Legislation Passed January 8, 2019

The Tacoma City Council, at its regular City Council meeting of January 8, 2019, 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. 40202**
A resolution nominating and electing Council Member Conor McCarthy to the office of Deputy Mayor to serve a one-year term to expire December 31, 2019.
[Mayor Woodards]

**Resolution No. 40203**
A resolution appointing and reappointing individuals to the Citizen Police Advisory Committee.
[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

**Resolution No. 40204**
A resolution awarding a contract to Northwest Cascade Inc., in the amount of $227,722.00, plus applicable taxes, plus a 10 percent contingency, for a total of $250,494.20, budgeted from the Transportation Capital Fund, for guardrail repairs and improvements - Specification No. PW18-0358N.
[Nick Correll, Engineer; Kurtis D. Kingsolver, P.E., Director, Public Works]

**Resolution No. 40205**
A resolution authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with Glasshouse Two, LLC, for the development of 131 multi-family market-rate rental housing units, located at 308 Tacoma Ave South in the Downtown Regional Growth Center.
[Debbie Bingham, Economic Development Specialist; Jeff Robinson, Director, Community and Economic Development]

**Resolution No. 40206**
A resolution reaffirming the City’s commitment to the principles of equity and inclusion, and will continue to defend, promote, and introduce policies and practices that seek to improve opportunities and quality of life for all residents, regardless of race, ethnicity, gender, country of origin, sexual orientation, gender identity, or religious beliefs.
[Council Member Beale]

**Ordinance No. 28564**
An ordinance vacating a portion of North 30th Street, from the northwest intersection of North 30th Street and North Carr Street, abutting and adjacent to commercial property located at 2301 North 30th Street, to cure an encroachment of a portion of a building.
(Connelly Family Properties, LLC; File No. 124.1392)
[Jeff H. Capell, Hearing Examiner]
Ordinance No. 28568
An ordinance amending the franchise granted to the Puyallup Tribe of Indians pursuant to Ordinance No. 27957, to expand the boundaries of the franchise to include private infrastructure within portions of East 29th, East 31st, East 32nd, East "R" Streets, and alley rights-of-way for the Puyallup Tribe of Indians Emerald Queen Casino Relocation Project.
[Ronda Cornforth, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]
RESOLUTION NO. 40202

A RESOLUTION related to the organization of City government; nominating and electing Council Member Conor McCarthy to the office of Deputy Mayor to serve a one-year term through December 31, 2019.

WHEREAS Anders Ibsen’s term as Deputy Mayor expired on December 31, 2018, and

WHEREAS, pursuant to Ordinance No. 26767, the Deputy Mayor shall be a member of the City Council and shall be elected by the Council at its first meeting after such office becomes vacant, or as soon thereafter as is practical, and

WHEREAS, pursuant to Resolution No. 33268, the City Council has adopted a process for rotating the office of Deputy Mayor based upon seniority, and

WHEREAS Council Member Conor McCarthy has been nominated and elected to fill the vacancy of Deputy Mayor for a one-year term through December 31, 2019; Now, Therefore,

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

That Conor McCarthy is hereby nominated and elected as Deputy Mayor of the City of Tacoma for a term through December 31, 2019, and continuing until such time as a successor is elected.

Adopted ________________
________________________
Mayor

Attest:
________________________
City Clerk

Approved as to form:
________________________
City Attorney
RESOLUTION NO. 40203

BY REQUEST OF COUNCIL MEMBERS BEALE, BLOCKER, HUNTER, AND USHKA

A RESOLUTION relating to committees, boards, and commissions; appointing and reappointing individuals to the Citizen Police Advisory Committee.

