Everett City Council Agenda
6:30 PM May 18, 2016
City Council Chambers

Roll Call

Approval of Minutes: May 11, 2016

Pledge of Allegiance

Mayor's Comments

Council Comments/Liaison Reports

Administration Update on prior business

City Attorney

Citizen Comments

COUNCIL BRIEFING AGENDA: (These items come before the City Council serving as a Council Committee of the Whole and are likely to be scheduled at a future meeting.)

(1) Adopt Resolution adopting the 2016-2035 Parks, Recreation and Open Space (PROS) Plan. (Action and Public hearing on 5-25-16).

Documents: PROS.pdf

(2) CB 1605-23 – 1st Reading – Adopt the Proposed Ordinance amending the City's Multifamily Housing Property Tax Exemption Regulations, Section 1 of Ordinance No. 2408-99, Section 8 of Ordinance No. 2347-98, as amended (EMC 3.78.080). (3rd and final reading and public hearing on 6-1-16)

Documents: CB 1605-23.pdf

(3) CB 1605-24 – 1st Reading – Adopt the Proposed Ordinance relating to Regulation of Vessels, amending Ordinance 3135-09, Section 14 and Ordinance No. 1246-86, Section 1 (part) as amended (Chapter 12.02.125 and 12.02.130 EMC) (3rd and final reading on 6-1-16)

Documents: CB 1605-24.pdf

CONSENT ITEMS:

(4) Adopt Resolution No. ____ authorizing claims against the City of Everett in the amount of $3,628,974.66 for the period of April 30, 2016 through May 6, 2016.

Documents: res-87.pdf

(5) Adopt Resolution No. ____ authorizing payroll claims against the City of Everett in the amount of $3,748,385.11 for the period ending April 30, 2016.

Documents: payroll-60.pdf

(6) Authorize the Call for Bids for the Police Headquarters Masonry Cleaning and Repair Project.

Documents: masonry.pdf

Authorize a Call for Bids for the Puget Sound Outfall No. 6 Reroute Project

Documents: Puget Sound Outfall.pdf

(8) Authorize the closure of Colby Avenue, between Wall Street and Hewitt Avenue on May 21, 2016, from 12 noon to 11 p.m. and on May 22, 2016, 11 a.m. to 8 p.m., for a Fisherman's Village Music Festival sponsored by the Everett Music Initiative.

Documents: Fishermans Village.pdf

(10) Authorize the closure of Wetmore Avenue, between 24th and 25th Streets and parking spaces on 24th Street on July 13, 2016, 6 a.m. to July 14, 2016, 6 p.m., for a Project Homeless Connect sponsored by the United Way of Snohomish County.

Documents: Homeless Connect-1.pdf

ACTION ITEMS:

(11) CB 1604-22–3rd and final Reading –Adopt the Proposed Ordinance relating to Tax Administration, amending Ordinance No. 3385-14 (Chapter 3.19 EMC) as amended.

Documents: CB 1604-22.pdf

(12) Authorize the Mayor to sign Addendum No. 1 to the Interlocal Agreement between the City of Everett and the Port of Everett regarding improvements to Puget Sound Outfall 6 and Puget Sound Outfall 2 for the construction of combined sewer overflow piping.

Documents: Puget Sound Outfall-1.pdf

Executive Session

Adjourn

Everett City Council agendas can be found, in their entirety, on the City of Everett Web Page at www.everettwa.gov/citycouncil.

Everett City Council meetings are recorded for rebroadcast on the Everett Channel, Comcast Channel 21 and Frontier Channel 29, at 12:00 p.m. on Monday and Tuesday; 2 p.m. and 7:00 p.m. Thursday; 7 p.m. Friday and Sunday; 10:00 a.m., Saturday.

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EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:
A Resolution adopting the 2016-2035 Parks, Recreation and Open Space (PROS) Plan

5/18/16	Briefing
	Proposed Action
	Consent
5/25/16	Action
	First Reading
	Second Reading
	Third Reading
5/25/16	Public Hearing
	Budget Advisory

COUNCIL BILL #	
Originating Department	Parks
Contact Person	Lori Cummings
Phone Number	425-257-8353
FOR AGENDA OF	May 18, 2016

Initialed by:
Department Head
CAA db
Council President

Location	Preceding Action	Attachments	Department(s) Approval
	Approval of PSA with Beckwith Consulting – February 18, 2015	Resolution	Parks, Administration

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

An update to the existing Parks and Recreation Comprehensive Plan has been in development with the assistance of Beckwith Consulting since late February 2015. The Parks, Recreation and Open Space (PROS) Plan provides the framework for decisions regarding Parks and Recreation projects and programs. The Plan is updated every six years and is kept on file with the Washington State Recreation and Conservation Office to maintain the City's grant eligibility.

Council received a project initiation briefing on February 18, 2015 and a project update briefing on March 2, 2016.

A comprehensive public outreach effort including 19 public forums, two online surveys, State Environmental Policy Act analysis and seven Board of Park Commissioner workshops helped in developing the plan. At its May 10, 2016 meeting the Board of Commissioners recommended that Council adopt the PROS Plan.

RECOMMENDATION (Exact action requested of Council):

Approve a Resolution adopting the 2016-2035 Parks, Recreation and Open Space (PROS) Plan.

RESOLUTION No._____

A RESOLUTION adopting the 2016-2035 Parks, Recreation and Open Space (PROS) Plan

WHEREAS, on May 26, 2010, City Council adopted Resolution No. 6275 designating the Everett Parks and Recreation Department's Strategic Master Plan as the Everett Parks and Recreation Comprehensive Plan; and

WHEREAS, the State of Washington Recreation Conservation Office (RCO) requires that the City's Parks, Recreation and Open Space Plan (PROS Plan) be updated every six years to maintain eligibility for grants; and

WHEREAS, RCO requires that the plan be adopted by resolution of the City Council; and

WHEREAS, RCO requires that the plan address the following elements:

1. Goals and Objectives
2. Inventory
3. Public Involvement
4. Demand and Need Analysis
5. Capital Improvement Program
6. Plan Adoption; and

WHEREAS, current and future Everett parks and recreation needs and priorities were identified through extensive public involvement; and

WHEREAS, the public involvement effort included community listening sessions, neighborhood meetings, Board of Park Commissioner workshops, on-line public review and comments; and on-line surveys including a voter based on-line survey that resulted in receipt of more than 1020 completed surveys; and

WHEREAS, based on the existing inventory of parks and recreation services, public involvement, needs and priorities identification, an updated PROS Plan was developed; and

WHEREAS, a state environmental policy act analysis was conducted on the updated PROS Plan and a SEPA (16-011) determination was issued on May 3, 2016; and

WHEREAS, the Board of Park Commissioners recommended City Council approval of the updated PROS Plan at its May 10, 2016 meeting, and

WHEREAS, adoption of the PROS Plan will allow for future updates of the capital improvement program, identifying project sequencing and development cost.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVERETT that:

1) The City Council hereby adopts the 2016-2035 Parks, Recreation and Open Space Plan which is attached hereto and incorporated herein for reference.

2) The Parks, Recreation and Open Space Plan shall be known as the PROS Plan.

3) A six year list of projects will be updated for future City Council approval and shall be known as the PROS Plan Six Year Capital Improvement Program (CIP).

4) The CIP shall be updated on an annual basis and presented to City Council for discussion and adoption.

_____
COUNCIL MEMBER INTRODUCING RESOLUTION

PASSED AND APPROVED THIS ___ DAY OF MAY, 2016

_____
SCOTT MURPHY,
COUNCIL PRESIDENT

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

An Ordinance Amending the City's Multifamily Housing Property Tax Exemption Regulations, Section 1 of Ordinance No. 2408-99, Section 8 of Ordinance No. 2347-98, as amended (EMC 3.78.080).

5/18/16	Briefing	COUNCIL BILL #	CB1605-23
	Proposed Action	Originating Department	Planning
	Consent	Contact Person	Allan Giffen
	Action	Phone Number	(425) 257-8725
5/18/16	First Reading	FOR AGENDA OF	May 18, 2016
5/25/16	Second Reading		May 25, 2016
6/1/16	Third Reading		June 1, 2016
6/1/16	Public Hearing		

Initialed by:
Department Head
CAA
Council President

Location	Preceding Action	Attachments	Department(s) Approval
		Ordinance, Letter	Planning, Legal

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

This is a request to adopt an Ordinance amending the City's Multifamily Housing Property Tax Exemption Regulations, Section 1 of Ordinance No. 2408-99 and Section 8 of Ordinance No. 2347-98.

In 2015 the City Council established the North Broadway Urban Center, in part, to encourage the development of student housing near Everett Community College and Washington State University through the property tax exemption incentive under Everett Municipal Code Chapter 3.78.

Koz Development has secured building permits and is currently constructing a building, to be leased by Everett Community College for student housing, within the North Broadway Urban Center. Koz mistakenly believed that the project would be exempt from property taxes under RCW 84.36.050, and did not apply to the City for the property tax exemption. EMC 3.78.080.A requires the application for tax exemption to be filed prior to submitting an application for the building permit.

The City has received correspondence from Everett Community College requesting an amendment to EMC 3.78.080 to allow for consideration of the Koz Development property for the property tax exemption. Their letter states that the building lease will not be economically feasible for the college without the tax exemption. The ordinance would allow a project located in the Institutional Overlay Zone to file an application for tax exemption prior to issuance of a Certificate of Occupancy. The ordinance would become void on January 1, 2017.

RECOMMENDATION (Exact action requested of Council):

Adopt Ordinance Amending the City's Multifamily Housing Property Tax Exemption Regulations, Section 1 of Ordinance No. 2408-99, Section 8 of Ordinance No. 2347-98, as amended (EMC 3.78.080).

Ordinance No. _____

An Ordinance Amending the City's Multifamily Housing Property Tax Exemption Regulations, Section 1 of Ordinance No. 2408-99, Section 8 of Ordinance No. 2347-98, as amended (EMC 3.78.080).

