



Legislation Passed March 26, 2019

The Tacoma City Council, at its regular City Council meeting of March 26, 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. 40259

A resolution appointing, reappointing, and reassigning individuals on the Commission on Immigrant and Refugee Affairs.

[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

Resolution No. 40260

A resolution awarding a contract to Asphalt Patch Systems, in the amount of \$397,703.00, plus applicable taxes, plus a 15 percent contingency, for a total of \$457,358.45, budgeted from the Transportation Capital Fund, for the installation of missing link sidewalk, ADA-compliant curb ramps, and video-detection signal improvements on South 19th Street between South Prospect and South Cedar Streets - Specification No. PW18-0389F.

[Nick Correll, Engineer; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40261

A resolution awarding a contract to Transpo Group USA Inc., in the amount of \$200,000, plus applicable taxes, budgeted from the Street Fund, to provide routine and emergency traffic engineering and analysis services, through December 31, 2020 - Architectural and Engineering Roster.

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

Resolution No. 40262

A resolution awarding a contract to KPG PS, in the amount of \$200,000, plus applicable taxes, budgeted from the Street Fund, to provide routine and emergency traffic engineering and analysis services, through December 31, 2020 - Architectural and Engineering Roster.

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

Resolution No. 40263

A resolution awarding a contract to Systems for Public Safety, Inc., in the amount of \$2,100,000, plus applicable taxes, budgeted from the Fleet Equipment Rental Fund, for the upfit of law enforcement vehicles, for a three-year term - City of Five Request for Bids.

[Paul Hanna, Fleet Services Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40264

A resolution awarding a contract to Ben-Ko Matic, d.b.a. Owen Equipment Co., in the amount of \$1,100,000, plus applicable taxes, budgeted from the Surface Water Fund, for two combination jet/vacuum sewer cleaner trucks - Sourcewell Contract No. 122017-FSC. [Paul Hanna, Fleet Services Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40265

A resolution awarding a contract to Pape Machinery, Inc., in the amount of \$300,000, plus applicable taxes, budgeted from the Fleet Equipment Rental Fund, for one Dynapac asphalt paver - HGACBuy Contract No. SM10-18. [Paul Hanna, Fleet Services Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40266

A resolution authorizing an increase and extension to the contracts with P & M Holding Group LLP and Stergion Group, Inc., in the amount of \$701,000, plus applicable taxes, for a total of \$900,000, budgeted from the Information Systems Fund, for supplemental project management support and services, through December 31, 2020 - DOC1062122436. [Michelle Lewis-Hodges, Information Technology Manager; Daniel Key, Director, Information Technology]

Resolution No. 40267

A resolution authorizing the execution of an agreement with Tacoma School District No. 10, d.b.a. Tacoma Public Schools, in the amount of \$291,833.76, for a contract total \$909,669.76, budgeted from the General and Mental Health Substance Use Disorder Funds, to fund the Tacoma Whole Child Initiative Program, from April 1, 2019 through December 31, 2020. [Vicky McLaurin, Social Wellness Program Manager; Linda Stewart, Director, Neighborhood and Community Services]

Resolution No. 40268

A resolution authorizing the execution of a Purchase and Sale Agreement, Development Agreement, and Public Benefits Agreement with Surge Tacoma, d.b.a. Tacoma Old City Hall LLC, in the total amount of \$4 million, to develop a residential and commercial mixed-use project at Old City Hall, located at 625 South Commerce Street. [Elly Walkowiak, Assistant Director; Jeff Robinson, Director, Community and Economic Development]

Resolution No. 40270

A resolution authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with Keppner Group LLC, for the development of 180 multi-family market-rate rental housing units, located at 2515 South Jefferson Avenue in the Downtown Regional Growth Center. [Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

Resolution No. 40271

A resolution authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with Ethos Fawcett LLC, for the development of 116 multi-family market-rate rental housing units, located at 1351 Fawcett Avenue in the Downtown Regional Growth Center.

[Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

Resolution No. 40272

A resolution approving the execution of an agreement between the Department of Public Utilities, Light Division d.b.a. Tacoma Power, and Rainier Connect to negotiate in good faith formal partnership contracts related to the operation and use of the Click! Network; setting a time frame for negotiations; and authorizing a conditional extension of said time frame.

[Bill Fosbre, City Attorney]

Resolution No. 40273

A resolution urging the Tacoma Employees' Retirement System (TERS) staff and the TERS Board of Administration (Board) to consider and analyze the investment risks from climate change, and to explore ways to potentially reduce exposure to carbon intensive companies, such as fossil fuel producers, in the TERS investment portfolio, subject to the TERS staff and Board continuing to meet their primary fiduciary responsibilities to TERS members.

