



## Legislation Passed February 28, 2023

The Tacoma City Council, at its regular City Council meeting of February 28, 2023, 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. 41130**

A resolution authorizing the execution of a Quit Claim Deed and Master Utilities Easement Agreement, for the sale of Tacoma Rail Mountain Division right-of-way and operations situated outside of the City limits to Rainier Rail LLC, in the amount of \$2,210,000, to be deposited into the Tacoma Rail Mountain Division Fund, all in accordance with the Purchase and Sale Agreement.

[Alan Matheson, Assistant Rail Superintendent; Kurtis Kingsolver, Interim Deputy City Manager, City Manager's Office]

### **Resolution No. 41139**

A resolution awarding a contract to Brown and Caldwell, Inc., in the amount of \$2,247,921, plus applicable taxes, budgeted from the Wastewater Fund, for engineering design services for the North End Wastewater Treatment Plant trickling filter project - Architectural and Engineering Roster.

[Jordan Ennis, Project Engineer; Michael P. Slevin III, P.E., Director, Environmental Services]

### **Resolution No. 41140**

A resolution awarding a contract to Pacific Civil & Infrastructure, Inc., in the amount of \$5,587,102.35, plus applicable taxes, plus a 15 percent contingency, for a cumulative total of \$6,425,167.70, budgeted from various funds, for construction of the Manitou District Green Infrastructure Project - Specification No. ES21-0629F.

[John Burk, P.E., Science and Engineering Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services; Josh Diekmann, P.E. PTOE, Interim Director, Public Works]

### **Resolution No. 41141**

A resolution authorizing an increase to the contracts with:

- Metropolitan Development Council, in the amount of \$288,425, plus applicable taxes, for a projected contract total of \$745,736; and
- The Rescue Mission, in the amount of \$208,302, plus applicable taxes, for a projected contract total of \$6,438,302;

budgeted from various funds, for human services programs, for a total of \$7,184,038 - Specification Nos. NC22-0106F and NC22-0333F.

[Jason McKenzie, Resource Manager; Allyson Griffith, Director, Neighborhood and Community Services]

**Resolution No. 41142**

A resolution authorizing an increase to the contract with Retail Lockbox, Inc., in the amount of \$150,000, plus applicable taxes, for a cumulative total of \$600,000, budgeted from various departmental funds, for retail and wholesale lockbox services - Specification No. FI21-0595F.

[Michael San Soucie, Treasury Manager; Andy Cherullo, Director, Finance]

**Resolution No. 41143**

A resolution setting Thursday, April 6, 2023, at 1:30 p.m., as the date for a hearing by the Hearing Examiner on the request to vacate a portion of undeveloped South 35th Street, lying west of South "G" Street, to expand Lincoln High School's sports field and parking.

(Tacoma School District No. 10; File No. 124.1437)

[Kandi Bremer, Senior Real Estate Specialist; Josh Diekmann, P.E. PTOE, Interim Director, Public Works]

**Resolution No. 41144**

A resolution awarding a contract to Mountain Stone Aggregate LLC, in the amount of \$1,415,943.00, plus applicable taxes, plus a 10 percent contingency, for a cumulative total of \$1,557,537.30, budgeted from the Asphalt Plant Fund, for an initial contract period of three years, with the option to renew for two additional one-year periods, for a projected contract total of \$2,595,895.50, for the purchase of hot mix asphalt aggregates - Specification No. PW22-0338F

[Rae Bailey, Street Operations Division Manager; Josh Diekmann, P.E. PTOE, Interim Director, Public Works]

**Resolution No. 41145**

A resolution authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with A&A Property Holdings, LLC, for the development of 90 multi-family market-rate rental housing units, located at 201 North Yakima Avenue, in the Downtown Regional Growth Center.

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



## RESOLUTION NO. 41130

1 A RESOLUTION relating to rail operations; authorizing the execution of a Quit  
2 Claim Deed and Master Utilities Easement Agreement for the sale of the  
3 remaining available Tacoma Rail Mountain Division ("TRMW") right-of-way  
4 and operations situated outside of the City limits to Rainier Rail LLC, a  
5 Class III Common Carrier railroad, and transference of associated common  
6 carrier obligations consistent with Surface Transportation Board protocols,  
7 all in accordance with Purchase and Sale Agreement No. 3323 for  
8 consideration of \$2,210,000 to be deposited into the TRMW Fund.