WHEREAS, the City Council finds the following:

1. The City adopted Ordinance No. 2347-98 establishing the Multiple Family Property Tax Exemption program in 1998 to support the development of housing in designated urban centers under RCW Chapter 84.14, as codified in EMC Chapter 3.78;
2. The City has periodically amended the Multiple Family Property Tax Exemption program by adding areas to the program and amending the requirements of EMC Chapter 3.78;
3. In 2015, the City Council added the North Broadway Urban Center area, which includes the Everett Community College Institutional Overlay Zone, to encourage the development of student housing by private property owners;
4. EMC 3.78.080.A requires an applicant for the property tax exemption to submit an application therefore prior to filing an application for building permits;
5. In 2015, Koz EvCC LLC obtained approval of building permits for a student housing building within the North Broadway Urban Center area, to be occupied by students through a master lease agreement with Everett Community College;
6. Koz EvCC LLC had been advised by the Department of Revenue that the master lease agreement with Everett Community College would make the property exempt from property taxes pursuant to RCW 84.36.050, and therefore did not apply for the property tax exemption prior to application for building permits;
7. The State Attorney General's office has determined that the Koz EvCC LLC property is not exempt from property taxes pursuant to RCW 84.36.050;
8. Everett Community College has indicated that the property tax exemption is necessary for the building to be economically feasible for the college; and

WHEREAS, the City Council concludes the following:

1. The City is supportive of the development of student housing in the vicinity of Everett Community College, and established the North Broadway Urban Center, in part, to encourage such housing in the urban center;
2. An amendment to EMC 3.78.080.A is necessary to allow the City to consider a request for the property tax exemption after the applicant has made application for a building permit;

3. A limited amendment to EMC 3.78.080 will allow for the Koz Development student housing building to be eligible for the property tax exemption.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Section 1 of Ordinance No. 2408-99 and paragraph A Section 8 of Ordinance No. 2347-98, as amended, which reads as follows:

Application procedures. A property owner who wishes to propose a project for a tax exemption shall comply with the following procedures:

A. Prior to the application for any building permit therefor, the applicant shall submit an application to the director, on a form established by the director along with the required fees. The initial application fees to the city shall consist of a base fee of five hundred dollars, plus twenty-five dollars per multifamily unit. An additional one hundred fifty dollar fee to cover the Snohomish County assessor's administrative costs shall also be paid to the city. If the application is approved, the city shall pay the application fee to the county assessor for deposit in the county current expense fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application. If the application shall result in a denial by the city, the city shall retain that portion of the fee attributable to its own administrative costs and refund the balance to the applicant.

Is hereby amended to read as follows:

Application procedures. A property owner who wishes to propose a project for a tax exemption shall comply with the following procedures:

A. Prior to the application for any building permit therefor, the applicant shall submit an application to the director, on a form established by the director along with the required fees. The initial application fees to the city shall consist of a base fee of five hundred dollars, plus twenty-five dollars per multifamily unit. An additional one hundred fifty dollar fee to cover the Snohomish County assessor's administrative costs shall also be paid to the city. If the application is approved, the city shall pay the application fee to the county assessor for deposit in the county current expense fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application. If the application shall result in a denial by the city, the city shall retain that portion of the fee attributable to its own administrative costs and refund the balance to the applicant. Notwithstanding the above, an applicant for a project located strictly within an Institutional Overlay Zone may submit an application along with the required fees to the director subsequent to the application for any building permit therefor, but prior to issuance of a Certificate of Occupancy for the project.

Section 2. This Ordinance shall become void on January 1, 2017.

Section 3. SEVERABILITY. Should any section, paragraph, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by State or federal law or regulations, this shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. CONFLICT. In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

Section 5. CORRECTIONS. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 6. GENERAL DUTY. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

RAY STEPHANSON, MAYOR

_____

ATTEST: _____

CITY CLERK

Passed:_____

Valid:_____

Published:_____

Effective Date: _____

RECEIVED
APR 22 2016
CITY OF EVERETT
PLANNING DEPT

EVERETT
COMMUNITY COLLEGE
2000 Tower Street · Everett, WA · 98201-1390 · 425.388.9100

Office of the President
P 425.388.9572 – f 425.388.9531

April 19, 2016

Allan Giffen
Planning Director
City of Everett
2930 Wetmore Avenue, Suite 8A
Everett, WA 98201

Dear Allan,

Everett Community College requests the City of Everett amend the Everett Municipal Code Section 3.78.080 which addresses the timing of the application for the conditional certificate of property tax exemption.

The College was supportive of the previous City Council adoption of the multi-family tax exemption (MFTE) for the development of student housing. New student housing, in close proximity to the campus, will needed to support the growth of both the EvCC International Programs and the Washington State University Everett Academic Center.

Koz Development is currently constructing a 120 unit student housing facility for the College. They had intended to submit at the time of the building permit the MFTE application. Unfortunately, Koz mistakenly misinterpreted RCW 84.36.050 (tax-exempt RCW for non-profit colleges and schools) and believed this RCW was applicable to their properties for the project. Additional investigation with Department of Revenue and the Department of Enterprise Services AAG resulted in a finding that this RCW wasn't applicable.

The property tax exemption is necessary for the building to be economically feasible for the College. Therefore, the College is requesting the MFTE ordinance be amended so Koz Development can submit their application.

Thank you for your consideration on this request.

Sincerely,

David N. Beyer

David N. Beyer
President

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:
An Ordinance Relating to Regulation of Vessels, Amending Ordinance 3135-09, Section 14 and Ordinance 1246-86, Section 1 (part) as Amended (Chapter 12.02.125 and 12.02.130 EMC).

_____	Briefing
_____	Proposed Action
_____	Consent
_____	Action
_____	First Reading
_____	Second Reading
_____	Third Reading
_____	Public Hearing

COUNCIL BILL #	CB160524
Originating Department	Legal
Contact Person	Hil Kaman
Phone Number	425-257-8762
FOR AGENDA OF	May 18, 2016

Initialed by:
Department Head _____
CAA db
Council President _____

Location	Preceding Action	Attachments	Department(s) Approval
		Ordinance	Legal, Police

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:
State law has changed since the last update of our ordinance relating to 1) operation of a vessel in a reckless manner, and 2) operation of a vessel while under the influence of intoxicating liquor or drugs, sometimes referred to as Boating Under the Influence.

This proposed ordinance would adopt by reference the Revised Code of Washington (RCW 79A.60.040) relating to operation of a vessel in a reckless manner and operation of a vessel while under the influence of intoxicating liquor, marijuana, or drugs to make this section of the Everett Municipal Code (EMC) consistent with State law. Under State law, operating a vessel in a reckless manner constitutes a misdemeanor, while operating a vessel under the influence constitutes a gross misdemeanor.

Because this proposed ordinance adopts the boating RCW provisions by reference, it will automatically update if there is a change to the RCWs, keeping the EMC consistent with State law.

RECOMMENDATION (Exact action requested of Council):
Adopt an Ordinance Relating to Regulation of Vessels, Amending Ordinance 3135-09, Section 14 and Ordinance 1246-86, Section 1 (part) as Amended (Chapter 12.02.125 and 12.02.130 EMC).

ORDINANCE No._____

AN ORDINANCE Relating to Regulation of Vessels, Amending Ordinance 3135-09, Section 14 and Ordinance 1246-86, Section 1 (part) as Amended (Chapter 12.02.125 and 12.02.130 EMC).

Whereas, in the 2014 legislative session, the State of Washington amended the Boating Under the Influence statute, RCW 79A.60.040, which makes it a misdemeanor/gross misdemeanor to operate a vessel in a reckless manner or while under the influence of intoxicating liquor, marijuana, or any drug; and

Whereas, the Everett City Council deems it appropriate for the city's vessel regulations to be consistent with State vessel regulations;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Section 14 of Ordinance No. 3135-09 (EMC 12.02.125), which reads as follows:

Operation of vessel in a reckless manner—Penalty.

A. It is unlawful for any person to operate a vessel in a reckless manner.

B. A violation of this section is a misdemeanor, punishable by up to ninety days in jail and by a fine of not more than one thousand dollars. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense. (Ord. 3135-09 § 14, 2009)

Be and the same is hereby amended to read as follows:

Operation of vessel in a reckless manner—Penalty.

~~A. It is unlawful for any person to operate a vessel in a reckless manner.~~

~~B. A violation of this section is a misdemeanor, punishable by up to ninety days in jail and by a fine of not more than one thousand dollars. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.~~

The following section of Washington state law is adopted by reference in all respects, as currently enacted or later amended, as though such section was set forth herein in full:

Chapter 79A.60.040 RCW.

Section 2. Section 1 (part) of Ordinance No. 1246-86, as amended by Section 1 of Ordinance No. 2415-99, as amended by Section 15 of Ordinance No. 3135-09, as amended by Section 2 of Ordinance of Ordinance No. 3337-13 (EMC 12.02.130), which reads as follows:

Operation of a vessel while under the influence of intoxicating liquor, marijuana, or any drug—Penalty.

A. It is unlawful for any person to operate a vessel while under the influence of intoxicating liquor, marijuana, or any drug. A person is considered to be under the influence of intoxicating liquor, marijuana, or any drug if, within two hours of operating a vessel:

1. The person has an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

2. The person has a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

3. The person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or

4. The person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug.

B. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

C. Any person who operates a vessel within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of the person's breath or blood for the purpose of determining the alcohol concentration, THC concentration, or presence of any drug in the person's breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person was operating a vessel while under the influence of intoxicating liquor, marijuana, or any drug. Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood. An arresting officer may administer field sobriety tests when circumstances permit.

D. The test or tests of breath must be administered pursuant to RCW 46.20.308. Where the officer has reasonable grounds to believe that the person is under the influence of a drug, or where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample, or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility, a blood test must be administered by a qualified person as provided in RCW 46.61.506(5). The officer shall warn the person that if the person refuses to take the test, the person will be issued a class 1 civil infraction under RCW 7.80.120.