[Council Member Ibsen]

Ordinance No. 28569

An ordinance vacating the west portion of South 1st Street, between South "G" Street and Tacoma Avenue South, to facilitate a new senior housing development.

(5 South G LLC; File No. 124.1389)

[Jeff H. Capell, Hearing Examiner]

Ordinance No. 28577

(First and Final Reading) An ordinance amending Chapter 12.01 of the Municipal Code, relating to Utility Charges, to extend the waiver of power and water utility connection and inspection fees for cities in Tacoma Power and Tacoma Water service territories during the current declared state of emergency, relating to the conditions of homeless encampments located in the City, retroactive to January 1, 2019, and sunseting on December 31, 2019; and declaring an emergency, making necessary the passage of this ordinance and it becoming effective immediately.

[Tom Morrill, Chief Deputy City Attorney; Bill Fosbre, City Attorney]



RESOLUTION NO. 40259

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

2 A RESOLUTION relating to committees, boards, and commissions; appointing,
3 reappointing, and reassigning individuals to the Commission on Immigrant
4 and Refugee Affairs.

5 WHEREAS vacancies exist on the Commission on Immigrant and Refugee
6 Affairs, and

7 WHEREAS, at its meeting of February 28, 2019, the Community Vitality
8 and Safety Committee conducted interviews, and at its meeting of March 14,
9 2019, the Committee recommended the appointment, reappointment, and
10 reassignment of individuals to said commission, and
11

12 WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,
13 Regulations, and Procedures of the City Council, the persons named on
14 Exhibit "A" have been nominated to serve on the Commission on Immigrant and
15 Refugee Affairs; Now, Therefore,

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

17 That those nominees to the Commission on Immigrant and Refugee
18 Affairs, listed on Exhibit "A," are hereby confirmed and appointed, reappointed,
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1 and reassigned as members of such commission for such terms as are set forth
2 on the attached Exhibit "A."

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4 Adopted _____

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Mayor

7 Attest:

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City Clerk

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11 Approved as to form:

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City Attorney

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EXHIBIT "A"

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COMMISSION ON IMMIGRANT AND REFUGEE AFFAIRS

Appointing **Perla Gamboa-Ravelo** to the "Alternate" position for a three-year term to expire March 31, 2022.

Reappointing **Vaelupemaua Anitema Talamoni** to a three-year term to expire March 31, 2022.

Reappointing **Saiyare Refaei** to a three-year term to expire March 31, 2022.

Reappointing **Jason Gamboa** to fill an unexpired term to expire March 31, 2020, followed by a three-year term to expire March 31, 2023.

Reassigning **Alma Vargas** to the "Youth or Young Adult" position for a three-year term to expire March 31, 2022.



RESOLUTION NO. 40260

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 Asphalt Patch Systems, in the amount of \$397,703.00, plus a 15 percent
4 contingency, for a cumulative total of \$457,358.45, plus applicable taxes,
5 budgeted from the Transportation Capital Fund, for the installation of
6 missing link sidewalk, ADA-compliant curb ramps, and video-detection
7 signal improvements, pursuant to Specification No. PW18-0389F.

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 Asphalt Patch Systems, in the amount of \$397,703.00,
20 plus a 15 percent contingency, for a cumulative total of \$457,358.45, plus
21 applicable taxes, budgeted from the Transportation Capital Fund, for the
22 installation of missing link sidewalk, ADA-compliant curb ramps, and
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video-detection signal improvements, pursuant to Specification No. PW18-0389F,
consistent with Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 40261

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 Transpo Group USA Inc, in the amount of \$200,000, plus applicable taxes,
4 budgeted from the Street Fund, to provide routine and emergency traffic
5 engineering and analysis services, pursuant to the Architectural &
6 Engineering Roster.

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

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

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

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

17 Section 2. That the proper officers of the City are hereby authorized to
18 enter into a contract with Transpo Group USA Inc, in the amount of \$200,000,
19 plus applicable taxes, budgeted from the Street Fund, to provide routine and
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emergency traffic engineering and analysis services, pursuant to the Architectural & Engineering Roster, consistent with Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 40262

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 KPG PS, in the amount of \$200,000, plus applicable taxes, budgeted from
4 the Street Fund, to provide routine and emergency traffic engineering and
5 analysis services, pursuant to the Architectural & Engineering Roster.

