



Legislation Passed May 8, 2018

The Tacoma City Council, at its regular City Council meeting of May 8, 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.

Resolution No. 40004

A resolution increasing the contract with CWA Consultants, PS, in the amount of \$200,000, plus applicable sales tax, for a total of \$350,000, budgeted from the Permit Services Fund, for building plan review services through December 31, 2020 - Architectural and Engineering Roster.

[Terry Forslund, Senior Principal Engineer; Peter Huffman, Director, Planning and Development Services]

Resolution No. 40005

A resolution awarding a contract to Northwest Cascade, Inc., in the amount of \$2,118,660, sales tax not applicable, plus a 15 percent contingency, for a total of \$2,436,459, budgeted from various departmental funds, for roadway, streetscape, and utility improvements associated with the Yakima Streetscape Project along Yakima Avenue between South 38th Street and South 39th Street in the Lincoln Business District - Specification No. PW18-0071F.

[Mark D'Andrea, P.E., Principal Engineer; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40006

A resolution authorizing the execution of an agreement with the Broadway Center for the Performing Arts (BCPA) for the Pantages Restoration Project; and authorizing assumption and execution of design and construction agreements previously contracted by the BCPA, including a contract with John Korsmo Construction, Inc., d.b.a. Korsmo Construction, for first phase construction with a guaranteed maximum price of \$4,231,768, plus applicable sales tax, for renovations and repairs to the Pantages Theater and Jones Building.

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

Ordinance No. 28484

An ordinance vacating the portion of alley lying between East 29th Street and East 30th Street, lying east of East R Street and west of the west margin of the proposed East 30th Street connector road, abutting and adjacent to Tribal property, in connection with the Emerald Queen Casino relocation project.

(Puyallup Tribe of Indians; File No. 124.1384)

[Jeff H. Capell, Hearing Examiner]

Ordinance No. 28509

An ordinance approving a Supplemental Ordinance; authorizing the extension of the City's Electric System Subordinate Revenue Note, Series 2015A, in a principal amount not to exceed \$100,000,000, and an amendment to the Note Purchase Agreement, to provide funds to finance or refinance costs of capital improvements to the Electric System; and fixing terms and provisions.

[Bill Berry, Power Rates, Planning and Analysis Manager; Chris Robinson, Power Superintendent]



RESOLUTION NO. 40004

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. 4600012049 with CWA Consultants, PS, in the amount of \$200,000,
4 plus applicable sales tax, for a total of \$350,000, budgeted from the
5 Permit Services Fund, for building plan review services through
6 December 31, 2020, pursuant to the Architectural and Engineering
7 Roster.

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, 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 Board of
16 Contracts and Awards to adopt the recommendation for award as set forth in the
17 attached Exhibit "A."

18 Section 2. That the proper officers of the City are hereby authorized to
19 increase Contract No. 4600012049 with CWA Consultants, PS, in the amount
20 of \$200,000, plus applicable sales tax, for a total of \$350,000, budgeted from
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the Permit Services Fund, for building plan review services through
December 31, 2020, pursuant to the Architectural and Engineering Roster,
consistent with Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 40005

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 Northwest Cascade, Inc., in the amount of \$2,118,660, sales tax not
4 applicable, plus a 15 percent contingency, for a total of \$2,436,459,
5 budgeted from various departmental funds, for roadway, streetscape, and
6 utility improvements associated with the Yakima Streetscape Project along
7 Yakima Avenue between South 38th Street and South 39th Street in the
8 Lincoln Business District, pursuant to Specification No. PW18-0071F.

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, 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 Board of
17 Contracts and Awards to adopt the recommendation for award as set forth in the
18 attached Exhibit "A."

19 Section 2. That the proper officers of the City are hereby authorized to
20 enter into a contract with Northwest Cascade, Inc., in the amount of \$2,118,660,
21 sales tax not applicable, plus a 15 percent contingency, for a total of \$2,436,459,
22 budgeted from various departmental funds, for roadway, streetscape, and utility
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1 improvements associated with the Yakima Streetscape Project along Yakima
2 Avenue between South 38th Street and South 39th Street in the Lincoln Business
3 District, pursuant to Specification No. PW18-0071F, consistent with Exhibit "A."
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5 Adopted _____
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8 Mayor

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11 City Clerk

12 Approved as to form:
13 _____
14 City Attorney

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RESOLUTION NO. 40006

1 A RESOLUTION approving an agreement with the Broadway Center for the
2 Performing Arts (“BCPA”) for the Pantages Restoration Project, and
3 authorizing assumption and execution of design and construction
4 agreements previously contracted by the BCPA, including a contract with
5 John Korsmo Construction, Inc., d.b.a. Korsmo Construction, for first phase
6 construction, with a guaranteed maximum price of \$4,231,768, plus
7 applicable sales tax, for renovations and repairs to the Pantages Theater
8 and Jones Building.

