

Everett City Council Agenda

6:30 P.M. July 13, 2016

City Council Chambers

Roll Call

Approval of Minutes: July 6, 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) CB 1607-28- 1st Reading – Adopt the Proposed Ordinance approving the appropriations of the 2016 revised City of Everett Budget and amending Ordinance No. 3487-16.(3rd and final reading on 7-27-16).

Documents:

[CB 1607-28.pdf](#)

(2) CB 1607-29- 1st Reading – Adopt the Proposed Ordinance regarding deferred payment of impact fees for single-family homes and an exemption for payment of impact fees for low-income housing, amending Ordinance 3389-14 (EMC Chapter 18.36, Small Project Impact Fee), Ordinance 3387-14(EMC Chapter 18.40, Transportation Mitigation) and Ordinance 3396-14 (EMC Chapter 18.44 School District Impact Fees) as amended. (3rd and final reading on 7-27-16)

Documents:

[CB 1607-29.pdf](#)

CONSENT ITEMS:

(3) Adopt Resolution No. ____ authorizing claims against the City of Everett in the amount of \$3,140,657.07 for the period of June 25, 2016 through July 1, 2016.

Documents:

[res-93.pdf](#)

(4) Adopt Resolution No. ____ authorizing payroll claims against the City of Everett in the amount of \$3,864,883.77 for the period ending June 25, 2016.

Documents:

[payroll-64.pdf](#)

(5) Authorize the closure of one lane of West Mukilteo Boulevard, between Mukilteo Lane and Shore Avenue, on August 27, 2016, 7:45 a.m. to 9:45 a.m., for a 5K/10K run/walk, sponsored by Mukilteo Lighthouse Festival.

Documents:

[Mukilteo-1.pdf](#)

PUBLIC HEARING:

(6) CB 1606-27- 3rd and final Reading – Adopt the Proposed Ordinance adopting and modifying changes to the Everett City Charter as recommended by the Charter Review Committee, adding new changes, and directing the submittal of these changes to the Snohomish County Auditor for placement on the ballot for November 8, 2016, for consideration by the voters of the City of Everett.

Documents:

[CB 1606-27.pdf](#)

ACTION ITEMS:

(7) Authorize the Mayor to sign Amendment No. 1 to Professional Services Agreement with Murray, Smith & Associates, Inc. to provide design and construction support services for the Legion Golf Course Storm water Detention Project in an amount not to exceed \$395,766.00.

Documents:

[Murray-4.pdf](#)

(8) Approve the Lawsuit Settlement of Taylor-Montz v. City of Everett, Cause.

Documents:

[Taylor-2.pdf](#)

(9) Adopt Resolution declaring the listed Scott Self Contained Breathing Apparatus equipment surplus and authorizing its sale by sealed bid.

Documents:

[Scott-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.

The City of Everett does not discriminate on the basis of disability in the admission or access to, or treatment in, its programs or activities. Requests for assistance or accommodations can be arranged by contacting the Everett City Council Office at 425 257-8703.

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

An Ordinance approving the appropriations of the 2016 revised City of Everett Budget and amending Ordinance No. 3487-16.

| | |
|----------------|-----------------|
| <u>7/13/16</u> | Briefing |
| _____ | Proposed Action |
| _____ | Consent |
| _____ | Action |
| <u>7/13/16</u> | First Reading |
| <u>7/20/16</u> | Second Reading |
| <u>7/27/16</u> | Third Reading |
| _____ | Public Hearing |
| _____ | Budget Advisory |

COUNCIL BILL #
 Originating Department
 Contact Person
 Phone Number
 FOR AGENDA OF

OB1607-28
 Finance
 Susy Haugen
 425-257-8612
 July 13, 2016
 July 20, 2016
 July 27, 2016

Initialed by:
 Department Head
 CAA
 Council President

db

| | | | |
|-----------------|-------------------------|--|--|
| <u>Location</u> | <u>Preceding Action</u> | <u>Attachments</u> Ordinance, Attachment A | <u>Department(s) Approval</u> Finance |
|-----------------|-------------------------|--|--|

| | | |
|----------------------|---------------|-------------------------------------|
| Amount Budgeted | \$344,605,661 | |
| Expenditure Required | \$353,490,183 | Account Number(s): See Attachment A |
| Budget Remaining | -0- | |
| Additional Required | \$8,884,522 | |

DETAILED SUMMARY STATEMENT:

The proposed Ordinance amends the City of Everett 2016 Operating Budget as noted below.

- General Government amendments. Increases the expenditure budget by \$1,042,169, increases the revenue budget by \$581,096, and decreases the ending fund balance by \$461,073.
- Non-General Government amendments. Increases expenditure budgets by \$7,842,353, revenue budgets by \$3,111,166 and decreases ending fund balances by \$4,731,187.

RECOMMENDATION (Exact action requested of Council):

Adopt an Ordinance approving the appropriations of the 2016 revised City of Everett Budget and amending Ordinance No. 3487-16.



ORDINANCE NO. _____

AN ORDINANCE approving the appropriations of the 2016 revised City of Everett budget and amending Ordinance No. 3487-16.

WHEREAS, the City Council has reviewed the amended budget appropriations and information which was made available; and approves the appropriation of local, state, and federal funds and the increase or decrease from previously approved programs within the 2016 Budget; and

WHEREAS, the applications of funds have been identified;

NOW, THEREFORE, the City of Everett does ordain that Ordinance No. 3487-16 is hereby amended by the amendments shown on Attachment A, which is incorporated by reference, which amendments shall be made to the 2016 Budget with a total increased appropriation amount of \$8,884,522.

| | <u>Beginning Fund Balance and 2016 Revenues</u> | <u>Expenditures</u> | <u>Ending Fund Balance</u> |
|--------------------------------|--|----------------------------|---------------------------------------|
| 2016 Previously Amended Budget | \$ 504,848,500 | \$ 344,605,661 | \$ 160,242,839 |
| Budget Amendment #2 | 3,692,262 | 8,884,522 | (5,192,260) |
| 2016 Amended Budget | \$ 508,540,762 | \$ 353,490,183 | \$ 155,050,579 |

MAYOR

ATTEST:

CITY CLERK

Passed:
Valid:
Published:
Effective Date:

2016 BUDGET ADJUSTMENTS for Budget Amendment # 2

General Government Amendments

| | | | Increase/(Decrease) | | |
|--|--------------------|--|---------------------|----------------------------|------------------|
| <u>Fund</u> | <u>Description</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Ending Fund Balance</u> | |
| GGA-18 | Senior Center | SnoCo Human Services Grant | 23,000 | 23,000 | - |
| GGA-19 | Police | Marine Patrol Grant | 17,912 | 17,912 | - |
| GGA-20 | Police | Joint Task Force with USMS | 6,000 | 6,000 | - |
| GGA-21 | Fire | Homeland Security Grant | 7,500 | 7,500 | - |
| GGA-22 | Fire | Assistance to Firefighters Grant | 526,684 | 579,352 | (52,668) |
| GGA-23 | Police | Parking Enforcement Officers and vehicles | | 185,000 | (185,000) |
| GGA-24 | Neighborhoods | Administrative Assistant | | 35,455 | (35,455) |
| GGA-25 | Facilities | Project Coordinator position - succession planning | | 53,200 | (53,200) |
| GGA-26 | Non-Departmental | Funding for IT Projects (Virtra & Text Archiving) | | 62,900 | (62,900) |
| GGA-27 | Administration | Director of Public Health and Safety | | 71,850 | (71,850) |
| Total General Government Amendments | | | 581,096 | 1,042,169 | (461,073) |

Non-General Government Amendments

| | | | Increase/(Decrease) | | |
|--|------------------------|--|---------------------|----------------------------|--------------------|
| <u>Fund</u> | <u>Description</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Ending Fund Balance</u> | |
| NGA-5 | Motor Vehicle Division | Vehicle & Equipment Purchases | 346,700 | 554,200 | (207,500) |
| NGA-6 | CIP 3 | Kasch Park Renovation | | 2,700,000 | (2,700,000) |
| NGA-7 | CIP 4 | Downtown Streetscape - Phase 3 | | 3,525,520 | (3,525,520) |
| NGA-8 | CIP 1 | South Precinct Roof and Main Library Windows | 2,540,000 | 825,000 | 1,715,000 |
| NGA-9 | Computer Reserve | IT Projects (Virtra & Text Archiving) | 66,120 | 66,120 | - |
| NGA-10 | Criminal Justice | Streets Initiative Flex Fund (donations and related exp) | 11,675 | 11,675 | - |
| NGA-11 | Library Reserve | GECF contributions and related expenditures | 15,000 | 15,000 | - |
| NGA-12 | EMS | Assistance to Firefighters Grant | 131,671 | 144,838 | (13,167) |
| Total Non-General Government Amendments | | | 3,111,166 | 7,842,353 | (4,731,187) |

**2016
Budget Adjustments
Tally Sheet**

| Department | | Code | Rev | Exp | FB |
|------------|---------------|--|------|--------|--------|
| GGA-18 | Senior Center | Amendment - SnoCo Human Services Grant | 027A | | 23,000 |
| GGA-18 | General Fund | Amendment - SnoCo Human Services Grant | 002A | 23,000 | |

Snohomish County Human Services awarded the Carl Gipson Senior Center a grant in the amount of \$23,000 to upgrade the existing video monitoring system. No matching funds are required. Council approved this contract at the June 8, 2016, Council meeting.

| | | | | | |
|------------------------------------|-----|------------|--|--------|--------|
| Increase intergovernmental revenue | 002 | 3370700027 | | | 23,000 |
| Increase supplies/equipment budget | 027 | 5500000350 | | 23,000 | |

| Department | | Code | Rev | Exp | FB |
|------------|--------------|---------------------------------|------|--------|--------|
| GGA-19 | Police | Amendment - Marine Patrol Grant | 031A | | 17,912 |
| GGA-19 | General Fund | Amendment - Marine Patrol Grant | 002A | 17,912 | - |

The Police Department (EPD) has been awarded a \$17,912 grant from the Washington State Parks and Recreation Commission (the Commission). The award is to reimburse costs of on-the-water patrols and boating education classes. The application and program approval establishes the framework between the Commission and the EPD for accomplishing the patrols, classes, and special emphasis enforcement. The ultimate goals of the activities are to reduce injury from boating incidents and to promote a safe and enjoyable boating environment for all users.

Council approved application and acceptance of this grant at the January 20, 2016, Council meeting.

| | | | | | |
|--------------------------|-----|------------|--|--------|--------|
| Increase grant revenue | 002 | 3336702400 | | | 17,912 |
| Increase overtime budget | 031 | 5220000120 | | 17,912 | |

| Department | | Code | Rev | Exp | FB |
|------------|--------------|--|------|-------|-------|
| GGA-20 | Police | Amendment - Joint Task Force with USMS | 031A | | 6,000 |
| GGA-20 | General Fund | Amendment - Joint Task Force with USMS | 002A | 6,000 | |

The United States Department of Justice, Marshals Service (USMS), is providing the Police Department funding to conduct and participate in joint law enforcement operations to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crimes.

Council approved the memorandum of understanding, which outlined permissible expenses to be reimbursed, at the May 4, 2016, Council meeting.

| | | | | | |
|------------------------------------|-----|------------|--|-------|-------|
| Increase intergovernmental revenue | 002 | 5701000120 | | | 6,000 |
| Increase overtime budget | 031 | 5701000120 | | 6,000 | |

**2016
Budget Adjustments
Tally Sheet**

| Department | | Code | Rev | Exp | FB | |
|------------|--------------|-------------------------------------|------|-------|-------|---|
| GGA-21 | Fire | Amendment - Homeland Security Grant | 032A | | 7,500 | |
| GGA-21 | General Fund | Amendment - Homeland Security Grant | 002A | 7,500 | | - |

The US Department of Homeland Security, Federal Emergency Management Agency is providing funds to state and local agencies to enhance emergency preparedness. This grant is being passed through Snohomish County to the City to purchase three large cargo containers for storing disaster related supplies.

Council approved acceptance of this grant at the April 6, 2016, Council meeting.

| | | | | |
|---------------------------|-----|------------|-------|-------|
| Increase grant revenue | 002 | 3339706735 | | 7,500 |
| Increase equipment budget | 032 | 5150001350 | 7,500 | |

| Department | | Code | Rev | Exp | FB |
|------------|--------------|--|------|---------|----------|
| GGA-22 | Fire | Amendment - Assistance to Firefighters Grant | 032A | 579,352 | |
| GGA-22 | General Fund | Amendment - Assistance to Firefighters Grant | 009A | | (52,668) |

The Fire/EMS department has been awarded a Department of Homeland Security, Assistance to Firefighters Grant to replace low pressure self contained breathing apparatus (SCBA) equipment with a newer high pressure system. This grant requires a ten percent match. The expenditures and grant revenue will be split between Fire and EMS on an 80/20 basis. This amendment increases the Fire department's expenditure and grant revenue budgets. Please see NGA-12 for the amendment to the EMS budget.

Council awarded the request for proposal for the equipment at the June 22, 2016, Council meeting.

| | | | | |
|------------------------------|-----|------------|---------|---------|
| Increase grant revenue | 002 | 3319700032 | | 526,684 |
| Increase uniform budget | 032 | 5202621260 | 579,352 | |
| Decrease ending fund balance | 009 | 5980000490 | | 52,668 |

| Department | | Code | Rev | Exp | FB |
|------------|--------------|--|------|---------|-----------|
| GGA-23 | Police | Amendment - Parking Enforcement Officers | 031A | 101,000 | |
| GGA-23 | General Fund | Amendment - Parking Enforcement Officers | 009A | 84,000 | (185,000) |

This amendment will increase the Police Department's budget by \$101,000 for two new Parking Enforcement Officers and the Non-Departmental budget by \$84,000 to provide funding for vehicles for these positions. The officers are being hired in an effort to increase parking enforcement within the City limits. The salary and benefit amounts included in this amendment represent five months. These positions will be included as full year positions in the 2017 budget. The M&O included with this amendment provides for initial equipment set up.

| | | | | |
|------------------------------|-----|------------|--------|---------|
| Increase salaries | 031 | 5720000110 | 37,440 | |
| Increase benefits | 031 | 5720000210 | 21,910 | |
| Increase uniforms | 031 | 5720000260 | 1,650 | |
| Increase m&o | 031 | 5720000xxx | 40,000 | |
| Increase transfers out | 009 | 5000001550 | 84,000 | |
| Decrease ending fund balance | 009 | 5980000490 | | 185,000 |

**2016
Budget Adjustments
Tally Sheet**

| Department | | Code | Rev | Exp | FB | |
|------------|---------------|--------------------------------------|------|-----|--------|----------|
| GGA-24 | Neighborhoods | Amendment - Administrative Assistant | 022A | | 35,455 | |
| GGA-24 | General Fund | Amendment - Administrative Assistant | 009A | | | (35,455) |

This amendment increases the Neighborhoods budget for the addition of an Administrative Assistant to assist with community engagement and outreach efforts in support of the Neighborhood associations. The amount shown is for five months of salary and benefits. The position will be added as a full year position in 2017.

| | | | | | |
|------------------------------|-----|------------|--|--------|--------|
| Increase salaries | 022 | 5010000110 | | 25,325 | |
| Increase benefits | 022 | 5010000210 | | 10,130 | |
| Decrease ending fund balance | 009 | 5980000490 | | | 35,455 |

| Department | | Code | Rev | Exp | FB | |
|------------|--------------|---------------------------------|------|-----|--------|----------|
| GGA-25 | Facilities | Amendment - Project Coordinator | 038A | | 53,200 | |
| GGA-25 | General Fund | Amendment - Project Coordinator | 009A | | | (53,200) |

This amendment temporarily increases the Facilities budget for a Project Coordinator position to provide for succession planning. The amount requested is for seven months of salary and benefits.

| | | | | | |
|------------------------------|-----|------------|--|--------|--------|
| Increase salaries | 038 | 5870040110 | | 37,982 | |
| Increase benefits | 038 | 5870040210 | | 15,218 | |
| Decrease ending fund balance | 009 | 5980000490 | | | 53,200 |

| Department | | Code | Rev | Exp | FB | |
|------------|-----------------------|-------------------------------------|------|-----|--------|----------|
| GGA-26 | Non-Dept General Govt | Amendment - Funding for IT Projects | 009A | | 62,900 | |
| GGA-26 | General Fund | Amendment - Funding for IT Projects | 009A | | | (62,900) |

This amendment provides the General Fund's portion of the funding necessary for the Information Technology department to move forward with the two projects listed below.

