**

A resolution accepting a total of six grants from the Washington State Department of Transportation, the Washington State Transportation Improvement Board, and the Washington Utilities and Transportation Commission, in the total amount of \$21,300,819, and depositing said sum into various Capital Project funds, for various projects including roadways, bridges, pedestrian facilities, trails, bikeways, and pedestrian railroad crossings.

[Chris E. Larson, P.E., Engineering Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

### **Resolution No. 39925**

A resolution authorizing the execution of an agreement with the Metropolitan Park District of Tacoma, in the amount of \$5,000,000, budgeted from the General Fund and Real Estate Excise Tax Fund, for jointly financing the construction of a new community center on the Eastside.

[Jennifer Hines, Assistant Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

### **Resolution No. 39926**

A resolution authorizing the execution of agreements with Puget Sound Energy, Inc., in the amount of \$1,860,000, including sales tax, budgeted from the Wastewater Fund, for the construction of a gas pipe line between the gas processing facility to be located at the Central Wastewater Treatment Plant and the Puget Sound Energy distribution line, located in East Q Street and Bay Street, for the distribution of renewable natural gas.

[James G. Parvey, P.E., Environmental Policy and Sustainability Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

**Resolution No. 39927**

A resolution authorizing the execution of an agreement with McKinstry Essention, Inc., in the amount of \$6,200,000, including sales tax, budgeted from the Wastewater Fund, to design, install, and construct a facility to process excess bio-gas released as a by-product of treating wastewater at the Central Wastewater Treatment Plant.

[James G. Parvey, P.E., Environmental Policy and Sustainability Division Manager;  
Michael P. Slevin III, P.E., Director, Environmental Services]

**Resolution No. 39928**

A resolution expressing support for the passage of Proposition No. 1 submitted by Tacoma Public School District No. 10 at the February 13, 2018 Special Election, which reads as follows:

**SPECIAL ELECTION - PROPOSITION NO. 1  
SUBMITTED BY TACOMA SCHOOL DISTRICT NO. 10  
REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATIONS LEVY**

The Board of Directors of Tacoma School District No. 10 adopted Resolution No. 2031 to fund educational programs and operations. If approved, Proposition No. 1 will replace an expiring levy and fund eligible educational programs, including classroom teachers, librarians, nurses, counselors, student safety, security and emergency preparedness, special education, preschool, textbooks, instructional materials, arts, music, and building maintenance; and levy the following excess taxes on all taxable property within the District:

Collection Year	Estimated Rate/\$1,000	
	Assessed Value	Amount
2019	\$2.72	\$70,000,000
2020	\$2.66	\$72,000,000
2021	\$2.65	\$74,000,000
2022	\$2.65	\$76,000,000

all as provided in Resolution No. 2031. Should Proposition No. 1 be approved?

Yes.....

No.....

[Mayor Woodards, Deputy Mayor Ibsen, and Council Member Ushka]

**Resolution No. 39929**

A resolution expressing support for the passage of Proposition No. 2 submitted by Tacoma Public School District No. 10 at the February 13, 2018 Special Election, which reads as follows:

SPECIAL ELECTION - PROPOSITION NO. 2  
SUBMITTED BY TACOMA SCHOOL DISTRICT NO. 10  
REPLACEMENT TECHNOLOGY IMPROVEMENTS AND UPGRADES LEVY

The Board of Directors of Tacoma School District No. 10 adopted Resolution No. 2032 to fund technology improvements and upgrades. If approved, Proposition No. 2 will replace an expiring levy and fund expansion of student technology access in all neighborhood schools, replace outdated classroom computers, fund technical training, improve District-wide systems, and authorize the District to levy the following excess taxes on all taxable property within the District:

Collection Year	Estimated Rate/\$1,000	
	Assessed Value	Amount
2019	\$0.93	\$24,000,000
2020	\$0.89	\$24,000,000
2021	\$0.86	\$24,000,000
2022	\$0.84	\$24,000,000
2023	\$0.81	\$24,000,000
2024	\$0.79	\$24,000,000

all as provided in Resolution No. 2032. Should Proposition No. 2 be approved?

Yes.....

No.....

[Mayor Woodards, Deputy Mayor Ibsen, and Council Member Ushka]

**Resolution No. 39930**

A resolution establishing a vision and next steps for maximizing the value of Click! Network, to support community policy goals related to the purposes for and use of Click!.

[Mayor Woodards]



## RESOLUTION NO. 39923

1 A RESOLUTION setting Tuesday, February 6, 2018, as the date for a public  
2 hearing on the proposed Correctional and Detention Facilities Permanent  
3 Regulations, as recommended by the Planning Commission.