E. A violation of this section is a gross misdemeanor, punishable by up to three hundred sixty-four days in jail and by a fine of not more than five thousand dollars. In addition to the statutory penalties imposed, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

Be and the same is hereby amended to read as follows:

Operation of a vessel while under the influence of intoxicating liquor, marijuana, or any drug—Penalty.

~~A. It is unlawful for any person to operate a vessel while under the influence of intoxicating liquor, marijuana, or any drug. A person is considered to be under the influence of intoxicating liquor, marijuana, or any drug if, within two hours of operating a vessel:~~

~~1. The person has an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or~~

~~2. The person has a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or~~

~~3. The person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or~~

~~4. The person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug.~~

~~B. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.~~

~~C. Any person who operates a vessel within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of the person's breath or blood for the purpose of determining the alcohol concentration, THC concentration, or presence of any drug in the person's breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person was operating a vessel while under the influence of intoxicating liquor, marijuana, or any drug. Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood. An arresting officer may administer field sobriety tests when circumstances permit.~~

~~D. The test or tests of breath must be administered pursuant to RCW 46.20.308. Where the officer has reasonable grounds to believe that the person is under the influence of a drug, or where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample, or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility, a blood test must be administered by a qualified person as provided in RCW 46.61.506(5). The officer shall~~

~~warn the person that if the person refuses to take the test, the person will be issued a class 1 civil infraction under RCW 7.80.120.~~

~~E. A violation of this section is a gross misdemeanor, punishable by up to three hundred sixty-four days in jail and by a fine of not more than five thousand dollars. In addition to the statutory penalties imposed, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.~~

The following section of Washington state law is adopted by reference in all respects, as currently enacted or later amended, as though such section was set forth herein in full:

Chapter 79A.60.040 RCW.

Section 3. Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or situation, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation. The City Council of the City of Everett hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. General Duty

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Section 5. Savings

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 6. Corrections

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

_____

Ray Stephanson, Mayor

ATTEST:

_____

City Clerk

Passed:

Valid:

Published:

Effective Date:

RESOLUTION NO._____

Be it Resolved by the City Council of the City of Everett:

That the claims against the City of Everett for the period April 30, 2016 through May 6, 2016 having been audited and approved, have been paid and the disbursements have been made against the proper funds in payment thereof, as follows:

Fund	Department	Amount
002	General Government	74,719.28
003	Legal	149,892.61
004	Administration	17,219.30
005	Municipal Court	8,343.78
007	Human Resources	2,797.20
009	Misc Financial Funds	63,392.14
010	Finance	832.68
015	Information Technology	4,778.82
021	Planning & Community Developmer	1,645.03
022	Neighborhoods & Community Servi	142.73
024	Public Works-Engineering	10,821.21
027	Senior Center	3,120.00
031	Police	3,168.62
032	Fire	4,240.47
038	Facilities/Maintenance	12,351.27
	TOTAL GENERAL FUND	**357,465.14**

Fund	Department	Amount
101	Parks & Recreation	37,989.37
110	Library	8,667.41
112	Community Theater	3,000.00
120	Public Works-Streets	5,236.32
126	MV-Equipment Replacement Reser	33,966.13
146	Property Management	5,919.38
149	Senior Center Reserve	5,857.99
151	Fund for Animals	485.89
152	Cum Reserve-Library	803.41
153	Emergency Medical Services	60,700.80
156	Criminal Justice	2,059.92
197	CHIP Loan Program	8,564.58
303	PW Improvement Projects	225,687.45
336	Water & Sewer Sys Improv Project	1,814,953.94
338	Solid Waste Improvements	333,286.84
354	Parks Capital Construction	39,028.46
401	Public Works-Utilities	359,141.98
425	Public Works-Transit	18,565.05
430	Everpark Garage	16,613.00
440	Golf	21,073.91
501	MVD-Transportation Services	8,117.05
503	Self-Insurance	79,241.27
505	Computer Reserve	52,740.62
637	Police Pension	176.99
638	Fire Pension	1,716.20
661	Claims	111,533.56
665	Other Special Agency Funds	16,382.00
	TOTAL CLAIMS	**3,628,974.66**

Passed and approved this _____day of _____ , 2016.

_____
Councilperson Introducing Resolution

_____
Council President

RESOLUTION NO. _____

Be it resolved by the City Council of the City of Everett:

That the payroll of the employees of the City of Everett as of April 30, 2016, and checks issued May 06, 2016, having been audited, be and the same is hereby approved and the proper officers are hereby authorized and directed to charge checks on the Payroll Fund in payment thereof:

Fund	Department	Gross Payroll	Employer Contributions
001	Legislative	10,556.08	$5,557.15
003	Legal	$59,358.53	21,723.73
004	Administration	54,896.10	17,374.12
005	Municipal Court	52,265.31	21,033.48
007	Personnel	44,728.64	16,404.39
010	Finance	52,427.92	20,555.44
015	Information Technology	57,192.55	20,392.07
021	Planning & Community Dev	39,068.31	13,269.35
022	Neighborhoods & Community Svcs	3,245.52	1,273.78
024	Public Works	143,064.61	55,523.39
026	Animal Shelter	32,182.73	12,651.20
027	Senior Center	11,242.68	4,621.61
031	Police	811,844.51	243,253.30
032	Fire	593,256.63	164,982.75
038	Facilities/Maintenance	62,318.22	28,204.66
101	Parks & Recreation	200,069.58	75,044.19
110	Library	118,250.27	41,461.34
112	Community Theatre	6,933.26	2,824.08
120	Street	67,091.07	28,430.37
153	Emergency Medical Services	174,810.07	48,404.72
197	CHIP	9,034.00	3,918.31
198	Community Dev Block	6,474.95	2,255.37
401	Utilities	666,238.30	260,199.63
425	Transit	369,355.95	153,460.22
440	Golf	31,640.71	10,756.17
501	Equip Rental	61,366.01	25,759.60
507	Telecommunications	9,472.60	3,957.40
		$3,748,385.11	$1,303,291.82

_____
Councilperson Introducing Resolution

Passed and approved this _____ day of _____, 2016.

_____
Council President

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:
Call for Bids for the Police Headquarters Masonry Cleaning and Repair Project

_____	Briefing
_____	Proposed Action
_____	Consent
_____	Action
_____	First Reading
_____	Second Reading
_____	Third Reading
_____	Public Hearing

COUNCIL BILL #	
Originating Department	Facilities
Contact Person	Scott Pattison
Phone Number	425-257-8846
FOR AGENDA OF	May 11, 2016

Initialed by:
Department Head _____
CAA db
Council President _____

Location	Preceding Action	Attachments	Department(s) Approval
3002 Wetmore Avenue			Police, Facilities

Amount Budgeted	$515,000	
Expenditure Required	-0-	Account Number(s): 342-5-20-0000-650
Budget Remaining	-0-	Fund 342, Program 020
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

This is a Call for Bids for the Police Headquarters Masonry Cleaning and Repair Project. Plans and Specifications are prepared to the satisfaction of the Facilities Department. The Plans will be available to bidders on May 13, 2016. The bid opening is scheduled for 2:00 p.m. on June 21, 2016.

RECOMMENDATION (Exact action requested of Council):

Authorize a Call for Bids for the Police Headquarters Masonry Cleaning and Repair Project.

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:
Call for Bids for Construction of Puget Sound Outfall No. 6 Reroute Project

_____	Briefing
_____	Proposed Action
_____	Consent
_____	Action
_____	First Reading
_____	Second Reading
_____	Third Reading
_____	Public Hearing
_____	Budget Advisory

COUNCIL BILL #	
Originating Department	Public Works
Contact Person	Amie Roshak, PE
Phone Number	425-257-7249
FOR AGENDA OF	May 11, 2016

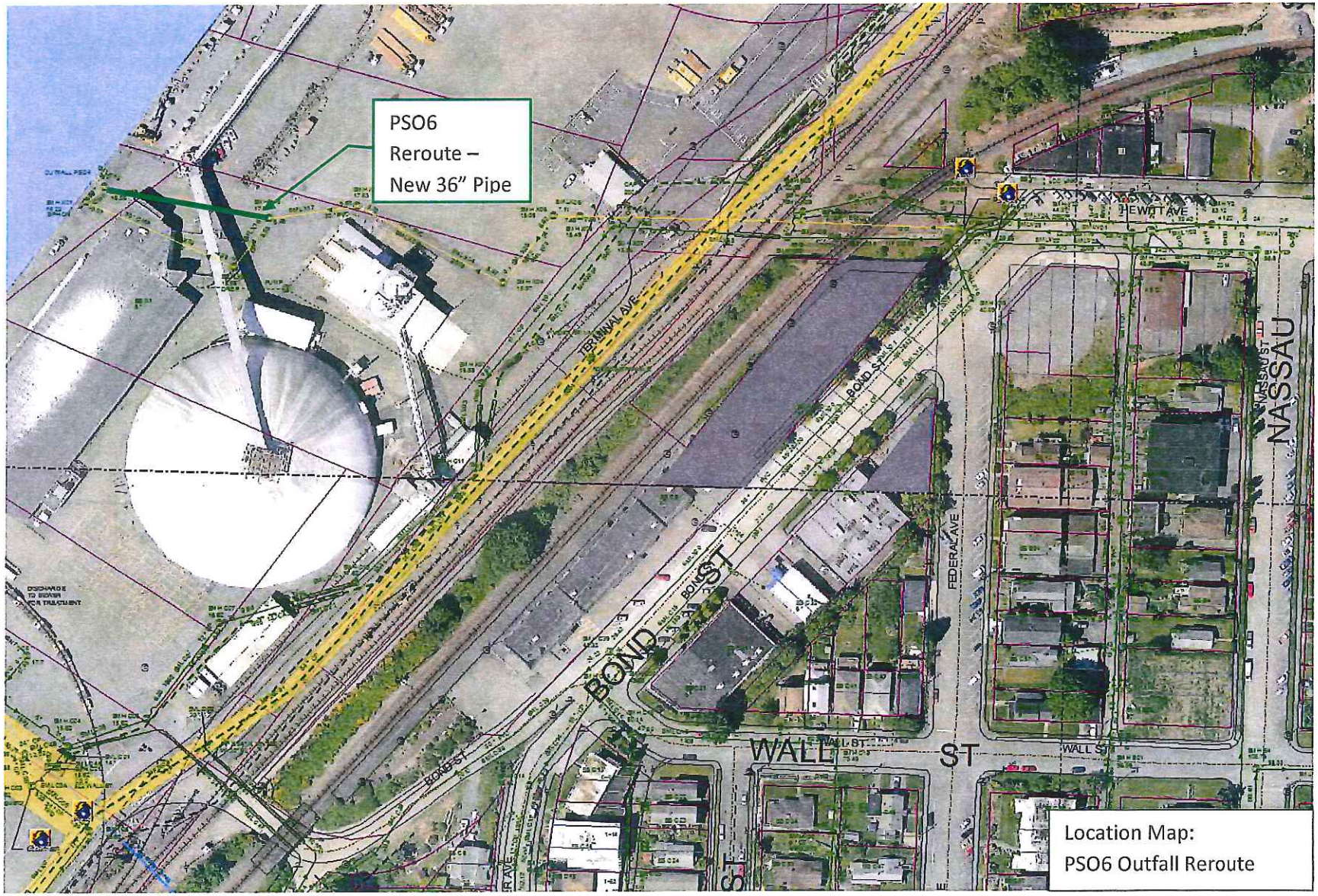
Initialed by:
Department Head _____
CAA db
Council President _____