WHEREAS vacancies exist on the Citizen Police Advisory Committee, and

WHEREAS, at its meetings of November 8, 2018, and December 13, 2018, the Community Vitality and Safety Committee conducted interviews and recommended the appointment and reappointment of individuals to said committee, and

WHEREAS, pursuant to the City Charter Section 2.4 and the Rules, Regulations, and Procedures of the City Council, the persons named on Exhibit “A” have been nominated to serve on the Citizen Police Advisory Committee; Now,

Therefore,

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

That those nominees to the Citizen Police Advisory Committee, listed on Exhibit “A,” are hereby confirmed and appointed or reappointed as members of such committee for such terms as are set forth on the attached Exhibit “A.”

Adopted ______________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
City Attorney
EXHIBIT “A”

CITIZEN POLICE ADVISORY COMMITTEE

Appointing Fredrick Powell to the “Council District No. 4” position to fill an unexpired term to expire December 31, 2019.

Appointing Leah Staub to the “Council District No. 5” position to fill an unexpired term to expire December 31, 2019.

Reappointing Louis Cooper to the “At-Large No. 5” position to serve a three-year term, effective January 1, 2019, to expire December 31, 2021.
RESOLUTION NO. 40204

A RESOLUTION related to the purchase of materials, supplies or equipment, and the furnishing of services; authorizing the execution of a contract with Northwest Cascade Inc., in the amount of $227,722.00, plus applicable taxes, plus a 10 percent contingency, for a cumulative total of $250,494.20, budgeted from the Transportation Capital Fund, for guardrail repairs and improvements, pursuant to Specification No. PW18-0358N.

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

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

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

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

Section 2. That the proper officers of the City are hereby authorized to enter into a contract with Northwest Cascade Inc., in the amount of $227,722.00, plus applicable taxes, plus a 10 percent contingency, for a cumulative total of
$250,494.20, budgeted from the Transportation Capital Fund, for guardrail repairs and improvements, pursuant to Specification No. PW18-0358N, consistent with Exhibit “A.”

Adopted ____________________


Mayor

Attest:

________________________
City Clerk

Approved as to form:

________________________
City Attorney
RESOLUTION NO. 40205

A RESOLUTION relating to the multi-family property tax exemption program; authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with Glasshouse Two, LLC for the development of 131 multi-family market-rate rental housing units to be located at 308 Tacoma Avenue South in the Downtown Regional Growth Center.

WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of Washington, designated several Residential Target Areas for the allowance of a limited property tax exemption for new multi-family residential housing, and

WHEREAS the City has, through Ordinance No. 25789, enacted a program whereby property owners in Residential Target Areas may qualify for a Final Certificate of Tax Exemption which certifies to the Pierce County Assessor-Treasurer that the owner is eligible to receive a limited property tax exemption, and

WHEREAS Glasshouse Two, LLC, is proposing to develop 131 market-rate rental units to consist of 33 studio units, with an average size of 390 square feet and renting for approximately $1,400 per month; 82 one-bedroom, one-bath units with an average size of 450 square feet and renting for approximately $1,700 per month; and 16 two-bedroom, two bath units with an average size of 760 square feet and renting for approximately $2,100 per month, as well as 66 on-site residential parking stalls, and

WHEREAS the Director of Community and Economic Development has reviewed the proposed property tax exemption and recommends that a conditional property tax exemption be awarded for the property located at 308 Tacoma Avenue
South in the Downtown Regional Growth Center, as more particularly described in
the attached Exhibit “A”; Now, Therefore,

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

Section 1. That the City Council does hereby approve and authorize a
conditional property tax exemption, for a period of eight years, to Glasshouse Two,
LLC, for the property located at 308 Tacoma Avenue South in the Downtown
Regional Growth Center, as more particularly described in the attached Exhibit “A.”

Section 2. That the proper officers of the City are authorized to execute a
Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with
Glasshouse Two, LLC, said document to be substantially in the form of the
proposed agreement on file in the office of the City Clerk.