4 WHEREAS, on March 7, 2017, the City Council adopted Ordinance  
5 No. 28417, enacting emergency interim zoning regulations pertaining to public and  
6 private correctional facilities, for a period of six months, to expire on September 6,  
7 2017, and

8 WHEREAS the proposed regulations address not only the land use  
9 concerns relating to the location and expansion of correctional and detention  
10 facilities, but also the health and safety of residents and visitors of those facilities,  
11 and  
12

13 WHEREAS the interim regulations amended Sections 13.06.100, 13.06.200,  
14 13.06300, 13.06.400, and 13.06.700 of the Tacoma Municipal Code ("TMC"), and  
15 were intended to prohibit or require conditional use permits for new or expanded  
16 correctional facilities in the interim, to allow time for the City Council and the  
17 Planning Commission to conduct appropriate research; analyze potential impacts  
18 and applicable local, state and regional policies; and determine the appropriate  
19 permanent regulatory framework for public and private correctional facilities in  
20 Tacoma, and  
21

22 WHEREAS, following a public hearing conducted on April 25, 2017, the  
23 City Council adopted Ordinance No. 28429 on May 9, 2017, retaining and  
24 modifying the interim regulations and extending the effective duration to one year,  
25 to expire on March 6, 2018, and  
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WHEREAS the Planning Commission has reviewed the interim regulations as modified on May 9, 2017; developed draft permanent regulations for the City Council's consideration for adoption upon the expiration of the interim regulations; conducted a public hearing on January 3, 2018, to receive public comment on the draft regulations; and put forward its recommendation on January 17, 2018, as documented on the Commission's Findings of Fact and Recommendations Report, and

WHEREAS, pursuant to TMC 13.02, the City Council is required to conduct a public hearing before enacting any amendments to the Land Use Regulatory Code, and

WHEREAS the public hearing provides an opportunity for engaging concerned citizens in the decision-making process of the City Council; Now, Therefore,

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

Section 1. That Tuesday, February 6, 2018, 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 proposed Correctional and Detention Facilities Permanent Regulations, as recommended by the Planning Commission.



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Section 2. That the City Clerk shall give proper notice of the time and place of said hearing.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## RESOLUTION NO. 39924

1 A RESOLUTION relating to public works projects; authorizing the acceptance of  
2 six grants, in the total amount of \$21,300,819, for deposit into various  
3 Capital Project funds, to fund various Public Works projects, including  
4 roadways, bridges, pedestrian facilities, trails, bikeways, and pedestrian  
5 railroad crossings.

6 WHEREAS the City has aggressively applied for grants for numerous  
7 infrastructure projects, and in 2017, six Public Works projects (“Projects”) were  
8 selected to receive approximately \$21,300,819 in grant funds, and

9 WHEREAS these Projects will improve the safety and well-being of citizens  
10 by rehabilitating roadways and providing pedestrian and bicycle facilities; adding  
11 or upgrading ADA components; constructing trails; upgrading traffic signals and  
12 pedestrian crossings; and improving pedestrian railroad crossings, and

13 WHEREAS the Projects identified in the attached Exhibit “A” have been  
14 selected to receive grant funds, and

15 WHEREAS five of the Projects will require City matching funds, as follows:

16 (1) South 19th Street, Union Avenue to Mullen Street, in the amount of \$752,090,  
17 funded through the Streets Initiative Fund; (2) East 64th Street, Pacific Avenue to  
18 McKinley Avenue, in the amount of \$2,000,000, funded through the Streets  
19 Initiative Fund; (3) South 19th Street Sidewalk, Cedar Street to Bates Technical  
20 College, in the amount of \$156,190, funded through the Streets Initiative Fund;  
21 (4) Yakima Avenue Bridge, in the amount of \$403,650, funded through the Streets  
22 Initiative Fund; and (5) Taylor Way Rehabilitation, SR 509 to East 11th Street, in  
23 the amount of \$1,200,825, funded through the Streets Initiative Fund; Now,  
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25 Therefore,  
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

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Section 1. That the proper officers of the City are hereby authorized to accept \$21,300,819 in federal fund grants, for deposit into various Capital Project funds, to fund various Public Works projects, including roadways, bridges, pedestrian facilities, trails, bikeways, and pedestrian railroad crossings, all as set forth in the attached Exhibit "A."

Section 2. That the various programs and projects referred to in the attached Exhibit "A" shall not be implemented or carried into effect until such time as the same have been further reviewed, if necessary, by the appropriate officers and employees of the City and the making of such technical adjustments as may be required to carry out such programs and projects.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney





**EXHIBIT "A"**

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<b>Project</b>	<b>Grantor/Amount</b>	<b>Description</b>	<b>City Match</b>
South 19th Street, Union Avenue to Mullen Street	National Highway System Asset Management Program Grant  \$2,517,865	Funding for an overlay of South 19th Street between Union Avenue and Mullen Street, construction of ADA compliant sidewalk ramps, and signal improvements at the intersection of South 19th and Proctor Streets. A City match of \$752,090 is required and funded through the Streets Initiative Fund.	\$752,090  Funded through the Streets Initiative Fund
East 64th Street, Pacific Avenue to McKinley Avenue	Washington State Transportation Improvement Board Grant  \$6,501,958	Funding for the reconstruction of East 64th Street between Pacific Avenue and McKinley Avenue. The project will reconstruct the roadway, add bicycle facilities, wider sidewalks with ADA compliant ramps, and signal improvements. Storm water and streetlight systems will also be improved. A City match of \$2,000,000 is required and funded through the Streets Initiative Fund.	\$2,000,000  Funded through the Streets Initiative Fund
South 19th Street Sidewalk, Cedar Street to Bates Technical College	Washington State Transportation Improvement Board Grant  \$346,000	Funding for the construction of an ADA compliant path from the Bates Technical College campus to Cedar Street. The project will construct approximately 1,200 linear feet of missing link sidewalk, upgrade existing driveways and the South 19th Street/Cedar Street traffic signal to meet current ADA standards. A City match of \$156,190 is required and funded through the Streets Initiative Fund.	\$156,190  Funded through the Streets Initiative Fund
McCarver Rail Crossing	State of Washington Utilities and Transportation Commission Grant  \$50,000	Funding for the installation of pedestrian gates, fencing, LED upgrades, and pavement markings at the McCarver Street rail crossing. A City match is not required.	None



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<b>Project</b>	<b>Grantor/Amount</b>	<b>Description</b>	<b>City Match</b>
Yakima Avenue Bridge	2017 Local Bridge Program Grant \$2,990,000	Funding for the deck repair of the Yakima Avenue Bridge spanning South Tacoma Way. A City match of \$403,650 is required and will be funded via the Streets Initiative Fund.	\$403,650 Funded through the Streets Initiative Fund
Taylor Way Rehabilitation, SR 509 to East 11th Street	2019 National Highway Freight Program Grant \$8,894,996	Funding to reconstruct the roadway to heavy haul standards, remove/upgrade rail crossings, and widen the SR 509/Taylor Way intersection. The project will install Intelligent Traffic Signal improvements, new sidewalks and ADA ramps, streetlights, and pavement markings. A City match of \$1,200,825 is required and will be funded via the Streets Initiative Fund.	\$1,200,825 Funded through the Streets Initiative Fund



## RESOLUTION NO. 39925

1 A RESOLUTION relating to public health, safety and welfare; authorizing the  
2 execution of an Interagency Cooperation Agreement with the Metropolitan  
3 Park District of Tacoma, in the amount of \$5,000,000, budgeted from the  
4 General Fund and Real Estate Excise Tax Fund, for the purpose of jointly  
financing the construction of a new community center on the Eastside of  
Tacoma.

5 WHEREAS the City and Metropolitan Park District of Tacoma (“Metro Parks  
6 Tacoma”) desire to construct a new community center on the Eastside of Tacoma,  
7 to provide recreational, athletic, and aquatic facilities for the benefit of Tacoma  
8 residents, and  
9

10 WHEREAS the project provides for the construction of a new 55,000  
11 square-foot community center, containing a swimming pool, gym, and social hall,  
12 which will provide after-school activities, a teaching kitchen, sound recording  
13 studio, and more to residents of the neighborhood and beyond, and  
14

15 WHEREAS the estimated total cost for this project is \$31,000,000, and

16 WHEREAS the City's 2017-2018 adopted budget includes \$5,000,000 for  
17 the Eastside Community Center, and

18 WHEREAS the proposed Interagency Cooperation Agreement will formalize  
19 the City's contribution, in the amount of \$5,000,000, toward project construction,  
20 and  
21

22 WHEREAS additional funding consists of the following: (1) \$10,000,000  
23 from the 2014 Metro Parks capital improvement bond; (2) \$7,000,000 from federal  
24 tax credits that encourage community investment; (3) \$3,000,000 from private  
25 philanthropy; (4) \$3,000,000 in state grants; and (5) \$3,000,000 from additional  
26 funding sources and/or additional Metro Parks capital bond funds, and



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WHEREAS project construction is anticipated to be completed in late summer 2018; Now, Therefore,

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

That the proper officers of the City are hereby authorized to enter into an Interagency Cooperation Agreement with the Metropolitan Park District of Tacoma, in the amount of \$5,000,000, budgeted from the General Fund and Real Estate Excise Tax Fund, for the purpose of jointly financing the construction of a new community center on the Eastside of Tacoma, said agreement to be substantially the form of the document on file in the Office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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



## RESOLUTION NO. 39926

1 A RESOLUTION relating to renewable energy; authorizing execution an  
2 Engineering Services and Construction Agreement with Puget Sound  
3 Energy, Inc., in the amount of \$1,860,000, including sales tax, budgeted  
4 from the Wastewater Fund, to construct a gas pipe line between the gas  
5 processing facility to be located at the Central Wastewater Treatment Plant  
6 and the Puget Sound Energy distribution line located in East Q Street and  
7 Bay Street to allow the renewable natural gas produced at the Central  
8 Wastewater Treatment Plant to be distributed, and further, authorizing  
9 execution of a Receipt Service Agreement and Safety Services Agreement  
10 governing the injection of renewal natural gas into the gas pipe line.