Location	**Preceding Action**	**Attachments**	**Department(s) Approval**
Port of Everett property, west of Hewitt Avenue	Professional Services Agreement from October 13, 2015	Location Map	Public Works, Legal

Amount Budgeted	$900,000	
Expenditure Required	$622,000	Account Number(s): UP 3583
Budget Remaining	$82,921	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:
This is a Call for Bids for the Puget Sound Outfall No. 6 project which will reroute the existing combined sewer outfall. It was found that the outfall has concrete blocking three-quarters of the pipeline. The project is needed to restore capacity to the outfall pipe. The Port of Everett is the landowner and has agreed to equally split the cost of construction with the City of Everett.

RECOMMENDATION (Exact action requested of Council):
Authorize a Call for Bids for the Puget Sound Outfall No. 6 Reroute Project.



Location Map:
PSO6 Outfall Reroute

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:
Street Closure – Fisherman's Village Music Festival

_____	Briefing	COUNCIL BILL #	
_____	Proposed Action	Originating Department	City Clerk
_____	Consent	Contact Person	Sharon Fuller
_____	Action	Phone Number	425-257-8609
_____	First Reading	FOR AGENDA OF	May 18, 2016
_____	Second Reading		
_____	Third Reading		
_____	Public Hearing		

Initialed by:
Department Head _____
CAA db
Council President SPM

Location	**Preceding Action**	**Attachments**	**Department(s) Approval**
Colby Avenue, between Wall Street and Hewitt Avenue		Special Event Application	Police, Fire, Streets, Traffic Engineering, Transit

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:
The Everett Music Initiative is requesting the closure of Colby Avenue, between Wall Street and Hewitt Avenue on May 21, 2016, from 12 noon to 11 p.m. and on May 22, 2016, 11 a.m. to 8 p.m., for a Fisherman's Village Music Festival.

RECOMMENDATION (Exact action requested of Council):Authorize the closure of Colby Avenue, between Wall Street and Hewitt Avenue on May 21, 2016, from 12 noon to 11 p.m. and on May 22, 2016, 11 a.m. to 8 p.m., for a Fisherman's Village Music Festival sponsored by the Everett Music Initiative.

SPECIAL EVENT APPLICATION

Event Type: X Street Closure ___ Parade ___ Walk/Run ___ Other (_____)

Event Date: 5/21 & 5/22 **Event Time:** NOON - 11pm (5/21)
11AM - 8pm (5/22)

Closure Time: _____

Event Description: FISHERMAN'S VILLAGE MUSIC FESTIVAL

Location of Event: COLBY AVE (BETWEEN WALL & HEWITT)

Sponsoring Organization: EVERETT MUSIC INITIATIVE

Address: 3608 NORTON AVE **City & State** EVERETT, WA

Contact Person: RYAN CROWTHER **Phone No.** 206.679.0848.

We **require** that you inform the neighborhood and businesses of the street closure **prior** to obtaining approval.

What method will be used to inform the impacted parties of the street closure? SIGNATURES / IN-PERSON

If applicable, answer the following:
Approx. # of participants: 2,500 Persons Ø Animals 12 Vehicles
_____ Type of Animals

Assembly area (streets) COLBY AVE (BETWEEN WALL & HEWITT)

Portion of street to be used: X Full width ___ Half ___ Other

*Attach a **map** showing route of parade or run/walk.

Official Use

	Admin.	Traffic	Police	Fire	Transit	Streets
Approved:		✓	✓	✓	✓	✓
Rejected:						

Special Conditions: _____

Comments: _____

Council agenda date: 5/18/10 City Council approval: ___/___/___

Permit _____ TR # _____

UBS - SYLVIA (CLOSED) (ON SAT & SUN)

FIDELITY - JORDAN (CLOSED) Jordyn Petit

WAXING - ~~TIBET~~ BEST NAILS -

PHO HA - (CLOSED) ON SAT & SUN -

NEIL'S BARBER SHOP -

KAMA'AINA GRINDZ -

EDWARD JONES - CLOSED

IRISHMEN -

SKOTKAL REAL ESTATE -
(KAMA AINA GRINDZ, MAJESTIC CAFE, BANK OF AMERICA BLDG, UBS, 2910 COLBY, PROCURA MORTGAGE)

STUDIO DONNA, Donna Perrigo

CRAVIN CAJUN -

HISTORIC EVERETT THEATRE

Indemnification, Hold Harmless, and Certification

As a material inducement and consideration for the City granting this approval, the Applicant, on behalf of the sponsoring organization, hereby agrees to defend, indemnify and hold harmless the City from and against any and all Claims for personal injury, death, property damage or destruction, arising from, relating to, or resulting from the Event that is the subject of this approval.

"City" shall mean the City of Everett, its officers, employees and agents.

"Claims" shall mean any actions, demands, suits, obligation or liability for payment of damages, fees, and costs, including, but not limited to, attorney's fees, expert witness fees, court costs and other legal expenses.

Provided, however, this agreement to defend, indemnify and hold harmless the City shall not apply to Claims arising out of bodily injury or death or property damage or destruction caused by the sole negligence or willful misconduct of the City.

As Applicant, I certify that 1) the information provided on this application is true and correct; and 2) I am duly authorized by the sponsoring organization to make this application and enter into this agreement, on behalf of the sponsoring organization, to defend, indemnify and hold harmless the City.

Signature _____ Date 4/26/16

RYAN CROWTHER
Printed Name

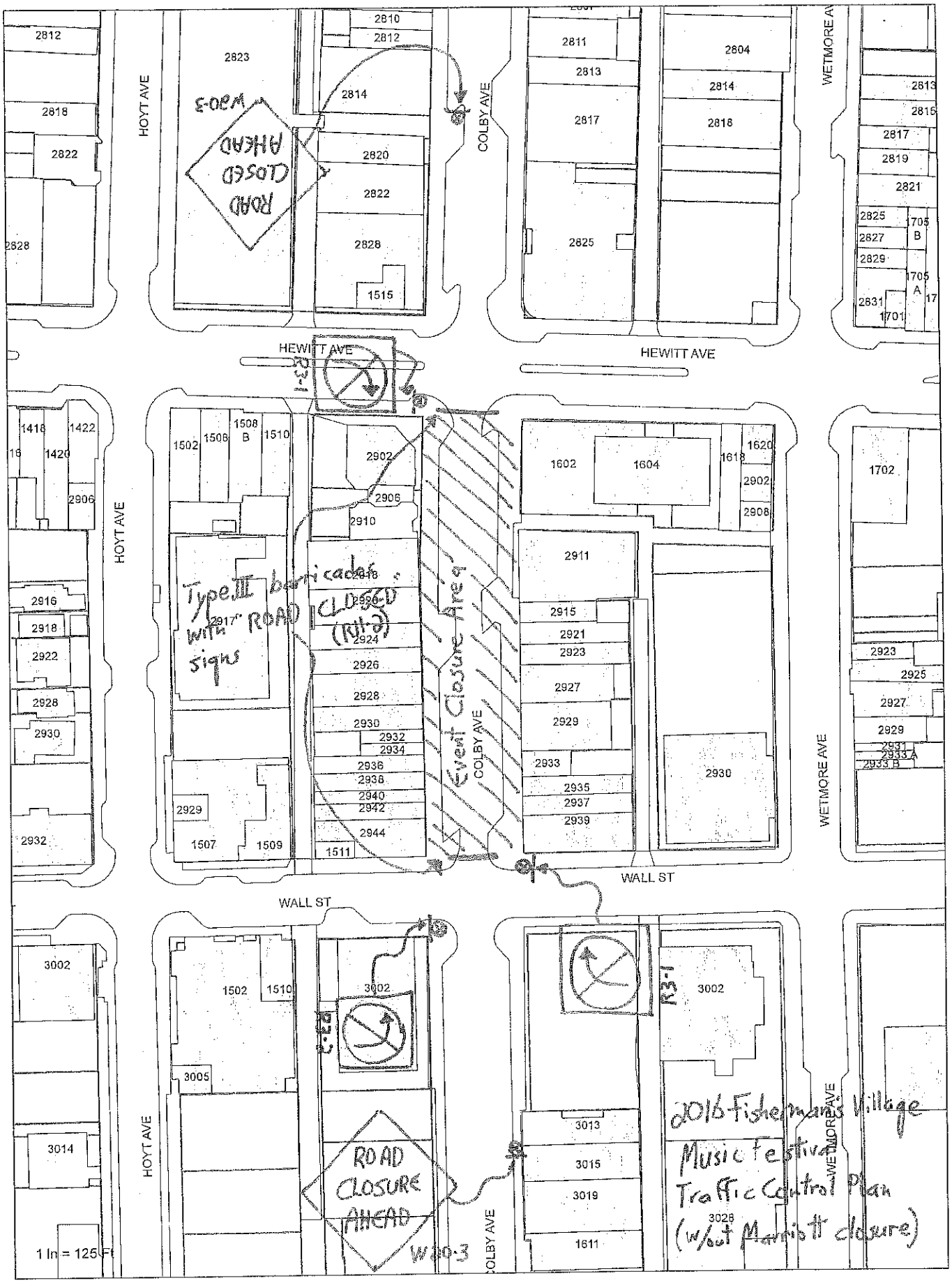
EVERETT MUSIC INITIATIVE
Organization Representing