Adopted ____________________

Attest:

______________________________
City Clerk

Approved as to form: Legal description approved:

______________________________
Deputy City Attorney

______________________________
Chief Surveyor
Public Works Department

Mayor
EXHIBIT “A”

LEGAL DESCRIPTION

Tax Parcel: 2003120021

Legal Description:

That portion of the Southeast Quarter of the Southeast Quarter of Section 32, Township 21 North, Range 03 East of the Willamette Meridian, more particularly described as follows:

Lots 4 through 9, inclusive, Block 312, The Tacoma Land Company’s Third Addition to Tacoma, W.T., according to the plat thereof recorded in Volume 1 of Plats, page 93, records of Pierce County, Washington.

Situate in the City of Tacoma, County of Pierce, State of Washington.
RESOLUTION NO. 40206

BY REQUEST OF COUNCIL MEMBER BEALE

A RESOLUTION reaffirming the City’s commitment to the principles of equity and inclusion, and will continue to defend, promote, and introduce policies and practices that seek to improve opportunities and quality of life for all residents, regardless of race, ethnicity, gender, country of origin, sexual orientation, gender identity, or religious beliefs.

WHEREAS Tacoma is a Welcoming City whose strength lies in being one of the most diverse communities in the state of Washington, and

WHEREAS community members woke early Sunday morning to discover that hundreds of flyers promoting the website of a known white supremacist group had been quietly strewn across the City under cover of darkness, and

WHEREAS the City Council shares the concerns community members have raised in the aftermath of this disturbing incident, and

WHEREAS the City is an inclusive, international city that is far tougher than those who would seek to divide it, and

WHEREAS the City Council believes in the power of diversity, community, collaboration, equity, and wholly rejects any regressive ideologies that fuel discrimination, bigotry, hatred, and violence; Now, Therefore,

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

That the Mayor and City Council hereby reaffirm the City’s commitment to the principles of equity and inclusion and will continue to defend, promote, and introduce policies and practices that seek to improve opportunities and quality of life for all residents, regardless of race, ethnicity, gender, country of origin, sexual orientation, gender identity, or religious beliefs.
life for all residents, regardless of race, ethnicity, gender, country of origin, sexual orientation, gender identity, or religious beliefs.

Adopted ________________

________________________________________

Mayor

Attest:

_______________________________________
City Clerk

Approved as to form:

_______________________________________
Chief Deputy City Attorney
ORDINANCE NO. 28564

AN ORDINANCE related to the vacation of City right-of-way; vacating a portion of North 30th Street beginning from the northwest intersection of North 30th Street and North Carr Street, abutting and adjacent to commercial property at 2301 North 30th Street, to cure an encroachment of a portion of the building; and adopting the Hearing Examiner’s Findings, Conclusions, and Recommendations related thereto.

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

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner’s Findings, Conclusions, and Recommendations as contained in the Hearing Examiner’s Report and Recommendation to the City Council bearing File No. 124.1392 and dated November 9, 2018, which Report is on file in the office of the City Clerk.

Req. #18-1359
Section 2. That the portion of North 30th Street beginning from the northwest intersection of North 30th Street and North Carr Street, abutting and adjacent to commercial property at 2301 North 30th Street, legally described as follows:

Commencing at the Southeast corner of Block 6, Map of Tacoma City, according to the Plat thereof recorded in Volume 1 of Plats, Page 10, in Pierce County, Washington;

Thence South 89°40'51" West, along the Northerly margin of North 30th Street and the Southerly line of said Block 6, a distance of 3.06 feet to the True Point of Beginning;

Thence continuing South 89°40'51" West a distance of 47.26 feet; Thence South 00°54'55" West a distance of 3.69 feet; Thence South 89°47'34" East a distance of 43.44 feet; Thence North 43°18'24" East a distance of 5.65 feet to the True Point of Beginning.

All situate in the City of Tacoma, County of Pierce, State of Washington; within the Southeast Quarter of the Southeast Quarter of Section 30, Township 21 North, Range 03 East of the Willamette Meridian.

