



## Legislation Passed February 19, 2019

The Tacoma City Council, at its regular City Council meeting of February 19, 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.

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### **Resolution No. 40232**

A resolution setting Tuesday, March 5, 2019, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the proposed Open Space Current Use Assessment application by Christine and Karl Anderson, for the property located at 811 North Karl Johan Avenue.

[Larry Harala, Associate Planner; Peter Huffman, Director, Planning and Development Services]

### **Resolution No. 40233**

A resolution awarding a contract to Axum General Construction Inc, in the amount of \$395,743.40, plus applicable taxes, plus a 15 percent contingency, for a total of \$455,104.91, budgeted from the Street Fund, for pedestrian and safety improvements at First Creek Middle School and Lister Elementary School - Specification No. PW18-0433F.

[Darius Thompson, Project Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

### **Resolution No. 40234**

A resolution awarding a contract to Dickson Company, in the amount of \$918,050.00, plus applicable taxes, plus a 15 percent contingency, for a total of \$1,055,757.50, budgeted from the Street and Streets Initiative Funds, for the disposal of construction debris, for an initial contract term of one year, with the option to renew for four additional one-year terms, for a projected contract total of \$5,833,726.63 -

Specification No. PW18-0482F.

[Rae Bailey, Street Operations Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

### **Resolution No. 40235**

A resolution authorizing the execution of an amendment to the agreement with Kenyon Disend, PLLC, in the amount of \$100,000, for a total not to exceed \$300,000, budgeted from the Solid Waste and Wastewater Funds, for legal services related to completing implementation of requirements of the Consent Decree, rewriting Chapter 12.09 of the Municipal Code, and continuing to provide legal services regarding environmental law matters.

[Chris Bacha, Chief Deputy City Attorney; Bill Fosbre, City Attorney]

**Resolution No. 40236**

A resolution authorizing the execution of an agreement with Pierce Transit, in the amount of \$390,325, budgeted from the Human Resources Internal Services Fund, for One Regional Card for All (ORCA) Business Cards, and vanpool and vanshare services, as part of the City's Commute Trip Reduction Program for 2019.

[Kari Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]



## RESOLUTION NO. 40232

1 A RESOLUTION setting Tuesday, March 5, 2019, as the date for a public  
2 hearing by the City Council on the proposed Open Space Current Use  
3 Assessment application by Christine and Karl Anderson, for the property  
4 located at 811 North Karl Johan Avenue.

4 WHEREAS the Open Space Current Use Assessment Program  
5 (“Program”), enacted by the Washington State Legislature through RCW 84.34, is  
6 a voluntary program to incentivize private conservation of open space assets  
7 valuable to the general public, and

8  
9 WHEREAS Program applications are jointly reviewed by Pierce County and  
10 the City, and, if approved, the property tax rate is reduced in exchange for a  
11 voluntary agreement from the property owners to leave the site undeveloped and  
12 in its natural state, and

13  
14 WHEREAS property owners may remove their property from the Program at  
15 any time, paying back taxes and a penalty if they do so within ten years of entering  
16 the Program, and

17  
18 WHEREAS, in July 2018, Karl and Christine Anderson submitted a Program  
19 application for property located at 811 North Karl Johan Avenue (Parcel  
20 Nos. 0220032010 and 0221343116), to be assessed at its current use as open  
21 space for property tax purposes, and

22  
23 WHEREAS the application was reviewed by the Planning Commission  
24 (“Commission”) in accordance with the procedural requirements set forth in  
25 RCW 84.34.037 and Tacoma Municipal Code 13.08.030, and against the Public  
26 Benefit Rating System evaluation criteria as set forth in RCW 84.34.037, and



1 WHEREAS the Commission, upon completing its review, including a public  
2 hearing on December 5, 2018, made a recommendation to the City Council for  
3 approval of the application, and

4 WHEREAS, on January 9, 2019, the Infrastructure, Planning and  
5 Sustainability (“IPS”) Committee reviewed the application as recommended by the  
6 Commission, and forwarded to the City Council its recommendation to approve the  
7 application and support a property tax reduction of 90 percent of the assessed  
8 value for the applicable area, and

9 WHEREAS, pursuant to RCW 84.34.037, final action on the application may  
10 be taken either through separate affirmative acts, after final hearing, by the City  
11 Council and County Council, in cases where both bodies concur on the final  
12 decision; or by a Joint Determining Authority composed of three members of each  
13 Council, and

14 WHEREAS the City desires to fix a time and date for public hearing for the  
15 purpose of considering the proposed Open Space Current Use Assessment  
16 application for the property located at 811 North Karl Johan Avenue; Now,  
17 Therefore,

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

19 Section 1. That Tuesday, March 5, 2019, at approximately 5:30 p.m., is  
20 hereby fixed as the time, and the City Council Chambers on the First Floor of the  
21 Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, as the place  
22 when and where a public hearing shall be held on the proposed Open Space  
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Current Use Assessment application by Karl and Christine Anderson, for the property located at 811 North Karl Johan Avenue.

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

Adopted \_\_\_\_\_

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Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 40233

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 Axum  
3 General Construction Inc, in the amount of \$395,743.40, plus applicable  
4 taxes, plus a 15 percent contingency, for a cumulative total of \$455,104.91,  
5 budgeted from the Public Works Street Capital Projects Fund, for pedestrian  
6 and safety improvements located at First Creek Middle School and Lister  
7 Elementary School, pursuant to Specification No. PW18-0433F.

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 enter into a contract with Axum General Construction Inc, in the amount of  
20 \$395,743.40, plus applicable taxes, plus a 15 percent contingency, for a  
21 cumulative total of \$455,104.91, budgeted from the Public Works Street Capital  
22 Projects Fund, for pedestrian and safety improvements located at First Creek  
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1 Middle School and Lister Elementary School, pursuant to Specification  
2 No. PW18-0433F, consistent with Exhibit "A."