11 WHEREAS, in accordance with the 2008 Climate Action Plan and the  
12 Environmental Action Plan, the City has committed to reducing its greenhouse gas  
13 emissions, and

14 WHEREAS the Environmental Services Department (“ESD”) is challenged  
15 with providing its ratepayers vital utility services at an economical price, and

16 WHEREAS, when bio-gas (methane) is processed, it can be used  
17 interchangeably with natural gas and sold in the market place as a commodity, and

18 WHEREAS, according to the Environmental Protection Agency, using  
19 methane from this source will reduce greenhouse gasses by at least 60 percent  
20 compared to diesel fuel or natural gas extracted from the earth; in addition, if  
21 processed bio-gas is used for vehicle fuel, it is eligible for an environmental credit,  
22 and

23 WHEREAS the sale of bio-gas for use as a transportation fuel is a  
24 necessary step in creating Renewable Identification Numbers (“RINs”); doing so  
25 will create a public benefit by reducing greenhouse gas emissions by at least  
26



60 percent, supporting the use of renewable fuels for transportation purposes, and  
1 increasing the revenue received by the ESD, and

2 WHEREAS the opportunity to reduce greenhouse gas emissions while  
3 generating revenue to the wastewater utility through the sale of a valuable  
4 commodity represents an extraordinary opportunity, and  
5

6 WHEREAS the City's energy services contractor conducted an investment  
7 grade audit for the Central Wastewater Treatment Plant and recommended three  
8 energy savings project including the installation of a Biogas processing facility  
9 ("Biogas Project") to process excess bio-gas released from the Central Wastewater  
10 Treatment Plant to create renewable natural gas, and  
11

12 WHEREAS, on October 11, 2017, ESD staff briefed the Infrastructure,  
13 Planning and Sustainability Committee regarding the details of the proposed  
14 energy savings projects, and  
15

16 WHEREAS, on December 19, 2017, the City Council approved Resolution  
17 No. 39897, authorizing execution of an agreement with IGI Resources, Inc. for the  
18 sale and purchase of renewable natural gas anticipated to be derived from  
19 processing excess bio-gas released from the Central Wastewater Treatment Plant,  
20 and using processing facilities designed, constructed, and installed by McKinstry  
21 Essention, Inc., and  
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23 WHEREAS, concurrent with this resolution, is a resolution approving an  
24 agreement with McKinstry Essention, Inc. for the design, construction, and  
25 installation of the processing facility, and  
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WHEREAS it is necessary for the City to enter into an Engineering Services and Construction Agreement with Puget Sound Energy, Inc. ("PSE"), in the amount of \$1,860,000, including sales tax, , budgeted from the Wastewater Fund, for the construction of a gas pipeline for delivery of processed bio-gas to PSE, and

WHEREAS it is further necessary to enter into a Receipts Services Agreement and Safety Services Agreement with PSE to establish the terms and conditions upon which PSE will allow processed bio-gas to be injected into the gas pipeline, and

WHEREAS it is expected that the revenue derived from the sale of processed bio-gas with RIN credits will exceed the debt service costs and the ongoing costs of maintenance and operations for the life of the bio-gas processing facility; Now, Therefore,

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

That the proper officers of the City are hereby authorized to execute an Engineering Services and Construction Agreement with Puget Sound Energy, Inc., in the amount of \$1,860,000, including sales tax, budgeted from the Wastewater Fund, to construct a gas pipe line between the gas processing facility to be located at the Central Wastewater Treatment Plant and the Puget Sound Energy distribution line located in East Q Street and Bay Street to allow the renewable natural gas produced at the Central Wastewater Treatment Plant to be distributed, and are further authorized to enter into a Receipt Service Agreement and Safety Service Contract governing the injection of processed bio-gas into the gas pipe



1 line, said agreements to be substantially in the form of the documents on file in the  
2 office of the City Clerk.

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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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Chief Deputy City Attorney

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## RESOLUTION NO. 39927

1 A RESOLUTION relating to renewable energy; authorizing execution of an  
2 Energy Services Contract with McKinstry Essention, Inc., in the amount of  
3 \$6,200,000, including sales tax, budgeted from the Wastewater Fund, to  
4 design, install, and construct a facility to process excess bio-gas released  
as a by-product of treating wastewater at the City's Central Wastewater  
Treatment plant.