9 WHEREAS the Broadway Center for the Performing Arts (“BCPA”) operates
10 the Pantages Theater and Jones Building (“Pantages Theater”) for the City,
11 pursuant to a Management Agreement, and

12 WHEREAS the BCPA makes the Pantages Theater available to various
13 community performing arts groups in furtherance of the City’s desire to provide a
14 performing arts center for the benefit of the public, and

15 WHEREAS, as operator of the facility, the BCPA has identified certain
16 necessary work to maintain and restore (“Restoration”) the historic interior and
17 other areas within the Pantages Theater, including seats, lighting, and skylight, and

18 WHEREAS the Pantages Theater has not been updated since 1982, and
19 has significant paint deterioration, worn out seating, ornamental plaster requiring
20 reinforcement, and a historic skylight requiring stabilization, as well as lighting
21 levels that need to be increased significantly to meet current code requirements,
22 and

23 WHEREAS the Restoration will provide functional upgrades to the Pantages
24 Theater that will enhance operations, long-range marketability of the facility, and
25 patrons’ experience, and
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1 WHEREAS the City has previously budgeted funds to pay for a portion of the
2 Restoration, and

3 WHEREAS the BCPA is conducting a donor campaign to raise private funds
4 for the Restoration, and

5 WHEREAS, in order to secure the participation of such donors, the BCPA
6 desires to have direct involvement in design decisions relative to layout, level of
7 finish, and donor recognition with respect to the Restoration, and

8 WHEREAS, pursuant to its authority under the Management Agreement, the
9 BCPA competitively selected a design firm and contractor to carry out the
10 Restoration, and entered into design and preconstruction services agreements, and

11 WHEREAS the City and the BCPA have identified a portion of the
12 Restoration work that should proceed as a first phase utilizing various funding
13 sources, including the funds previously budgeted by the City, grants received from
14 the state, and other sources, and

15 WHEREAS future phases are to be funded by other sources, including
16 private funds raised by the BCPA, and

17 WHEREAS the BCPA agrees that, as the owner of the facility, the City will
18 be the entity that contracts with the contractor to manage the work for the
19 Restoration of the Pantages Theater, and

20 WHEREAS, in order to effectuate the City's ability to manage the Restoration
21 of the Pantages Theater, the BCPA agrees to assign its design and construction
22 agreements to the City, and

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WHEREAS, by this Agreement, the City and the BCPA desire to define the City and the BCPA's roles in the design and construction process for Restoration to the Pantages Theater; Now, Therefore,

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

Section 1. That the proper officers of the City are hereby authorized to enter into the Pantages Theater Restoration Agreement, substantially in the form of the document on file with the City Clerk.

Section 2. That the proper officers of the City are hereby authorized to assume and execute a contract with John Korsmo Construction, Inc., d.b.a. Korsmo Construction, for first phase construction of the Pantages Restoration project, with a guaranteed maximum price of \$4,231,768, plus applicable sales tax, for renovations and repairs to the Pantages Theater and Jones Building, substantially in the form of the document on file with the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



ORDINANCE NO. 28484

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7 AN ORDINANCE related to the vacation of City right-of-way; vacating
8 that certain portion of the alley lying between East 29th Street and
9 East 30th Street, lying easterly of East R Street and westerly of
10 the west margin of the proposed East 30th Street connector road
11 as approved under Work Order Number 16-0040, abutting and
12 adjacent to Tribal property, in connection with the Emerald Queen
13 Casino relocation project; and adopting the Hearing Examiner's
14 Findings, Conclusions, and Recommendations related thereto.

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

19 BE IT ORDAINED BY THE CITY OF TACOMA:

20 Section 1. That the City Council hereby adopts the Hearing
21 Examiner's Findings, Conclusions, and Recommendations as contained
22 in the Hearing Examiner's Report and Recommendation to the City
23 Council bearing File No. 124.1384 and dated November 27, 2017, which
24 Report is on file in the office of the City Clerk.