- > \$7,700 to implement a mobile text archiving solution that will increase the City's ability to comply with the Public Records Act.
- > \$55,200 in additional funding for the Police VirTra Weapons Training Simulator upgrade.

| | | | | | |
|------------------------------|-----|------------|--|--------|--------|
| Increase transfers out | 009 | 5000004990 | | 62,900 | |
| Decrease ending fund balance | 009 | 5980000490 | | | 62,900 |

**2016
Budget Adjustments
Tally Sheet**

| Department | | Code | Rev | Exp | FB | |
|------------|----------------|--|------|-----|--------|----------|
| GGA-27 | Administration | Amendment-Director of Public Health & Safety | 004A | | 71,850 | |
| GGA-27 | General Fund | Amendment-Director of Public Health & Safety | 009A | | | (71,850) |

This amendment increases Administration's budget for the Director of Public Health & Safety position. This position will provide policy advice to Administration and other City departments to better coordinate city-wide efforts around public safety, criminal justice, social services, and public health. The amount requested is for five months of salary and benefits as well as initial m&o costs. The position will be added as a full year position in the 2017 budget.

| | | | | | |
|------------------------------|-----|------------|--|--------|--------|
| Increase salaries | 004 | 5770000110 | | 49,619 | |
| Increase benefits | 004 | 5770000210 | | 15,944 | |
| Increase m&o | 004 | 5770000xxx | | 6,287 | |
| Decrease ending fund balance | 009 | 5980000490 | | | 71,850 |

**2016
Budget Adjustments
Tally Sheet**

| | Department | Code | Rev | Exp | FB | |
|-------|------------|--|------|---------|---------|-----------|
| NGA-5 | MVD | Amendment - Vehicle & Equip. Purchases | 126A | 346,700 | 554,200 | (207,500) |

This amendment increases the vehicle and equipment expenditure budget in Fund 126, MVD, for the following:

Additions:

Police - 5 patrol cars and 1 staff car for new Streets Initiative staff - \$262,700
 Police - 2 scooters for new Parking Enforcement officers - \$84,000

Replacements:

| | | |
|-------------|-------------------|--------|
| Engineering | Truck | 28,000 |
| Fire | Utility vehicle | 44,500 |
| Facilities | Cargo van | 36,000 |
| Parks | Van | 28,000 |
| Parks | Flatbed trailer | 5,000 |
| Parks | 2 sprayers | 45,000 |
| Parks | Toro SandPro rake | 21,000 |

| | | | | |
|---|-----|------------|---------|---------|
| Increase vehicle expenditures - Engineering | 126 | 5200024640 | 28,000 | |
| Increase vehicle expenditures - Police | 126 | 5200031640 | 346,700 | |
| Increase vehicle expenditures - Fire | 126 | 5200032640 | 44,500 | |
| Increase vehicle expenditures - Facilities | 126 | 5200038640 | 36,000 | |
| Increase vehicle expenditures - Parks | 126 | 5200101640 | 99,000 | |
| Increase transfers in | 126 | 3970000009 | | 346,700 |
| Decrease ending fund balance | 126 | 5980000490 | | 207,500 |

| | Department | Code | Rev | Exp | FB |
|-------|------------|----------------------------|------|-----------|-------------|
| NGA-6 | CIP 3 | Amendment - CIP 3 Projects | 154A | 2,700,000 | (2,700,000) |

This amendment increases the CIP 3 expenditure budget for the Kasch Park Renovation project as approved by Ordinance 3489-16.

| | | | | |
|------------------------------|-----|------------|-----------|-----------|
| Increase CIP 3 transfers out | 154 | 5354010550 | 2,700,000 | |
| Decrease ending fund balance | 154 | 5990000490 | | 2,700,000 |

| | Department | Code | Rev | Exp | FB |
|-------|------------|----------------------------|------|-----------|-------------|
| NGA-7 | CIP 4 | Amendment - CIP 4 Projects | 162A | 3,525,520 | (3,525,520) |

This amendment increases the CIP 4 expenditure budget for the Downtown Streetscape Phase 3 project as approved by Ordinance 3485-16.

| | | | | |
|------------------------------|-----|------------|-----------|-----------|
| Increase CIP 4 transfers out | 162 | 5625210550 | 3,525,520 | |
| Decrease ending fund balance | 162 | 5620999490 | | 3,525,520 |

**2016
Budget Adjustments
Tally Sheet**

| | Department | | Code | Rev | Exp | FB |
|-------|------------|----------------------------|------|-----------|---------|-----------|
| NGA-8 | CIP 1 | Amendment - CIP 1 Projects | 162A | 2,540,000 | 825,000 | 1,715,000 |

This amendment increases the CIP 1 expenditure budget for the projects listed below and recognizes the \$2,540,000 general fund contribution made to CIP 1, as authorized in the first 2016 budget amendment.

\$500,000 for the South Precinct roof replacement as approved by Ordinance 3482-16
\$325,000 for the Main Library window replacements as approved by Ordinance 3492-16

| | | | | |
|--|-----|------------|-----------|-----------|
| Increase transfers out to construction funds | 162 | 5500000550 | 825,000 | |
| Increase transfers in from GF | 162 | 3971050000 | | 2,540,000 |
| Increase ending fund balance | 162 | 5500999490 | 1,715,000 | |

| | Department | | Code | Rev | Exp | FB |
|-------|------------------|-------------------------|------|--------|--------|----|
| NGA-9 | Computer Reserve | Amendment - IT Projects | 505A | 66,120 | 66,120 | |

This amendment increases the Computer Reserve Fund's budget for the following IT projects:

> \$10,920 to implement a mobile text archiving solution
> \$55,200 for the Police VirTra Weapons Training Simulator upgrade

| | | | | |
|--|-----|------------|--------|--------|
| Increase General Fund transfers in | 505 | 3970030000 | | 62,900 |
| Increase Non-General Fund transfers in | 505 | 3970030000 | | 3,220 |
| Increase capital outlay | 505 | 5130000640 | 66,120 | |

| | Department | | Code | Rev | Exp | FB |
|--------|------------------|--|------|--------|--------|----|
| NGA-10 | Criminal Justice | Amendment - Streets Initiative Flex Fund | 156A | 11,675 | 11,675 | |

This amendment increases the Community Streets Initiative Flex fund revenue and expenditure budgets. The fund accepts charitable giving funds to be used to assist poor and infirm individuals who are working with the Community Outreach and Enforcement Team and/or the Chronic Utilizer Alternative Response Team (CHART).

| | | | | |
|-------------------------------------|-----|------------|--------|--------|
| Increase miscellaneous expenditures | 156 | 5250000494 | 11,675 | |
| Increase donation revenue | 156 | 3670000025 | | 11,675 |

**2016
Budget Adjustments
Tally Sheet**

| | Department | | Code | Rev | Exp | FB |
|--------|-----------------|-------------------------------|------|--------|--------|----|
| NGA-11 | Library Reserve | Amendment - GECF Expenditures | 152A | 15,000 | 15,000 | - |

The Library received more interest than expected from one of the endowment funds invested with the Greater Everett Community Foundation (GECF) of Snohomish County. The Library would like to make the funds available for programs and building improvements in 2016. This amendment increases both the contributions and expenditure budgets.

| | | | | | |
|--------------------------------|-----|------------|--|--------|--------|
| Increase contributions | 152 | 3670000077 | | | 15,000 |
| Increase professional services | 152 | 5770000410 | | 10,000 | |
| Increase construction projects | 152 | 5770000650 | | 5,000 | |

| | Department | | Code | Rev | Exp | FB |
|--------|------------|--|------|---------|---------|----------|
| NGA-12 | EMS | Amendment - Assistance to Firefighters Grant | 153A | 131,671 | 144,838 | (13,167) |

As noted in GGA-22, the Fire/EMS department has been awarded a Department of Homeland Security, Assistance to Firefighters Grant to replace low pressure self contained breathing apparatus (SCBA) equipment with a newer high pressure system. The grant requires a ten percent match. This amendment increases the EMS department's expenditure and grant revenue budgets.

Council approved the award of the request for approval for the equipment at the June 22, 2016, Council meeting

| | | | | | |
|------------------------------|-----|------------|--|---------|---------|
| Increase grant revenue | 153 | 3319700153 | | | 131,671 |
| Increase uniform budget | 153 | 5202621260 | | 144,838 | |
| Decrease ending fund balance | 153 | 5990000490 | | | 13,167 |

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

An Ordinance regarding deferred payment of impact fees for single-family homes and an exemption for payment of impact fees for low-income housing, amending Ordinance 3389-14 (EMC Chapter 18.36, Small Project Impact Fee), Ordinance 3387-14 (EMC Chapter 18.40, Transportation Mitigation) and Ordinance 3396-14 (EMC Chapter 18.44, School District Impact Fees) as amended

| | |
|----------------|-----------------|
| <u>7-13-16</u> | Briefing |
| _____ | Proposed Action |
| _____ | Consent |
| _____ | Action |
| <u>7-13-16</u> | First Reading |
| <u>7-20-16</u> | Second Reading |
| <u>7-27-16</u> | Third Reading |
| _____ | Public Hearing |
| _____ | Budget |
| _____ | Advisory |

| | |
|------------------------|-----------------------|
| COUNCIL BILL # | <u>CB1607-29</u> |
| Originating Department | <u>Planning</u> |
| Contact Person | <u>David Stalheim</u> |
| Phone Number | <u>425-257-8731</u> |
| FOR AGENDA OF | <u>July 13, 2016</u> |
| | <u>July 20, 2016</u> |
| | <u>July 27, 2016</u> |
| Initialed by: | |
| Department Head | <u>ds</u> |
| CAA | |
| Council President | |

| | | | |
|-----------------|-------------------------|--|--|
| <u>Location</u> | <u>Preceding Action</u> | <u>Attachments</u> Ordinance, Planning Commission Staff Report, Public Comment | <u>Department(s) Approval</u> Legal, Planning |
|-----------------|-------------------------|--|--|

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

DETAILED SUMMARY STATEMENT:

This is an ordinance to amend the following chapters of the Everett Municipal Code:

- Chapter 18.36, Small Project Impact Fee
- Chapter 18.40, Transportation Mitigation
- Chapter 18.44, School District Impact Fees

The amendments would address requirements set forth by the 2015 state legislature in ESB 5923 regarding the establishment of a fee deferral system for new single-family detached and attached residential construction.

The amendments also provide an option to exempt up to 80% of impact fees for low-income housing.

RECOMMENDATION (Exact action requested of Council):

Adopt an Ordinance regarding deferred payment of impact fees for single-family homes and an exemption for payment of impact fees for low-income housing, amending Ordinance 3389-14 (EMC Chapter 18.36, Small Project Impact Fee), Ordinance 3387-14 (EMC Chapter 18.40, Transportation Mitigation) and Ordinance 3396-14 (EMC Chapter 18.44, School District Impact Fees) as amended.



ORDINANCE NO. _____

An Ordinance regarding deferred payment of impact fees for single-family homes and an exemption for payment of impact fees for low-income housing, amending Ordinance 3389-14 (EMC Chapter 18.36, Small Project Impact Fee), Ordinance 3387-14 (EMC Chapter 18.40, Transportation Mitigation) and Ordinance 3396-14 (EMC Chapter 18.44, School District Impact Fees, as amended

WHEREAS, Chapter 82.02.050 RCW requires the city to adopt and maintain a system for the deferred collection of impact fees for single-family detached and attached residential construction by September 1, 2016; and

WHEREAS, Chapter 82.02.060 RCW authorizes the city to provide an exemption of not more than eighty percent of impact fees for low-income housing with no explicit requirement to pay the exempted portion of the fee from public funds; and

WHEREAS, the Planning Commission of the City of Everett has reviewed the proposed amendments to Chapter 18.36, Small Project Impact Fee, Chapter 18.40, Transportation Mitigation and Chapter 18.44, School District Impact Fees and found that:

1. RCW 82.02.050(3) requires the city to include one of three options for when payment would be due: final inspection; issuance of the certificate of occupancy or equivalent certification; and/or the closing of the first sale of the property; and
2. RCW 82.02.060(3) authorizes the city to provide an exemption for not more than eighty percent of impact fees for low-income housing if it is conditioned to require the developer to record a covenant that prohibits use of the property for any purpose other than for low-income housing; and
3. RCW 82.02.060(3) requires that any school district that receives school impact fees must approve any exemption; and

WHEREAS, the City Council finds that:

1. The proposed ordinance provides one of the three options for impact fee deferral required by RCW 82.02.050; and
2. The proposed ordinance requires the recording of covenants for any impact fee exemption approved for low-income housing and requires school district approval as a condition of city approval of any school district impact fee exemption.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Section 1 of Ordinance No. 3389-14, as amended (EMC 18.36.010), regarding "Title, authority and purpose" for Small Project Impact Fees, which reads as follows:

A. Title. The ordinance codified in this chapter may be referred to or cited as the small project impact fee ordinance, or "SPIFO," and will be referred to herein as "this chapter."

B. Purpose and Authorization. The purpose of this chapter is to implement the city's comprehensive plan including its transportation and capital facility elements. This chapter enables the city to collect impact fees from proposed projects that generate additional traffic and are categorically exempt under the State Environmental Policy Act (SEPA) and the state rules adopted thereunder (WAC 197-11-305) and therefore not subject to the city's transportation mitigation ordinance (TMO) (Chapter 18.40). The fees adopted under this chapter are authorized by and in accordance with the provisions of RCW 82.02.050 through 82.02.090.

Is hereby amended to read as follows:

A. Title. The ordinance codified in this chapter may be referred to or cited as the small project impact fee ordinance, or "SPIFO," and will be referred to herein as "this chapter."

B. Purpose and Authorization. The purpose of this chapter is to implement the city's comprehensive plan including its transportation and capital facility elements. This chapter enables the city to collect impact fees from proposed projects that generate additional traffic and are ~~categorically exempt under the State Environmental Policy Act (SEPA) and the state rules adopted thereunder (WAC 197-11-305) and therefore~~ not subject to the city's transportation mitigation ordinance (TMO) (Chapter 18.40). The fees adopted under this chapter are authorized by and in accordance with the provisions of RCW 82.02.050 through 82.02.090.

Section 2. Section 6 of Ordinance No. 3389-14, as amended (EMC 18.36.060), regarding "Administrative procedures and appeals" for Small Project Impact Fees, which reads as follows:

A. RCW 82.02.070 and 82.02.080 are hereby adopted by reference into this chapter as the administrative procedures for collection and refunding of impact fees under this chapter.

B. Payment of all fees shall be made prior to:

1. Final plat approval in the case of subdivisions and short subdivisions; or
2. In all other cases, be prior to the issuance of any building permits.

C. All fees collected under this chapter shall be obligated or expended on public facilities that are addressed by an adopted capital facilities plan element of a comprehensive land use plan. If fees are earmarked for a specific project, and the city determines that it is not feasible to implement that project within six years (or such other time period established pursuant to RCW 82.02.070(3) on public facilities intended to benefit the development activity for which the impact fees were paid), the fees may be expended or encumbered on a replacement project that provides similar or greater improvement to the transportation system.

D. The city engineer or designee shall be the official responsible for preparing the annual reports required under RCW 82.02.070.

E. An applicant's commitment to specific performance to construct a transportation improvement, including any bonds or financial assurance associated with the improvement, shall not be considered a fee under this chapter, regardless of whether a monetary value has been

assigned to the improvement in the traffic analysis or other project review documents or agreements.

F. An applicant may appeal the city traffic engineer's determination of the impact fee required under this chapter by following the administrative appeal procedures for the underlying development approval. If there are no administrative appeal procedures for the underlying development approval, the appeal shall follow the administrative appeal procedures in Section 15.20.010 for the appeal of minor administration decisions.

Is hereby amended to read as follows:

A. RCW 82.02.070 and 82.02.080 are hereby adopted by reference into this chapter as the administrative procedures for collection and refunding of impact fees under this chapter.

B. Payment of all transportation impact fees shall be made prior to building permit issuance, except as provided in EMC 18.36.060(C).;

~~1. Final plat approval in the case of subdivisions and short subdivisions; or~~

~~2. In all other cases, be prior to the issuance of any building permits.~~

C. The deferral of transportation impact fees shall be allowed only for single-family attached and detached construction being constructed by an applicant having a contractor registration number or other unique identification number and in accordance with the following:

1. For this subsection:

(a) "Applicant" includes an entity that controls, is controlled by, or is under common control with the applicant.

(b) "Common control" means two or more entities controlled by the same person or entity.

(c) "Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of an entity, whether through the ownership of voting shares, by contract, or otherwise.

2. An applicant wishing to defer the payment of transportation impact fees shall:

(a) Submit a signed and notarized deferred fee application and completed lien form concurrent with the building permit application for the building subject to the fee; and

(b) Submit a certification that the applicant has requested no more than a total of twenty deferred impact fee requests in the calendar year within the city; and

(c) Pay a non-refundable \$250.00 administration fee for each unit or lot of a single development project for which the deferral of the fee is requested.

3. The lien shall:

(a) Be in a form approved and provided by the city;

(b) Be signed by all owners of the property, with all signatures acknowledged as required for a deed;

(c) Include the legal description, property tax account number, and address for each lot or unit the lien will encumber;

(d) Be binding and subordinate on all successors in title after the recording;

(e) Be junior and subordinate to a first mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees, but in no case shall the lien be in less than second place.

4. The lien shall be recorded by the applicant, at their own expense, and a conformed copy of the recorded document shall be provided to the city prior to the issuance of the building permit that is subject to the transportation impact fee.