5 WHEREAS, in accordance with the 2008 Climate Action Plan and the  
6 Environmental Action Plan, the City has committed to reducing its greenhouse gas  
7 emissions, and

8  
9 WHEREAS the Environmental Services Department ("ESD") is challenged  
10 with providing its ratepayers vital utility services at an economical price, and

11 WHEREAS, when bio-gas (methane) is processed, it can be used  
12 interchangeably with natural gas and sold in the market place as a commodity, and

13  
14 WHEREAS, according to the Environmental Protection Agency, using  
15 methane from this source will reduce greenhouse gasses by at least 60 percent  
16 compared to diesel fuel or natural gas extracted from the earth; in addition, if  
17 processed bio-gas is used for vehicle fuel, it is eligible for an environmental credit,  
18 and

19  
20 WHEREAS the sale of bio-gas for use as a transportation fuel is a  
21 necessary step in creating Renewable Identification Numbers ("RINs"); doing so  
22 will create a public benefit by reducing greenhouse gas emissions by at least  
23 60 percent, supporting the use of renewable fuels for transportation purposes, and  
24 increasing the revenue received by the ESD, and

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WHEREAS the opportunity to reduce greenhouse gas emissions while generating revenue to the wastewater utility through the sale of a valuable commodity represents an extraordinary opportunity, and

WHEREAS, on October 11, 2017, ESD staff briefed the Infrastructure, Planning and Sustainability Committee regarding the details of the proposed Bio-Gas Utilization Project, and

WHEREAS RCW 39.35A allows local governments, after a competitive selection process, to negotiate one or more performance-based energy contracts with an energy service company ("ESCO") to reduce the energy use or energy cost of an existing building or facility, and

WHEREAS, in 2010, the City issued a request for proposals for an ESCO contractor to conduct investment grade energy conservation audits and provide energy equipment and services pursuant to performance-based contracts, and selected McKinstry Essention, Inc. ("McKinstry"), to provide such services to the City, and

WHEREAS, pursuant to a 2014 services agreement, McKinstry conducted an investment grade audit for the Central Wastewater Treatment Plant and recommended three energy savings project: (1) 09.02-CTP Upgrade Lighting with LEDS; (2) 22.04-CTP Upgrade Digester Mixing; and (3) 22.05-CTP Install Biogas Treatment Station and Improve Heat Recovery ("Biogas Project"), and

WHEREAS, on October 11, 2017, ESD staff briefed the Infrastructure, Planning and Sustainability Committee regarding the details of the proposed energy savings projects, and



1 WHEREAS, on December 19, 2017, the City Council approved Resolution  
2 No. 39897, authorizing execution of an agreement with IGI Resources, Inc. for the  
3 sale and purchase of renewable natural gas anticipated to be derived from  
4 processing excess bio-gas released from the Central Wastewater Treatment Plant  
5 using processing facilities designed, constructed, and installed by McKinstry, and

6 WHEREAS, concurrent with this resolution, is a resolution approving  
7 agreements with Puget Sound Energy for the construction of a gas pipeline and  
8 delivery of processed bio-gas to Puget Sound Energy to enable the purchase and  
9 sale of renewable natural gas by IGI Resources, Inc., and  
10

11 WHEREAS, it is necessary to enter into a performance-based contract with  
12 McKinstry to complete the design, construction and installation of the three  
13 proposed energy savings projects, in the amount of \$6,200,000, including sales  
14 tax, budgeted from the Wastewater Fund, and  
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16 WHEREAS it is expected that the energy savings from the first two projects  
17 and that the revenue derived from the sale of processed bio-gas with RIN credits  
18 will exceed the debt service costs for the projects including the ongoing costs of  
19 maintenance and operations for the life of the bio-gas processing facility; Now,  
20 Therefore,  
21

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

23 That the proper officers of the City are hereby authorized to execute the  
24 Energy Services Contract with McKinstry Essention, Inc., in the amount of  
25 \$6,200,000, including sales tax, budgeted from the Wastewater Fund, to commence  
26 and complete the three energy savings projects, including the construction of a



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facility to process excess bio-gas released as a by-product of treating wastewater at the City's Central Wastewater Treatment plant, said agreement to be substantially in the form of the document on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

\_\_\_\_\_  
Chief Deputy City Attorney



## RESOLUTION NO. 39928

1 BY REQUEST OF MAYOR WOODARDS, DEPUTY MAYOR IBSEN, AND  
2 COUNCIL MEMBER USHKA

3 A RESOLUTION expressing support for the passage of Proposition No. 1,  
4 submitted by Tacoma School District No. 10 at the February 13, 2018,  
5 Special Election, for replacement of an expiring levy for educational  
6 programs and operations; and urging Tacoma voters to vote "Approved"  
7 on Proposition No. 1 on the February 13, 2018, Special Election ballot.

8 WHEREAS, the Tacoma School District No. 10, Pierce County, Washington  
9 ("District") provides educational services to the children of the District, and

10 WHEREAS the Constitution of the State of Washington requires that the  
11 state provide funds for basic education for such students, and

12 WHEREAS the state is able to provide only a portion of the amount required  
13 to fund these services for the District, and

14 WHEREAS the Constitution and laws of the State of Washington require  
15 that a proposition to levy excess taxes to meet funding needs of a School District  
16 must be submitted to the qualified electors of the District for the ratification or  
17 rejection, and

18 WHEREAS, for the past four years, the District has had in effect a  
19 maintenance and operations levy which is set to expire in 2018, and

20 WHEREAS, on October 26, 2017, the Board of Directors ("Board") adopted  
21 Resolution No. 2031, authorizing an education programs, operations, and  
22 maintenance levy, and