25 Req. #17-1249

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Section 2. That that certain portion of the alley lying between East 29th Street and East 30th Street, lying easterly of East R Street and westerly of the west margin of the proposed East 30th Street connector road, legally described as follows:

That portion of the Southwest Quarter of the Northeast Quarter of Section 10, Township 20 North, Range 03 East of the Willamette Meridian, more particularly described as follows:

That portion of alley right-of-way lying easterly of East 'R' Street, being between and abutting Lots 1 through 20, of Blocks 7950 to the north and Block 8049 to the south, both of the Map of the Indian Addition to the City of Tacoma, according to the Plat thereof filed on May 1, 1896, in Book 7 of Plats at pages 30 and 31, records of Pierce County, Washington, lying westerly of the following described line; Commencing at the Southwest corner of Lot 20 of said Block 7950, thence easterly along the south line of said Lot 20 a distance of 3.41 feet; Thence southeasterly to a point on the north line of Lot 20 of said Block 8049 which is 10.00 feet east of the northwest corner of said Lot 20, as measured along the north line, and end of this line description.

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



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

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: that certain portion of the alley lying between East 29th Street and
East 30th Street, lying easterly of East R Street and westerly of the
west margin of the proposed East 30th Street connector road
Petitioner: Puyallup Tribe of Indians
Vacation Req. No. 124.1384



ORDINANCE NO. 28509

1 AN ORDINANCE of the City of Tacoma, Washington, relating to Tacoma Power,
2 approving a Supplemental Ordinance; authorizing the extension of the City's
3 Electric System Subordinate Revenue Note, Series 2015A, in the principal
4 amount of not to exceed \$100,000,000 and an amendment to the Note
5 Purchase Agreement, to provide funds to finance or refinance costs of
6 capital improvements to the Electric System; fixing certain terms and
7 provisions thereof; and approving certain other matters in connection
8 therewith.

9 WHEREAS the City of Tacoma, Washington ("City"), by Ordinance
10 No. 23514, passed on November 20, 1985 (as amended and supplemented,
11 including as amended and restated by Ordinance No. 28146, passed on April 30,
12 2013, collectively, the "Senior Bond Ordinance"), authorized electric system
13 revenue bonds of the City ("Senior Bonds") to be issued in series having a parity of
14 lien and charge on the Revenues of the Electric System after the payment of
15 Operating Expenses (as those terms are defined therein), if certain conditions are
16 met, and made covenants in connection with the issuance of such Senior Bonds,
17 and

18 WHEREAS the Senior Bond Ordinance permits the City to issue obligations
19 that are junior and subordinate to the payment of the Senior Bonds and that are
20 payable out of Revenues of the Electric System, after payment of Operating
21 Expenses, only after the prior payment of all amounts required to be paid or set
22 aside under the Senior Bond Ordinance for the Senior Bonds, as the same shall
23 become due at the times and in the manner as required in the Senior Bond
24 Ordinance, and

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WHEREAS, on April 21, 2015, the City Council passed Ordinance No. 28295 (“Master Subordinate Ordinance”) to authorize a new issue of revenue bonds of the City, junior and subordinate to the Senior Bonds, to be known as the City of Tacoma Electric System Subordinate Revenue Bonds (“Subordinate Bonds”) in one or more series to finance costs of the Electric System, and

WHEREAS pursuant to the Master Subordinate Ordinance and Ordinance No. 28296, adopted by the City Council on April 21, 2015 (“First Supplemental Ordinance”), the City, acting through its Department of Public Utilities, Light Division (d.b.a. “Tacoma Power”), issued its Electric System Subordinate Revenue Note, Series 2015A to evidence a revolving line of credit in the principal amount of not to exceed \$100,000,000 (the “2015A Note”), and

WHEREAS the 2015A Note was sold to and purchased by Wells Fargo Municipal Capital Strategies, LLC (“Wells Fargo”) by private sale pursuant to the terms of the Note Purchase Agreement dated May 1, 2015 (“Original Note Purchase Agreement”), between Wells Fargo and the City, acting by and through its Public Utilities Board (“Board”), and

WHEREAS, during the last three years, Tacoma Power successfully utilized the 2015A Note and the Original Note Purchase Agreement to finance approximately \$80 million of capital projects, which were recently refinanced on a long-term basis with proceeds of its Electric System Revenue Bonds, Series 2017, leaving a balance of approximately \$250,000 outstanding on the 2015A Note, and



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WHEREAS implementation of the 2015A Note and the Original Note Purchase Agreement has allowed for a more cost effective and efficient management of capital construction compared to issuing long-term bonds, as Tacoma Power could more closely match its draws on the line of credit with the amount and timing of its capital projects, and