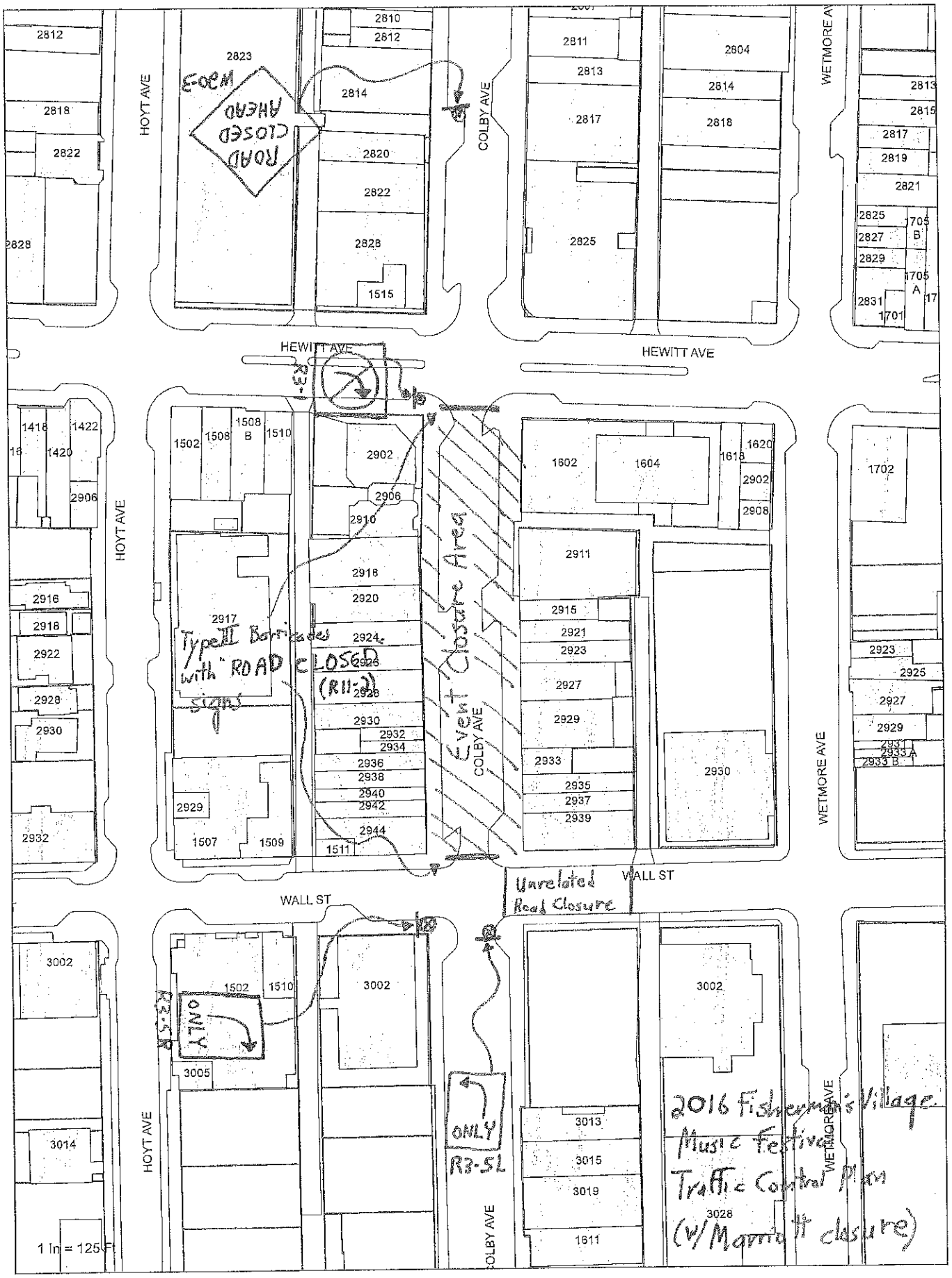
206.679.0848
Phone No.

List businesses/residences impacted by this event. You must also obtain an approval signature from each business/resident indicating they concur with the closure.

Business/Residence	Signature of approval
1.	
2.	
3.	
4.	
5.	
6.	
7.	

RECEIVED
APR 27 2016
CITY OF EVERETT
City Clerk


HOYT AVE
COLBY AVE
WETMORE AVE
HEWITT AVE
WALL ST
ROAD CLOSED AHEAD
W20-3
R3-1
Type III barricades with ROAD CLOSED signs (R11-2)
Event Closure Area
ROAD CLOSURE AHEAD
W20-3
2016 Fishermans Village Music Festival Traffic Control Plan (w/out Marriott closure)
1 In = 125 Ft


HOYT AVE
COLBY AVE
WETMORE AVE
HEWITT AVE
WALL ST
ROAD CLOSED AHEAD
W20-3
R3-5R
ONLY
R3-5L
Type III Barricades with "ROAD CLOSED" (R11-2) signs
Event Closure Area
Unrelated Road Closure
2016 Fisherman's Village Music Festival Traffic Control Plan (w/ Marriott closure)
1 In = 125 Ft

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:
Street Closure – Project Homeless Connect

_____	Briefing	COUNCIL BILL #	
_____	Proposed Action	Originating Department	City Clerk
_____	Consent	Contact Person	Sharon Fuller
_____	Action	Phone Number	425-257-8609
_____	First Reading	FOR AGENDA OF	May 18, 2016
_____	Second Reading		
_____	Third Reading		
_____	Public Hearing		

Initialed by:
Department Head _____
CAA db
Council President _____

Location	Preceding Action	Attachments	Department(s) Approval
Wetmore Avenue, between 24th and 25th Streets and parking spaces on 24th street		Special Event Application	Police, Fire, Streets, Traffic Engineering, Transit

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

The United Way of Snohomish County is requesting the closure of Wetmore Avenue, between 24th and 25th streets and parking spaces on 24th street on July 13, 2016, 6 a.m. to July 14, 2016, 6 p.m., for a Project Homeless Connect.

RECOMMENDATION (Exact action requested of Council):

Authorize the closure of Wetmore Avenue, between 24th and 25th streets and parking spaces on 24th street on July 13, 2016, 6 a.m. to July 14, 2016, 6 p.m., for a Project Homeless Connect sponsored by the United Way of Snohomish County.

SPECIAL EVENT APPLICATION

Event Type: ___ Street Closure ___ Parade ___ Walk/Run ___ Other (_____)

Event Date: 7/14/16 **Event Time:** 9am - 2pm

Closure Time: 6am 7/13/16 (Set up) to 6pm 7/14/16 (event)

Event Description: Project Homeless Connect (PHC) is a one-day, one-stop shop event designed to provide immediate services to people experiencing homelessness in our community.

Location of Event: Everett High School Gym Building - Requesting Closure across Wetmore btwn 24th & 25th and parking spaces along school side of 24th St.

Sponsoring Organization: United Way of Snohomish County

Address: 3120 McDougall Ave, #200 **City & State** Everett, WA

Contact Person: Adrian Wieland **Phone No.** 425-374-5507

We **require** that you inform the neighborhood and businesses of the street closure **prior** to obtaining approval.

What method will be used to inform the impacted parties of the street closure? flyer door-to-door

If applicable, answer the following:
Approx. # of participants: 1500 Persons 150 Animals _____ Vehicles
pets (cats, dogs) Type of Animals

Assembly area (streets) Wetmore St, between 24th + 25th streets; parking spaces on school side of 24th St.

Portion of street to be used: X Full width _____ Half _____ Other

*Attach a **map** showing route of parade or run/walk.

Official Use

	Admin.	Traffic	Police	Fire	Transit	Streets
Approved:		✓	✓	✓	✓	✓
Rejected:						

Special Conditions: _____

Comments: _____

RECEIVED
APR 28 2016
CITY CLERK'S OFFICE

Council agenda date: 5/18/16 City Council approval: __/__/__

Permit _____ TR # _____

Indemnification, Hold Harmless, and Certification

As a material inducement and consideration for the City granting this approval, the Applicant, on behalf of the sponsoring organization, hereby agrees to defend, indemnify and hold harmless the City from and against any and all Claims for personal injury, death, property damage or destruction, arising from, relating to, or resulting from the Event that is the subject of this approval.

"City" shall mean the City of Everett, its officers, employees and agents.

"Claims" shall mean any actions, demands, suits, obligation or liability for payment of damages, fees, and costs, including, but not limited to, attorney's fees, expert witness fees, court costs and other legal expenses.

Provided, however, this agreement to defend, indemnify and hold harmless the City shall not apply to Claims arising out of bodily injury or death or property damage or destruction caused by the sole negligence or willful misconduct of the City.