9 WHEREAS, in 1990, the City accepted a donation from the Weyerhaeuser  
10 Company ("Weyerhaeuser") of 54.5 miles of railroad track, and in 1995, the City  
11 purchased another 77 miles of railroad track from Weyerhaeuser for \$3,159,457,  
12 and the Association of American Railroads assigned the railroad mark Tacoma  
13 Rail Mountain Division ("TRMW") to the assembled railroad corridor, and

14 WHEREAS at that time, the City had plans to build a "Train to the Mountain,"  
15 program which would include both passenger rail and bus service to Mount Rainier,  
16 and the acquisition of the railroad corridor was pursued for economic development  
17 purposes, specific to tourism, and

18 WHEREAS while there was some investment to upgrade various segments of  
19 the rail line, the overall cost to realize and maintain the initial vision was substantial,  
20 and from 2005-2011 the City attempted to form partnerships with a series of  
21 passenger excursion operations, however, they all failed as ridership was  
22 unsustainable, and

23 WHEREAS, in order to generate additional revenue for planned passenger  
24 operations and maintenance, the City also utilized the line to re-establish freight rail  
25 service in the Frederickson area, and this line's current annual traffic averages  
26



1 around 1,500 railcars, generating gross revenue of approximately \$1.2 million each  
2 year, and

3 WHEREAS these revenues are insufficient for long-term sustainability as  
4 operated by the City, and currently, the General Fund subsidizes the TRMW budget  
5 with \$400,000 per year, and  
6

7 WHEREAS ongoing subsidies from the General Fund would likely be  
8 necessary in perpetuity to sustain continued ownership and operations by the City,  
9 as economic development opportunities for freight rail on this rail line are infrequent  
10 due to the scarcity of developable property adjacent to the rail line, and  
11

12 WHEREAS the Public Works Department has administrative oversight for  
13 TRMW, which has structural features of rail line that include 11 bridges, 34 track  
14 switches, and 76 at-grade crossings (26 are signalized), and Tacoma Public Utilities-  
15 Tacoma Rail operates and maintains the railroad line on behalf of the City, and  
16

17 WHEREAS, in addition to the ongoing routine maintenance costs, there is a  
18 projected \$40 million capital investment need over the next ten years to make  
19 necessary improvements to tracks, bridges, and crossing surfaces between Tacoma  
20 and Frederickson, and

21 WHEREAS, City staff has negotiated Purchase and Sale Agreement  
22 No. 3323 ("Agreement") with Rainier Rail LLC ("Rainier"), a Class III Common  
23 Carrier railroad, for the sale of the remaining available TRMW outside of the City  
24 limits, and  
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1           WHEREAS the Purchase and Sale Agreement outlines a purchase price of  
2 \$2,210,000, and the sale will be via Quit Claim Deed (As Is/No Warranties), and

3           WHEREAS Rainier will be assigned federal/state grant encumbrances  
4 applicable to the subject railroad, the City will indemnify against claims related to  
5 environmental conditions near Lake Kapowsin, and the City will receive a Master  
6 Utilities Easement Agreement for existing and future City utilities in the subject  
7 railroad right-of-way, and

8  
9           WHEREAS the proposed sale was presented to the Infrastructure, Planning,  
10 and Sustainability Committee on January 11, 2023, and

11  
12           WHEREAS, TRMW currently leases a segment of railroad to Rainier to  
13 provide service to Wilcox Farms, and both TRMW and Wilcox Farms have been  
14 satisfied with Rainier’s operational performance, and

15           WHEREAS, based on this information and additional customer research,  
16 TRMW is confident Rainier will be able to provide an adequate level of service to the  
17 additional railroad customers currently served by TRMW; Now, Therefore,

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

20           Section 1. That the proper officers of the City are hereby authorized to  
21 execute a Quit Claim Deed and Master Utilities Easement Agreement for the sale  
22 of the remaining available Tacoma Rail Mountain Division (“TRMW”) right-of-way  
23 and operations situated outside of the City limits to Rainier Rail LLC, a Class III  
24 Common Carrier railroad, as more specifically set forth in the documents on file  
25 in the office of the City Clerk.  
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Section 2. That the proper officers of the City hereby authorize the transference of associated common carrier obligations consistent with Surface Transportation Board protocols, all in accordance with Purchase and Sale Agreement No. 3323, for consideration of \$2,210,000 to be deposited into the TRMW Fund.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 41139

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 Brown  
3 and Caldwell, Inc., in the amount of \$2,247,921, plus applicable taxes,  
4 budgeted from the Wastewater Fund, for engineering design services for the  
5 North End Wastewater Treatment Plant trickling filter project, pursuant to  
6 the Architectural and 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."  
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Section 2. That the proper officers of the City are hereby authorized to enter into a contract with Brown and Caldwell, Inc., in the amount of \$2,247,921, plus applicable taxes, budgeted from the Wastewater Fund, for engineering design services for the North End Wastewater Treatment Plant trickling filter project, pursuant to the Architectural and Engineering Roster, consistent with Exhibit "A."