5. Each applicant eligible to defer impact fees shall only be entitled to annually receive deferrals for no more than a total of twenty building permits within the city.
6. The applicant shall be responsible for the payment of all recording fees.
7. The deferred transportation impact fee shall be paid in full prior to whichever of the following occurs first:
 - (a) The closing of the first sale of the property occurring after the issuance of the applicable building permit for which the fees were deferred; or
 - (b) Eighteen months from the date of building permit issuance.
8. If the building for which the deferral of the transportation impact fee is requested is located within a subdivision, unit lot subdivision or short subdivision, the subdivision, unit lot subdivision or short subdivision shall be recorded prior to recording the lien for impact fees and issuance of the building permit.
9. After the applicant has paid all deferred transportation impact fees, the applicant is responsible for submitting a lien release application to the city. The applicant, at their own expense, will be responsible for recording lien releases.
10. Compliance with the requirements of the deferral option shall constitute compliance with subdivision or short subdivision conditions pertaining to the timing of the transportation impact fee payment.
11. If deferred transportation impact fees are not paid in accordance with terms authorized by state law and this section, the City may initiate foreclosure proceedings for the unpaid transportation impact fees and all costs associated with the collection of the unpaid transportation impact fees.
12. A request to defer transportation impact fees under this section may be combined in one application with a request to defer school impact fees under EMC 18.44.090.

GD. All fees collected under this chapter shall be obligated or expended on public facilities that are addressed by an adopted capital facilities plan element of a comprehensive land use plan. If fees are earmarked for a specific project, and the city determines that it is not feasible to implement that project within six years (or such other time period established pursuant to RCW 82.02.070(3) on public facilities intended to benefit the development activity for which the impact fees were paid), the fees may be expended or encumbered on a replacement project that provides similar or greater improvement to the transportation system.

DE. The city engineer or designee shall be the official responsible for preparing the annual reports required under RCW 82.02.070.

EF. An applicant's commitment to specific performance to construct a transportation improvement, including any bonds or financial assurance associated with the improvement, shall not be considered a fee under this chapter, regardless of whether a monetary value has been assigned to the improvement in the traffic analysis or other project review documents or agreements.

FG. An applicant may appeal the city traffic engineer's determination of the impact fee required under this chapter by following the administrative appeal procedures for the underlying development approval. If there are no administrative appeal procedures for the underlying development approval, the appeal shall follow the administrative appeal procedures in Section 15.20.010 for the appeal of minor administration decisions.

Section 3. Section 18.36.065, "Fee Exemptions" is added to the Everett Municipal Code for Small Project Impact Fees as follows:

prepared by a licensed professional engineer or transportation planner with standing in the Institute of Transportation Engineers or is acceptable to the city traffic engineer.

Section 5. Section 14 of Ordinance No. 3387-14, as amended (EMC 18.40.140), regarding "Procedure for payment and use of fees" for Transportation Mitigation, which reads as follows:

- A. Payment of all fees shall be made prior to:
 - 1. Final plat approval in the case of subdivisions and short subdivisions; or
 - 2. In all other cases, be prior to the issuance of any building permits.
- B. All fees collected under this chapter shall be obligated or expended on transportation improvements. Fees collected for specific projects shall be expended on those projects or may be expended on replacement projects that provide similar or greater improvements.
- C. The fees shall be obligated or expended in all cases within five years of collection. Any fees not so obligated or expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of refund; however, if the payment is not obligated or expended within five years due to delay attributable to the project applicant, the payment shall be refunded without interest.
- D. An applicant's commitment to specific performance to construct a transportation improvement, including any bonds or financial assurance associated with the improvement, shall not be considered a fee, regardless of whether a monetary value has been assigned to the improvements in the traffic analysis or other project review documents or agreements.

Is hereby amended to read as follows:

- A. Payment of all transportation fees shall be made prior to building permit issuance, except as provided in EMC 18.40.140(B):
 - ~~1. Final plat approval in the case of subdivisions and short subdivisions; or~~
 - ~~2. In all other cases, be prior to the issuance of any building permits.~~
- B. The deferral of transportation fees shall be allowed only for single-family attached and detached construction being constructed by an applicant having a contractor registration number or other unique identification number and in accordance with the following:
 - 1. For this subsection:
 - (a) "Applicant" includes an entity that controls, is controlled by, or is under common control with the applicant.
 - (b) "Common control" means two or more entities controlled by the same person or entity.
 - (c) "Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of an entity, whether through the ownership of voting shares, by contract, or otherwise.
 - 2. An applicant wishing to defer the payment of fees for transportation system improvements shall:
 - (a) Submit a signed and notarized deferred fee application and completed lien form concurrent with the building permit application for the building subject to the fee; and
 - (b) Submit a certification that the applicant has requested no more than a total of twenty deferred transportation system improvement fee requests in the calendar year within the city; and

A. The city may, on a case-by-case basis, grant exemptions to the application of the transportation impact fee for new low income housing units in accordance with the conditions specified under RCW 82.02.060(2). To qualify for the exemption, the developer shall submit an application to the planning and community development director for consideration by the city prior to application for building permit. Conditions for such approvals shall meet the requirements of RCW 82.02.060(2), which includes payment of the fee from public funds other than the fee for transportation improvement account. In addition, any approved exemption will require a covenant that will assure the project's continued use for low income housing. The covenant shall be an obligation that runs with the land upon which the housing is located, and shall be recorded against the title of the real property.

B. The city may, on a case-by-case basis, grant a partial exemption of not more than eighty percent of transportation impact fees, with no explicit requirement to pay the exempted portion of the fee from public funds, for low-income housing units, pursuant to the following:

1. The Mayor, or designee, may grant an exemption to a low-income housing project for each low-income unit.
2. The decision to grant, partially grant or deny an exemption shall be based on the public benefit of the specific project, the extent to which the applicant has sought other funding sources, the financial hardship to the project of paying the transportation impact fees, the impacts of the project on public facilities and services, and the consistency of the project with adopted city plans and policies relating to low-income housing.
3. An exemption granted under this subsection must be conditioned upon requiring the developer to record a covenant approved by the director of planning and community development that prohibits using the property for any purpose other than for low-income housing. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and require that, if the property is converted to a use other than for low-income housing as defined in the covenant, the property owner must pay the applicable transportation impact fees in effect at the time of any conversion. Covenants required by this subsection must be recorded with the Snohomish County Auditor.
4. For purposes of this section, low-income housing is defined as any housing with a monthly housing expense, that is no greater than thirty percent of fifty percent of the median family income adjusted for family size, for Everett, as reported by the United States Department of Housing and Urban Development.

Section 4. Section 4 of Ordinance No. 3387-14, as amended (EMC 18.40.040), regarding "When a traffic analysis is required" for Transportation Mitigation, which reads as follows:

The applicant shall provide the responsible official with a written traffic analysis as part of the city's project review process, which includes SEPA review, whenever a proposed project will generate fifty or more additional peak hour trips, or if deemed necessary by the city traffic engineer. The traffic analysis shall be paid for by the applicant and shall be prepared by a licensed professional engineer or transportation planner with standing in the Institute of Transportation Engineers or is acceptable to the city traffic engineer.

Is hereby amended to read as follows:

The applicant shall provide the city traffic engineer ~~responsible official~~ with a written traffic analysis as part of the city's project review process, ~~which includes SEPA review,~~ whenever a proposed project will generate fifty or more additional peak hour trips, or if deemed necessary by the city traffic engineer. The traffic analysis shall be paid for by the applicant and shall be

- (c) Pay a non-refundable \$250.00 administration fee for each unit or lot of a single development project for which the deferral of the fee is requested.
3. The lien shall:
- (a) Be in a form approved and provided by the city;
 - (b) Be signed by all owners of the property, with all signatures acknowledged as required for a deed;
 - (c) Include the legal description, property tax account number, and address for each lot or unit the lien will encumber;
 - (d) Be binding and subordinate on all successors in title after the recording;
 - (e) Be junior and subordinate to a first mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees, but in no case shall the lien be in less than second place;
4. The lien shall be recorded by the applicant, at their own expense, and a conformed copy of the recorded document shall be provided to the city prior to the issuance of the building permit that is subject to the fee for transportation improvements.
5. Each applicant eligible to defer transportation fees shall only be entitled to annually receive deferrals for no more than a total of twenty building permits within the city.
6. The applicant shall be responsible for the payment of all recording fees.
7. The deferred fee for transportation improvements shall be paid in full prior to whichever of the following occurs first:
- (a) The closing of the first sale of the property occurring after the issuance of the applicable building permit for which the fees were deferred; or
 - (b) Eighteen months from the date of building permit issuance.
8. If the building for which the deferral of the fee for transportation improvements is requested is located within a subdivision, unit lot subdivision or short subdivision, the subdivision, unit lot subdivision or short subdivision shall be recorded prior to recording the lien for fees and issuance of the building permit.
9. After the applicant has paid all deferred fees for transportation improvements, the applicant is responsible for submitting a lien release application to the city. The applicant, at their own expense, will be responsible for recording lien releases.
10. Compliance with the requirements of the deferral option shall constitute compliance with subdivision or short subdivision conditions pertaining to the timing of the fee payment.
11. If deferred fees for transportation improvements are not paid in accordance with terms authorized by state law and this section, the City may initiate foreclosure proceedings for the unpaid impact fees and all costs associated with the collection of the unpaid fees.
12. A request to defer transportation fees under this section may be combined in one application with a request to defer school impact fees under EMC 18.44.090.

BC. All fees collected under this chapter shall be obligated or expended on transportation improvements. Fees collected for specific projects shall be expended on those projects or may be expended on replacement projects that provide similar or greater improvements.

CD. The fees shall be obligated or expended in all cases within five years of collection. Any fees not so obligated or expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of refund; however, if the payment is not obligated or expended within five years due to delay attributable to the project applicant, the payment shall be refunded without interest.

DE. An applicant's commitment to specific performance to construct a transportation improvement, including any bonds or financial assurance associated with the improvement, shall

not be considered a fee, regardless of whether a monetary value has been assigned to the improvements in the traffic analysis or other project review documents or agreements.

Section 6. Section 18.40.145, "Fee Exemptions" is added to the Everett Municipal Code for Transportation Mitigation as follows:

A. The city may, on a case-by-case basis, grant exemptions to the application of the fee for transportation improvements for new low income housing units in accordance with the conditions specified under RCW 82.02.060(2). To qualify for the exemption, the developer shall submit an application to the planning and community development director for consideration by the city prior to application for building permit. Conditions for such approvals shall meet the requirements of RCW 82.02.060(2), which includes payment of the fee from public funds other than the fee for transportation improvement account. In addition, any approved exemption will require a covenant that will assure the project's continued use for low income housing. The covenant shall be an obligation that runs with the land upon which the housing is located, and shall be recorded against the title of the real property.

B. The city may, on a case-by-case basis, grant a partial exemption of not more than eighty percent of fees for transportation improvements, with no explicit requirement to pay the exempted portion of the fee from public funds, for low-income housing units, pursuant to the following:

1. The Mayor, or designee, may grant an exemption to a low-income housing project for each low-income unit.
2. The decision to grant, partially grant or deny an exemption shall be based on the public benefit of the specific project, the extent to which the applicant has sought other funding sources, the financial hardship to the project of paying the impact fees, the impacts of the project on public facilities and services, and the consistency of the project with adopted city plans and policies relating to low-income housing.
3. An exemption granted under this subsection must be conditioned upon requiring the developer to record a covenant approved by the director of planning and community development that prohibits using the property for any purpose other than for low-income housing. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and require that, if the property is converted to a use other than for low-income housing as defined in the covenant, the property owner must pay the applicable fees for transportation improvements in effect at the time of any conversion. Covenants required by this subsection must be recorded with the Snohomish County Auditor.
4. For purposes of this section, low-income housing is defined as any housing with a monthly housing expense, that is no greater than thirty percent of fifty percent of the median family income adjusted for family size, for Everett, as reported by the United States Department of Housing and Urban Development.

Section 7. Section 6 of Ordinance No. 3396, as amended (EMC 18.44.060), regarding "Impact fee schedule--Exemptions" for School District Impact Fees, which reads as follows:

The city council may, on a case-by-case basis, grant exemptions to the application of the fee schedule for low income housing in accordance with the conditions specified under RCW 82.02.060(2). To qualify for the exemption, the developer shall submit a petition to the planning and community development director for consideration by the council prior to application for building permit. Conditions for such approvals shall meet the requirements of RCW 82.02.060(2) and include a requirement for a covenant to assure the project's continued use for low income

housing. The covenant shall be an obligation that runs with the land upon which the housing is located, and shall be recorded against the title of the real property.

Is hereby amended to read as follows:

A. The city council may, on a case-by-case basis, grant exemptions to the application of the fee schedule for low income housing in accordance with the conditions specified under RCW 82.02.060(2). To qualify for the exemption, the developer shall submit a petition to the planning and community development director for consideration by the council prior to application for building permit. Conditions for such approvals shall meet the requirements of RCW 82.02.060(2) and include a requirement for a covenant to assure the project's continued use for low income housing. The covenant shall be an obligation that runs with the land upon which the housing is located, and shall be recorded against the title of the real property.

B. The city may, on a case-by-case basis, grant a partial exemption of not more than eighty percent of school impact fees, with no explicit requirement to pay the exempted portion of the fee from public funds, for low-income housing units, pursuant to the following:

1. The Mayor, or designee, after approval by the applicable school district, may grant an exemption to a low-income housing project for each low-income unit.
2. The decision to grant, partially grant or deny an exemption shall be based on the public benefit of the specific project, the extent to which the applicant has sought other funding sources, the financial hardship to the project of paying the impact fees, the impacts of the project on school facilities and services, and the consistency of the project with adopted city plans and policies relating to low-income housing.
3. An exemption granted under this subsection must be conditioned upon requiring the developer to record a covenant approved by the director of planning and community development that prohibits using the property for any purpose other than for low-income housing. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and require that, if the property is converted to a use other than for low-income housing as defined in the covenant, the property owner must pay the applicable impact fees in effect at the time of any conversion. Covenants required by this subsection must be recorded with the Snohomish County Auditor.
4. For purposes of this section, low-income housing is defined as any housing with a monthly housing expense that is no greater than thirty percent of fifty percent of the median family income adjusted for family size, for Everett, as reported by the United States Department of Housing and Urban Development.

Section 8. Section 9 of Ordinance No. 3396, as amended (EMC 18.44.090), regarding "Collection and transfer of fees" for School District Impact Fees, which reads as follows:

A. School impact fees shall be due and payable to the city by the developer at the time of issuance of residential building permits for all developments. The city may make alternative arrangements with a school district for collection of impact fees, provided payment is made prior to the issuance of residential building permits for all developments.

B. Districts eligible to receive school impact fees required by this chapter shall establish an interest-bearing account and method of accounting for the receipt and expenditure of all impact fees collected under this chapter. The school impact fees shall be deposited in the appropriate district account within ten days after receipt, and the receiving school district shall provide the city with a notice of deposit.

C. Each district shall institute a procedure for the disposition of impact fees and providing for annual reporting to the city that demonstrates compliance with the requirements of RCW 82.02.070, and other applicable laws.

Is hereby amended to read as follows:

A. School impact fees shall be due and payable to the city by the developer at the time of issuance of residential building permits for all developments, except as provided in EMC 18.44.090(B). The city may make alternative arrangements with a school district for collection of impact fees, provided payment is made prior to the issuance of residential building permits for all developments.

B. The deferral of school impact fees shall be allowed only for single-family attached and detached construction being constructed by an applicant having a contractor registration number or other unique identification number and in accordance with the following:

1. For this subsection:

(a) "Applicant" includes an entity that controls, is controlled by, or is under common control with the applicant.

(b) "Common control" means two or more entities controlled by the same person or entity.

(c) "Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of an entity, whether through the ownership of voting shares, by contract, or otherwise.

2. An applicant wishing to defer the payment of school impact fees shall:

(a) Submit a signed and notarized deferred fee application and completed lien form concurrent with the building permit application for the building subject to the fee; and

(b) Submit a certification that the applicant has requested no more than a total of twenty deferred impact fee requests in the calendar year within the city; and

(c) Pay a non-refundable \$250.00 administration fee for each unit or lot of a single development project for which the deferral of the fee is requested.

3. The lien shall:

(a) Be in a form approved and provided by the city;

(b) Be signed by all owners of the property, with all signatures acknowledged as required for a deed;

(c) Include the legal description, property tax account number, and address for each lot or unit the lien will encumber;

(d) Be binding and subordinate on all successors in title after the recording;

(e) Be junior and subordinate to a first mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees, but in no case shall the lien be in less than second place;

4. The lien shall be recorded by the applicant, at their own expense, and a conformed copy of the recorded document shall be provided to the city prior to the issuance of the building permit that is subject to the impact fee.

5. Each applicant eligible to defer impact fees shall only be entitled to annually receive deferrals for no more than a total of twenty building permits within the city.