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

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

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

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

16 Section 2. That the proper officers of the City are hereby authorized to
17 enter into a contract with KPG PS, in the amount of \$200,000, plus applicable
18 taxes, budgeted from the Street Fund, to provide routine and emergency traffic
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engineering and analysis services, pursuant to the Architectural & Engineering Roster, consistent with Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 40263

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with Systems for Public Safety, Inc., in the amount of \$2,100,000, plus
4 applicable taxes, budgeted from the Fleet Equipment Rental Fund, for
the upfit of law enforcement vehicles, pursuant to the City of Fife
Request for Bids.

5 WHEREAS the City has complied with all applicable laws and processes
6 governing the acquisition of those supplies, and/or the procurement of those
7 services, inclusive of public works, as is shown by the attached Exhibit "A,"
8 incorporated herein as though fully set forth, and
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10 WHEREAS the Board of Contracts and Awards has concurred with the
11 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

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

13 Section 1. That the Council of the City of Tacoma concurs with the Board of
14 Contracts and Awards to adopt the recommendation for award as set forth in the
15 attached Exhibit "A."
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17 Section 2. That the proper officers of the City are hereby authorized to enter
18 into a contract with Systems for Public Safety, Inc., in the amount of \$2,100,000,
19 plus applicable taxes, budgeted from the Fleet Equipment Rental Fund, for the
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1 upfit of law enforcement vehicles, pursuant to the City of Fife Request for Bids,
2 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. 40264

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with Ben-Ko Matic, dba Owen Equipment Co, in the amount of
4 \$1,100,000, plus applicable taxes, budgeted from the Environmental
5 Services Surface Water Fund, for the purchase of two combination
6 jet/vacuum sewer cleaner (Vactor) trucks, pursuant to Sourcewell
7 Contract No. 122017-FSC.

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 Ben-Ko Matic, dba Owen Equipment Co, in the amount
20 of \$1,100,000, plus applicable taxes, budgeted from the Environmental Services
21 Surface Water Fund, for the purchase of two combination jet/vacuum sewer
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1 cleaner (Vactor) trucks, pursuant to Sourcewell Contract No. 122017-FSC,
2 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. 40265

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 Pape Machinery Inc, in the amount of \$300,000, plus applicable taxes,
4 budgeted from the Fleet Equipment Rental Fund, for the purchase of one
5 Dynapac F800T asphalt paver, pursuant to HGACBuy Contract No. SM10-18.

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

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

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

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

16 Section 2. That the proper officers of the City are hereby authorized to enter
17 into a contract with Pape Machinery Inc, in the amount of \$300,000, plus applicable
18 taxes, budgeted from the Fleet Equipment Rental Fund, for the purchase of one
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1 Dynapac F800T asphalt paver, pursuant to HGACBuy Contract No. SM10-18,
2 consistent with Exhibit "A."

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4 Adopted _____

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6 _____
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. 40266

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the increase and extension of
3 Contract No. C267-V2-(CW2224013) with P & M Holding Group LLP and
4 Contract No. C283-(CW2222763) with Stergion Group, Inc., in the amount
5 of \$701,000, plus applicable taxes, for a cumulative total of \$900,000,
6 budgeted from the Information Systems Fund, for supplemental project
7 management support and services through December 31, 2020, pursuant
8 to Specification No. DOC1062122436.

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

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

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

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

20 Section 2. That the proper officers of the City are hereby authorized to
21 increase Contract No. C267-V2-(CW2224013) with P & M Holding Group LLP
22 and Contract No. C283-(CW2222763) with Stergion Group, Inc., in the amount
23 of \$701,000, plus applicable taxes, for a cumulative total of \$900,000, budgeted
24 from the Information Systems Fund, for supplemental project
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management support and services through December 31, 2020, pursuant to
Specification No. DOC1062122436, consistent with Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 40267

1 A RESOLUTION relating to human services; authorizing the execution of an
2 amendment to the agreement with Tacoma School District No. 10, d.b.a.
3 Tacoma Public Schools, in the amount of \$291,833.76, for a cumulative
4 contract amount of \$909,669.76, budgeted from the General Fund and
5 Mental Health Substance Use Disorder Fund, for the purpose of funding
6 the Tacoma Whole Child Initiative for the period of April 1, 2019, through
7 December 31, 2020.