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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





## RESOLUTION NO. 41140

1 A RESOLUTION related to the purchase of materials, supplies or equipment,  
2 and the furnishing of services; authorizing the execution of a contract with  
3 Pacific Civil & Infrastructure, Inc., in the amount of \$5,587,102.35, plus  
4 applicable taxes, plus a 15 percent contingency, for a cumulative total of  
5 \$6,425,167.70, budgeted from various funds, for construction of the  
6 Manitou District Green Infrastructure Project, pursuant to Specification  
7 No. ES21-0629F.

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 Pacific Civil & Infrastructure, Inc., in the amount of  
20 \$5,587,102.35, plus applicable taxes, plus a 15 percent contingency, for a  
21 cumulative total of \$6,425,167.70, budgeted from various funds, for construction  
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1 of the Manitou District Green Infrastructure Project, pursuant to Specification  
2 No. ES21-0629F, 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. 41141

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and  
2 the furnishing of services; authorizing the increase of Contract  
3 No. CW2253167 with Metropolitan Development Council, in the amount of  
4 \$288,425, plus applicable taxes, for a projected contract total of \$745,736;  
5 and Contract No. CW2254946 with The Rescue Mission, in the amount of  
6 \$208,302, plus applicable taxes, for a projected contract total of \$6,438,302,  
7 budgeted from various funds, for human services programs, for a total of  
8 \$7,184,038, pursuant to Specification Nos. NC22-0106F and NC22-0333F.

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."  
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Section 2. That the proper officers of the City are hereby authorized to increase Contract No. CW2253167 with Metropolitan Development Council, in the amount of \$288,425, plus applicable taxes, for a projected contract total of \$745,736; and Contract No. CW2254946 with The Rescue Mission, in the amount of \$208,302, plus applicable taxes, for a projected contract total of \$6,438,302, budgeted from various funds, for human services programs, for a total of \$7,184,038, pursuant to Specification Nos. NC22-0106F and NC22-0333F, consistent with Exhibit "A."

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 41142

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and  
2 the furnishing of services; authorizing the increase of Contract  
3 No. CW2246632 with Retail Lockbox, Inc., in the amount of \$150,000, plus  
4 applicable taxes, for a cumulative total of \$600,000, budgeted from various  
departmental funds, for retail and wholesale lockbox services, pursuant to  
specification No. FI21-0595F.

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  
9

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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Section 2. That the proper officers of the City are hereby authorized to increase Contract No. CW2246632 with Retail Lockbox, Inc., in the amount of \$150,000, plus applicable taxes, for a cumulative total of \$600,000, budgeted from various departmental funds, for retail and wholesale lockbox services, pursuant to specification No. FI21-0595F, consistent with Exhibit "A."

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 41143

1 A RESOLUTION relating to the vacation of City right-of-way; setting Thursday,  
2 April 6, 2023, at 1:30 p.m., as the date for a hearing by the Hearing  
3 Examiner on the petition of Tacoma School District No. 10, to vacate a  
4 portion of undeveloped South 35th Street, lying west of South "G" Street, to  
expand Lincoln High School's sports field and parking.

5 WHEREAS Tacoma School District No. 10, having received the consent  
6 of the owners of more than two-thirds of the properties abutting a portion of  
7 undeveloped South 35th Street, lying west of South "G" Street, has petitioned  
8 for the vacation of the following legally described right-of-way area:

9 ALL THAT PORTION OF SOUTH 35TH STREET RIGHT-OF-WAY  
10 ABUTTING BLOCKS 8401 AND 8502, THE TACOMA LAND  
11 COMPANY'S FIRST ADDITION TO TACOMA, WASHINGTON  
12 TERRITORY, ACCORDING TO THE PLAT THEREOF FILED FOR  
13 RECORD JULY 7, 1884, IN THE OFFICE OF THE PIERCE COUNTY  
14 AUDITOR, FROM THE WEST RIGHT-OF-WAY LINE OF 'G' STREET  
TO THE TRUE WEST LINE OF SAID BLOCKS 8401 AND 8502 AND  
SAID PLAT;