6. The applicant shall be responsible for the payment of all recording fees.

7. The deferred impact fee shall be paid in full prior to whichever of the following occurs first:

(a) The closing of the first sale of the property occurring after the issuance of the applicable building permit for which the fees were deferred; or

(b) Eighteen months from the date of building permit issuance.

8. If the building for which the deferral of the impact fee is requested is located within a subdivision, unit lot subdivision or short subdivision, the subdivision, unit lot subdivision or

short subdivision shall be recorded prior to recording the lien for impact fees and issuance of the building permit.

9. After the applicant has paid all deferred impact fees, the applicant is responsible for submitting a lien release application to the city. The applicant, at their own expense, will be responsible for recording lien releases.
10. Compliance with the requirements of the deferral option shall constitute compliance with subdivision or short subdivision conditions pertaining to the timing of the impact fee payment.
11. If deferred impact fees are not paid in accordance with terms authorized by state law and this section, the City may initiate foreclosure proceedings for the unpaid impact fees and all costs associated with the collection of the unpaid impact fees.
12. If the city does not institute foreclosure proceedings for unpaid school impact fees within forty-five days after receiving notice from a school district requesting that it do so, the district may institute foreclosure proceedings with respect to the unpaid impact fees.
13. A request to defer school impact fees under this section may be combined in one application with a request to defer transportation impact fees under EMC 18.36.060 or transportation fees under EMC 18.40.140.

BC. Districts eligible to receive school impact fees required by this chapter shall establish an interest-bearing account and method of accounting for the receipt and expenditure of all impact fees collected under this chapter. The school impact fees shall be deposited in the appropriate district account within ten days after receipt, and the receiving school district shall provide the city with a notice of deposit.

CD. Each district shall institute a procedure for the disposition of impact fees and providing for annual reporting to the city that demonstrates compliance with the requirements of RCW 82.02.070, and other applicable laws.

Section 9. 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 10. 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 11. 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 12. 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: _____



STAFF REPORT

| | |
|---|---|
| Agenda Subject: Impact Fee Deferral and Exemptions | Report Date: 6/14/2016 |
| Project #: REVV16-002 | Meeting/Hearing Date: 6/21/2016 |
| Staff Contact: David Stalheim | Decision (Advisory) Body: Planning Commission |
| Attachments: Resolution Impact Fees Handout | |
| Recommendation: Approval of Resolution | |

BACKGROUND SUMMARY

| | |
|--|---|
| APPLICANT: | City of Everett |
| REQUEST: | <p>This is an application to amend the following chapters of the Everett Municipal Code:</p> <ul style="list-style-type: none"> • Chapter 18.36, Small Project Impact Fee • Chapter 18.40, Transportation Mitigation • Chapter 18.44, School District Impact Fees <p>The amendments would address requirements set forth by the 2015 state legislature in ESB 5923 regarding a fee deferral system for new single-family detached and attached residential construction.</p> <p>The amendments would also address an option to exempt up to 80% of impact fees for low-income housing.</p> |
| LOCATION: | City-wide |
| EXISTING USE: | This proposal affects all land uses in the city. |
| COMPREHENSIVE PLAN DESIGNATION: | This proposal affects all comprehensive plan designations in the city. |
| SHORELINE DESIGNATION: | Not applicable |
| ZONING DESIGNATION: | This proposal affects all comprehensive plan designations in the city. |
| SEPA STATUS: | This proposal is exempt from SEPA pursuant to WAC 197-11-800(19). |

PROPOSAL DETAILS

| | |
|---|---|
| FURTHER DESCRIPTION OF PROPOSAL: | <p>Single-Family Impact Fee Deferral: The proposal to address ESB 5923 (single-family impact fee deferral). The proposal was modified from the initial draft presented to the Planning Commission at the May 17th workshop. The modifications include:</p> |
|---|---|

| | |
|--|---|
| | <ul style="list-style-type: none"> • Removal of the requirement to make payment at time of final inspection or certificate of occupancy. Payment under the proposed ordinance is based on closing of the first sale of the property or 18 months from the issues of the building permit, whichever comes first. • Adding a certification that the applicant has not requested more than 20 deferrals in one year, consistent with Snohomish County's amendment. <p>The City is also proposing a \$250 administrative fee (each unit) for the deferral.</p> <p><u>Low-income Housing 80% Exemption:</u> The proposal includes an exemption from impact fees for low-income housing. The proposal includes:</p> <ul style="list-style-type: none"> • Exempt 80% of impact fees for low-income housing. • The 100% exemption would still be allowed for low-income housing, but backfilling the funds exempted would be required. • Low-income housing, for this purpose, defined as housing provided to those households earning 50% of area median income (AMI) or less. (A two-person household would have to earn \$36,150 or less, and rents would have to be no more than \$791 for a studio or \$847 for a 1-bedroom, based on 2016 income and rent limits.) • Decision to approve exemption based on demonstrated financial need and community benefit. • Exemption approval is an administrative decision (Mayor or designee). • School district exemptions would require approval by the school district. • Any exemption approved would require recording of a low-income housing covenant to ensure ongoing compliance. |
|--|---|

PUBLIC COMMENT

| | |
|------------------------------|--|
| PUBLIC/AGENCY NOTICE: | Notice was provided to interested parties, including the builder association, school districts, affordable housing developers, neighborhoods and Snohomish County. |
| COMMENT LETTERS: | No comments have been received at the time of writing this report |
| KEY ISSUES SUMMARY: | None |
| STAFF RESPONSE: | n/a |

DECISION CRITERIA

| | |
|----------------|--|
| SOURCE: | Chapter 82.02 RCW authorizes cities that plan under the Growth Management Act (GMA) to impose impact fees on development activity. |
|----------------|--|

| | |
|------------|---|
| | <p>Impact fees in Everett are collected for public streets and roads (Chapters 18.36 and 18.40), and for school facilities (Chapter 18.44).</p> |
| CRITERION: | <p><u>Impact Fee Deferrals:</u> Section 82.02.050(3)(a)(i) requires the city to adopt and maintain a system for the deferred collection of impact fees for single-family detached and attached residential construction by September 1, 2016.</p> <p>The deferral system offered by the City must include <u>one or more</u> of the following <u>options</u> for when payment would be due:</p> <ol style="list-style-type: none">1. Final inspection;2. Issuance of the certificate of occupancy or equivalent certification; and/or3. The closing of the first sale of the property. <p>Deferral of these fees is for 18 months from issuance of the building permit and can be limited to the first 20 single-family homes. Any deferral must grant and record a lien against the property in favor of the City. The City may collect a reasonable administrative fee from the applicant seeking the deferral.</p> <p><u>Impact Fee Exemption:</u> Section 82.02.060(3) authorizes the city to provide an exemption of not more than eighty percent of impact fees for low-income housing with no explicit requirement to pay the exempted portion of the fee from public funds.</p> <p>An exemption under this provision requires it to be conditioned to require the developer to record a covenant that prohibits use of the property for any purpose other than for low-income housing. The covenant must address price restrictions and household income, and that if the property is converted to a use other than for low-income housing, the property owner must pay applicable impact fees in effect at the time of conversion.</p> <p>A school district who receives school impact fees must approve any exemption under this section.</p> |

EXISTING PLAN REVIEW

| | |
|-------------------------------|--|
| <p>GROWTH MANAGEMENT ACT:</p> | <p>The Growth Management Act includes goals and requirements that address housing, public facilities and services.</p> <p><u>GMA Planning Goals:</u></p> <p>(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.</p> <p>(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.</p> <p><u>GMA Requirements:</u></p> <p>“A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth;... (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.” 36.70A.070(2)</p> <p>“A capital facilities plan element consisting of: ...(d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs...” 36.70A.070(3)</p> <p>“...local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan...” 36.70A.070(6)(b)</p> |
| <p>COMPREHENSIVE PLAN:</p> | <p><u>Housing Element:</u></p> <p>Policy 4.3.1 Consider providing additional incentives to housing developers and homebuilders in return for providing housing that is affordable to lower and moderate income households.</p> <p>Policy 4.3.2 Consider inclusionary housing measures, as appropriate, along with affordable housing incentives as necessary to promote affordable housing in the Everett Planning Area.</p> <p>Policy 4.3.7 Consider a variety of infrastructure funding alternatives</p> |

| | |
|--|---|
| | <p>in order to identify measures that minimize the costs of housing production and increase housing opportunities for low to moderate income households.</p> <p>Policy 4.8.2 Continue to make use of available public and private resources to subsidize housing costs for low income households and special needs populations within the Everett Planning Area, within the financial capabilities of the city.</p> <p>Policy 4.8.6 Review existing programs and/or establish new programs for assisting low income households and special needs populations to afford safe and decent housing, within the financial capabilities of the city.</p> <p>Implementation Measure A.7. Reduce the use of impact fees for projects providing affordable housing or, within the financial capability of the City, subsidize impact mitigation fees for construction of low and moderate income housing units.</p> <p>Transportation Element: "A key GMA planning requirement is the concept of fiscal restraint in transportation planning....The Transportation Element proposes \$425-456 million in transportation investments over the next 20 years....The revenue sources assumed by the City include outside sources (e.g., WSDOT funding) and grants, and City sources, including general city funds, impact fees, transit fares, and gas tax receipts. If Everett were able to maintain this level of revenue, the City could afford around \$360 million in transportation projects over the next 20 years, which is less than the total project costs identified."</p> |
|--|---|

DISCUSSION

| | |
|--|--|
| <p>CONSISTENCY WITH PLANS:</p> | <p>The proposal for impact fee deferral and exemptions appears to be consistent with the city's comprehensive plan. In fact, multiple policies in the housing element address incentives, subsidies, new programs and reduction of impact fees.</p> <p>The transportation element addresses the fiscal reality that the element identifies more needs than funding being available. The exemption of impact fees for low-income housing would increase that gap, rather than narrow it. This does not create a consistency issue since there already is a gap, but the exemption has the potential to add to that gap.</p> <p>The single-family deferral proposal does not raise any consistency issues.</p> |
| <p>IMPACTS AND CONSIDERATIONS OF PROPOSAL:</p> | <p>Low-income Housing Exemption: The exemption of impact fees raises concerns for lost revenue necessary to address capital needs of our transportation system and schools. This becomes a balancing question with the need for affordable housing for very low-income populations.</p> |

| | |
|--|---|
| | <p>The proposal, as drafted, does not grant an automatic impact fee exemption, and the exemption is constrained to lower income groups (50% AMI or below) than what is allowed under state law (80% AMI or below). Each exemption will need to demonstrate the financial need and community benefit. The decision to grant the exemption rests with the Mayor or designee, with school district approval required for a school district exemption.</p> <p>For school districts, at the current time there is not an impact fee charged for studio and 1-bedroom units in multi-family projects. Many very low-income housing projects will include that size unit, resulting in no impact to school district funds. However, it is possible that 2+ bedroom units targeting that income group could be proposed. School districts would have to weigh the financial need and community benefit as part of their decision making process.</p> <p><u>Timing of Fee Payment:</u> Allowing the fee to be paid after the building permit process has been concluded introduces some risks to the city and schools for collection of the fees. If the building is not sold after it is completed, the city would trigger payment at 18 months from issuance of the building permit. If the fees are not paid, the only enforcement option the city will have is to send the matter to collections or foreclosure proceedings.</p> |
| <p>ALTERNATIVES AND OPTIONS (TO) CONSIDER(ED):</p> | <p>Alternatives to consider could include:</p> <ol style="list-style-type: none"> <u>Scope of Impact Fee Deferral:</u> At the Planning Commission workshop, members asked whether consideration was given to expanding the deferral option to include more single-family units (>20 units), multifamily housing, commercial and industrial development. The proposal was drafted to comply with state legislation and to meet the September 1st deadline. Expansion of the program has not been requested from anyone at the time, but consideration might be given to targeting certain areas or development to meet other community objectives. <u>Impact Fee Exemption Proposal:</u> The impact fee exemption for affordable housing is not a mandate and could be rejected. During the initial drafting of this exemption, staff did provide the school districts with an opportunity to comment. While comments on the final ordinance have not been received, little has changed from the original proposal and school objections may still be raised. Their concerns expressed in early May was the cost of providing additional classrooms is real and immediate and impact fees cover a small portion of the costs. |

| | |
|--|---|
| | <p>School impact fees are currently not charged for studio and 1-bedroom units, which could be the majority of low-income units at 50% AMI or below. However, there is also a need for 2- and 3-bedroom family units at this income level, which would be subject to the impact fee. Providing stable, affordable housing for low-income families with children should be a shared goal of the city and school districts. Any approval of a school impact fee exemption cannot occur without first being approved by the school district. The proposed ordinance provides low-income housing developers with the opportunity to make that request.</p> <p>3. <u>Administrative Fees:</u> The proposal, as originally drafted, is not clear on whether the \$250 per lot administrative fee would be charged for both the school deferral and the transportation deferral, assuming that a builder would apply for both. Alternative language is provided in the recommendation.</p> <p>At the Planning Commission workshop, members also asked whether the fees were necessary to cover costs. Follow up took place with building and public works staff, and they confirmed that the fees were necessary to cover costs, including intake of the application, data entry, monitoring and enforcement.</p> <p>4. <u>Timing for Collection:</u> The city could consider going back to collecting the deferred impact fees at the first action, whether that is final building permit, certificate of occupancy, sale of the property, or 18 months from issuance of the building permit.</p> |
|--|---|

RECOMMENDED ACTION/MOTION:

Adopt Resolution No. 16.0_, including Exhibit A which includes the following changes to the ordinance circulated for public review:

For each chapter, add a clause as follows:

“A request to defer [insert fee name from each chapter] under this section may be combined in one application with a request to defer [insert other fee names and references].”



335 116th Avenue SE | Bellevue, Washington 98004
t: 425.451.7920 f: 425.646.5985 | masterbuildersinfo.com

June 16, 2016

City of Everett Planning Commission

Re: Draft Impact Fee Deferral

Dear Commissioners,

On behalf of the Master Builders Association of King and Snohomish Counties and its 2,800 members, I am writing to address the terms proposed around Impact Fee Deferrals for new single-family detached and attached residential construction.

The proposed changes to defer collection of impact fees from application to "First Action" whichever of the following is first to occur: 18 months from permit issue, closing first sale of property, final inspection or certificate of occupancy, allows for deferral to completion of the project.

Under the proposed language, upon filing for deferred payment of impact fees, a \$250 administrative will be collected per unit, the associated fee for filing a lien on the property is approximately \$75 and \$50 for a lien release. As an example, approximately \$400 in administrative fees will be collected to defer a \$2400 Traffic Impact Fee. Although it isn't clear, a similar cost could also be duplicated for School Impact Fees depending on your decision. These costs will disincentivize use of the Impact Fee Deferral program.

We encourage you to consider an alternative in which Impact Fee Deferrals are processed on a project basis rather than per unit, and where School and Traffic Impact Fees are processed collectively with one fee, rather than a fee for each.

In the current economy, the recommendations outlined below will further the city's goal to encourage economic development while also keeping housing affordable. Please consider the following during your deliberations:

- one \$250 administrative fee per project
- processing deferral of both School and Traffic Impact Fees collectively, with assessing one fee for both
- increase or remove all together the maximum of 20 deferrals per developer or builder per annual cycle
- extend the Impact Fee Deferral program to multifamily development within a defined zone

The MBA appreciates this opportunity to comment on the proposed impact fee ordinances and thanks each of you for your efforts, analysis and careful consideration.

Please do not hesitate to contact me with any questions at (425) 460-8204 or asievers@mbaks.com.

Sincerely,

A handwritten signature in black ink that reads "Angie Sievers". The signature is written in a cursive, flowing style.

Angie Sievers
Snohomish County External Relations and Government Affairs

CC: David Stalheim, Long Range Planning Manager

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 June 25, 2016, and checks issued July 01, 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 | \$5,556.00 |
| 003 | Legal | \$57,545.64 | 20,757.53 |
| 004 | Administration | 46,329.28 | 14,145.14 |
| 005 | Municipal Court | 52,245.79 | 20,807.25 |
| 007 | Personnel | 44,964.59 | 16,447.91 |
| 010 | Finance | 52,160.20 | 20,503.76 |
| 015 | Information Technology | 48,357.58 | 18,592.32 |
| 021 | Planning & Community Dev | 43,009.66 | 14,565.83 |
| 022 | Neighborhoods & Community Svcs | 3,245.52 | 1,273.78 |
| 024 | Public Works | 147,043.94 | 56,111.41 |
| 026 | Animal Shelter | 34,995.34 | 13,194.38 |
| 027 | Senior Center | 13,722.93 | 5,202.88 |
| 031 | Police | 861,539.17 | 245,345.17 |
| 032 | Fire | 631,913.22 | 166,984.87 |
| 038 | Facilities/Maintenance | 63,783.94 | 28,708.83 |
| 101 | Parks & Recreation | 217,493.84 | 76,296.69 |
| 110 | Library | 118,628.68 | 41,499.84 |
| 112 | Community Theatre | 7,450.27 | 3,192.13 |
| 120 | Street | 68,846.11 | 27,972.77 |
| 153 | Emergency Medical Services | 166,380.02 | 47,783.77 |
| 197 | CHIP | 9,034.00 | 3,918.77 |
| 198 | Community Dev Block | 6,474.96 | 2,254.90 |
| 401 | Utilities | 687,798.89 | 261,747.16 |
| 425 | Transit | 360,111.81 | 153,041.31 |
| 440 | Golf | 35,906.80 | 11,368.74 |
| 501 | Equip Rental | 65,363.39 | 26,389.12 |
| 507 | Telecommunications | 9,982.12 | 4,055.13 |
| | | <u>\$3,864,883.77</u> | <u>\$1,307,717.39</u> |

Councilperson Introducing Resolution

Passed and approved this _____ day of _____, 2016.