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

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7 Mayor

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9 Attest: \_\_\_\_\_  
10 City Clerk

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

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## RESOLUTION NO. 40234

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 Dickson Company, in the amount of \$918,050.00, plus applicable taxes,  
4 plus a 15 percent contingency, for a cumulative total of \$1,055,757.50,  
5 budgeted from the Street and Streets Initiative Funds, for an initial contract  
6 term of one year, with the option to renew for four additional one-year terms,  
7 for a projected contract total of \$5,833,726.63, for the disposal of  
8 construction debris, pursuant to Specification No. PW18-0482F.

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 Dickson Company, in the amount of \$918,050.00, plus  
21 applicable taxes, plus a 15 percent contingency, for a cumulative total of  
22 \$1,055,757.50, budgeted from the Street and Streets Initiative Funds, for an initial  
23 contract term of one year, with the option to renew for four additional one-year  
24 terms, for a projected contract total of \$5,833,726.63, for the disposal of  
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1 construction debris, pursuant to Specification No. PW18-0482F, consistent with

2 Exhibit "A."

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

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7 Mayor

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9 Attest: \_\_\_\_\_  
10 City Clerk

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

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## RESOLUTION NO. 40235

1 A RESOLUTION relating to environmental services; authorizing the execution of  
2 Amendment No. 5 to the Agreement for Legal Services with Kenyon Disend,  
3 PLLC, in the amount of \$100,000, for a cumulative total not to exceed  
4 \$300,000, budgeted from ES Wastewater Fund 4300 and ES Solid Waste  
5 Fund 4200, for legal services related to completing implementation of  
6 requirements of the Consent Decree, and in addition, rewriting  
7 Chapter 12.09 of the Tacoma Municipal Code and continuing to provide  
8 legal services regarding environmental law matters.

9 WHEREAS, since 2016, Kenyon Disend, PLLC has been representing the  
10 City in a third-party lawsuit brought under the Clean Water Act, challenging the  
11 City's wastewater pretreatment program, and

12 WHEREAS the third-party lawsuit was settled, resulting in the filing of a  
13 Consent Decree requiring that the wastewater pretreatment program be updated,  
14 including a rewrite of the sanitary and storm sewer code located in Chapter 12.08  
15 of the Tacoma Municipal Code ("TMC"), and

16 WHEREAS the original Agreement for Legal Services with the law firm was  
17 executed on June 27, 2012, and has been amended four times, for a cumulative  
18 contract amount of \$200,000, and

19 WHEREAS it is necessary to further amend the agreement by revising the  
20 hourly rate and increasing the maximum compensation under the agreement in the  
21 amount of \$100,000, for a cumulative total not to exceed \$300,000, budgeted from  
22 ES Wastewater Fund 4300 and ES Solid Waste Fund 4200, to allow the law firm to  
23 assist the City in completing implementation of the requirements of the Consent  
24 Decree, and in addition, rewriting TMC 12.09 (Solid Waste Code), and continuing  
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to provide legal advice and services regarding environmental law matters; Now,

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Therefore,

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

That the proper officers of the City are hereby authorized to execute Amendment No. 5 to the Agreement for Legal Services with Kenyon Disend, PLLC, in the amount of \$100,000, for a cumulative total not to exceed \$300,000, budgeted from the ES Wastewater Fund 4300 and ES Solid Waste Fund 4200, for legal services related to completing implementation of requirements of the Consent Decree, and in addition, rewriting Chapter 12.09 of the Tacoma Municipal Code, and continuing to provide legal services regarding environmental law matters, said agreement to be substantially in the form of the document on file in the office of the City Clerk.

Adopted \_\_\_\_\_

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Mayor

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

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



## RESOLUTION NO. 40236

1 A RESOLUTION relating to the City's Commute Trip Reduction Program;  
2 authorizing the execution of an agreement with Pierce Transit, in the  
3 amount of \$390,325, budgeted from the Human Resources Internal Service  
4 Fund, for the purchase of the One Regional Card for All ("ORCA") Business  
5 Cards, as part of the City's Trip Reduction Program for 2019.

6 WHEREAS, since 1996, the City has provided bus pass/vanpool subsidies  
7 for its employees as part of the Commute Trip Reduction ("CTR") Program, and

8 WHEREAS ORCA Business Cards provide employees access to Pierce,  
9 Metro, Kitsap, Everett Community, and Sound Transit systems, including the  
10 Sound Transit Link Light Rail, Seattle Streetcar, and Sounder, and also provides  
11 vanpool and vanshare services from these systems, and

12 WHEREAS, in 2018, there were approximately 1,149 City employee transit  
13 program users, which represents approximately 31 percent of the City's work force,  
14 and

15 WHEREAS the 2019 agreement, in the amount of \$390,325, represents the  
16 annual program fee for both the ORCA Transit passes and vanpool services, and

17 WHEREAS the decrease of \$9,896.48 from 2018 costs is due to a decrease  
18 in vanpool usage by employees, and

19 WHEREAS Human Resources staff will continue the oversight of the CTR  
20 transit pass program, and

21 WHEREAS each employee receiving an ORCA card will be required to sign  
22 a Term of Agreement outlining use expectations and requirements; Now,

23 Therefore,  
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

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That the proper officers of the City are hereby authorized to enter into an agreement with Pierce Transit, in the amount of \$390,325, budgeted from the Human Resources Internal Services Fund, for ORCA Business Cards and vanpool and vanshare services that will be part of the City's Commute Trip Reduction Program for 2019, said document to be substantially in the form of the proposed document on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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