Resolution No. 40635
A resolution setting Thursday, September 10, 2020, at 1:30 p.m., as the date for a hearing by the Hearing Examiner on the request to vacate a portion of the dead-end South 74th Street, lying between South Hosmer Street and Washington State right-of-way for Interstate 5.
(Dean Paulson, LLC; File No. 124.1414)
[Teague Pasco, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40636
A resolution recommending the Tacoma-Pierce County Health Department utilize its influence and establish communication with the ICE Health Service personnel at the Northwest ICE Processing Center (Center) to advocate for protection against viral outbreaks, including testing for COVID-19, practicing social distancing, and personal protective equipment, for those detained at the Center.
[Nick Bayard, Assistant Chief Equity Officer; Diane Powers, Director, Office of Equity and Human Rights]
RESOLUTION NO. 40635

A RESOLUTION relating to the vacation of City right-of-way; setting Thursday, September 10, 2020, at 1:30 p.m., as the date for a hearing before the City of Tacoma Hearing Examiner on the petition of Dean Paulson, LLC, to vacate a portion of the dead-end South 74th Street, lying between South Hosmer Street and Washington State right-of-way for Interstate 5.

WHEREAS Dean Paulson, LLC, having received the consent of the owners of more than two-thirds of the properties abutting the portion of the dead-end South 74th Street, lying between South Hosmer Street and Washington State right-of-way for Interstate 5, has petitioned for the vacation of the following legally described right-of-way area:

That portion of South 74th Street as conveyed to the City of Tacoma by Deed recorded November 29, 1962, under Auditor's Fee No. 1989469, records of Pierce County, more particularly described as follows:

Commencing at the intersection of the easterly line of the South 72nd Street Interchange as described in Fee No. 1690005, with the south line of Tract 17, Map of Wapato Lake Views, according to Plat recorded in Book 2 of Plats at Page 129, records of Pierce County Auditor; Thence southwesterly along said easterly line to an intersection with the north line of South 74th Street as described in said Deed No. 1989469, being 240 feet south and parallel with said south line of Tract 17, said intersection being the True Point of Beginning;

Thence east along said north line a distance of 241 feet more or less to the line described in Pierce County Superior Court Cause No. 301351, recorded under recording number 8103180217, records of Pierce County Auditor, specifically, at Highway’s Engineer Station (hereinafter referred to as HES) SH 4+81.78 on the SH Line Survey of SR5 and 42 feet distant northwesterly, when measured radially from said SH Line as depicted in drawings entitled SR-5 Tacoma Freeway: South City Limits to Pacific Avenue Right-of-Way, dated January 1957, on file in the office of the Director of Transportation, Olympia, Washington; Thence southwesterly, parallel with and 42 feet northwesterly of said SH Line to intersect the south line of South 74th Street per said Deed No. 1989469, at HES SH 5+52.49;
Thence west along said south line a distance of 236 feet more or less to the easterly line of said South 72nd Street Interchange as described in Fee No. 1690005; Thence northeasterly along said easterly line a distance of 62.5 feet more or less to the Point of Beginning;

Being within the Northwest Quarter of the Southwest Quarter of Section 29, Township 20 North, Range 03 East of the W.M., all situate in the City of Tacoma, County of Pierce, State of Washington;

Now, Therefore,

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

Section 1. That Thursday, September 10, 2020, at 1:30 p.m., is hereby fixed as the date and time, and the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, in the City of Tacoma, as the place when and where said request will be heard, or alternatively, a call in option will be provided until the end of the COVID-19 emergency, by the Hearing Examiner and his recommendations thereafter transmitted to the Council of the City of Tacoma.
Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted ________________

___________________________
Mayor

Attest:

___________________________
City Clerk

Approved as to form: Property description approved:

___________________________
Deputy City Attorney

Chief Surveyor

Public Works Department

Location: A portion of the dead-end South 74th Street, lying between South Hosmer Street and Washington State right-of-way for Interstate 5.

Petitioner: Dean Paulson, LLC

File No.: 124.1414
RESOLUTION NO. 40636

BY REQUEST OF MAYOR WOODARDS, AND COUNCIL MEMBERS BEALE AND WALKER

A RESOLUTION relating to public health and safety; recommending the Tacoma-Pierce County Health Department utilize its influence and establish communication with the ICE Health Service personnel at the Northwest ICE Processing Center to advocate for protection against viral outbreaks, including testing for COVID-19, practicing social distancing, and personal protective equipment for those detained at the Center.

WHEREAS, the Mayor and City Council of the City of Tacoma, Washington, as the governing body, are responsible to be vigilant and advocate for the health, safety, and welfare of the residents, employees, businesses, and visitors within the City, including persons in detention and correctional facilities, and

WHEREAS, the City of Tacoma’s 2020 legislative agenda calls for Congress to pursue legislation that ends the use of privately-operated prisons and instead utilizes alternatives to immigrant detention, and supports the Dignity for Detainees Act that would restore dignity and justice to the broken immigrant detention system, and

WHEREAS, the City Council finds the federal government’s Immigration and Naturalization Services operations were reorganized as a response to the events of September 11, 2001, and, based on fear and xenophobia the Department of Homeland Security (“DHS”) and Immigration and Customs Enforcement (“ICE”) divisions were created to take a hard stance against immigration, and

WHEREAS, the City Council further finds that ICE operations are rooted in systemic racism and are dehumanizing to immigrant communities throughout the nation, and should therefore be eliminated by the federal government and replaced...
with an anti-racist agency that humanely and equitably implements immigration
laws and fights to eradicate human trafficking, and