8 WHEREAS, on December 4, 2018, pursuant to Resolution No. 40177, the
9 City Council approved contracts with 21 vendors for the 2019-2020 Biennium, to
10 support the delivery of human and social support services, and

11 WHEREAS, effective January 1, 2019, the City entered into a contract with
12 Tacoma School District No. 10, d.b.a. Tacoma Public Schools ("TPS"), in the
13 amount of \$617,836, for recruitment and training of school-based mental health
14 intervention teams and coaching to all TPS staff on restorative justice, and

15 WHEREAS the Tacoma Whole Child Initiative ("TWCI") was one of the
16 programs sustained at 2017-2018 funding levels; however, the program was not
17 included in the initial contract, and

18 WHEREAS the TWCI provides universal screenings and mental health
19 interventions to elementary and middle school students, with the purpose of
20 conducting school-based mental health intervention in TPS as an integral part of
21 developing a district-wide, multi-tiered system of social, emotional, and behavioral
22 support, and

23 WHEREAS a total of 24 elementary schools and two middle schools are
24 supported through the project, and
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WEHREAS staff is recommending that the proposed amendment in the amount of \$291,833.76, for a cumulative contract total of \$909,669.76, budgeted from the General Fund and the Mental Health Substance Use Disorder Fund, be approved for the purpose of funding the TWCI Program for the period of April 1, 2019, through December 31, 2020; 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 amendment to the agreement with Tacoma School District No. 10, d.b.a. Tacoma Public Schools, in the amount of \$291,833.76, for a cumulative contract amount of \$909,669.76, budgeted from the General Fund and Mental Health Substance Use Disorder Fund, for the purpose of funding the Tacoma Whole Child Initiative Program for the period of April 1, 2019, through December 31, 2020, said document to be substantially in the form of the amendment on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 40268

1 A RESOLUTION relating to community and economic development; authorizing
2 the execution of a Purchase and Sale Agreement, Development
3 Agreement, and Public Benefits Agreement with Surge Tacoma d.b.a.
4 Tacoma Old City Hall LLC, in the total amount of \$4 million, for the
5 development of City-owned property known as Old City Hall, located at
6 625 South Commerce Street, into a residential and commercial mixed-use
7 property.

8 WHEREAS, on June 19, 2015, the City purchased Old City Hall, located at
9 625 South Commerce Street (“Property”), for \$4 million, and
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11 WHEREAS the property had deteriorated significantly and fallen into
12 disrepair, and the acquisition was made to slow further degradation and repurpose
13 the distinguished Tacoma historical landmark for viable adaptive reuse, and
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15 WHEREAS, in late 2015, pursuant to a Request for Information process,
16 the City selected a developer to rehabilitate the property, but the project could
17 not proceed for several reasons, and
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19 WHEREAS, on May 29, 2018, the City issued a Request for
20 Proposals (“RFP”) and received five submittals, including a proposal from Surge
21 Tacoma d.b.a. Tacoma Old City Hall LLC (“Developer”), and in late 2018, the
22 City Manager authorized staff to negotiate a Purchase and Sale Agreement,
23 Development Agreement, and Public Benefits Agreement with the Developer to
24 develop a residential and commercial use project, and
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26 WHEREAS the Developer will purchase the Property in an “as-is,”
“where-is” condition, for \$2 million cash, with an additional expected value of
\$2 million, as follows: (1) Reduced rent to the Tacoma Historical Society, in the
amount of \$287,500; (2) Entrepreneurial Education Program, in the amount of



\$1,245,300; and (3) Affordable and Market Rate Housing, in the amount of

1 \$467,200, all as more particularly set forth in the Public Benefits Agreement, and

2 WHEREAS the estimated \$15 million retrofit proposed by the Developer will

3 benefit a broad cross-section of Tacoma residents and visitors by renovating an

4 historic and architectural landmark, positively impacting development and

5 investment opportunities, increasing the City's tax base, and creating approximately

6 100 construction and 150 full-time office, retail, and service jobs, and

7 WHEREAS the project will also incorporate equity, enable entrepreneurship,

8 provide approximately 40 housing units, and support tourism to enhance the City's

9 vitality, and

10 WHEREAS staff is recommending that the proposed Purchase and Sale

11 Agreement, Development Agreement, and Public Benefits Agreement with the

12 Developer be approved; Now, Therefore,

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

14 That the proper officers of the City are hereby authorized to execute the

15 Purchase and Sale Agreement, Development Agreement, and Public Benefits

16 Agreement with Surge Tacoma d.b.a. Tacoma Old City Hall LLC, in the total

17 amount of \$4 million, to develop City-owned property known as Old City Hall,

18 located at 625 South Commerce Street, into a residential and commercial

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1 mixed-use property, said documents to be substantially in the form of the
2 agreements on file in the 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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Deputy City Attorney

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RESOLUTION NO. 40270

1 A RESOLUTION relating to the multi-family property tax exemption program;
2 authorizing the execution of a Multi-Family Housing Eight-Year Limited
3 Property Tax Exemption Agreement with Keppner Group LLC, for the
4 development of 180 multi-family market-rate rental housing units to be
located at 2515 South Jefferson Avenue in the Downtown Regional
Growth Center.