Council President

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

Street Closure – Mukilteo
Lighthouse Festival 5K/10K
Run/Walk

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

COUNCIL BILL # _____
Originating Department City Clerk
Contact Person Anna Pankevich
Phone Number 425-257-8614
FOR AGENDA OF July 13, 2016

Initialed by:
Department Head _____
CAA 
Council President _____

| <u>Location</u> | <u>Preceding Action</u> | <u>Attachments</u> | <u>Department(s) Approval</u> |
|---|-------------------------|---------------------------|---|
| One lane of West Mukilteo Boulevard, between Mukilteo Lane and Shore 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:

Mukilteo Lighthouse Festival is requesting the closure of one lane of West Mukilteo Boulevard, between Mukilteo Lane and Shore Avenue, on August 27, 2016, 7:45 a.m. to 9:45 a.m. for a 5K/10K run/walk.

RECOMMENDATION (Exact action requested of Council):

Authorize the closure one lane of West Mukilteo Boulevard, between Mukilteo Lane and Shore Avenue, on August 27, 2016, 7:45 a.m. to 9:45 a.m., for a 5K/10K run/walk, sponsored by Mukilteo Lighthouse Festival.

SPECIAL EVENT APPLICATION

RECEIVED

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

Event Date: 27 August 2016 Event Time: 0800

JUN 15 2016

Closure Time: ~~0745~~ - 0745 - 0945

CITY OF EVERETT
City Clerk

Event Description: 5K/10K Run/Walk

Location of Event: Start/Finish - Rosehill Community Center, Mukilteo

Sponsoring Organization: Mukilteo Lighthouse Festival

Address: 4902 26th St SW City & State Mukilteo, WA

Contact Person: Penny Kellam Phone No. 425.923.7177

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? postcards to affected neighbors

If applicable, answer the following:

Approx. # of participants: 750 Persons Animals Vehicles
Type of Animals _____

Assembly area (streets) _____

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

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

See attached map for short 1 lane closure between Mukilteo Lane & Shore Ave on Mukilteo Blvd.

Official Use

| | <u>Admin.</u> | <u>Traffic</u> | <u>Police</u> | <u>Fire</u> | <u>Transit</u> | <u>Streets</u> |
|-----------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Approved: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Rejected: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Certified flaggers at both ends.

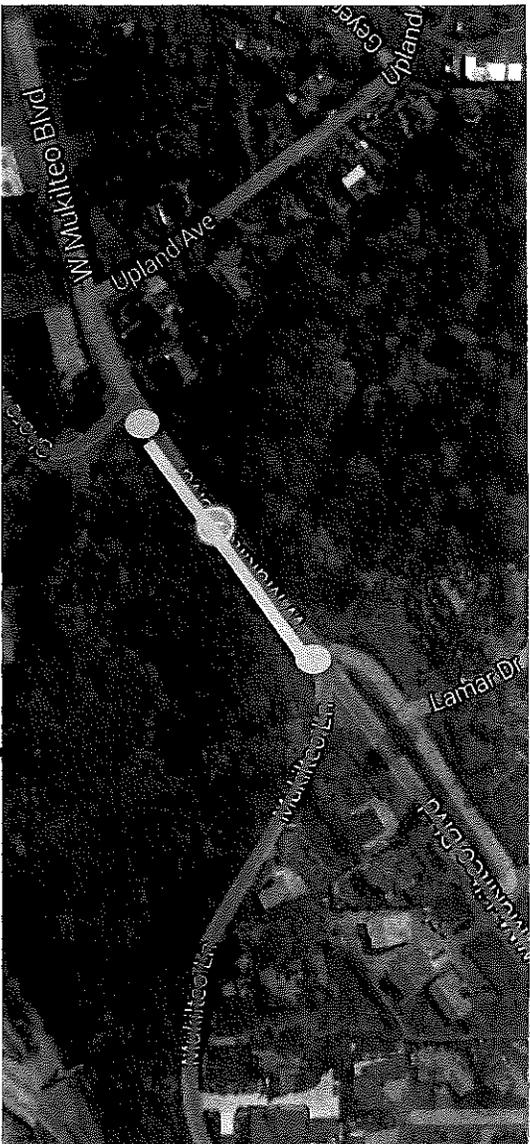
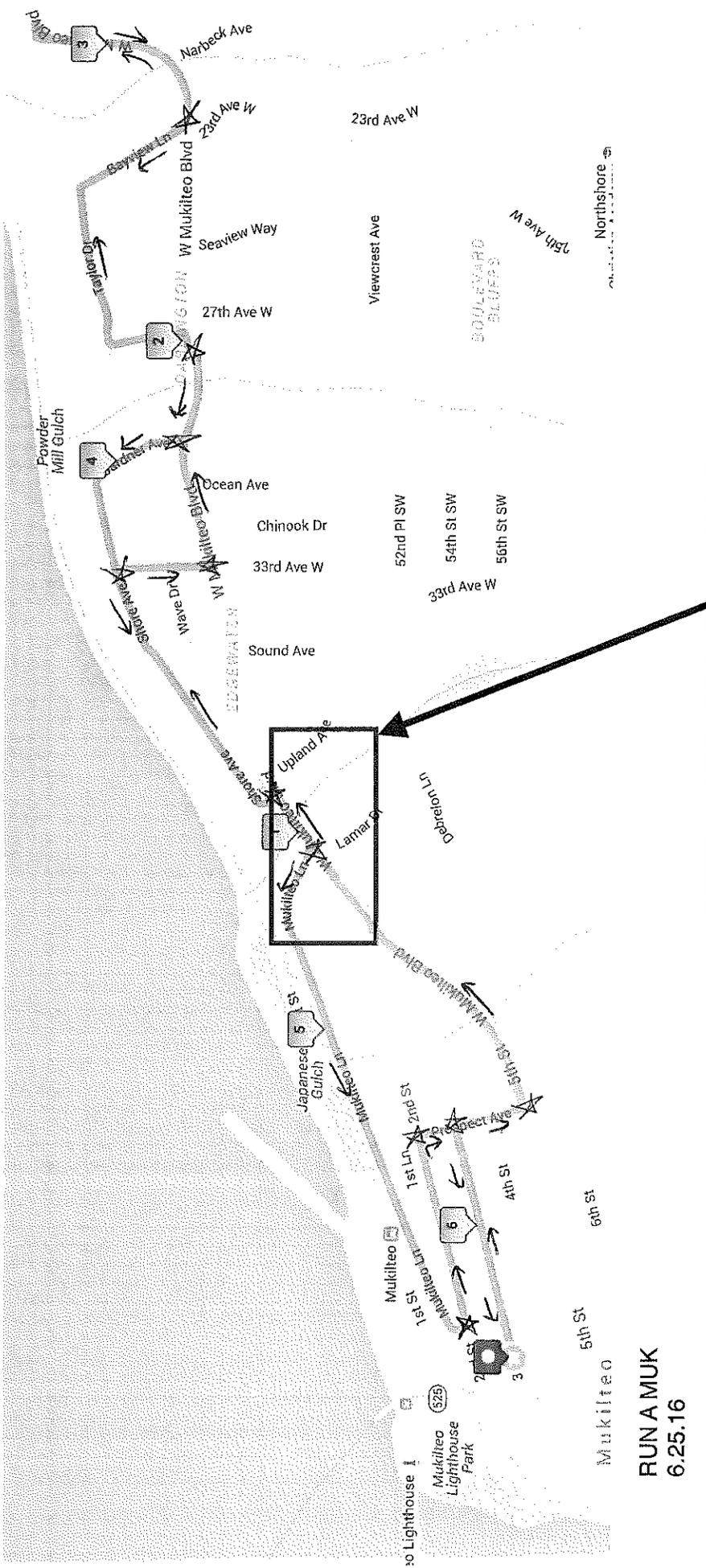
Special Conditions: _____

Comments: _____

Council agenda date: 7/13/16

City Council approval: 1/1

Permit _____ TR # _____



Certified flagger

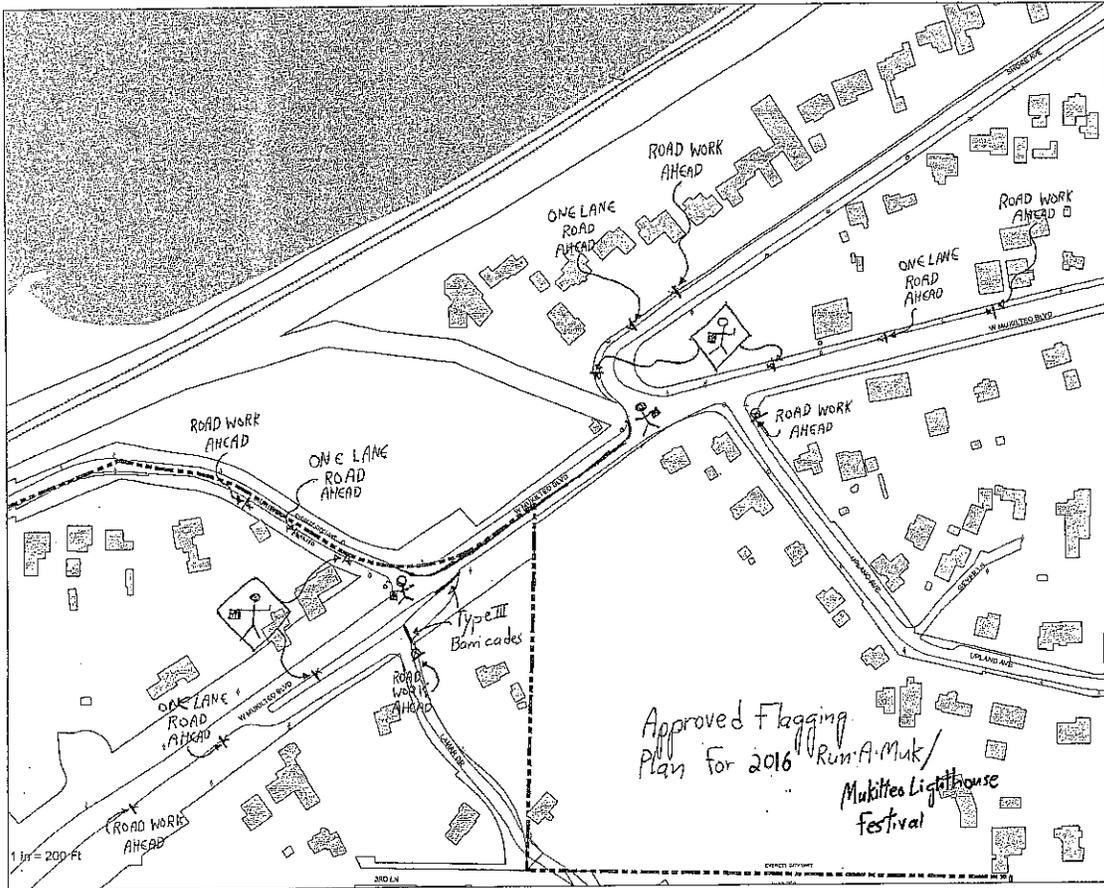
One lane closure

Course Marshal

directional arrow

RUN A MUK
6.25.16

| RUN A MUK ROUTE CUES | | | updated 6.10.16 | | |
|----------------------|-------|---------------|---|--|--|
| 5K | 10K | | | | |
| Start | Start | | 2/3 parking spots up | | |
| 0.15 | 0.15 | cross | Loveland | | |
| 0.35 | 0.35 | R | Prospect | | |
| 0.46 | 0.46 | L | Mukilteo Blvd | | |
| 1 | 1 | MILE 1 | just before bridge | | |
| | | Cross | Mukilteo Lane (bridge) | | |
| 1.07 | 1.07 | L | Shore | | |
| 1.5 | 1.5 | R | 33rd | | |
| 1.6 | | R - 5K | Mukilteo Blvd ROUTE SPLIT | | |
| | 1.6 | L - 10K | Mukilteo Blvd ROUTE SPLIT | | |
| | | Cross | Gardner | | |
| | 1.98 | L | Baker | | |
| | 2.1 | R | Taylor | | |
| | 2.3 | R | Bayview | | |
| | 2.5 | L | Mukilteo Blvd | | |
| | 2.8 | L | Gipson (2nd entrance) | | |
| | | | 10K WATER STATION - inside not on Blvd | | |
| | | MILE 3 | just past 21st | | |
| | 3.2 | R | Bayview | | |
| | | L | Taylor | | |
| | | L | Baker | | |
| | 3.7 | R | Mukilteo Blvd | | |
| | 3.9 | R | Gardner | | |
| | | | MILE 4 - cat house | | |
| | | Cross | 33rd | | |
| | 4.6 | | 10K WATER STATION - last couple parking spots of park - away | | |
| 2 | | | 5K WATER STATION - JLEE Floors parking lot on Mukilteo Blvd | | |
| 2.09 | | R | Mukilteo Blvd ROUTES REJOIN | | |
| 2.15 | 4.7 | Cross / R 10K | Mukilteo Lane - ROUTE SPLIT | | |
| | | | MILE 5 - by Gulch trailhead | | |
| | 5.5 | L | 2nd St | | |
| 2.7 | 5.8 | R | Prospect | | |
| 2.79 | 5.85 | L / R 10K | 3rd | | |
| 3.1 | 6.2 | | Finish | | |
| | | | http://www.usatf.org/routes/view.asp?rID=543323 | | |



Approved Flagging
Plan for 2016 Run-A-Muk/
Mukites Lighthouse
Festival

1 in = 200 ft

DATE: 10/1/15

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

Ordinance adopting and modifying changes to the Everett City Charter as recommended by the Charter Review Committee, adding new changes, and directing the submittal of these changes to the Snohomish County Auditor for placement on the ballot for November 8, 2016, for consideration by the voters of the City of Everett.

- Consent
- Action
- First Reading
- Second Reading
- Third Reading
- Public Hearing

COUNCIL BILL # CB160627
 Originating Department Administration
 Contact Person Bob Bolerjack
 Phone Number 425-257-8727
 FOR AGENDA OF June 29, 2016

Initialed by:
 Department Head _____
 CAA db
 Council President _____

Location **Preceding Action** **Attachments** **Department(s) Approval**
 Resolution No. 6926 Ordinance Administration, Legal

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

DETAILED SUMMARY STATEMENT:

On May 26, 2016, the Charter Review Committee submitted to the Mayor and City Council its proposed changes to the Everett City Charter. These changes are included in this Ordinance for consideration by City Council.

These changes and additions include:

- Changes to Section 3.2 regarding City Council meetings, eliminating the requirement that Council meet weekly and making the section consistent with state law and not redundant with state law
- Elimination of outdated language (“hereof”, “thereof”, “heretofore” and the like) and replacement with modern, equivalent language
- Addition of section regarding appointments to City boards, commissions and committees, stating that appointments should consider factors such as geography, gender, ethnicity and age in an effort to better reflect the City’s diversity

RECOMMENDATION (Exact action requested of Council):

Authorize the Mayor to sign an Ordinance adopting and modifying changes to the Everett City Charter as recommended by the Charter Review Committee, adding new changes, and directing the submittal of these changes to the Snohomish County Auditor for placement on the ballot for November 8, 2016, for consideration by the voters of the City of Everett.

ORDINANCE NO. _____

AN ORDINANCE of the Everett City Council approving changes to the City Charter to be considered in an election by the residents of Everett and requesting that the Snohomish County Auditor place these Charter ballot measures on the November 8, 2016, General Election.

WHEREAS, the Everett City Charter was adopted at a Special Election held June 25, 1968, and amended in 1978, 1982, 1996, and 2006;

WHEREAS, the Charter Review Committee was formed to examine the Charter and recommended any changes it felt appropriate; and

WHEREAS, the Charter Review Committee met over a period of months and did examine the Charter; and

WHEREAS, the Charter Review Committee's evaluation culminated in recommended changes; and

WHEREAS, the Council has reviewed the recommended changes to the Charter and, with some modifications and additions, wishes to place these proposed changes on the November 8, 2016 ballot for consideration by the residents of Everett;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1: The Snohomish County Auditor, as ex officio supervisor of all elections held in Snohomish County, is requested to place the proposed Everett City Charter changes specified below on the ballot for the November 8, 2016, General Election. This request is made in accordance with the authority invested in the City as set forth in Section 16.1 of the City Charter which reads (in part) as follows:

Amendments Proposed by the Council.