As Applicant, I certify that 1) the information provided on this application is true and correct; and 2) I am duly authorized by the sponsoring organization to make this application and enter into this agreement, on behalf of the sponsoring organization, to defend, indemnify and hold harmless the City.

Signature — Date: 4/25/2016

Adrian Wieland
Printed Name

United Way of Snohomish County — 425. 374. 5507
Organization Representing — Phone No.

List businesses/residences impacted by this event. You must also obtain an approval signature from each business/resident indicating they concur with the closure.

Business/Residence	Signature of approval
1. Everett High School (Everett SD)	M. Prince, Director of Maint & Ops
2.	
3.	
4.	
5.	
6.	
7.	

Project Homeless Connect

Project Homeless Connect (PHC) is a one-day, one stop shop event designed to provide immediate services to people experiencing homelessness in our community.

This year's event is July 14, 2016 at Everett High School.

What kind of services and resources are provided at the event?

These items are provided free-of-charge to homeless individuals and families seeking assistance, including:

- → Housing Information
- → Medical care
- → Dental care
- → Vision screening and eyeglasses
- → Pet care
- → Haircuts
- → Mental health assessments
- → Substance abuse screening
- → Hearing screenings and aids
- → Hepatitis testing and vaccination
- → HIV/AIDS testing
- → Homeless veteran outreach
- → Hot meals
- → New shoes
- → Backpacks and hygiene items

Will this affect me?

It shouldn't! But we still wanted to let you know that you may see more people at Everett High School than you normally do on a Thursday in the summer. We will use the school's parking lot for any attendees that drive in, but most will use the public bus routes that run along 24th and 25th Avenues. We have also secured a permit from the City of Everett to close only the block of Wetmore that runs through the school's campus to help make it safe for everyone to move between the gym building and the cafeteria building where services and lunch will be offered.

Can I help?

Donations will be used to support critical service areas at the event. In the past, these have included transit passes, prescription costs, child care, and food.

Questions?

Please contact Adrian Wieland, Senior Manager of Learning and Analytics at United Way of Snohomish County, at (425)374.5507 or phc@uwsc.org.

Brought to You By

EMPLOYEES COMMUNITY FUND OF BOEING

In Partnership With

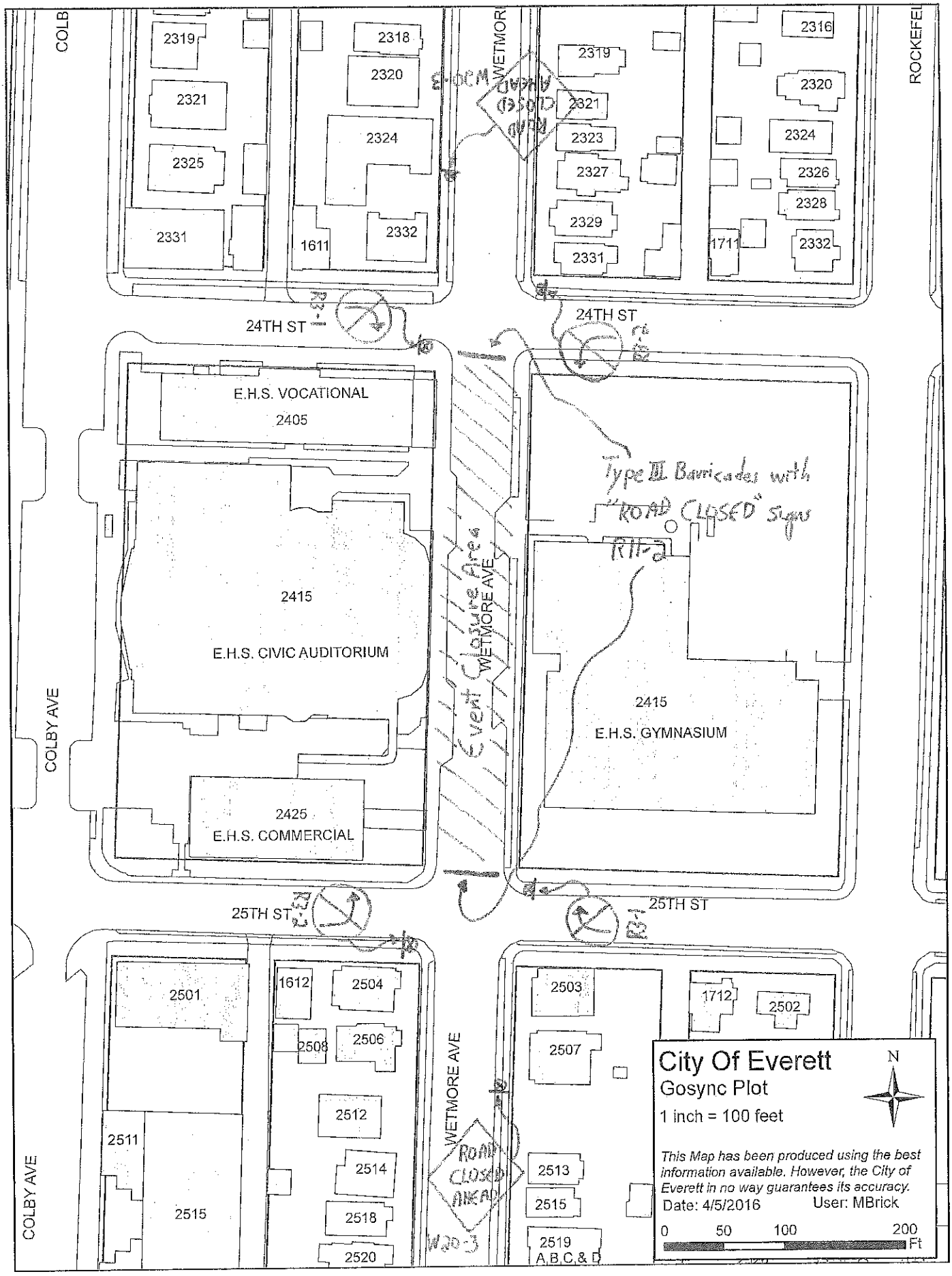
LIVE UNITED United Way

United Way of Snohomish County

EVERETT

Snohomish County

And over 90 additional community partners


COLB
ROCKEFEL
2319
2318
2320
2321
2324
2325
2331
1611
2332
WETMORE
ROAD CLOSED AHEAD
2319
2321
2323
2327
2329
2331
2316
2320
2324
2326
2328
1711
2332
24TH ST
24TH ST
E.H.S. VOCATIONAL
2405
2415
E.H.S. CIVIC AUDITORIUM
Type III Barricades with "ROAD CLOSED" Signs
RH-2
Event Closure Area
WETMORE AVE
2415
E.H.S. GYMNASIUM
COLBY AVE
2425
E.H.S. COMMERCIAL
25TH ST
25TH ST
2501
1612
2504
2508
2506
2512
2511
2514
2515
2518
2520
WETMORE AVE
ROAD CLOSED AHEAD
2503
2507
2513
2515
2519 A,B,C,& D
1712
2502
COLBY AVE
City Of Everett
Gosync Plot
1 inch = 100 feet
N
This Map has been produced using the best information available. However, the City of Everett in no way guarantees its accuracy.
Date: 4/5/2016
User: MBrick
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EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:
Ordinance Relating to Tax Administration, amending Ordinance No. 3385-14 (Chapter 3.19 EMC), as amended

5/4/16	Briefing
	Proposed Action
	Consent
	Action
5/4/16	First Reading
5/11/16	Second Reading
5/18/16	Third Reading
	Public Hearing
	Budget Advisory

COUNCIL BILL #	CB1604-22
Originating Department	Finance
Contact Person	Susy Haugen
Phone Number	425-257-8612
FOR AGENDA OF	May 4, 2016

Initialed by:
Department Head
CAA db
Council President

Location	Preceding Action	Attachments	Department(s) Approval
	Budget Committee 4/6/16	Ordinance	Finance, Legal

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

This Amending Ordinance contains several updates that will clarify certain business processes and implement a new license renewal fee for small businesses domiciled within the city limits of Everett. Proposed changes include:

- removing the business license exemption for businesses under small contracts with the City;
- clarifying that the reduced mid-year license fee only applies to businesses that begin doing business after July 1;
- restating the measurement period for license renewal fees; and
- clarifying the procedures for annual Consumer Price Index (CPI)-based increases in license fees.

RECOMMENDATION:

Adopt Ordinance Relating to Tax Administration, amending Ordinance No. 3385-14 (Chapter 3.19 EMC) as amended.

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:
Ordinance Relating to Tax Administration, amending Ordinance No. 3385-14 (Chapter 3.19 EMC), as amended

5/4/16	Briefing
	Proposed Action
	Consent
	Action
5/4/16	First Reading
5/11/16	Second Reading
5/18/16	Third Reading
	Public Hearing
	Budget Advisory

COUNCIL BILL #	CB1604-22
Originating Department	Finance
Contact Person	Susy Haugen
Phone Number	425-257-8612
FOR AGENDA OF	May 4, 2016

Initialed by:
Department Head
CAA JB
Council President

Location	Preceding Action	Attachments	Department(s) Approval
	Budget Committee 4/6/16	Ordinance	Finance, Legal

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

This Amending Ordinance contains several updates that will clarify certain business processes and implement a new license renewal fee for small businesses domiciled within the city limits of Everett. Proposed changes include:

- removing the business license exemption for businesses under small contracts with the City;
- clarifying that the reduced mid-year license fee only applies to businesses that begin doing business after July 1;
- restating the measurement period for license renewal fees; and
- clarifying the procedures for annual Consumer Price Index (CPI)-based increases in license fees.

RECOMMENDATION:

Adopt Ordinance Relating to Tax Administration, amending Ordinance No. 3385-14 (Chapter 3.19 EMC) as amended.

ORDINANCE NO._____

An Ordinance Relating to Tax Administration, amending Ordinance No. 3385-14 (Chapter 3.19 EMC), as amended.