5 WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of
6 Washington, designated several Residential Target Areas for the allowance of a
7 limited property tax exemption for new multi-family residential housing, and
8

9 WHEREAS the City has, through Ordinance No. 25789, enacted a program
10 whereby property owners in Residential Target Areas may qualify for a Final
11 Certificate of Tax Exemption which certifies to the Pierce County
12 Assessor-Treasurer that the owner is eligible to receive a limited property tax
13 exemption, and
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15 WHEREAS Keppner Group LLC, is proposing to develop 180 market-rate
16 rental units to consist of 37 studio units, with an average size of 450 square feet
17 and renting for approximately \$1,300 per month; 103 one-bedroom, one-bath units
18 with an average size of 625 square feet and renting for approximately \$1,600 per
19 month; 38 two-bedroom, two bath units with an average size of 900 square feet and
20 renting for approximately \$1,900 per month; and two three-bedroom, two bath units
21 with an average size of 1,100 square feet and renting for approximately \$2,200 per
22 month, as well as 3,877 feet of commercial space, 170 residential parking spaces,
23 and 80 non-residential parking spaces, and
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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 2515 South Jefferson Avenue 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 Keppner Group LLC, for the property located at 2515 South Jefferson Avenue in the Downtown 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



1 Keppner Group LLC, said document to be substantially in the form of the proposed
2 agreement on file in the office of the City Clerk.

3
4 Adopted _____

5

6 _____
7 Mayor

8 Attest:

9 _____
10 City Clerk

11 Approved as to form:

12 Legal description approved:

13 _____
14 Deputy City Attorney

15 _____
16 Chief Surveyor
17 Public Works Department

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EXHIBIT "A"

LEGAL DESCRIPTION

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Tax Parcel: 2025080010

Legal Description:

That portion of the Southwest Quarter of the Northwest Quarter of Section 09, Township 20 North, Range 03 East of the Willamette Meridian, more particularly described as follows:

Lots 1 through 10, inclusive, Block 2508, Tacoma Land Company's First Addition to Tacoma, W.T., according to Plat recorded July 7, 1884, in Pierce County, Washington.

Tax Parcel: 2025080011

Legal Description:

That portion of the Southwest Quarter of the Northwest Quarter of Section 09, Township 20 North, Range 03 East of the Willamette Meridian, more particularly described as follows:

A parcel of land in the City of Tacoma, County of Pierce, State of Washington, bounded as follows:

On the North by the South line of South 25th Street; On the East by the Westerly boundary of that certain 20-foot wide strip of land described as "Main Line Parcel 'H' South 25th Street to South" in deed from BNSF Railway Company to the City of Tacoma, filed August 21, 2014 as Instrument Number 201408210506, Office of the Pierce County, Auditor; On the South by the Easterly prolongation of the South line of Lot 10, Block 2508 of the Tacoma Land Company's First Addition to Tacoma, W.T., according to the Plat filed for record July 7, 1884 in the Office of the Pierce County Auditor and on the West by the Easterly boundary of said Block 2508.

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



RESOLUTION NO. 40271

1 A RESOLUTION relating to the multi-family property tax exemption program;
2 authorizing the execution of a Multi-Family Housing Eight-Year Limited
3 Property Tax Exemption Agreement with Ethos Fawcett LLC, for the
4 development of 116 multi-family market-rate rental housing units to be
5 located at 1351 Fawcett Avenue in the Downtown Regional Growth Center.