The council may at any general or special municipal election submit in the form of an ordinance any proposed amendment or amendments to this charter, to be voted upon at such election by the electors...

Section 2: The City Attorney is hereby authorized and directed to take action with respect to the proposed changes to the Everett City Charter so that the propositions which below follow each proposed change are:

- A. Consolidated by subject so as the total number of propositions on the ballot are reduced in number, if possible;
- B. Formulated in compliance with state law applicable to local measures (RCW 29A.36.071); and

The City Attorney shall transmit such reformulated and condensed propositions to the Clerk of the City of Everett. The Clerk is authorized and directed to certify to the Snohomish County Auditor the proposed Everett City Charter changes as specified below and as formulated and condensed by the City Attorney. The City Attorney and City Clerk are also each authorized to take whatever additional actions are necessary for the placement of such changes on the November 8, 2016 ballot.

Section 3: Changes to Section 3.2. Section 3.2 of the Everett City Charter, which reads as follows:

The city council shall meet regularly, at least once each week at the city hall within the corporate limits of the city at such times as may be fixed by ordinance or resolution. At least one of such regular meetings shall be held each month in the evening after 6:30 p.m. Special meetings may be called by the mayor, the president of the council, or any three members of the council by written notice delivered to each member of the council at least twelve hours before the time specified for the proposed meeting. All council meetings shall be open to the public, except that the council may hold executive sessions from which the public is excluded for purposes other than the final adoption of an ordinance, resolution, rule, regulation, or directive. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting, the date of which is not fixed by ordinance, resolution or rule, unless public notice of such meeting has been given by such notice to the local press, radio, and television, as will be reasonably calculated to inform inhabitants of the city of the meeting. Meetings of the council shall be presided over by the president, selected annually by a majority vote of the council, or in the absence of the president, by a member of the council selected by a majority of the members present at such meeting. Appointment of a council member to preside over the meeting shall not in any way abridge his right to vote on matters coming before the council at such meeting. In the absence of the clerk, or deputy clerk or other qualified person appointed by the clerk, the mayor, or the council, may perform the duties of clerk at such meeting. A journal of all proceedings shall be kept, which shall be a public record.

is recommended to be changed to:

The City Council shall meet regularly, ~~at least once each week~~ at the City Hall within the corporate limits of the City at such times as may be fixed by ordinance or resolution. At least one of such regular meetings shall be held each month in the evening after 6:30 p.m. Special and emergency meetings may be called ~~by the mayor, the president of the council, or any three members of the council~~ by written notice delivered to each member of the council at least twelve hours before the time specified for the proposed meeting in accordance with State law. All Council meetings shall be open to the public, except that the Council may hold executive sessions from which the public is excluded in accordance with state law, including the Open Public Meetings Act (Chapter 42.30 RCW), ~~for purposes other than the final adoption of an ordinance, resolution, rule, regulation, or directive. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting, the date of which is not fixed by ordinance, resolution or rule, unless public notice of such meeting has been given by such notice to the local press, radio, and television, as will be reasonably calculated to inform inhabitants of the city of the meeting.~~ Meetings of the Council shall be presided over by the President, selected annually by a majority vote of the Council, or in the absence of the President, by a member of the Council selected by a majority of the members present at such meeting. Appointment of a Council Member to preside over the meeting shall not in any way abridge his or her right to vote on matters coming before the Council at such meeting. In the absence of the Clerk, or Deputy Clerk or other qualified person appointed by the Clerk, the Mayor, or the Council, may perform the duties of Clerk at such meeting. A record journal of all proceedings shall be kept, ~~which shall be a public record.~~

PROPOSITION # 1

Shall Everett City Charter Section 3.2 be changed to eliminate the weekly council meeting requirement and to eliminate inconsistency and redundancy with State Law?

| | |
|----------------|-----------------------------------|
| CHARTER CHANGE | YES..... <input type="checkbox"/> |
| CHARTER CHANGE | NO..... <input type="checkbox"/> |

Section 4: Change to Section 15.9. Section 15.9 of the Everett City Charter which reads as follows:

The City Clerk and the codifiers of this Charter are authorized to make necessary corrections to this Charter including, but not limited to, deletion of the use of terms which are masculine or feminine so that such references shall apply to the opposite gender also, unless the context of such charter provision shall require otherwise, the correction of scrivener, clerical and typographical errors, references, Charter numbering, Section/subsection numbers and any references thereto.

is recommended to be changed to:

The City Clerk and the codifiers of this Charter are authorized to make necessary corrections to this Charter including, but not limited to, deletion of the use of terms which are masculine or feminine so that such references shall apply to the opposite gender also, unless the context of such charter provision shall require otherwise, the correction of scrivener, clerical and typographical errors, references, Charter numbering, Section/subsection numbers and any references thereto. The City Clerk and the codifiers of this Charter are also authorized to make corrections to this Charter to eliminate out-of-date language such as “hereof,” “heretofore,” “thereof” and similar terms, and replace them with equivalent, modern language.

PROPOSITION # 2

Shall Everett City Charter Section 15.9 be changed to allow the City Clerk to make corrections in the Charter to eliminate archaic terminology such as “hereof,” “heretofore,” “thereof,” and replace such terms with equivalent, modern language?

CHARTER CHANGE YES.....
CHARTER CHANGE NO.....

Section 5: New Section 15.10. Add a new section 15.10 as follows:

Appointments to City boards, commissions and committees should consider factors such as geography, gender, ethnicity and age in an effort to better reflect the City’s diversity.

PROPOSITION # 3

Shall the Everett City Charter be changed to add a new Section 15.10 that states that appointments to City boards, commissions and committees should strive to reflect the makeup of the community in demographic terms such as ethnic diversity, gender, age and geography?

CHARTER CHANGE YES.....
CHARTER CHANGE NO.....

Section 6: Under Section 16.1 of the Charter, amendments to the Charter proposed under this ordinance that are ratified by a majority of the electors become part of the Charter on the date of the Mayor’s proclamation of those ratified amendments. The Mayor’s proclamation is deemed to occur on the date of the County certification of the election.

RAY STEPHANSON, MAYOR

ATTEST:

SHARON FULLER, CITY CLERK

Passed: _____

Valid: _____

Effective: _____

Published: _____

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

Amendment No.1 to
Professional Services
Agreement with Murray, Smith
& Associates, Inc. for Design
and Construction Support
Services of Legion Golf Course
Stormwater Detention Project

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

COUNCIL BILL # _____
Originating Department Public Works
Contact Person David Voigt
Phone Number 425-257-8983
FOR AGENDA OF June 29, 2016

Initialed by:
Department Head _____
CAA 
Council President _____

| <u>Location</u> | <u>Preceding Action</u> | <u>Attachments</u> | <u>Department(s) Approval</u> |
|-----------------------------|---|-----------------------------------|-------------------------------|
| Legion Memorial Golf Course | Professional Services Agreement for Predesign, August 5, 2015 | Amendment 1, Exhibits C-1 and D-1 | Public Works |

| | | |
|----------------------|-----------|------------------------------|
| Amount Budgeted | \$400,000 | |
| Expenditure Required | \$395,766 | Account Number(s): UP 3620-2 |
| Budget Remaining | \$4,234 | |
| Additional Required | \$0 | |

DETAILED SUMMARY STATEMENT:

The Northwest Stormwater Separation Project preliminary design study was completed and identified a series of needed improvements. Improvements consist of a new separate stormwater collection network with stormwater detention ponds on Legion Memorial Golf Course. These improvements will effectively eliminate street flooding and sewer backups in the project area.

Amendment No. 1 is for final design services and construction support for the initial phase of stormwater detention facilities on the golf course. The scope includes design services of a golf course architect. The separate storm water collection network and street restoration (phase 1) in the vicinity of Wetmore between 9th Street and 5th Street will be designed by city staff. This project also includes coordination with Everett Community College to implement a solution to the flooding problems at Rainier Hall. Construction cost of the detention facilities and golf course restoration is approximately \$1.2 million.

RECOMMENDATION (Exact action requested of Council):

Authorize the Mayor to sign Amendment No. 1 to Professional Services Agreement with Murray, Smith & Associates, Inc. to provide design and construction support services for the Legion Golf Course Stormwater Detention Project in an amount not to exceed \$395,766.

**AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF EVERETT
AND
MURRAY, SMITH & ASSOCIATES, INC.**

Legion Golf Course Stormwater Detention Project, UP3620

The City and Murray, Smith & Associates, Inc. agree to amend and modify their professional services agreement dated August 25, 2015 (the "Agreement") as follows:

1. The effective date of this Amendment is (month)_____, (day)_____, (year)_____.
2. Part 1 (Paragraph 1 of Exhibit A): The work included in Exhibit C-1 of this amendment is added to the Scope of Work described in Exhibit C of the Agreement.
3. Part 3 (Paragraph 3 of Exhibit A) is revised to read as follows:
Date of Contract Completion: December 31, 2018.
4. Part 4 (Paragraph 4D of Exhibit A) is revised to read as follows:
Maximum Total Compensation Amount: \$798,867.
5. Part 4 (Paragraph 4B of Exhibit A) is modified to read as follows:
The Contractor shall be paid such amounts and in such manner as described in Exhibit D of the Agreement and Exhibit D-1 of this amendment.
6. Part 4 (Paragraph 4C of Exhibit A) References to Exhibit D in this paragraph shall be replaced with "Exhibit D and Exhibit D-1 of Amendment No. 1".
7. Part 6 (Paragraph 5B and 25A of Exhibit A) is modified to read as follows:
City Notice Address: City of Everett, Attn: Erik Emerson, P.E., 3200 Cedar Street,
Everett WA 98201
8. Part 7 (Paragraph 5B Exhibit A) is modified to read as follows:
City Billing Address: City of Everett, Attn: Erik Emerson, P.E., 3200 Cedar Street,
Everett WA 98201
9. All terms, conditions and provisions of the Agreement remain in full force and effect except as expressly modified by this Amendment.
10. Exhibits associated with this Amendment No. 1 are attached herewith.

**CITY OF EVERETT
WASHINGTON**

MURRAY, SMITH & ASSOCIATES, INC.

By: _____
Ray Stephanson, Mayor

By: _____
Thomas J. Perry, Principal

Date

Date

6/14/2016

ATTEST:

APPROVED AS TO FORM:

Sharon Fuller, City Clerk

James D. Iles, City Attorney

Date: _____

Date: _____

Legion Golf Course Stormwater Detention Project
City of Everett Work Order #UP3620
EXHIBIT C-1
Scope of Work
Final Design, Bidding and Construction Support

Murray, Smith & Associates, Inc. (MSA) has developed the following scope of work and fee estimate for final design, bidding and construction support services for the Legion Golf Course Stormwater Detention Project, City of Everett Project #UP3620. The scope and fee have been developed based on our discussions with City staff, the preliminary design and our project understanding and proposed approach to the work. The upstream stormwater collection network tributary to this project is divided into two phases: Phase 1 – N. Wetmore Ave Stormwater Separation Project and Phase 2 – Alverson Blvd Stormwater Separation Project. It is intended that Phase 1 will be constructed together with this project.

Background

The need for this project is based on the City's 2014 Comprehensive Sewer Plan (CSP) Update Capital Improvement Plan, in which it is recommended that the City construct a separate storm water network to effectively mitigate flooding and backup issues in the North Everett Combined Sewer System. The project area is located in the northwest area of north Everett, specifically between 10th streets and 3rd Street, Alverson Boulevard and Wetmore/Rockefeller Avenues, and due west of the Legion Memorial Golf Course and Everett Community College Campus (EvCC). This project together with the N. Wetmore and Alverson Stormwater Separation projects will address the following sewer and storm drainage issues:

- Reduce basement flooding on Alverson, Grand, Rucker, Hoyt, Colby and Wetmore Avenues between 4th and 10th St.,
- Reduce sewer backup/storm water flooding problems at Rainier hall at EvCC
- Improve "level of service" for sewer collection system in overall general area
- Separate storm water drainage and detention facilities
- Reduce wet weather flow rate in C-Basin trunk sewer
- Reduce wet weather flows to siphon headworks and CSO overflows at SRO2 and SRO3.

The City and HDR (author of the CSP) agree that sanitary sewer upsizing/replacement will not reliably eliminate the basement flooding problem and that a separate stormwater network will be more effective. In addition, the City has engaged the City Parks department manager and the operations managers of Legion Golf Course (Parks) and has discussed the concept of utilizing water features within the golf course for stormwater detention and increase the quality of play at the course.

MSA was authorized to proceed with the preliminary design phase of the work in August 2015. Through the preliminary design phase, working closing with City and Parks, a separate stormwater network in Northwest Everett was defined that will collect stormwater runoff and utilize existing and new water features within the golf course for detention. Elements of the project to move into final design, bidding and construction have been defined and include the following:

- Stormwater conveyance piping connections to the proposed N. Wetmore Separation Project at two locations, from the public right-of-way to water features within the golf course
- The expansion of one existing water feature and construction of one new water feature to be used for stormwater detention
- Hydraulic structures, piping and features to control and convey detained flow to the existing Basin C trunk sewer
- Golf course improvements to incorporate the water features into the overall layout and playability of the golf course
- Support efforts to acquire an easement from Everett Community College for the south connection to the N. Wetmore Separation project.
- Facilitate planning and design to define operation and maintenance parameters for the shared operation of the ponds by both Public Works and Parks/Golf Course staff.

Key Teaming Partner

With the utilization of water features for detention and the desire to enhance the playability of the golf course areas impacted by the project, iConGolf Studio, a golf course architecture firm, is a key teaming partner and has contributed to the development of the scope of work herein.

Task Descriptions

MSA's proposed scope of work for final design, bidding and construction support services for the Legion Golf Course Stormwater Detention Project is divided into the following tasks, which are a continuation of the tasks developed in the preliminary design phase scope of work.

Final Design, Bidding and Construction Support

| | |
|------------------|--|
| Task 8 | Project Management (Final Design, Bidding and Construction) |
| Task 9 | Final Design Services |
| Task 10 | Stakeholder Coordination |
| Task 11 | Permitting |
| Task 12 | Bidding Services |
| Task 13 | Construction Support |
| Task 14.2 | Unanticipated Labor or Expenses |

Detailed descriptions of each major work task follow.

Phase 2 – Final Design, Bidding and Construction Support

Task 8 - Project Management (Final Design, Bidding and Construction)

This task is for general coordination of the project including coordination of the MSA team and with the City Project Manager including meetings, correspondence and communication, invoicing and project status reports during the Final Design, Bidding and Construction phase of the project. Anticipated elements of this task will include:

- 8.1 Correspondence and Coordination with City** – All communication will be coordinated through the City’s Project Manager. Correspondence with the City’s Project Manager via phone conversations and e-mail will include the communication of project decisions, project status, action items, work activities, and issues requiring City input.
- 8.2 Staff and Subconsultant Management** – MSA’s Project Manager will manage project staff and subconsultants to ensure all services are in conformance with the scope of work, fee estimate, and schedule. Conduct coordination meetings as needed to discuss project status.
- 8.3 Invoices and Budget Oversight** – MSA’s Project Manager will monitor project costs and manage budget and billing tasks, including preparation and submission of monthly invoices and progress reports.
- 8.4 Project Meetings** – Meet with City’s Project Manager at key project milestones and to review project elements, schedule and budget.
- 8.5 Project Schedule** - MSA’s Project Manager will prepare and regularly update an itemized project schedule using MS-Project. The schedule will include all key task activities, milestones, submittal deadlines and City review periods through completion of the scope of work. The schedule (electronic file PDF format) shall be available to the City.

Assumptions:

1. Final Design, Bidding and Construction duration of approximately 24 months.
2. Up to six (6) project meetings with the City’s Project Manager.

Deliverables:

1. Correspondence, e-mails and other documentation
2. Monthly billing statements and activity reports.
3. Updated project schedule (electronic file PDF format) as requested.
4. Meeting agendas and minutes as requested.

Task 9 – Final Design Services

This task will involve final engineering design services for the Legion Golf Course Stormwater Detention project. Anticipated elements of this task will include:

9.1 *Golf Course Concept Plan* – Develop conceptual plans for the golf course improvements associated with the project. iConGolf Studio will develop an understanding of the project, analyze the overall course and develop design strategies in accordance with Task 1 of their scope of work attached. Key elements of Task 1 include:

- Up to three design coordination meetings/workshops, including a kickoff meeting
- Review site conditions and existing information
- Develop alternatives and prepare up to three concept plans
- Review concept plans with team and revise preferred concept plan

9.2 *Golf Course Improvements Schematic Design* – The design concept developed in Subtask 9.1 will be incorporated into the overall project for review. iConGolf will perform the work in accordance with Task 2 of their scope of work which includes the following key elements:

- Prepare one final schematic level design plan of the golf course improvements
- Recommend improvements to maintain water quality
- Assist in defining drainage improvements
- Define a strategy to maintain play during construction
- Prepare preliminary construction budget
- Review schematic design with team

9.3 *Prepare 60% Plans, Specifications and Estimate (PS&E) Submittal* – MSA will prepare project plans, specifications and estimate to a 60% level of design completion based on improvements. Project plans, standard details and specifications will be prepared in City’s format. The following provides a general overview of the proposed PS&E components that the City will receive and compile into a complete package for review by the City and MSA:

Plans – Detailed design drawings will be developed for the proposed improvements and meet City of Everett CAD standards. A preliminary list of drawings that are anticipated to be included in the final design PS&E are attached. In general, 29 plan sheets are anticipated and will include the following:

- Detention Ponds – Detention pond plans, cross-sections and details.
- Golf Course Improvements – Golf course plans, clearing and grading plans, cross-sections and details.
- Storm Drainage – Plan, profile and details for storm drainage improvements within the Golf Course.