WHEREAS, racial profiling continues to drive the detention of immigrants,
where 87 percent of all detainees are from Mexico and the Northern Triangle of
Central America, and only 1 percent are from Europe, and data from DHS
indicates that immigrants of African descent are more likely to be detained than
other immigrants, mirroring the severe racial disproportionality of incarceration in
United States prisons, and

WHEREAS, the Northwest ICE Processing Center ("NWIPC") is a 1,575 bed
facility, privately owned and operated by GEO Group, Inc. on behalf of ICE, and is
located in the City of Tacoma, inside a Port Maritime Industrial District that is not
currently zoned for long-term residence or detention, and

WHEREAS, ICE has the power to parole and/or set bonds for those who are
detained at NWIPC to be released and continue their cases in non-detained
immigration courts, and

WHEREAS, the U.S. immigration detention system holds people for
indefinite periods of time as they undergo deportation proceedings, which are a
civil procedure and not part of the criminal justice system, and

WHEREAS, jails and prisons are especially susceptible to outbreaks of
disease and other ICE detention facilities around the nation have had outbreaks of
COVID-19, and

WHEREAS, NWIPC has a history of outbreaks such as Mumps and
Varicella at their facility in both 2018 and 2019, and
WHEREAS, the detention center has had a history of allegations and complaints of medical negligence and poor sanitation, and

WHEREAS, the novel coronavirus that causes COVID-19 has spread to the point of becoming a global pandemic, and virologists and epidemiologists are not able to predict how long it will take to subside, and

WHEREAS, there is evidence that the pandemic is deadlier and spreads faster in conditions of confinement such as cruise ships, nursing homes and, by extension, prisons, and

WHEREAS, some detainees inside NWIPC have risk factors that make them susceptible to the severest and deadliest symptoms of COVID-19, including age, diabetes, heart disease, and compromised immune systems, and the risk of an outbreak at NWIPC would be especially devastating and potentially fatal for these groups of people, and

WHEREAS, the grouping of people inside jails, prisons, and detention centers puts the collective health of the City of Tacoma at risk; facility staff and people newly detained or recently transferred can spark outbreaks by bringing the virus into facilities, while staff can take it back to their communities when they go home, and

WHEREAS, people in detention at NWIPC have reported to the media that social distancing is not practiced, Personal Protective Equipment is not widely available, soap is not widely available, and ongoing COVID-19 testing is not available inside the detention center, and
WHEREAS, detainees at the NWIPC were not tested for COVID-19 until a United States District Court ordered testing, and one of 450 tests was positive for COVID-19; 111 detainees refused to give their consent to be tested, and

WHEREAS, people in detention at NWIPC have protested these conditions and the risk of a COVID-19 outbreak in detention, and their own lack of control over their exposure to risk through hunger strikes and visual protest in the yard, forming the letters SOS with their bodies, and

WHEREAS, ICE has refused to be transparent about its public health practices following inquiries from the City, the Governor of the State of Washington, and members of Washington’s federal delegation such as Representative Adam Smith and Senator Maria Cantwell, and evidently has no plan for the eventuality of an outbreak in the detention center, and

WHEREAS, Senator Cory Booker and Representative Pramila Jayapal have introduced the Federal Immigrant Release for Safety and Security Together Act (“FIRST Act”), which would mandate the release of all those individuals younger than 21 years of age, older than 50 years, or with a listed health condition that makes them vulnerable to COVID-19, and

WHEREAS FIRST Act also establishes the presumption of release barring specific and substantive evidence of risk of physical harm to others, and

WHEREAS, people in detention at NWIPC and other detention centers report a new chemical, called Sani-T-10, being used as a disinfectant product, which poses risks to human health due to its corrosiveness, and if it is inhaled it is
toxic and can cause serious harm to the eyes and skin, and this product is recommended for use only outdoors or in well-ventilated areas and requires safety measures, including protective gloves, protective clothing, and eye and facial protection, and

WHEREAS, people in detention at NWIPC and other detention centers report that usage of Sani-T-10 is not following safety recommendations and is causing harm to detainees, including rashes, nose bleeds and eye irritation, and

WHEREAS, the City declared itself a Welcoming City to immigrants and refugees in Resolution No. 39116 in February of 2015; Now, Therefore,

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

Section 1. Hereby expresses its support for those detained at the Northwest ICE Processing Center (“NWIPC”) located in the City, who are unable to protect themselves from the COVID-19 pandemic while in detention.

Section 2. The City recommends the Tacoma-Pierce County Health Department utilize its influence and established channels of communication with the Immigration and Customs Enforcement (“ICE”) Health Services personnel at the NWIPC to advocate for protection against viral outbreaks, including through extensive testing for COVID-19, following medical guidelines to ensure the most accurate results of all individuals in detention and correctional facilities, sharing information regarding adherence to federal standards on COVID-19 protocol provided by ICE Health Services with the public, and recommending the Department of Homeland Security (“DHS”) cease any and all improper use of
Section 3. The City of Tacoma will continue to explore its authority at the local level for regulatory oversight of private detention center operations, including requirements and regulations for business licenses, in collaboration with state and federal level efforts as appropriate.


Section 5. The City calls for the systematic release under parole and bond of all those detained at the NWIPC, the end of transfers into and out of the NWIPC, and the suspension of business at the facility, for the duration of the COVID-19 pandemic.

Adopted ______________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney