



## Legislation Passed August 4, 2020

The Tacoma City Council, at its regular City Council meeting of August 4, 2020, 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. 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

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

5 WHEREAS Dean Paulson, LLC, having received the consent of the  
6 owners of more than two-thirds of the properties abutting the portion of the  
7 dead-end South 74th Street, lying between South Hosmer Street and  
8 Washington State right-of-way for Interstate 5, has petitioned for the vacation of  
9 the following legally described right-of-way area:  
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11 That portion of South 74th Street as conveyed to the City of Tacoma by  
12 Deed recorded November 29, 1962, under Auditor's Fee No. 1989469,  
records of Pierce County, more particularly described as follows:

13 Commencing at the intersection of the easterly line of the South 72nd  
14 Street Interchange as described in Fee No. 1690005, with the south line  
15 of Tract 17, Map of Wapato Lake Views, according to Plat recorded in  
16 Book 2 of Plats at Page 129, records of Pierce County Auditor;  
17 Thence southwesterly along said easterly line to an intersection with the  
18 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;

19 Thence east along said north line a distance of 241 feet more or less to  
20 the line described in Pierce County Superior Court Cause No. 301351,  
21 recorded under recording number 8103180217, records of Pierce County  
22 Auditor, specifically, at Highway's Engineer Station (hereinafter referred  
23 to as HES) SH 4+81.78 on the SH Line Survey of SR5 and 42 feet  
24 distant northwesterly, when measured radially from said SH Line as  
25 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;

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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.



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Section 2. That the Clerk of the City of Tacoma 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

Property description approved:  
  
\_\_\_\_\_  
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

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

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

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

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

18 WHEREAS, the City Council finds the federal government's Immigration and  
19 Naturalization Services operations were reorganized as a response to the events  
20 of September 11, 2001, and, based on fear and xenophobia the Department of  
21 Homeland Security ("DHS") and Immigration and Customs Enforcement ("ICE")  
22 divisions were created to take a hard stance against immigration, and  
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24 WHEREAS, the City Council further finds that ICE operations are rooted in  
25 systemic racism and are dehumanizing to immigrant communities throughout the  
26 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



1           WHEREAS, the detention center has had a history of allegations and  
2 complaints of medical negligence and poor sanitation, and

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

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

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

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

19           WHEREAS, people in detention at NWIPC have reported to the media that  
20 social distancing is not practiced, Personal Protective Equipment is not widely  
21 available, soap is not widely available, and ongoing COVID-19 testing is not  
22 available inside the detention center, and



1           WHEREAS, detainees at the NWIPC were not tested for COVID-19 until a  
2 United States District Court ordered testing, and one of 450 tests was positive for  
3 COVID-19; 111 detainees refused to give their consent to be tested, and  
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5           WHEREAS, people in detention at NWIPC have protested these conditions  
6 and the risk of a COVID-19 outbreak in detention, and their own lack of control  
7 over their exposure to risk through hunger strikes and visual protest in the yard,  
8 forming the letters SOS with their bodies, and  
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10           WHEREAS, ICE has refused to be transparent about its public health  
11 practices following inquiries from the City, the Governor of the State of  
12 Washington, and members of Washington's federal delegation such as  
13 Representative Adam Smith and Senator Maria Cantwell, and evidently has no  
14 plan for the eventuality of an outbreak in the detention center, and  
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16           WHEREAS, Senator Cory Booker and Representative Pramila Jayapal have  
17 introduced the Federal Immigrant Release for Safety and Security Together Act  
18 ("FIRST Act"), which would mandate the release of all those individuals younger  
19 than 21 years of age, older than 50 years, or with a listed health condition that  
20 makes them vulnerable to COVID-19, and  
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22           WHEREAS FIRST Act also establishes the presumption of release barring  
23 specific and substantive evidence of risk of physical harm to others, and  
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25           WHEREAS, people in detention at NWIPC and other detention centers  
26 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





1 toxic and can cause serious harm to the eyes and skin, and this product is  
2 recommended for use only outdoors or in well-ventilated areas and requires safety  
3 measures, including protective gloves, protective clothing, and eye and facial  
4 protection, and

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

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

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

11 Section 1. Hereby expresses its support for those detained at the Northwest  
12 ICE Processing Center (“NWIPC”) located in the City, who are unable to protect  
13 themselves from the COVID-19 pandemic while in detention.  
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15 Section 2. The City recommends the Tacoma-Pierce County Health  
16 Department utilize its influence and established channels of communication with  
17 the Immigration and Customs Enforcement (“ICE”) Health Services personnel at  
18 the NWIPC to advocate for protection against viral outbreaks, including through  
19 extensive testing for COVID-19, following medical guidelines to ensure the most  
20 accurate results of all individuals in detention and correctional facilities, sharing  
21 information regarding adherence to federal standards on COVID-19 protocol  
22 provided by ICE Health Services with the public, and recommending the  
23 Department of Homeland Security (“DHS”) cease any and all improper use of  
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1 disinfectant products like Sani-T-10 that further threaten the health and safety of  
2 those who are detained.

3 Section 3. The City of Tacoma will continue to explore its authority at the  
4 local level for regulatory oversight of private detention center operations, including  
5 requirements and regulations for business licenses, in collaboration with state and  
6 federal level efforts as appropriate.  
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8 Section 4. The City supports the Federal Immigrant Release for Safety and  
9 Security Together Act (FIRST Act).  
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11 Section 5. The City calls for the systematic release under parole and bond  
12 of all those detained at the NWIPC, the end of transfers into and out of the NWIPC,  
13 and the suspension of business at the facility, for the duration of the COVID-19  
14 pandemic.  
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16 Adopted \_\_\_\_\_  
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Mayor

19 Attest:  
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City Clerk

22 Approved as to form:  
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Deputy City Attorney  
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