In general, plans will be developed using a one-inch equals 20 feet horizontal scale, however different scales may be used if necessary for clarity.

Specifications - Prepare specifications consisting of bidding and contract documents, standard details, technical specifications and appendices. Specifications will be prepared in WSDOT APWA standard format for all utility and roadway work. Specifications for the specialty golf course improvements will be prepared in CSI MasterFormat in a separate section. The specifications are anticipated to include the following components that will be incorporated in a project manual by the City.

- Bid Proposals for Legion Golf Course Stormwater Detention Project
- Special Provisions and Technical Specifications for Legion Golf Course Stormwater Detention Project

Estimate – MSA will prepare an engineer’s opinion of probable construction cost estimate based upon the 60% design that includes an appropriate contingency for the level of design completion.

- 9.4 60% Review & Workshop** – The City will prepare a complete 60% PS&E package to include City’s prepared N. Wetmore Stormwater Separation design and MSA’s Stormwater Detention and Golf Course plans. MSA will review the complete 60% PS&E package and a workshop will be conducted with the City to review the complete 60% PS&E package and collaborate on work required to prepare the 90% deliverable. The 90% plans and specifications will be revised based on review comments and discussions with City. Written responses to review comments will be prepared and submitted in a timely manner.
- 9.5 Prepare 90% PS&E Submittal** - Following the 60% Review Workshop, MSA will prepare PS&E submittal to a 90% level of design completion incorporating agreed review comments. MSA will prepare an engineer’s opinion of probable construction cost estimate based upon the 90% design that includes an appropriate contingency.
- 9.6 90% & Workshop** – The City will prepare a complete 90% PS&E package to include City’s prepared N. Wetmore Stormwater Separation design and MSA’s Stormwater Detention and Golf Course plans. MSA will review the complete 90% PS&E package and a workshop will be conducted with the City to review the complete 90% PS&E package and collaborate on work required to prepare the 100% deliverable. The 100% plans and specifications will be revised based on review comments and discussions with City. Written responses to review comments will be prepared and submitted in a timely manner..
- 9.7 Prepare Final Bid PS&E (100%)** – Following the 90% Review Workshop, MSA will prepare final bid-ready plans and specifications incorporating agreed review comments.

MSA will prepare an engineer's opinion of probable construction cost estimate based upon the 100% design that includes an appropriate contingency.

- 9.8 QA/QC** – Perform in-house Quality Assurance/Quality Control (QA/QC) review of all submittals, the design plans, project manual and engineer's opinion of construction cost, prior to submitting to the City for review.
- 9.9 Utility Coordination** – Coordinate with utility companies that are affected by the project, specifically in the EvCC easement area. Coordination includes submitting final 60%, 90% and 100% plans for review and technical input by utility companies. Plans will be distributed to franchised utilities in the project vicinity. A written record will be kept for all communication with utility providers.
- 9.10 Construction Schedule and Sequencing** – Develop a construction schedule and sequencing plan for the project taking into consideration strategies for implementing improvements within the golf course and maintaining playability. This will include identifying project constraints and milestones in the specifications that will be applied to the project. The construction schedule and sequencing plan will be submitted as part of the 60%, 90% and 100% submittal packages with elements included in the specifications.

Assumptions:

1. City will compile and prepare the complete project manual and contract drawings incorporating both the N. Wetmore Stormwater Separation and the Legion Golf Course Stormwater Detention projects. MSA will submit plans and project specific specifications to the City to incorporate in the final bid-ready documents.
2. Contract drawings and specifications will comply with the City's adopted Engineering Design Standards, Standard Specifications and CAD Standards, as modified to suit the particular elements of this project.
3. City will conduct submittal reviews and provide comments within fifteen (15) working days.
4. No issues or restrictions associated with contaminated soils are anticipated in the proposed work areas.
5. Improvements to the golf course will be limited to the areas impacted by the proposed improvements or as otherwise identified in Tasks 1 or 2 of iConGolf Studio's work and modified in this Scope of Work.
6. MSA shall apply a Washington Professional Engineer's stamp with signature and date on each sheet of the drawings for the Legion Golf Course Stormwater Detention project. The City will stamp all other drawings and the Project Manual.
7. Structural design is limited to the detention pond control structures and retaining walls.

8. Electrical design is limited to providing a new power service for recirculation pumps at one of the stormwater detention ponds. No I&C design is included in this project.
9. City will take the lead in obtaining temporary construction and permanent utility easements.

Deliverables:

1. Up to three preliminary concept diagram of the golf course improvements.
2. Preliminary schematic design level plans and preliminary construction cost estimate for the golf course improvements.
3. One (1) electronic copy half-size drawing sets and one (1) electronic copy of project specific specifications (specifications to be searchable format pdf).
4. Final Bid PS&E (100%) – one (1) hard copy full size bid-ready set of the plans (stamped and signed originals), one (1) electronic copies of half size drawings (11x17) and one (1) electronic copy of project specific specifications.
5. Electronic versions will be photo / print ready.
6. Electronic copy in pdf format of engineer's opinion of probable construction cost estimates as appropriate.
7. Decision and action item log updates to track City and MSA review comments, decisions and deliverables.
8. Written record of franchised utility coordination.

Task 10 – Stakeholder Coordination

This task provides for project coordination with the local stakeholders. Anticipated elements of this task include:

- 10.1 Coordination Meetings** – Participate in coordination meetings with the Legion Golf Course Staff and Everett Community College (EvCC) to discuss the project needs associated with alternatives and conceptual plans. MSA's Project Manager will develop and distribute a detailed meeting agenda before the meeting, and minutes after the meeting.
- 10.2 Stakeholder Plan Review** – Provide submittals, as defined in the previous Task 9, to the Golf Course staff and/or EvCC as necessary for review comments. Meet with stakeholders to review plans and receive comments.
- 10.3 Public Open House** – Assist the City in conducting two (2) open house meetings (graphic materials, presentation, etc.), at approximately 60% design milestone and prior to construction, to notify local residents and solicit comments. It is anticipated that key team members will attend the meeting.

Assumptions:

1. The City will coordinate directly with the Legion Golf Course and EvCC including correspondence and scheduling meetings.

2. MSA will prepare for and attend up to four (4) stakeholder design development meetings during the design phase.
3. MSA will prepare for and attend up to four (4) stakeholder plan review meetings to review plans and receive comments.
4. City will take the lead in conducting public involvement activities, mailings, etc.
5. iConGolf Studio will participate in one (1) open house meeting.

Deliverables:

1. Meeting agendas and minutes.
2. Plans, figures and information to support meetings with stakeholders.
3. Submittals for stakeholder review.
4. Miscellaneous graphic materials, reference plans and technical support for public involvement activities.

Task 11 – Permitting and Easements

This task includes efforts in collaboration with the City to secure permits for the project.

11.1 City Permit Assistance – Review the City’s permit checklist, applications and attachments for project permits including right-of-way construction permit, public works permit, and grading permit. Prepare supporting graphics and provide necessary technical information to the City.

11.2 SEPA Checklist – City will take the lead in preparation of the SEPA checklist. MSA will provide the necessary technical information and graphics to support SEPA process.

11.3 Easements – MSA will provide recommendations for acquiring temporary construction and permanent utility easements necessary to complete the work. City will take the lead in obtaining all easements.

Assumptions:

1. City will take the lead in completing the applications and processing all permits. MSA will provide supporting technical information and review draft applications associated with the Legion Golf Course Stormwater Detention project.
2. No additional environmental permits such as Shorelines Development, HPA or NPDES are anticipated.
3. Proposed improvements are subject only to City of Everett land use, environmental, and construction permit conditions.
4. City will take the lead in obtaining temporary construction and permanent utility easements.

Deliverable:

1. Miscellaneous reference plans and technical support for City of Everett permits and SEPA checklist.
2. Recommendations for acquiring easements.

Task 12 - Bidding Assistance

This task provides assistance to the City during bidding and award of the project. Elements of this task will include:

- 12.1 Bidder Inquiries and Addenda** – Assist the City in responding to bidder’s questions. Prepare draft and final addenda, if necessary, to clarify or correct bid documents.
- 12.2 Bid Review** – Provide supplemental support in reviewing bids, checking references and selecting the apparent low bidder.
- 12.3 Conformed Drawings and Specifications** – Prepare conformed drawings and specifications as required for construction.

Assumptions:

1. The City will take the lead in tasks associated with printing bid documents, document distribution, bid advertisement, addenda distribution, plan holder administration, bid evaluation, bid tabulation etc.
2. The City will take the lead in receiving and answering bidders’ questions.
3. The City will provide two sets of contract documents to MSA for use during the bidding period.

Deliverables:

1. Draft addenda as required for the City to distribute to plan holders.
2. Conformed drawings and specifications if required.

Task 13 – Construction Management Support

This task represents involvement of MSA during the construction of the improvements to support the City’s on-site inspector and construction management group. MSA’s involvement during construction will be limited to support and periodic collaboration with the City, the construction contractor, permitting agencies and others, all at the direction of the City up to the extent of the budget for this task. Anticipated elements of this task will include:

- 13.1 Meetings** – Attend a pre-construction conference with City and construction contractor and invited agencies and utilities. MSA will be available to answer questions. Attend project progress meetings with City and contractor, as necessary.

13.2 Shop Drawings and Submittals – Review construction submittals, as directed by the City, for conformance with project documents. Prepare review comments and submit to City electronically. MSA will also upload reference documentation such as conformed drawings, contract, specifications and permits as necessary for construction administration.

13.3 Site Visits – Conduct periodic site visits, as necessary, to support the City’s on-site inspector and observe work in the golf course at key project milestones. Attend project walk-through for final inspection of the project and assist City with development of construction punch list. Assist City with substantial completion determination.

13.4 Clarifications and Changes – MSA will assist with issuing clarifications to the construction contractor and responding to design changes, change orders, as requested. Prepare review comments and submit to City electronically using MS SharePoint.

13.5 Utility Coordination – Coordinate with utility companies that are affected by the project, specifically within the EvCC easement area. Coordination includes submitting conformed construction plans for franchise utilities company to record. Plans will be distributed to utilities in the project vicinity. A written record will be kept for all communication with utility providers.

Assumptions:

1. City will provide full-time on-site inspection and will take the lead in administrating and managing the construction contract and communicating with the construction contractor.
2. City will be responsible for preparing record drawings.
3. MSA will attend preconstruction conference and up to six (6) project meetings as requested.
4. MSA will review up to eight (8) construction submittals as requested.
5. MSA will conduct up to four (4) site visits as requested by the City.
6. MSA will issue up to ten (10) clarifications and assist in processing up to four (4) change orders at the request of the City.

Deliverables:

1. Written clarifications and design plans, as requested.
2. Submittal reviews.

Task 14.2 – Unanticipated Labor or Expenses

This task will include additional unanticipated labor or expenses not specifically identified in the scope of work tasks defined above. Such work items will be implemented on a work order basis and will be undertaken only after written authorization from the City.



PROJECT DESCRIPTION

This scope of work (the "Agreement" covers the planning, design and construction observation of new/revised storm water ponds and new/revised golf course features at Legion Memorial Golf Course (the "Project") in Everett, Washington, located at 144 West Marine Drive, Everett, Washington, 98201 (the "Property").

Murray, Smith and Associates, Inc. (the "Consultant") has entered into an agreement (the "Prime Agreement") with the City of Everett (the "City") to provide certain design and planning services in connection with the improvement of the Property; and on behalf of the City, the Consultant desires to engage iConsult, LLC, a Colorado Corporation (the "Sub Consultant") to provide services in connection with the design of the Project and, Sub consultant desires to do same.

SCOPE OF SERVICES

Sub consultant shall provide professional services (the "Services") as hereinafter set forth, including the design and construction support services of the described Project, within the identified budget.

Task 1 - Golf Course Concept Plan(s)

Objectives

1. Develop a thorough understanding of the City's vision and goals, schedule, budget, risk factors, and test program goals, locate program elements and confirm design concepts based on the defined program.
2. Clarify the areas of design responsibility and interface coordination between Consultant and the Sub Consultant.
3. Analyze the overall golf course strategy, playability, and shot values and provide design concepts to guide future storm water and golf course remodel initiatives to enhance the overall quality of the golf course, address storm water concerns and potentially generate new revenue sources.
4. Develop preferred design strategies based on City's goals and the existing playability and character of the golf course.

Tasks

1. Attend kick-off and design coordination meeting with the City and Consultant. This meeting is likely to include a field visit to the site. Subsequently, a minimum of two design coordination meetings or workshops.
2. Examine and document existing conditions and review/develop project program and design criteria.
3. In consultation with the City and its representatives, review the program requirements with respect to the budget of the Project.
4. Review the Property to confirm site conditions such as soils, slopes, views and context surrounding the site. Field-verify survey information, including the limits of existing improvements.
5. Develop and test design alternatives for the Project:
 - Storm water pond locations
 - Impacted golf holes/features:
 - Golf hole routing

- Golf hole improvements
 - Golf hole strategies, playability and aesthetics
 - Driving Range/Practice areas
 - Circulation & safety
 - Other impacted golf features
6. Prepare up to three (3) concept plans or diagrams with associated preliminary budgets for the Project area based on the site visit and the City's programming and design criteria.
 7. Present concept plan(s) via conference call to City and Consultant's project team for review, comments and approvals.
 8. Revise preferred concept plan based on Consultant and City's comments.
 9. Based on the Consultant's and City's comments and instructions, select one final concept plan to establish the Project's goals and budget.
 10. Prepare a detailed project schedule/work plan.

Deliverables

1. Summary of project goals and desired outcomes, including the City's critical success factors.
2. Project schedule/work plan.
3. Up to three (3) preliminary concept diagrams and preliminary budgets for the Project in designated work area (Property).
4. Based on the City approval, a finalized illustrative concept plan of the golf course highlighting areas of improvement.

Task 2 - Schematic Design

Objectives

1. Advance the design concepts prepared in Task 1 and integrate the City approved Concept Plan with the design concepts produced by Consultant in the Pre-Design and under direction of Gary Sayre and Consultant. Identify options or alternatives, evaluate them and recommend a course of action.
2. Provide opportunity for input from Premier Golf Centers (PGC).
3. Recommended priorities and strategies for implementation of remodel work.

Tasks

1. Based on City approved Concept Plan, prepare one (1) final schematic level design plan that clearly illustrates the golf course improvements, key relationships, site circulation and the relative disposition of the storm water ponds to the golf course:
 - Golf course hole routing
 - Golf course feature revisions
 - Golf course strategy
 - Golf course circulation (cart path alignment)
 - Overall project area golf course improvements
 - Working with Consultant, prepare preliminary pond layouts based on information and design criteria (active storage volumes, etc.) provided by Consultant.
 - Schematic site grading and drainage concepts for the Project.

4. Based on above preliminary layouts and schematic design plan, show that earthwork cut/fill balance is achieved to the extent possible.
5. Prepare recommendations for surface water recirculation system to maintain pond water quality.
6. Prepare preliminary stream layouts based on information and design criteria provided by Gary Sayre and Consultant.
7. Assist Consultant with layout and routing of golf course drainage system into the pond system so as to assure effective golf course drainage functions.
8. Define a strategy to maintain golf play during construction, which may include the development of an alternate hole to be played during construction of proposed pond and stream improvements.
9. Based on schematic design plan, prepare preliminary construction budget.
10. Sub Consultant will review the schematic design plan, strategy, theme and budget with the City to determine an agreed upon plan. Upon City's approval, the overall plan concepts will be finalized in Task 3 below.

Deliverables

1. Schematic plan for the Project.
2. Safety analysis examining the interface between golf holes, cart path circulation and pond/stream improvements.
3. Preliminary pond and stream layout and grading plans. Plans shall indicate sizes, shapes and elevations of proposed golf features (drawing scales vary).
4. Estimate of earthwork cut/fill quantities and preliminary earthmoving balance.
5. Preliminary construction cost estimate for pond, stream and golf course improvements, work area restoration, landscaping etc. that would be performed by a specialty (golf course) contractor.
6. Outline of technical specifications for areas of work to be performed by specialty (golf course) contractor.
7. Final schematic design illustrative suitable for presentation.
8. One (1) public presentation illustrating the Schematic Design for the Project.
9. Phasing/construction recommendations to maintain golf operations during construction.