WHEREAS, the City's Tax Administration Code, Chapter 3.19 EMC, requires modifications periodically to clarify or update the tax administration process; and

WHEREAS, the Everett City Council wishes to add a new category to the annual business license renewal fee schedule to aid small businesses within the city limits of Everett; and

WHEREAS, there are additional housekeeping issues that will serve to clarify and improve the tax administration process;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Section 1 of Ordinance No. 3385-14 (EMC 3.19.030), which reads as follows:

3.19.030 Registration/license certificates.

A. Licensing. Except for those persons under contract with the city, which contracts are exempt under Section 3.19.040(D), any person, so engaging in a business activity within the city whether taxable or not, shall apply for and obtain from the city clerk, upon payment of the fee provided in this section, a business license. Such applicant shall complete an application form for such business license upon such forms as provided by the office of the city clerk and shall accompany such application with the required fee. Such business license shall be personal and nontransferable. If a taxpayer transacts business at two or more locations within the city, the taxpayer must obtain additional business licenses for each additional location and pay the required additional location fee annually.

B. License Control. Each business license shall be numbered and shall show the name, place and character of the business of the taxpayer and such other information as the office of the clerk deems necessary and shall be posted in a conspicuous place at the place of business for which it is issued.

C. License Duration. Each business license issued by the office of the clerk will be valid from January 1st to December 31st of a calendar year, so long as the taxpayer pays the tax accrued to the city. If a taxpayer changes its place of business, the taxpayer must return its existing business license to the office of the clerk and the office of the clerk will issue a new business license for the new place of business with the same expiration date as the taxpayer's existing license and without an additional charge.

D. License Restrictions. No person shall engage in any business taxable under this chapter without being registered in compliance with the provisions of this chapter, except that the office

of the clerk, by general regulation, may provide for the issuance of temporary business licenses to a temporary place of business without requiring the payment of any fee. No person to whom a business license has been issued may allow any person for whom a separate business license is required to operate under or to display his/her business license. No person may operate under or display a business license issued by the city to another taxpayer.

E. License Fees.

1. Registration Fee. A registration fee of seventy-five dollars will be due at the time of filing an application for a business license. If the application for a business license is filed between July 1st and December 31st, the registration fee will be thirty-seven and one-half dollars.

2. Additional Location Fee. For each additional location at which a taxpayer transacts business, the taxpayer will pay a fee of twenty dollars per year at the time of registration. If the application for an additional location is filed between July 1st and December 31st, the additional location fee will be ten dollars.

3. Renewal Fee. A renewal fee will be due prior to January 1st of each year. For businesses with a gross income of less than twenty thousand dollars in the preceding year, the annual renewal fee is twenty-five dollars. For businesses with a gross income of twenty thousand dollars or more in the preceding year, the annual renewal fee is seventy-five dollars. The renewal fee for each additional location will be twenty dollars.

4. Fee Adjustment. Prior to mailing renewal notices, but no later than December 31, 2014, and annually thereafter, the office of the clerk shall administratively adjust the fees provided for herein in an amount equal to the annual change in the June to June Consumer Price Index (CPI-U) (1982-84=100) for the Seattle-Tacoma-Bremerton area as published by the United States Department of Labor (CPI). To calculate the adjustment, the current rate will be multiplied by one plus the annual change in the CPI. If the annual change in CPI is negative, no adjustment shall be made for the year. The amount of the fees so calculated will be rounded to the nearest whole dollar.

F. License Renewal. Prior to January 1st of each year, a taxpayer desiring to renew its license must submit a renewal form and the renewal fee to the office of the clerk. The renewal form must indicate any changes to the taxpayer's name, location, or character of business, or affirm that there have not been any changes. Any taxpayer failing to make payment on or prior to January 1st will be subject to penalties in the following amounts:

1. Ten percent of the current renewal fee, as adjusted in subsection (E)(4) of this section, if the payment is not received on or before the last day of the month following the expiration date.

2. Twenty percent of the current renewal fee, as adjusted in subsection (E)(4) of this section, if the payment is not received on or before the last day of the second month following the expiration date.

3. All business licenses issued subsequent to the initial license period will be deemed renewal licenses if there has been no discontinuance of the taxpayer's operations or activities. Nonpayment by the taxpayer of taxes or business license fees when due during the term of any

license will constitute grounds for revocation of, or the refusal to renew, said license. (Ord. 3385-14 § 1, 2014: Ord. 2809-04 § 1 (part), 2004)

is hereby amended to read as follows:

3.19.030 Registration/license certificates.

A. Licensing. ~~Except for those persons under contract with the city, which contracts are exempt under Section 3.19.040(D),~~ A~~a~~ny person, so engaging in a business activity within the city whether taxable or not, shall apply for and obtain from the city clerk, upon payment of the fee provided in this section, a business license. Such applicant shall complete an application form for such business license upon such forms as provided by the office of the city clerk and shall accompany such application with the required fee. Such business license shall be personal and nontransferable. If a taxpayer transacts business at two or more locations within the city, the taxpayer must obtain additional business licenses for each additional location and pay the required additional location fee annually.

B. License Control. Each business license shall be numbered and shall show the name, place and character of the business of the taxpayer and such other information as the office of the clerk deems necessary and shall be posted in a conspicuous place at the place of business for which it is issued.

C. License Duration. Each business license issued by the office of the clerk will be valid from January 1st to December 31st of a calendar year, so long as the taxpayer pays the tax accrued to the city. If a taxpayer changes its place of business, the taxpayer must return its existing business license to the office of the clerk and the office of the clerk will issue a new business license for the new place of business with the same expiration date as the taxpayer's existing license and without an additional charge.

D. License Restrictions. No person shall engage in any business taxable under this chapter without being registered in compliance with the provisions of this chapter, except that the office of the clerk, by general regulation, may provide for the issuance of temporary business licenses to a temporary place of business without requiring the payment of any fee. No person to whom a business license has been issued may allow any person for whom a separate business license is required to operate under or to display his/her business license. No person may operate under or display a business license issued by the city to another taxpayer.

E. License Fees.

1. Registration Fee. A registration fee of seventy-five dollars will be due at the time of filing an application for a business license. If the application for a business license is filed between July 1st and December 31st, and the registrant's first day of business is July 1st or later, the registration fee will be thirty-seven and one-half dollars.

2. Additional Location Fee. For each additional location at which a taxpayer transacts business, the taxpayer will pay a fee of twenty dollars per year at the time of registration. If the application for an additional location is filed between July 1st and December 31st, the additional location fee will be ten dollars.

3. Renewal Fee. A renewal fee will be due prior to January 1st of each year. For businesses located outside the city limits of Everett with total ~~a~~ world-wide gross income of less than twenty thousand dollars in the first three quarters of the year preceding the license year, plus the fourth quarter of the year prior to the preceding year, the annual renewal fee is twenty-five dollars. For businesses located within the city limits of Everett with total world-wide gross income of less than twenty thousand dollars in the first three quarters of the year preceding the license year, plus the fourth quarter of the year prior to the preceding year, the annual renewal fee is ten dollars. For all businesses with total~~a~~ world-wide gross income of twenty thousand dollars or more in the first three quarters of the year preceding the license year, plus the fourth quarter of the year prior to the preceding year, the annual renewal fee is seventy-five dollars. The renewal fee for each additional location will be twenty dollars. Measurement period example:

License Year	Gross Earnings Measurement Period
2017	4th Quarter 2015 3rd Quarter 2016 2nd Quarter 2016 1st Quarter 2016

4. Fee Adjustment. The~~Prior to mailing renewal notices, but no later than December 31, 2014, and annually thereafter, the~~ office of the clerk shall administratively adjust the fees provided for herein annually in an amount equal to the annual change in the June to June Consumer Price Index (CPI-U) (1982-84=100) for the Seattle-Tacoma-Bremerton area as published by the United States Department of Labor (CPI), compounded from the base year of 2015. ~~.~~To calculate the adjustment, the ~~current~~ rate established in Section 3.19.030 E.3. will be multiplied by one plus the compounded annual change in the CPI between the current year and 2015. If the annual change in CPI is negative, no adjustment shall be made for the year. The amount of the fees so calculated will be rounded to the nearest whole dollar.

F. License Renewal. Prior to January 1st of each year, a taxpayer desiring to renew its license must submit a renewal form and the renewal fee to the office of the clerk. The renewal form must indicate any changes to the taxpayer's name, location, or character of business, or affirm that there have not been any changes. Any taxpayer failing to make payment on or prior to January 1st will be subject to penalties in the following amounts:

1. Ten percent of the current renewal fee, as adjusted in subsection (E)(4) of this section, if the payment is not received on or before the last day of the month following the expiration date.

2. Twenty percent of the current renewal fee, as adjusted in subsection (E)(4) of this section, if the payment is not received on or before the last day of the second month following the expiration date.

3. All business licenses issued subsequent to the initial license period will be deemed renewal licenses if there has been no discontinuance of the taxpayer's operations or activities. Nonpayment by the taxpayer of taxes or business license fees when due during the term of any license will constitute grounds for revocation of, or the refusal to renew, said license. (Ord. 3385-14 § 1, 2014: Ord. 2809-04 § 1 (part), 2004)

Section 2. Section 2 of Ordinance No. 3385-14 (EMC 3.19.040), which reads as follows:

3.19.040 When due and payable—Reporting periods—Monthly, quarterly, and annual returns—Threshold provisions or relief from filing requirements—Computing time periods—Failure to file returns.

A. Other than any annual license fee or registration fee assessed under this chapter, the tax imposed by this chapter shall be due and payable in quarterly installments. At the director's discretion, businesses may be assigned to a monthly or annual reporting period depending on the tax amount owing or type of tax. Tax payments are due on or before the last day of the next month following the end of the assigned reporting period covered by the return.

