



City of Tacoma

City Council Action Memorandum

TO: Elizabeth A. Pauli, City Manager
FROM: Jeff H. Capell, Hearing Examiner *JHC*
Ralph K. Rodriguez, LID Administrator, Public Works Engineering Department *RKR*
COPY: City Council and City Clerk
SUBJECT: Ordinance Request No. 21-0762 – LID No. 7732 Formation – August 24, 2021
DATE: August 9, 2021

SUMMARY AND PURPOSE:

An ordinance forming Local Improvement District No. 7732, for conversion of the existing overhead electrical primary, telephone and cable television lines to underground along Cascade Avenue from North 13th Street to the cul-de-sac north of North 17th Street; the alley between Cascade Avenue and Fir Street from North 13th Street north to 1528 Cascade Avenue; Fir Street from North 15th Street to the cul-de-sac north of North 17th Street; North 13th Street from Cascade Avenue to the alley between Cascade Avenue and Fir Street; North 15th Street from Jackson Avenue to Fir Street; and North 17th Street from Jackson Avenue to Juniper Street (the “LID Area”).

BACKGROUND:

The Hearing Examiner’s recommendation to approve formation of Local Improvement District No. 7732 (“LID 7732” or the “LID”) is based on the evidence and testimony presented at a public hearing held on June 28, 2021, as well as a handful of property owner written statements submitted outside the hearing. LID 7732 proposes to convert the existing overhead electrical primary, telephone and cable television lines to underground (the “Improvements”) in the LID Area. The majority of the project cost would be paid for by assessments to the property owners within the LID Area and the rest coming from the City’s Public Utilities Department. At the time the Examiner’s Recommendation issued, 21.34 percent of the property owners in the LID Area had protested formation of the LID. At submission of this memorandum the level of protest currently stands at 21.72 percent. This level of protest is under both state law and the City’s policy levels for rejection. Based upon the evidence and applicable laws, the Examiner recommends approval of the formation of LID 7732.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

Notice of the public hearing held on June 28, 2021, was sent to all property owners within the LID Area. At the hearing property owners could attend to express their concerns and voice support for, or opposition to the formation of LID 7732. Several property owners spoke both for and against formation, as well as to ask clarifying questions to the City’s Department of Public Works LID Section representative. Property owners also had the opportunity to send their written comments to the Hearing Examiner’s office. Property owners within the LID Area will benefit from the improvements through enhanced views and improved neighborhood aesthetic, as well as from the option of receiving the option for long-term financing from the City, and from the City’s contribution to the LID.



2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

Positive impacts on equity and accessibility result from approving formation of the LID because residents in the LID Area will benefit from the improvements to their neighborhood and the enhanced views from their properties.

Economy/Workforce: *Equity Index Score: Very Low Opportunity*

Increase the number of diverse livable wage jobs.

Civic Engagement: *Equity Index Score: Low Opportunity*

Increase the percentage of residents who believe they are able to have a positive impact on the community and express trust in the public institutions in Tacoma.

Livability: *Equity Index Score: Moderate Opportunity*

Improve access and proximity by residents to diverse income levels and race/ethnicity to community facilities, services, infrastructure, and employment.

Explain how your legislation will affect the selected indicator(s).

The formation of the LID acknowledges the overall support of the property owners to form the LID and supports their opportunity to have direct involvement in public improvements in their neighborhood.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. The Council could approve forming the LID under different terms than those recommended.	Any positive impact arising from varying from the Examiner's recommendation would depend on what those alterations are.	Any variation to the current recommendation could potentially delay the LID formation and construction of the Improvements.
2. The Council could reject formation of the LID.	The most positive impacts come from approving the LID formation.	The most positive impacts come from approving the LID formation, thereby making the Improvements that are supported by the City and a presumed majority of property owners.

EVALUATION AND FOLLOW UP:

All evaluation and follow up should be coordinated between the appropriate City Department and property owners within the LID.

STAFF/SPONSOR RECOMMENDATION:

The Hearing Examiner recommends formation of Local Improvement District No. 7732 as set forth in the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation.



FISCAL IMPACT:

Please provide a short summary of the fiscal impacts associated with the grant, agreement, policy action, or other action.

Fund Number & Name	COST OBJECT (CC/WBS/ORDER)	Cost Element	Total Amount
1.4700 - Power Current Fund Capital	PWR-01093		\$1,965,125
TOTAL			\$1,965,125

What Funding is being used to support the expense?

4700 - Power Current Fund Capital, Contribution in Aid of Construction (LID Assessments), \$1,827,155
4700 - Power Current Fund Capital, Utility Contribution, \$137,970

Are the expenditures and revenues planned and budgeted in this biennium's current budget?

YES

Tacoma Power contribution is budgeted within the New Services A&R capital budget.
LID assessments are budgeted at the project level upon adoption of the formation ordinance.

Are there financial costs or other impacts of not implementing the legislation?

No

Will the legislation have an ongoing/recurring fiscal impact?

No

Will the legislation change the City's FTE/personnel counts?

No

Existing staff will design, inspect and maintain the improvements authorized by the Local Improvement District.

ATTACHMENTS:

The following attachments can be found in Legistar:

- The Hearing Examiner's City Council Action Memorandum, dated August 9, 2021.
- The Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation, issued on July 16, 2021.
- The City Witness List, City Exhibits List, and City Exhibits C-1 through C-14.
- Twelve LID property owner comments.
- Verbatim electronic recording from the hearing held on June 28, 2021.