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, as a part thereof, and all right or title of the City in and to the portion of the right-of-way so vacated does
hereby vest in the owners of the property abutting thereon, all in the manner provided by law.

Passed ______________________


Attest:

____________________________

Mayor

____________________________

City Clerk

Approved as to form: Property description approved:

____________________________

Deputy City Attorney Chief Surveyor

Public Works Department

Location: 2301 North 30th Street
Petitioner: Connelly Family Properties, LLC
Vacation Req. No. 124.1392

Req. #18-1359
AN ORDINANCE relating to public rights-of-way; amending the franchise granted to the Puyallup Tribe of Indians pursuant to Ordinance No. 27957; authorizing the installation, operation, maintenance, repair, replacement, and removal of certain private improvements to include, but not limited to, irrigation, stormwater/surfacewater infrastructure, communications, and power facilities within portions of the East 29th Street, East 31st Street, East R Street, and East 32nd Street.

WHEREAS the Puyallup Tribe of Indians ("Puyallup Tribe") is undertaking a project to expand its existing Emerald Queen casino, which will include construction of a hotel, parking garage, and transportation improvements ("Project"), and will, in the future, undertake the construction of an elder’s assisted living center and other economic development projects, and

WHEREAS the transportation improvements will include construction of a public connector road from East 30th Street to a roundabout to be constructed on East 29th Street, and

WHEREAS, as part of this Project and to support both completed and future projects, the Puyallup Tribe would like to expand the boundaries of the franchise limits to include private infrastructure within portions of East 29th Street, East 31st Street, East 32nd Street, East R Street, and alley rights-of-way for the support of such development as described in the attached Schedule II and Schedule III, and

WHEREAS City staff has reviewed the plans cataloged under City Work Order Numbers 60000036298 and 60000037578 for the installation, operation, maintenance, repair, replacement, and removal of certain private improvements to include, but not limited to, irrigation, stormwater/surfacewater infrastructure, communications, and power facilities, and have determined that the planned...
installation of such infrastructure will not interfere with the City’s current or planned use of East 29th Street, East 31st Street, East R Street, and East 32nd Street, and

WHEREAS the Washington State Department of Transportation ("WSDOT") has reviewed and approved the infrastructure improvements in that portion of East R Street under WSDOT control that will, in the future, be returned to the City, and

WHEREAS the City previously granted a franchise to the Puyallup Tribe pursuant to Ordinance No. 27957 ("Franchise"), passed December 14, 2010, authorizing the Puyallup Tribe to construct, install, and operate such facilities within the Franchise area consisting of public right-of-way as described in Exhibit "A" attached to the Franchise, and

WHEREAS the Puyallup Tribe has asked the City to amend the Franchise so that the Franchise Area will include those portions of East 29th Street, East 31st Street, East R Street, and East 32nd Street within and upon which the Puyallup Tribe will install or has installed infrastructure for the purposes already authorized pursuant to the Franchise, and

WHEREAS the City Council has considered the request of the Puyallup Tribe and finds that it would be in the best interest of the public to amend the Franchise as set forth herein; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Subsection 1.5 of Section 1 of Ordinance No. 27957 is hereby amended to read in its entirety as follows:
1.5 “Franchise Area” means that certain area within the jurisdictional boundaries of the Grantor designated on Exhibit A Schedules I, II, and III.

Section 2. That Ordinance No. 27957 is hereby amended by the addition of new Schedules II and III, attached hereto as Exhibit “A,” immediately following Schedule I to the Franchise.

Section 3. That Subsection 17.1 of Section 17 of Ordinance No. 27957 is hereby amended to adjust the annual fee for the increase in linear footage of occupancy of the right-of-way represented in Schedules II and III by increasing the annual fee from $3,623.00 per year to $5,800.50, such amendment to read in its entirety as follows:

17.1 In consideration for granting this Franchise and for the use of the Franchise Area, there is hereby established an annual fee equal to Three Thousand Six Hundred Twenty-Three Dollars ($3,623.00) Five Thousand Eight Hundred Dollars and Fifty Cents ($5,800.50) per year.