B. Taxes shall be paid as provided in this chapter and accompanied by a return on forms as prescribed by the director. The return shall be signed by the taxpayer personally or by a responsible officer or agent of the taxpayer. The individual signing the return shall swear or affirm that the information in the return is complete and true.

C. Tax returns must be filed and returned by the due date whether or not any tax is owed. Returns not received on or before the due date are subject to penalties and interest in accordance with this chapter.

D. For purposes of the tax imposed by Chapter 3.24, any person whose value of products, gross proceeds of sales or gross income of the business subject to tax after all allowable deductions is equal to or less than twenty thousand dollars in the current calendar year or five thousand dollars in the current quarter shall file a return, declare no tax due on their return, and submit the return to the director. The gross receipts and deduction amounts shall be entered on the tax return even though no tax may be due, except in those specific instances wherein the person claiming exemption under the provisions of this subsection is under contract for personal/professional services with the city which contract is less than five thousand dollars for a quarterly period or twenty thousand dollars if on an annual reporting basis.

E. A taxpayer who commences to engage in business activity shall file a return and pay the tax or fee for the portion of the reporting period during which the taxpayer is engaged in business activity.

F. Except as otherwise specifically provided by any other provision of this chapter, in computing any period of days prescribed by this chapter, the day of the act or event from which the designated period of time runs shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or city or federal legal holiday, in which case the last day of such period shall be the next succeeding day which is neither a Saturday, Sunday, or city or federal legal holiday.

G. If any taxpayer fails, neglects or refuses to make his or her return as and when required in this chapter, the director is authorized to determine the amount of the tax or fees payable by obtaining facts and information upon which to base his or her estimate of the tax or fees due. Such assessment shall be deemed prima facie correct and shall be the amount of tax owed to the city by the taxpayer. The director shall notify the taxpayer by mail of the amount of tax so

determined, together with any penalty, interest, and fees due; the total of such amounts shall thereupon become immediately due and payable. (Ord. 2809-04 § 1 (part), 2004)

is hereby amended to read as follows:

3.19.040 When due and payable—Reporting periods—Monthly, quarterly, and annual returns—Threshold provisions or relief from filing requirements—Computing time periods—Failure to file returns.

A. Other than any annual license fee or registration fee assessed under this chapter, the tax imposed by this chapter shall be due and payable in quarterly installments. At the director's discretion, businesses may be assigned to a monthly or annual reporting period depending on the tax amount owing or type of tax. Tax payments are due on or before the last day of the next month following the end of the assigned reporting period covered by the return.

B. Taxes shall be paid as provided in this chapter and accompanied by a return on forms as prescribed by the director. The return shall be signed by the taxpayer personally or by a responsible officer or agent of the taxpayer. The individual signing the return shall swear or affirm that the information in the return is complete and true.

C. Tax returns must be filed and returned by the due date whether or not any tax is owed. Returns not received on or before the due date are subject to penalties and interest in accordance with this chapter.

D. For purposes of the tax imposed by Chapter 3.24, any person whose value of products, gross proceeds of sales or gross income of the business subject to tax after all allowable deductions is equal to or less than twenty thousand dollars in the current calendar year or five thousand dollars in the current quarter shall file a return, declare no tax due on their return, and submit the return to the director. The gross receipts and deduction amounts shall be entered on the tax return even though no tax may be due~~, except in those specific instances wherein the person claiming exemption under the provisions of this subsection is under contract for personal/professional services with the city which contract is less than five thousand dollars for a quarterly period or twenty thousand dollars if on an annual reporting basis~~.

E. A taxpayer who commences to engage in business activity shall file a return and pay the tax or fee for the portion of the reporting period during which the taxpayer is engaged in business activity.

F. Except as otherwise specifically provided by any other provision of this chapter, in computing any period of days prescribed by this chapter, the day of the act or event from which the designated period of time runs shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or city or federal legal holiday, in which case the last day of such period shall be the next succeeding day which is neither a Saturday, Sunday, or city or federal legal holiday.

G. If any taxpayer fails, neglects or refuses to make his or her return as and when required in this chapter, the director is authorized to determine the amount of the tax or fees payable by obtaining facts and information upon which to base his or her estimate of the tax or fees due. Such assessment shall be deemed prima facie correct and shall be the amount of tax owed to

the city by the taxpayer. The director shall notify the taxpayer by mail of the amount of tax so determined, together with any penalty, interest, and fees due; the total of such amounts shall thereupon become immediately due and payable. (Ord. 2809-04 § 1 (part), 2004)

Section 3. **Severability.** Should any section, paragraph, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. **Conflict.** In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

Section 5. **Corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 6. **General Duty.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

_____

Ray Stephanson, Mayor

ATTEST:

Sharon Fuller, City Clerk

Passed:_____

Valid:_____

Published:_____

Effective Date:_____

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:
Addendum No. 1 to Interlocal Agreement (ILA) between the City of Everett and Port of Everett Regarding Improvements to PSO 6 and PSO 2.

_____	Briefing
_____	Proposed Action
_____	Consent
X	Action
_____	First Reading
_____	Second Reading
_____	Third Reading
_____	Public Hearing
_____	Budget Advisory

COUNCIL BILL #	
Originating Department	Public Works
Contact Person	Jim Miller
Phone Number	425-257-8880
FOR AGENDA OF	May 18, 2016

Initialed by:
Department Head _____
CAA db
Council President _____

Location	Preceding Action	Attachments	Department(s) Approval
14th Street & West Marine View Drive	May 2014 Authorized Original ILA	Addendum	Legal, Public Works

Amount Budgeted	$500,000	Fund 401
Expenditure Required	$400,000	Account Number: UP 3588
Budget Remaining	$100,000	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

In 2014, the City of Everett and the Port of Everett entered into an Interlocal Agreement (ILA) to construct and cost share on improvements to two combined sewer overflows, Puget Sound Outfall (PSO) 2 and 6. At this time, the Port is relocating a portion of PSO 1 in the vicinity of PSO 2 to enable the construction of a building associated with the Waterfront Place development near 14th Street and West Marine View Drive.

The City, as part of its Grand Avenue Park Bridge project, has designed piping that will convey combined sewage from this bridge north along West Marine View Drive and onto 14th Street. This pipe will connect to both PSO 1 and PSO 2. Rather than having both Port and City contractors working on these facilities, the Port has agreed to include the City's piping work on and near 14th Street in their contract. The City would reimburse the Port for any costs associated with the City's work for an amount that is not expected to exceed $400,000.

RECOMMENDATION (Exact action requested of Council):

Authorize the Mayor to sign Addendum No. 1 to the Interlocal Agreement between the City of Everett and the Port of Everett regarding improvements to PSO 6 and PSO 2 for the construction of combined sewer overflow piping.

ADDENDUM NO. 1

TO

INTERLOCAL AGREEMENT

BETWEEN

THE CITY OF EVERETT AND PORT OF EVERETT REGARDING IMPROVEMENTS TO PUGET SOUND OUTFALL 6 AND PUGET SOUND OUTFALL NO. 2

This Addendum to Interlocal Agreement ("***Addendum***") is dated for reference purposes May 31, 2016, and is between the CITY OF EVERETT (the "***City***") and the PORT OF EVERETT (the "***Port***") (individually a "***Party***" and collectively the "***Parties***").

RECITALS

A. The City and Port are Parties to the Interlocal Agreement (the "***Agreement***") dated July 3, 2014, concerning Puget Sound Outfall No. 6 and Puget Sound Outfall 2 ("***PSO 2***").

B. The Port preparing to call for bids on a project near West Marine View Drive (the "***New Port Project***"). As part of this upcoming project, it makes sense for the Port's contractor to install for the City a segment of pipe in 14th Street west of West Marine View Drive, which will carry combined sewer overflow, eventually connecting to the PSO 1 and PSO 2 (the "***New City Work***"). The New City Work will be done at the City's cost.

C. The City has provided to Port design and construction specifications for the New City Work, which the Port has approved (the "***New City Work Approved Plans and Specifications***"). The Parties have or shortly will have all permits necessary for the New City Work.

D. The City and Port have agreed to use the almost same process for the New City Work as for the PSO 2 Work in the Agreement. The purpose of this Addendum is for the City and Port to formalize their understandings regarding the New City Work/New Port Project.

AGREEMENT

The Parties agree as follows:

A. Use of Agreement Section 2. Section 2 of the Agreement concerns PSO 2 Work. The Parties agree to also use Agreement Section 2 as shown in the table below for New Port Project and the New City Work:

Subsection	Topic	Applies to New City Work/New Port Project?
2.A	Design	NO
2.B	Permitting	NO
2.C	Procurement	YES
2.D	Construction	YES
2.E	Completion	YES
2.F	Permanent Easement	YES
2.G	Cost Sharing	YES

If a subsection applies to the New City Work/New Port Project in the table above, then that entire subsection applies to the New City Work/New Port Project as written, except that the term "PSO 2 Work" is replaced by "New City Work," the term PSO 2 Approved Plans and Specifications" is replaced by "New City Work Approved Plans and Specifications," and the term "Everett Shipyard project" is replaced by "New Port Project."

The Parties agree that the use Section 2 of the Agreement for the New City Work/New Port Project is solely for convenience to avoid drafting a repetitive new agreement. As it relates to the PSO 2 Work, Section 2 of the Agreement remains unchanged by this Addendum. This Addendum has no impact whatsoever on the Agreement as the Agreement relates to PSO 2 Work.

B. General Provisions. All of Section 4 of the Agreement also applies to the New City Work/New Port Project. This Addendum shall be recorded or otherwise made available to the public in accordance with RCW 39.34.040. The Agreement remains in full force and effect in its entirety.

CITY OF EVERETT

By: _____
Ray Stephanson, Mayor

Date: _____

APPROVED AS TO FORM:

_____
James D. Iles, City Attorney
Date: _____

ATTEST:

_____
Sharon Fuller, City Clerk
Date: _____

PORT OF EVERETT

By: _____

Name: _____

Title: _____

Date: _____