15 Now, Therefore,

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

17 Section 1. That Thursday, April 6, 2023, at 1:30 p.m., is hereby fixed as  
18 the date and time, and the Council Chambers on the first floor of the Tacoma  
19 Municipal Building, 747 Market Street, in the City of Tacoma, Washington, and  
20 may be offered in a hybrid format that includes a remote option, as the place  
21 when and where the request of Tacoma School District No. 10 to vacate a  
22 portion of undeveloped South 35th Street, lying west of South "G" Street, to  
23 expand Lincoln High School's sports field and parking, will be heard by the  
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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:  
  
\_\_\_\_\_  
Deputy City Attorney

Property description approved:  
  
\_\_\_\_\_  
Chief Surveyor  
Public Works Department

Location: A portion of undeveloped South 35th Street, lying west of South "G" Street  
Petitioner: Tacoma School District No. 10  
File No.: 124.1437





## RESOLUTION NO. 41144

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 Mountain Stone Aggregate LLC, in the amount of \$1,415,943.00, plus  
4 applicable taxes, plus a 10 percent contingency, for a cumulative total of  
5 \$1,557,537.30, budgeted from the Asphalt Plant Fund, for an initial contract  
6 period of three years, with the option to renew for two additional one-year  
7 periods, for a projected contract total of \$2,595,895.50, for the purchase of  
8 hot mix asphalt aggregates, pursuant to Specification No. PW22-0338F.

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 Mountain Stone Aggregate LLC, in the amount of  
21 \$1,415,943.00, plus applicable taxes, plus a 10 percent contingency, for a  
22 cumulative total of \$1,557,537.30, budgeted from the Asphalt Plant Fund, for an  
23 initial contract period of three years, with the option to renew for two additional  
24 one-year periods, for a projected contract total of \$2,595,895.50, for the purchase  
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1 of hot mix asphalt aggregate, pursuant to Specification No. PW22-0338F,  
2 consistent with Exhibit "A."

3  
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. 41145

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 A&A Property Holdings, LLC, for  
 4 the development of 90 multi-family market-rate rental housing units to be  
 located at 201 North Yakima 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 WHEREAS the City has, through Ordinance No. 25789, enacted a program  
 9 whereby property owners in Residential Target Areas may qualify for a Final  
 10 Certificate of Tax Exemption which certifies to the Pierce County  
 11 Assessor-Treasurer that the owner is eligible to receive a limited property tax  
 12 exemption, and  
 13

14 WHEREAS A&A Property Holdings, LLC is proposing to develop 90 new  
 15 market-rate rental housing units to consist of:  
 16

Number of Units	Type of Unit	Average Size
Market Rate		
53	Studio	355 Square Feet
30	One bedroom, one bath	515 Square Feet
7	Two bedroom, one bath	730 Square Feet

17 as well as 45 on-site residential parking stalls and 1,700 square feet of commercial  
 18 space, and  
 19

20 WHEREAS the Director of Community and Economic Development has  
 21 reviewed the proposed property tax exemption and recommends that a conditional  
 22 property tax exemption be awarded for the property located at 201 North Yakima  
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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 A&A Property Holdings, LLC, for the property located at 201 North Yakima 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 A&A Property Holdings, 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:  
  
\_\_\_\_\_  
Deputy City Attorney

Legal description approved:  
  
\_\_\_\_\_  
Chief Surveyor  
Public Works Department



**EXHIBIT "A"**

**PROJECT DESCRIPTION**

<b>Number of Units</b>	<b>Type of Unit</b>	<b>Average Size</b>	<b>Expected Rental Rate</b>
Market Rate			
53	Studio	355 Square Feet	\$1,500
30	One bedroom, one bath	515 Square Feet	\$2,400
7	Two bedroom, one bath	730 Square Feet	\$3,200

This project will also provide 45 on-site residential parking stalls and 1,700 square feet of commercial space.

**LEGAL DESCRIPTION**

Tax Parcel: 2032150040

Legal Description:

LOTS 10, 11 AND 12, BLOCK 3215, MAP OF NEW TACOMA, W.T., ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN THE OFFICE OF THE PIERCE COUNTY AUDITOR FEBRUARY 3, 1876, RECORDS OF PIERCE COUNTY, WASHINGTON.

TOGETHER WITH THAT PORTION OF VACATED ALLEY WHICH ATTACHES BY OPERATION OF LAW.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.