WHEREAS the 2015A Note is scheduled to expire on May 11, 2018, unless such date is extended under the terms of the Original Note Purchase Agreement, and

WHEREAS the Board has initiated and has recommended to the City Council for its approval the extension of the expiration date of the 2015A Note until August 2020, to provide financing for capital projects of the Electric System, and

WHEREAS, to extend the expiration date and to make other revisions related to such extension, Wells Fargo has requested that Tacoma Power enter into an amendment to the Original Note Purchase Agreement (the "First Amendment," and the Original Note Purchase Agreement as amended by the First Amendment, and as it may be further amended from time to time, is referred to as the "Note Purchase Agreement"), and

WHEREAS the extension of the expiration date and the execution of the First Amendment will be treated (as of the date of the First Amendment) as a new issue for federal income tax purposes, and

WHEREAS the City Council now desires to authorize the extension of the expiration date of the 2015A Note and the execution of the First Amendment and related documents as provided herein; Now, Therefore,



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BE IT ORDAINED BY THE CITY OF TACOMA:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions and Interpretation of Terms. Unless otherwise defined in the recitals and elsewhere in this Supplemental Ordinance, capitalized terms used herein shall have the meanings set forth in the Master Subordinate Ordinance and First Supplemental Ordinance.

ARTICLE II

PARITY AND OTHER FINDINGS

Section 2.1. Parity Findings. In connection with the extension of the 2015A Note, the City hereby makes the following findings:

A. There is, and as of the effective date of the First Amendment there will be, no deficiency in the Bond Fund, and no Event of Default has occurred or shall have occurred and being continuing.

B. The principal of and interest on the 2015A Note shall continue to be paid out of the Bond Fund and subject to the terms of the Master Subordinate Ordinance, the First Supplemental Ordinance, and the Note Purchase Agreement.

C. On the effective date of the First Amendment, there will be on file with the City, if necessary, a certificate satisfying the conditions set forth in Section 6.1 of the Master Subordinate Ordinance.

Section 2.2. Findings as to Sufficiency of Gross Revenue. The City hereby confirms, finds, and determines that the Revenues of the Electric System at the rates to be charged for power and other services and commodities from the



1 Electric System will be more than sufficient to meet all Operating Expenses, to
2 make all required payments with respect to the Senior Bonds, and to permit the
3 setting aside into the Bond Fund out of the Revenues of amounts sufficient to pay
4 the principal of and interest on the 2015A Note as extended and when due at
5 maturity and upon any mandatory sinking fund redemption thereof. The City
6 further finds and determines that in creating the Bond Fund and in fixing the
7 amounts to be paid into the Bond Fund, it has exercised due regard for Operating
8 Expenses, and the City has not bound and obligated itself to set aside and pay into
9 the Bond Fund a greater amount or proportion of the Revenues than in the
10 judgment of the City will be available over and above the Operating Expenses.
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13 ARTICLE III

14 AUTHORIZATION

15 Section 3.1. Authorization of Extension of 2015A Note.

16 A. The City hereby authorizes the extension of and amendment to the
17 2015A Note, pursuant to and in accordance with this Supplemental Ordinance and
18 the First Amendment.
19

20 B. The 2015A Note, as extended, shall be in the amount of not to exceed
21 \$100,000,000 Outstanding at any time.
22

23 C. The terms of the 2015A Note, as extended, shall otherwise be as set
24 forth in the Note Purchase Agreement. The principal of and interest on the 2015A
25 Note shall be due and payable at the rates, on the dates, and in the manner as set
26 forth in the Note Purchase Agreement. The 2015A Note shall be subject to
mandatory and optional redemption and to mandatory tender for purchase prior to



1 maturity on the dates and at the prices as set forth in the Note Purchase
2 Agreement. The City Treasurer shall continue to be designated as the Paying
3 Agent for the 2015A Note in accordance with the Master Subordinate Ordinance.

4 D. Advances drawn by the City under the 2015A Note shall be disbursed as
5 provided in the First Supplemental Ordinance to pay costs of the 2015A Note
6 Projects, as such projects may be supplemented and amended from time to time
7 as provided in the First Supplemental Ordinance, to currently refund the
8 outstanding balance on the 2015A Note, and to pay costs associated with the First
9 Amendment and extension of the 2015A Note. The Plan of Additions, as
10 supplemented and amended from time to time, is hereby confirmed.

11 Section 3.2. First Amendment to Original Note Purchase Agreement. The
12 First Amendment to the Original Note Purchase Agreement, in the form presented
13 at this meeting and on file with the City Clerk, is hereby approved. The Director of
14 Public Utilities, or in the alternative, the Tacoma Power Superintendent, is hereby
15 authorized to approve the final terms and conditions of the First Amendment in
16 coordination with Bond Counsel, the Financial Advisor, and the City Attorney's
17 Office, and to execute and implement the First Amendment (including the payment
18 of any financing costs associated with the delivery of the First Amendment), and
19 such approval shall be conclusively evidenced by his or her execution thereof.

20 Section 3.3. Form of 2015A Note; Purchaser. The definitive replacement
21 2015A Note shall be in substantially the form set forth in Exhibit "A" attached to the
22 First Supplemental Ordinance and made a part hereof, with appropriate variations,
23 omissions, and insertions as shall be required or appropriate consistent with the
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1 Master Subordinate Ordinance, the First Supplemental Ordinance, and this
2 Supplemental Ordinance to reflect the extension as provided herein.

3 A 2015A Note certificate reflecting the terms of the First Amendment shall
4 be delivered to Wells Fargo, or its affiliate, pursuant to and in accordance with the
5 Note Purchase Agreement. The City hereby authorizes the assignment and
6 transfer of the 2015A Note to an affiliate of Wells Fargo, as provided in the First
7 Amendment.
8

9 ARTICLE IV

10 MISCELLANEOUS

11
12 Section 4.1. Ratification of Prior Acts. Any action taken consistent with the
13 authority and prior to the effective date of this Supplemental Ordinance is ratified,
14 approved, and confirmed.

15 Section 4.2. General Authorization. The appropriate officers, agents, and
16 employees of the City are authorized and directed to execute and deliver such
17 documents, agreements, and certificates, including, but not limited to, a federal tax
18 certificate setting forth the requirements of the Code for maintaining the tax
19 exemption of interest on the 2015A Note, and to take such other actions, upon
20 consultation with the City Attorney, as may be necessary or desirable and in the
21 best interests of the City to effect the accomplishment of the extension of the
22 2015A Note and execution and delivery of the First Amendment and to carry out
23 the purposes and intents of this Supplemental Ordinance and the transactions
24 contemplated thereby.
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Section 4.3. Terms of 2015A Note Subject to the Master Subordinate Ordinance and the First Supplemental Ordinance; Ratification. Except as expressly provided herein, every term and condition contained in the Master Subordinate Ordinance and the First Supplemental Ordinance shall apply to this Supplemental Ordinance and the 2015A Note with the same force and effect as if the same were herein set forth at length, with such omissions, variations and modification as may be appropriate to make the same conform to this Supplemental Ordinance.

Except as supplemented and amended by this Supplemental Ordinance, the Master Subordinate Ordinance and the First Supplemental Ordinance are hereby ratified, approved and confirmed and shall continue in full force and effect in accordance with the terms and provisions thereof, as amended and supplemented.

Section 4.4. Provisions of Note Purchase Agreement. The terms and provisions of the 2015A Note as set forth in the Note Purchase Agreement shall control over any inconsistent provision of this Supplemental Ordinance.



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Section 4.5. Effective Date of Ordinance. This Supplemental Ordinance shall take effect and be in force immediately after its passage, approval and publication as required by law.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form and legality:

Pacifica Law Group LLP
Bond Counsel

By _____



CLERK'S CERTIFICATE

1 I, the undersigned, the duly chosen, qualified City Clerk of the City of
2 Tacoma, Washington, and keeper of the records of the Council (herein called the
3 "Council"), DO HEREBY CERTIFY:
4

5 1. That the attached Ordinance No. ____ (herein called the "Ordinance") is
6 a true and correct copy of an Ordinance of the Council, as finally passed at a
7 regular meeting of the Council held on the ____ day of May, 2018, and duly
8 recorded in my office.
9

10 2. That said meeting was duly convened and held in all respects in
11 accordance with law, and to the extent required by law, due and proper notice of
12 such meeting was given; that a legal quorum was present throughout the meeting
13 and a legally sufficient number of members of the Council voted in the proper
14 manner for the passage of said Ordinance; that all other requirements and
15 proceedings incident to the proper passage of said Ordinance have been duly
16 fulfilled, carried out and otherwise observed, and that I am authorized to execute
17 this certificate.
18

19 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
20 official seal of the City as of this ____ day of May, 2018.
21

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23 _____
24 City Clerk
25 City of Tacoma, Washington
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