23 WHEREAS, if approved, Proposition 1 would continue to fund small  
24 classes; teachers, instructional aides, librarians, and nurses; special education;  
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advanced classes for high-achieving students; supplemental programs to bring students up to grade level; athletics, arts, music, and extracurricular programs; textbooks and classroom instructional materials; and summer school, and

WHEREAS Proposition 1 would also continue funding for maintenance of school buildings, playgrounds and playfields; alarm and sprinkler systems; campus security; and emergency preparedness, and

WHEREAS passage of this proposition would authorize the District to levy up to \$73 million on average annually, from 2019-2022, on all taxable property within the District, subject to applicable limits, and

WHEREAS, if approved, Proposition 1 would result in a tax rate lower than the current local school property tax rate which expires in 2018, and

WHEREAS the success of Tacoma's schools is dependent upon its citizens; Now, Therefore,

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

Section 1. That the City Council hereby expresses its support for the passage of Proposition No. 1 submitted by Tacoma School District No. 10 at the February 13, 2018, Special Election, for the purposes hereinabove enumerated.

Section 2. That the City Council urges Tacoma voters to vote "Approved" on Proposition No. 1 on the February 13, 2018, Special Election ballot, substantially in the form of the ballot title as follows:



SPECIAL ELECTION – PROPOSITION NO. 1  
 SUBMITTED BY TACOMA SCHOOL DISTRICT NO. 10  
 REPLACEMENT EDUCATIONAL PROGRAMS AND OPERATIONS LEVY

The Board of Directors of Tacoma School District No. 10 adopted Resolution No. 2031 to fund educational programs and operations. If approved, Proposition No. 1 will replace an expiring levy and fund eligible educational programs, including classroom teachers, librarians, nurses, counselors, student safety, security and emergency preparedness, special education, preschool, textbooks, instructional materials, arts, music, and building maintenance; and levy the following excess taxes on all taxable property within the District:

<u>Collection Year</u>	<u>Estimated Rate/\$1,000 of Assessed Value</u>	<u>Levy Amount</u>
2019	\$2.72	\$70,000,000
2020	\$2.66	\$72,000,000
2021	\$2.65	\$74,000,000
2022	\$2.65	\$76,000,000

all as provided in Resolution No. 2031. Should Proposition No. 1 be approved?

Yes ..... \_\_\_\_\_  
 No ..... \_\_\_\_\_

Adopted \_\_\_\_\_

\_\_\_\_\_  
 Mayor

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

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



## RESOLUTION NO. 39929

1 BY REQUEST OF MAYOR WOODARDS, DEPUTY MAYOR IBSEN, AND  
2 COUNCIL MEMBER USHKA

3 A RESOLUTION expressing support for the passage of Proposition No. 2,  
4 submitted by Tacoma School District No. 10 at the February 13, 2018,  
5 Special Election, for replacement of an expiring levy for District-wide  
6 technology improvements and upgrades; and urging Tacoma voters to  
7 vote "Approved" on Proposition No. 2 on the February 13, 2018, Special  
8 Election ballot.

9 WHEREAS the Board of Directors ("Board") and staff of Tacoma School  
10 District No. 10, Pierce County, Washington ("District"), continue to plan for the  
11 capital needs of the District to provide the District's students, teachers, and staff  
12 with adequate, proper, and safe facilities that create opportunities for  
13 educational excellence for every student, regardless of background, economic  
14 circumstances, or neighborhood, and

15 WHEREAS, for the past four years, the District has had in effect a  
16 technology improvements and upgrades levy which is set to expire in 2018, and

17 WHEREAS, on October 26, 2017, the Board adopted Resolution No. 2032,  
18 concerning a proposition to enable the District to continue funding necessary  
19 technology improvements and upgrades District-wide, and

20 WHEREAS, if approved, Proposition No. 2 would expand student access to  
21 technology District-wide; provide up-to-date tools for teaching and learning;  
22 replace outdated classroom computers for teachers and students to remain within  
23 state standards; support technical training of updated computer systems for  
24 teachers and students; make high-speed internet upgrades and other systems  
25

26





1 improvements; and improve the District's online system for parents, students, and  
2 teachers to monitor academic progress, homework and attendance; and

3 WHEREAS passage of this proposition would authorize the District to levy  
4 \$24 million annually, from 2019-2024, on all taxable property within the District as  
5 provided in Resolution No. 2032, and

6 WHEREAS the success of Tacoma's schools is dependent upon its  
7 citizens; Now, Therefore,

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

9 Section 1. That the City Council hereby expresses its support for the  
10 passage of Proposition No. 2 submitted by Tacoma School District No. 10 at  
11 the February 13, 2018, Special Election, for the purposes hereinabove  
12 enumerated.  
13

14 Section 2. That the City Council urges Tacoma voters to vote  
15 "Approved" on Proposition No. 2 on the February 13, 2018, Special Election  
16 ballot, substantially in the form of the ballot title as follows:  
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SPECIAL ELECTION – PROPOSITION NO. 2  
 SUBMITTED BY TACOMA SCHOOL DISTRICT NO. 10  
 REPLACEMENT TECHNOLOGY IMPROVEMENTS AND UPGRADES LEVY