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

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

14 WHEREAS Ethos Fawcett LLC, is proposing to develop 116 market-rate
15 rental units to consist of 85 studio units, with an average size of 300 square feet
16 and renting for approximately \$1,100 per month; 18 two-bedroom, one-bath units
17 with an average size of 615 square feet and renting for approximately \$1,540 per
18 month; and 13 three-bedroom, two-bath units with an average size of 870 square
19 feet and renting for approximately \$2,300 per month; as well as 20 residential
20 parking spaces, and nine non-residential parking spaces, and

21 WHEREAS the Director of Community and Economic Development has
22 reviewed the proposed property tax exemption and recommends that a conditional
23 property tax exemption be awarded for the property located at 1351 Fawcett Avenue
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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 Ethos Fawcett LLC, for the property located at 1351 Fawcett Avenue 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 Ethos Fawcett LLC, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Legal description approved:

Deputy City Attorney

Chief Surveyor
Public Works Department



EXHIBIT "A"

LEGAL DESCRIPTION

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Tax Parcel: 2013090140

Legal Description:

That portion of the Northwest Quarter of the Southwest Quarter of Section 04, Township 20 North, Range 03 East of the Willamette Meridian, more particularly described as follows:

South One-half of Lot 24, All of Lots 25 & 26, Block 1309, Map of New Tacoma, W.T., according to Plat filed for record February 3, 1875, in the Office of the County Auditor.

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



RESOLUTION NO. 40272

1 A RESOLUTION relating to the Click! Network; approving the execution of an
2 agreement between the Department of Public Utilities, Light Division
3 (d.b.a. "Tacoma Power"), and Rainier Connect to negotiate in good faith
4 formal partnership contracts related to the operation and use of the Click!
Network; setting a time frame for negotiations; and authorizing a
conditional extension of that time frame.

5 WHEREAS, in July 2018, the City Council and Public Utility Board ("Board")
6 directed CTC Technology & Energy ("CTC") to negotiate with Rainier Connect,
7 Wave Broadband, and Yomura Fiber to develop formal partnership proposals
8 regarding the operation and use of the Click! Network that further the City's
9 12 policy goals, and
10

11 WHEREAS, in Fall 2018, as part of the negotiation process, the City began a
12 formal process of outreach to seek feedback from community members, Click!
13 customers, employees, ratepayers, businesses, and current Click! Network
14 business partners on the 12 policy goals, and
15

16 WHEREAS CTC, with representatives from the Department of Public
17 Utilities, Light Division (d.b.a. "Tacoma Power"), City Attorney's Office, and the
18 City's Office of Media and Communications, spent extensive time meeting with the
19 prospective partners to discuss and negotiate term sheet proposals, and
20

21 WHEREAS negotiations with Yomura Fiber ended due to incompatibility
22 regarding control of fiber used by Tacoma Power and current federal security
23 regulations, and
24

25 WHEREAS negotiations with Wave Broadband and Rainier Connect led to
26 completed term sheets, and



WHEREAS the two term sheets were presented to the Council and Board at
 a Joint Study Session on March 5, 2019, and

WHEREAS a summary of the key differences between the two term sheet
 proposals are as follows:

Wave Broadband	Rainier Connect
Proposes to pay net \$1 million/year (\$1.5 million less electricity cost)	Proposes to pay \$2.5 million/year, increasing to \$3 million in year 5
Does not participate in federal Lifeline subsidy program	Participates in federal Lifeline subsidy program (\$9.25/mo. for qualified consumers)
Will not sell to any entity with more than 33 percent market share	Will not sell to any entity with more than 25 percent market share
TPU can decline transfer of IRU interests based on legal, technical, or financial capacity of transferee	TPU can decline transfer that violates any of the 12 policy principles or based on legal, technical, and financial capacity
Offers good customer service guarantees	Offers exceptional customer service guarantees
Able easily to scale to meet IRU obligations	Capability to scale to meet IRU obligations

and

WHEREAS, although both term sheets meet and exceed the policy goals
 and represent optimal market outcomes, the Rainier Connect proposal offers
 higher compensation and better terms than the Wave Broadband proposal;
 therefore, CTC recommends that TPU and the City negotiate a formal partnership
 arrangement with Rainier Connect to operate and use the Click! Network, and

WHEREAS the Public Utility Board conducted public meetings on
 March 13, 2019, and March 18, 2019, seeking input from all interested parties
 on the partnership proposals and recommendation, and

WHEREAS the City Council and Board have diligently reviewed the
 proposals and comments from interested parties, and believe it is in the best



1 interests of Tacoma Power ratepayers and customers of Click! Network to
2 negotiate a formal partnership arrangement with Rainier Connect

3 WHEREAS, by adoption of Public Utility Board Resolution No. U-11070
4 at its Special Meeting of March 18, 2019, the proposed negotiations between
5 Tacoma Power and Rainer Connect were approved, pending confirmation from
6 the City Council; Now, Therefore,