Section 4. That Subsection 17.2 of Section 17 of Ordinance No. 27957 is hereby amended to provide for prorated payment of the fee increase of $2,177.50 as section forth in Section 3 of this Ordinance, with such amendment adding the following at the end of Subsection 17.2:

... In the event of an increase in the annual fee, such amount shall be due and payable to the City within 30 days following execution of acceptance of the Franchise amendment implementing the annual
fee increase; provided that, the amount of the annual fee increase
due and payable shall be prorated based upon the number of months
remaining in the annual payment period to which the payment
applies.

Section 5. That all other provisions of the Franchise shall remain in full
force and effect.

Section 6. That the Puyallup Tribe shall, within 30 days after passage of this
Ordinance, file with the City Clerk, its unconditional written acceptance of all the
terms and conditions of this amendment to the Franchise (Ordinance No. 27957) in
substantially the form of Exhibit “B” attached hereto (Unconditional Acceptance). If
the Puyallup Tribe shall fail to so file its written acceptance within such period, then
the rights and privileges granted hereunder shall be deemed forfeited.

Passed ________________

________________________________________
Mayor

Attest:

________________________________________
City Clerk

Approved as to Form:

________________________________________
Chief Deputy City Attorney
EXHIBIT “A”
(Schedule II to Franchise Ordinance No. 27957)

All that portion of East 31st Street, lying between the easterly margin of Portland Avenue and the westerly margin of East R Street; AND the westerly 57 feet of that certain alley, lying easterly of Portland Avenue and between East 31st Street and East 32nd Street, as dedicated to the City of Tacoma, within the Map of Indian Addition to the City of Tacoma, according to the Plat thereof filed of record on May 1, 1896 in Book 7 of Plats at Pages 30 and 31, records of Pierce County, Washington.

All as specifically depicted within the City of Tacoma’s Work Order Number 60000036298, on file with the City of Tacoma, Public Works Department.
EXHIBIT “A”

(Schedule III to Franchise Ordinance No. 27957)

Inclusive of the franchised area described in Schedule 1;

All that portion of East 32nd Street, lying between the westerly margin of East R Street and a point 300 feet easterly of the easterly margin of East T Street;

AND all that portion of East R Street, lying between East 28th and East 29th Streets, beginning at a point lying 20 feet northerly of the alley and terminating at the north line of East 29th Street;

AND East 29th Street between the westerly margin of East R Street and the easterly margin of East T Street, all as dedicated to the City of Tacoma, within the Map of Indian Addition to the City of Tacoma, according to the Plat thereof filed of record on May 1, 1896 in Book 7 of Plats at Pages 30 and 31, records of Pierce County, Washington.

All as specifically depicted within the City of Tacoma’s Work Order Number 60000036298, on file with the City of Tacoma, Public Works Department.
EXHIBIT “B”
(Unconditional Acceptance)

UNCONDITIONAL ACCEPTANCE BY GRANTEE:

I, the undersigned Chairman of the Puyallup Tribal Council, governing body of the Puyallup Tribe of Indians, am authorized to bind the Tribe and to unconditionally accept the terms and conditions of the amendment to the Franchise (Ordinance No. 27957), which amendments are set forth at Ordinance No. ___________ and are hereby accepted by the Puyallup Tribe this _____ day of ______________, 2019.

PUYALLUP TRIBE OF INDIANS

Name: Herman Dillon, Sr.
Chairman, Puyallup Tribal Council

Subscribed and sworn to before me this ___ day of _____________, 2019.

Notary Public in and for the State of Washington, residing at _________________
Printed Name: _________________
My commission expires _________________

Received on behalf of the City of Tacoma this ___ day of ___________, 2019.

Name: __________________________
Title: ____________________________