The Board of Directors of Tacoma School District No. 10 adopted Resolution No. 2032 to fund technology improvements and upgrades. If approved, Proposition No. 2 will replace an expiring levy and fund expansion of student technology access in all neighborhood schools, replace outdated classroom computers, fund technical training, improve District-wide systems, and authorize the District to levy the following excess taxes on all taxable property within the District:

<u>Collection Year</u>	<u>Estimated Rate/\$1,000 Assessed Value</u>	<u>Levy Amount</u>
2019	\$0.93	\$24,000,000
2020	\$0.89	\$24,000,000
2021	\$0.86	\$24,000,000
2022	\$0.84	\$24,000,000
2023	\$0.81	\$24,000,000
2024	\$0.79	\$24,000,000

all as provided in Resolution No. 2032. Should Proposition No. 2 be approved?

Yes ..... \_\_\_\_\_

No ..... \_\_\_\_\_

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 39930

1 BY REQUEST OF MAYOR WOODARDS

2 A RESOLUTION relating to Click! Network; establishing a vision and next steps for  
3 maximizing the value of Click! Network.

4 WHEREAS the 1997 business plan contemplated that the revenues  
5 associated with telecommunications services related to city government  
6 communications, cable television ("CATV") service, transport of signals to service  
7 providers offering telecommunications services, and internet access services would  
8 pay for the costs of such services and may provide an additional revenue stream to  
9 Tacoma Power to help offset the construction and operation costs associated with  
10 the telecommunications system, and

11  
12 WHEREAS the City Council of Tacoma delegated authority to the Public  
13 Utility Board ("Board") and the Department of Public Utilities ("TPU"), Light Division  
14 (d.b.a. "Tacoma Power"), to implement and manage a broadband  
15 telecommunications system ("Click! Network" or "Click!," as authorized through City  
16 Council Substitute Resolution No. 33668, approved April 8, 1997, and Public Utility  
17 Board Amended Substitute Resolution U-9258, approved April 9, 1997), and

18  
19 WHEREAS many of the functions of the telecommunications system  
20 envisioned in the 1997 business plan have been achieved since the infrastructure  
21 improvements were completed in 1999, including: conventional substation  
22 communication functions, City government communications functions, CATV  
23 service, and transport of signals for service providers offering telecommunications  
24 services, through Click!; and internet access services, through third-party providers,  
25  
26 and



1 WHEREAS other contemplated functions have been partially achieved  
2 through the Gateway meter program, which include: remote turn on/off for electric  
3 customers, automated meter reading (electric), and provision of information to  
4 customers that is relevant to their energy purchasing decisions, and

5 WHEREAS it is recognized that a portion of Tacoma Power's  
6 telecommunication infrastructure in part used by the Click! Network was funded  
7 through Click! customer revenues as well as the City of Tacoma (specifically, the  
8 Institutional-Net fiber), and

9 WHEREAS, at the time of construction, Click!'s infrastructure and equipment  
10 were state-of-the-art and allowed customers of Click! to experience exceptional  
11 access to the internet, and

12 WHEREAS the construction of Click! has increased competition for CATV  
13 and telecommunications products which, in turn, enhanced customer service,  
14 capital improvements to existing telecommunication provider systems and products,  
15 and greater access to CATV and telecommunication services, and

16 WHEREAS the telecommunications system continues to provide  
17 interconnectivity, advanced control, and power management between electrical  
18 substations, which provides safe, reliable, and efficient use of electrical resources  
19 for the benefit of all Tacoma Power customers; nevertheless, not all of the original  
20 contemplated uses of the telecommunication system by Tacoma Power for power  
21 purposes have come to fruition, and

22 WHEREAS much of the existing telecommunications system and equipment  
23 will not be needed by Tacoma Power for power purposes in the future, and



1 consequently, Tacoma Power does not intend to update and improve those parts of  
2 the telecommunication system and equipment to the latest technology in the future,  
3 making telecommunication services offered to customers less competitive in the  
4 current commercial telecommunication market, and

5 WHEREAS the existing business plan associated with Click!  
6 telecommunication services offered to customers does not generate sufficient  
7 revenues to fully fund current expenses (in particular, those expenses related to  
8 CATV/cable television services), nor can existing revenues fully fund capital  
9 improvement costs related to these functions, and  
10

11 WHEREAS the Board sought policy direction from the City Council on how to  
12 remedy the current financial situation by recommending two potential alternative  
13 paths: (1) U-10828, requesting approval to adopt a business plan where Click!  
14 would provide retail telecommunications services (along with CATV services) to its  
15 customers paid for by Click! customers and electric utility funds; or (2) U-10829,  
16 requesting approval to solicit lease and property sale proposals for a third-party  
17 operation to use and maintain Click! to provide telecommunication services, and  
18