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

8 Section 1. That the request of the Director of Utilities, to execute an
9 agreement on behalf of the Department of Public Utilities, Light Division (d.b.a.
10 "Tacoma Power"), with Rainier Connect to negotiate in good faith, formal
11 partnership contracts related to the operation and use of the Click! Network, is
12 hereby approved.
13

14 Section 2. That it is expected that such contracts will be ready for review
15 and approval by both the Tacoma Utility Board ("Board") and City Council by the
16 end of June 2019; however, if the parties are making substantial progress and
17 agree to continue negotiations, then the Director of Utilities and City Manager
18 are authorized to jointly extend the deadline for negotiations. In the event the
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deadline is extended, the Director of Utilities and City Manager shall provide the Board and City Council with regular updates on the progress of such negotiations.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

Requested by Public Utility Board
Resolution No. U-11070



RESOLUTION NO. 40273

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS BEALE,
2 IBSEN, AND MELLO

3 A RESOLUTION relating to the Tacoma Employees' Retirement System; urging
4 Tacoma Employees' Retirement System ("TERS") staff and the TERS
5 Board of Administration to consider/analyze the investment risks from
6 climate change, and explore ways to potentially reduce exposure to carbon
7 intensive companies, such as fossil fuel producers, in TERS' investment
8 portfolio, subject to the TERS staff and Board continuing to meet their
9 primary fiduciary responsibilities to TERS members.

10 WHEREAS the City of Tacoma and the Puget Sound Region is
11 experiencing sea level rise, increasing temperatures, changes in precipitation, a
12 long-term decline in snow and ice, and ocean acidification, and

13 WHEREAS these trends are projected to continue and accelerate in the
14 coming decades, increasing the potential for flooding, landslides, summer drought,
15 wildfire, disruption of ecological communities, and other impacts in our region, and

16 WHEREAS these impacts increase risks to public health, infrastructure,
17 safety, local economies, and the environment, and

18 WHEREAS most climate scientists agree the main cause of the current
19 climate change is due to an increase in greenhouse gas emissions produced by
20 human activities, which includes the production and burning of carbon intensive
21 fossil fuels, and

22 WHEREAS, on May 1, 2018, a local family foundation made a presentation
23 to the Government Performance and Finance Committee ("GPFC") regarding their
24 experience with divestment of fossil fuel related companies, and

25 WHEREAS, after that presentation, the GPFC Chair requested information
26 from the Retirement Director regarding how the foundation's experience may or



may not relate to the investment approach utilized by the Tacoma Employees' Retirement System ("TERS"), and

WHEREAS the Retirement Fund, created pursuant to Tacoma City Charter Section 6.10 and Tacoma Municipal Code 1.30.460, is a \$1.7 billion trust fund maintained to support the current and future retirement benefits for the System's 3,000 active members and 3,000 deferred/retired members and beneficiaries, and

WHEREAS the assets are overseen by the TERS Board of Administration ("Board"), which bears a fiduciary responsibility to act for the exclusive benefit of TERS plan participants and beneficiaries, and to administer the plan efficiently and properly, and

WHEREAS volatility in security prices, including the price of fossil fuels, brings with it risks that must be overseen and managed by the Board, and

WHEREAS the City Council recognizes that TERS is a valued City employee benefit and a significant tool in employee recruitment and retention, and

WHEREAS the continued strong financial position of TERS is of critical importance to the City, and to active and retired TERS members, and

WHEREAS one important determinant of TERS' financial strength is the strategic asset allocation adopted by the Board, which directs the System's investments, and

WHEREAS the TERS Board of Administration bears a fiduciary responsibility to act for the exclusive benefit of the plan participants and beneficiaries; Now,

Therefore,



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

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That the City Council urges Tacoma Employees' Retirement System ("TERS") staff and the TERS Board of Administration ("Board") to consider/analyze the investment risks from climate change and explore ways to potentially reduce exposure to carbon intensive companies, such as fossil fuel producers, in the System's investment portfolio, subject to the TERS staff and Board continuing to meet their primary fiduciary responsibilities to TERS members.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



ORDINANCE NO. 28577

1 AN ORDINANCE amending Chapter 12.01 of the Municipal Code, relating to
2 Utility Charges, to extend the waiver of power and water utility connection
3 and inspection fees for cities in Tacoma Power and Tacoma Water service
4 territories during the current declared state of emergency, relating to the
5 conditions of homeless encampments located in the City, retroactive to
6 January 1, 2019, and sunseting on December 31, 2019; and declaring an
7 emergency, making necessary the passage of this ordinance and it
8 becoming effective immediately.