19 WHEREAS, on December 12, 2015, the City Council, pursuant to Amended  
20 Resolution No. 39347, approved the first alternative path and requested the Board  
21 to direct Tacoma Power to prepare an all-in retail services plan related to Click!  
22 operations, and  
23

24 WHEREAS, on September 28, 2016, pursuant to Amended  
25 Resolution U-10879, the Board approved a high-level business plan requiring Click!  
26



1 to offer retail services to customers paid for by electric utility funds and forwarded  
2 the plan to the City Council for review and concurrence, and

3 WHEREAS, since referring the high-level plan for review, customers of  
4 Tacoma Power have filed a claim for damages and lawsuit related to  
5 implementation of an all-in retail services plan paid for in part by electric utility  
6 funds, specifically challenging that the plans required the use of Tacoma Power  
7 revenues generated from electricity sales to fund potential deficits in Click!  
8 operating expenses and capital improvement costs related to implementing the all-  
9 in retail services plan, and

10  
11 WHEREAS no action on the high-level plan was taken by the City Council,  
12 and it is now apparent that Click! revenues alone will not support completion of an  
13 all-in retail services (including internet, CATV, and voice over internet protocol)  
14 plan, nor are such revenues sufficient to make necessary capital improvements  
15 related to implementing such a retail services plan, and

16  
17 WHEREAS the City Council and the Board have re-examined the long-  
18 standing community policy goals for providing Click! telecommunications services  
19 (television, internet, telephone, etc.) to customers, and the City Council and the  
20 Board remain deeply committed to Click! and continue to support community  
21 policy goals related to the purposes for and use of Tacoma Power's assets  
22 comprising Click!, including the following community policy goals:

23  
24 (1) Continuing public ownership of the telecommunications assets,  
25 especially those assets necessary for Tacoma Power operations;

26



1 (2) Ensuring geographically, economically, and technologically equitable  
2 access;

3 (3) Creating low-income affordable access to telecommunication services;

4 (4) Enforcing net neutrality principles for all customers;

5 (5) Allowing open access to telecommunication assets by other  
6 telecommunication providers, to the extent such access benefits customers;

7 (6) Preserving competition among telecommunication providers that benefits  
8 customers (such as high-quality, technologically up-to-date, and reasonably priced  
9 telecommunication services), including restricting transfer of ownership or  
10 operations that reduce competition;  
11

12 (7) Safeguarding the use of telecommunications services by Tacoma Power,  
13 the City, and other local governments;

14 (8) Maintaining financial stability of the telecommunications business  
15 operations utilizing the Click! assets;  
16

17 (9) Promoting economic development and educational opportunities;

18 (10) Providing job options and security for Click! staff and protecting the  
19 intellectual capital of the system;

20 (11) Protecting customer privacy; and

21 (12) Preserving Click!'s goodwill, including via its market-leading customer  
22 service for telecommunications customers, and  
23

24 WHEREAS an independent consultant on municipal broadband has  
25 reviewed Click!'s assets, operations, the current and future state of technology, and  
26 market conditions, and has determined that the City cannot meet some of the



community's policy goals related to Click! using an all-in retail services plan that is paid for in part by electric utility funds, and

WHEREAS the City Council and the Board met in a joint study session on January 23, 2018, to discuss the community policy goals and proposed Board Resolution U-10988, related to next steps and a new vision for Click!, and

WHEREAS, on January 24, 2018, after accepting comment from the public, the Board approved Resolution U-10988, and

WHEREAS, due to the above factors, it is now deemed to be in the best interests of the customers of Tacoma Power, including Click! customers and residents of the City of Tacoma to pursue alternative courses which do not involve Click! directly providing all-in retail services to customers that are paid for in part by electric utility funds, and

WHEREAS, instead, the above policy goals will be utilized in shaping a new course for the use and preservation of the assets of Click!; Now, Therefore,

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

Section 1. That the Public Utility Board's ("Board") decision pursuant to Board Resolution U-10988, to rescind Board Resolution U-10879, passed September 28, 2016, which approved a high-level business plan requiring Click! to offer all-in retail services to customers paid for in part by electric utility funds, is accepted by the City Council.

Section 2. That the City Council's Amended Resolution No. 38347, requesting the Board to develop such a plan paid for in part by electric utility funds, is also rescinded.





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Section 3. That the community policy goals listed above in the recitals and approved by the Board are approved by the City Council.

Section 4. That requests for information, proposals, or qualifications from any and all entities (with a working knowledge of the assets and the business of Click!) will be sought to determine how, and to what extent, the community policy goals can be achieved through collaboration and/or restructuring of Click!.

Section 5. That the Interim Director of Utilities shall work jointly with the City Manager to detail next steps, including the preparation of requests for information, proposals, or qualifications, and may retain the services of a consultant to assist in such efforts, to be jointly funded by the City and Department of Public Utilities. It is expected that such requests shall be submitted to any and all entities no later than the end of February 2018. The Board and City Council are expected to take action within three of months of receipt of the proposals.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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