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

13 WHEREAS, on May 9, 2017, the City Council passed Ordinance No. 28430
14 (“Emergency Ordinance”), declaring a state of public health emergency relating to
15 the conditions of homeless encampments located in the City, effective through
16 October 9, 2017, and

17 WHEREAS, on June 6, 2017, by motion, the City Council approved a
18 temporary emergency aid and shelter plan with a three-phased approach
19 (Mitigation, Stabilization, and Short-Term Transitional Housing) at a projected cost
20 of \$3.4 million, and

21 WHEREAS, on July 12, 2017, pursuant to Resolution U-10942, the Public
22 Utility Board authorized the waiver of connection and inspection fees, upon request,
23 for cities within Tacoma Power and Tacoma Water’s service territories providing
24 facilities for sheltering low-income and/or infirm persons, effective through
25 October 9, 2017, and
26



1 WHEREAS Ordinance No. 28440, passed July 18, 2017, authorized the
2 waiver of said connection and inspection fees through October 9, 2017, and further
3 provided that the City Council review the conditions giving rise to the public health
4 emergency to determine whether such conditions warranted keeping in place the
5 extraordinary measures authorized to respond to the public health emergency, and
6

7 WHEREAS after review, the City Council passed Ordinance No. 28457 on
8 October 3, 2017, extending the sunset date of the public emergency declaration
9 made pursuant to the Emergency Ordinance from October 9, 2017, to
10 December 31, 2017, and

11 WHEREAS, on December 12, 2017, the City Council passed Ordinance
12 No. 28477, extending the sunset date of the public emergency declaration from
13 December 31, 2017, to December 31, 2018, and

14 WHEREAS, on December 4, 2018, the City Council passed Ordinance
15 No. 28565, extending the sunset date of the public emergency declaration from
16 December 31, 2018, to December 31, 2019, and

17 WHEREAS the City Council conducted a third review of the conditions
18 giving rise to the declaration of a public emergency and determined that the
19 continuing and ongoing threat of significant harm to human health and life arising
20 from the conditions in homeless encampments, as described in the Emergency
21 Ordinance, have not yet been abated by the City's actions, resulting in the
22 continued existence of the public emergency as declared pursuant to the
23 Emergency Ordinance, and
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WHEREAS the Public Utility Board believes it is in the best interests of the utility rate payers and the community at large to continue to provide for utility services for the poor and infirm during the current declared state of emergency by extending the waiver of connection and inspection fees for cities in Tacoma Power and Tacoma Water’s service territories establishing facilities for the sheltering of low-income and/or infirm persons to December 31, 2019, and

WHEREAS Section 4.11 of the Tacoma City Charter requires that all matters relating to the “incurring of indebtedness . . . shall be initiated by the Board, subject to approval by the Council, and executed by the Board,” prior to acceptance of the Agreement, and

WHEREAS, by adoption of Public Utility Board Resolution No. U-11050 on December 12, 2018, the proposed extension of waiver was approved, pending confirmation from the City Council; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 12.01 of the Tacoma Municipal Code, relating to Utility Charges, is hereby amended as set forth in the attached Exhibit “A.”

Section 2. That, due to the existence of a previously declared public emergency, as declared in Ordinance No. 28565, this ordinance is effective upon



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passage by an affirmative vote of at least six members of the City Council, and the amendment Chapter 12.01 of the Tacoma Municipal Code is made retroactive to January 1, 2019.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

Requested by Public Utility Board
Resolution No. U-11050



EXHIBIT "A"

**Chapter 12.01
UTILITY CHARGES**

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Sections:

- 12.01.010 Utility services establishment.
- 12.01.020 Utility field collection call.
- 12.01.030 Invoicing and late payment fee.
- 12.01.040 Residential conservation loan program charges – Light Division.
- 12.01.050 Waiver of utility connection and inspection charges during declared emergency.

* * *

* * *

12.01.050 Waiver of utility connection and inspection charges during declared emergency.

Pursuant to Washington State Constitution Article VIII, section 7, and RCW 35.92.380, upon request, the Director of Utilities is authorized to waive all electric and water connection and inspection fees for cities (including the City of Tacoma) within Tacoma Power and Tacoma Water service territories that are providing facilities for sheltering low-income and/or infirm persons. Such authority is contingent upon the city passing an ordinance declaring a state of public health emergency. This section shall sunset on December 31, 2019~~8~~.