Task 3 - Final Design (Construction Documents and Contractor Selection)

Construction Documents Phase:

Objectives

1. Advance the preliminary design to produce final design documents to be incorporated into the Contract Documents for the NWSS project produced by Consultant and suitable for public works bidding and construction.
2. Prepare final documentation drawings that incorporate the most current information regarding construction practices.
3. Accomplish necessary review and approval of the documents and by City management and administration.
4. Gain concurrence from PGC related to the design and construction approach.

Tasks

1. Based on the preliminary design and input from the City, Consultant and PGC, prepare final design drawings and specifications to be incorporated into the final design drawings and specifications prepared by the Consultant suitable for bidding and construction of proposed improvements that would be constructed by a specialty golf course contractor.
2. Participate in one public open house meeting for the NWSS Project.
3. Prepare 60%, 90%, and final plans, specifications and cost estimates to be incorporated into the 60%, 90% and final plans, specifications and cost estimates prepared by Consultant for the project. Construction Documents includes (drawing scales vary):
 - Master/Strategy Plan.
 - Staking and Layout Plan.
 - Clearing Plan.
 - Grading/Contour Plan.
 - Cut/fill Plan.
 - Cart Path Plan.
 - Preliminary Drainage Plan (per county codes the final drainage plan and infrastructure plan will be prepared by the Consultant and will be included in the final document package).
 - Green(s) Plan.
 - Landscaping Plan, including grassing, tree, shrub, vine and ground cover locations.
 - Irrigation Plan (by iConGolf Studio sub)
 - Construction Details for all golf course features designed by Sub Consultant and not a part of the Consultant's scope of work, showing typical features and elements of the Project, including greens, tees, bunkers, cart paths, walls, drainage features, etc.
4. Recommend priorities and strategies for implementation of remodel work to define construction sequencing and constraints.
5. Prepare phasing diagrams or project plan for implementing future improvements.
6. Define the minimum qualifications that would be required of specialty golf course construction contractors and determine if a bidder qualification process is necessary.
7. Provide one (1) set of corrected, stamped Construction Documents for final signature by the Park's program manager, Gary Sayre.
8. Coordinate Sub Consultant's work with other consultants retained by the City.
9. Proceed with the Bidding Phase upon approval of the Construction Documents by the Contracting Manager and cost estimates by the City, and at the written direction of the City.

Deliverables

1. Color rendering (Master Strategy Plan) showing the proposed new ponds, changes to the golf holes, landscaping, cart paths etc. To be used for public open house etc.
2. Progress plans at 60% and 90% completion for review and comment by the design team. Review plans are to be submitted as .pdf files suitable for printing as 11 x 17 (half-size).
3. Final 100% plans, 22 x 34 (drawing scales vary) original plots with professional seal signed and dated ready for bidding and construction. Sheet numbering, titles etc. shall be coordinated with Consultant so the plans are properly collated into the overall set. If the designs are produced using AutoCAD, provide files on disc.
4. Specifications printed single-sided and ready to be collated into the overall project manual. Format shall be CSI.
5. At 90% completion provide a detailed tabulation of construction quantities, definition of bid items, method of measurement and payment and itemized opinion of construction

- cost. Coordinate with Consultant on production of proposal form and bid item descriptions.
6. Develop bidder qualifications.
 7. Participate in one public open house meeting for the NWSS Project.
 8. One (1) digital, pdf set of corrected, stamped Construction Documents.
 9. Prepare and submit final Construction Document cost estimate.

Bidding Phase:

Objectives

1. Assist the City in the public bidding process as defined below.
2. Assist the City in reviewing bids.

Tasks

1. Assist in preparing any design-related addenda or revisions to the Bidding Documents.
2. Attend pre-bid conference and provide written addendums to the drawings if deemed necessary.
3. Assist the City in analyzing the submitted bids, and value engineering the project.

Deliverables

1. Assist the Consultant to respond to bidder questions.
2. Assist the Consultant in the preparation of addenda to clarify bid documents during the bidding phase.
3. Attend pre-bid conference and provide written addendums to the bid documents if deemed necessary

Task 4 - Construction Services

Objectives

1. The general objective for this phase of the work is to provide construction services to ensure the final quality of the golf holes and to confirm Contractor conformance to the plans, details and specifications.
2. Sub Consultant will make periodic visits to the site to become familiar with the progress and quality of construction and to determine whether the construction of the Project is proceeding in accordance with Sub Consultant's design intent, Contract Documents and Specifications. During such visits and on the basis of observations while at the site, Sub Consultant will keep the City informed of the progress of construction. Sub Consultant may recommend the City reject work if the Contractor fails to conform to the Contract Documents.

Tasks

1. Attend one (1) pre-construction meeting with the Contractor and City representative to outline all phases of construction.
2. Attend and or participate in construction meetings, with Contractor and his subcontractors as part of the site visit schedule.
3. Arrange meetings with City to review work in progress or to resolve problems promptly as they occur. Sub Consultant will have access to the project site at all times while construction is in progress.
4. Respond to requests for clarification.
5. Review and verify the contractor's Pay Estimates in a timely manner when received.
6. Advise and consult with the City and issue all of the City's instructions to the Contractor and conduct site visits as needed. It is anticipated that there will be weeks where site visits are required and others where less frequent on-site decisions are necessary, depending on the stage of construction.
7. Sub Consultant will work with the City to resolve on-site construction problems with the golf course Contractor that may arise during construction.
8. Observe Project grading during construction in order to make prompt decisions regarding shaping, feature construction and finishing. Sub Consultant will recommend all field modifications as deemed necessary to the City for value engineering and design.
9. Observe layout and installation of irrigation systems and specified coverage tests.
10. Observe the final placement of plant materials and address design changes based on field modifications in the grading to facilitate the proposed project schedule.
11. Recommend rejection of work that does not comply with construction drawings and documents, and require corrective work.
12. Prepare and submit recommend Project related field orders to the City.
13. Review and approve all shop drawings, samples and other submissions of the Contractor for conformance with the overall design concept of the project.
14. Review as-built drawings.
15. Provide progress reports indicating the progress of the project, quality of construction, specific problem areas and state of completion.
16. Conduct a substantial completion punch-list.
17. Once the Contractor gives notice of substantial completion, Sub consultant will conduct an on-site meeting with the Contractor and City to review the construction of the Project.

Deliverables

1. Attend pre-construction meeting.
2. Prepare site visit notes and project updates in correlation to site observation visits.
3. Review Pay Requests.
4. Prepare project punch-list.
5. Attend warranty walk through within one year of the date of physical completion.

ASSUMPTIONS TO SCOPE OF SERVICES

1. A verbal request by the Consultant or the City to begin each phase of the work constitutes approval of prior design. Changes to previously approved work directed and approved by the Consultant or the City, requiring redesign and/or revisions during subsequent phases will be negotiated as supplemental services.

2. Various information, documents, or services may required for performance of the work to complete the Project, which include but are not limited to (the City at Sub Consultant's request is responsible for securing these maps, documents, plans, reports, etc.):
 - o Existing conditions data of property and proposed development area sufficient for the needs of the project, including a certified land survey, aerial photography, topography mapping and a survey of above and below ground utilities.
 - o The topographic field survey must have a minimum of two-foot contour intervals that include at least the property lines, easements, utilities, structures and buildings and all golf course features (greens, tees, hazards, stream, lakes, etc.).
 - o Existing site engineering and record drawings, including but not limited to as-built and/or proposed architectural, structural, civil engineering, plumbing and electrical engineering, paving and roads.
3. Sub Consultant assumes no responsibility for the accuracy of such information or for other professional services provided by Consultant or the City. Sub Consultant is not liable for any errors or omissions therein.
4. Certain testing may be required to complete the Project, which include but are not limited to (the City is responsible for preparing and conducting such tests and all associated fees):
 - o Soil's
 - o Aggregates
 - o Compaction
 - o Irrigation Water
 - o Other materials necessary for completing the Project.
5. The City shall provide the services of additional consultants when such services are deemed necessary. These consultants may include but are not limited to irrigation, soil, civil, hydrologic, geologic or other engineers; wetland, wildlife, or botanical specialists and approval process consultants. The City is responsible for all fees and expenses associated with any consultant work.
6. Responsibilities for the preparation and coordination of Construction Documents and exhibits for all off-site improvements are not included in this Scope of Services.
7. Geotechnical borings have been completed near the pond locations on the golf course and the design effort is to incorporate geotechnical information as appropriate.
8. Consultant will provide conceptual pond layouts and sections.
9. All storm water detention and control structures within and adjacent to the ponds will be designed by Consultant and will be integrated with the Sub Consultant's designs and plans. Consultant will characterize the range and variation of water level necessary for detention functions.
10. Consultant will design all storm water piping which convey water in and out of the ponds.
11. Site visits during construction.

EXCLUSIONS TO SCOPE OF SERVICES

1. Providing financial feasibility or other similar studies.
2. Identifying legal requirements or any public or private restrictions, which may apply to the Project.
3. Reviews, preparation of presentation materials and processing of documents for public agencies and community representatives are not included in this Scope of Services.
4. Identifying legal requirements or any public or private restrictions, which may apply to the golf course.

5. All engineering, including but not limited to, cart path construction, bridge structure, pond headwalls, dams, drainage pipe, roadways, lot plats, etc.
6. Preparing and coordinating Construction Documents and exhibits for all off-site improvements are not included in this Scope of Services.
7. Obtaining any permits, approvals, licenses or consents relating to the project.
8. Obtaining or supplying funding or financing for the Project.

SCOPE OF SERVICES FEE

1. Sub Consultant fee for the Services described in this Agreement are as follows:
See Exhibit A
2. Reimbursable Expenses - In addition to the Scope of Services fee, we charge for project expenses incurred on your behalf. These typically include such items as travel, photography, telephone charges, video conferencing and reproduction (10% mark-up on expenses).
3. Additional Services - Any services that are not defined in this Agreement are compensated on an hourly basis for the time worked on your behalf. Rates are based on our current employee rate schedule.

Additional services can include but are not limited to, redesign of work already approved, major revisions to the program and/or expansion of Scope of services. We will define the changes, additions or modifications to the Scope, provide an estimate of costs and request written authorization in advance.

4. Taxes - Any taxes or fees, (local, state or federal), based on gross receipts or revenues will be added to amounts due under this Agreement.

**CITY OF EVERETT, LEGION GOLF COURSE STORMWATER DETENTION PROJECT, UP3620 - EXHIBIT D-1
PROJECT HOURS, EXPENSES AND FEE ESTIMATE**

Date: 13-Jun-16

| Labor Category | Staff | Direct Salary Hourly Rates, (\$\$,CC) | HOURS FOR EACH TASK (Whole Hours Only) | | | | | | | | | | | | | | Total Hours | Cost |
|---|-----------|---------------------------------------|--|-----------------|------------------------|--------------------|--------------------|-----------------------|-------------------|--------------------------------|-----------------|------------------------|--------------------|--------------------|-----------------------|-------------------|-------------|------|
| | | | Task 8 PM (Final Design) | Task 9 Final | Task 10 Stakeholder | Task 11 Permits | Task 12 Bidding | Task 13 CM Support | Task 14 Unant. | Task 8 PM (Final Design) | Task 9 Final | Task 10 Stakeholder | Task 11 Permits | Task 12 Bidding | Task 13 CM Support | Task 14 Unant. | | |
| 1 Principal in Charge | Lindberg | \$ 75.00 | 8 | 4 | | | | | | | | | | | | 12 | \$ 900 | |
| 2 Project Manager / Contract Manager | Perry | \$ 75.00 | 52 | 59 | 40 | 5 | 4 | | | | | | | | | 174 | \$ 13,050 | |
| 3 Project Engineer / Assistant PM | Hardy | \$ 48.84 | 100 | 111 | 82 | 16 | 12 | | | | | | | | | 343 | \$ 16,752 | |
| 4 Storm Project Engineer | Covington | \$ 47.35 | 24 | 135 | 16 | 6 | 24 | | | | | | | | | 246 | \$ 11,648 | |
| 5 Storm Designer | Little | \$ 25.96 | | 174 | | | 20 | 8 | | | | | | | | 228 | \$ 5,819 | |
| 6 Storm Drafter / CAD | Marx | \$ 38.46 | | 156 | 6 | | 8 | 12 | | | | | | | | 188 | \$ 7,230 | |
| 9 Hydraulic Model Modeler | Walsh | \$ 31.49 | | 16 | | | | | | | | | | | | 16 | \$ 504 | |
| 15 Project Admin. | Russ | \$ 18.68 | 22 | 24 | 8 | 2 | 2 | | | | | | | | | 60 | \$ 1,001 | |
| Total Task Hours | | | 206 | 679 | 122 | 57 | 62 | | | | | | | | | 1,267 | | |
| Subtotal Direct Salary Cost (DSC), \$ | | | 10,887 | 27,959 | 6,661 | 2,301 | 2,725 | | | | | | | | | 6,470 | \$ 82,003 | |
| Overhead on DSC (Indirect cost) @ % | | 199.50% | 21,720 | 55,778 | 13,289 | 4,590 | 5,436 | | | | | | | | | 12,908 | \$ 113,721 | |
| Total Labor Cost, \$ | | | 32,607 | 83,737 | 19,950 | 6,891 | 8,161 | | | | | | | | | 19,378 | \$ 195,724 | |
| Expenses, \$ | | | | | | | | | | | | | | | | | | |
| 1 Mileage & Travel | | | 15 | 40 | 0 | 0 | 0 | 10 | | | | | | | | 120 | \$ 185 | |
| 2 Reproduction & Printing | | | 190 | 200 | 50 | 25 | 150 | 190 | | | | | | | | 20 | \$ 805 | |
| 3 Postage & Delivery | | | 45 | 20 | 0 | 0 | 20 | 20 | | | | | | | | 105 | \$ 160 | |
| 4 Per Labor Hr. Model Charge | | \$ 10.00 | 0 | 160 | 0 | 0 | 0 | 0 | | | | | | | | 0 | \$ 1,600 | |
| 5 Per Labor Hr. Tech. Charge | | \$ 18.00 | 0 | 2,808 | 108 | 144 | 216 | 108 | | | | | | | | 438 | \$ 7,832 | |
| Total Expenses, \$ | | | 250 | 3,228 | 158 | 169 | 396 | 438 | | | | | | | | 600 | \$ 9,863 | |
| TOTAL LABOR AND EXPENSES | | | 32,857 | 86,965 | 20,108 | 7,060 | 8,557 | 19,816 | | | | | | | | 25,000 | \$ 200,363 | |
| Subconsultant Expenses, \$ | | | | | | | | | | | | | | | | | | |
| 1 ContGolf Studio | | | | 88,055 | | | | 3,545 | | | | | | | | 39,680 | \$132,280 | |
| 2 AESI (Geotechnical) | | | | | | | | 1,000 | | | | | | | | 7,060 | \$7,060 | |
| 3 CG Engineering (Structural) | | | | 10,000 | | | | 2,000 | | | | | | | | 2,000 | \$13,000 | |
| 4 R&W (Electrical) | | | | 12,000 | | | | 2,000 | | | | | | | | 2,000 | \$15,000 | |
| TOTAL SUBCONSULTANTS | | | 0 | 111,055 | 0 | 0 | 5,545 | 50,740 | | | | | | | | 60,680 | \$167,340 | |
| Subconsultant Admin Mark-up, % | | 5.00% | 0 | 5,852 | 0 | 0 | 277 | 2,536 | | | | | | | | 2,536 | \$8,365 | |
| Subtotal Cost by Task | | | 32,857 | 203,572 | 20,108 | 7,060 | 14,379 | 73,092 | | | | | | | | 25,000 | \$ 376,068 | |
| Fee/Profit (as % of Total DSC & Overhead) | | 11.00% | 3,587 | 9,211 | 2,195 | 758 | 898 | 2,132 | | | | | | | | 917 | \$ 18,781 | |
| Next Year's Labor Escalation* | | 3.00% | | | | | | | | | | | | | | | \$ 917 | |
| TOTAL ESTIMATED COST AND FEE, \$ | | | 36,444 | 212,783 | 22,303 | 7,818 | 15,549 | 75,869 | | | | | | | | 25,000 | \$ 395,766 | |

* Next year's labor escalation was calculated assuming of the work would be completed next year.
 Enter data in yellow & green shaded cells only. Other formula cells are locked to prevent accidental changes. There is no password protection.

| | |
|--------------------------------------|--------|
| Overall Project Multiplier | 3.32 |
| Fee/Profit as a % of DSC Only | 32.95% |

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

Lawsuit Settlement of Taylor-Montz v. City of Everett, Cause No. 15-2-06013-7, in the amount of \$60,000.00

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

COUNCIL BILL # _____
 Originating Department Legal
 Contact Person Jim Iles
 Phone Number 425-257-8739
 FOR AGENDA OF July 13, 2016

Initialed by:
 Department Head _____
 CAA db
 Council President _____

Location **Preceding Action** **Attachments** **Department(s) Approval**
 3700 block Rucker Avenue Legal

| | | |
|----------------------|-------------|------------------------------|
| Amount Budgeted | | |
| Expenditure Required | \$60,000.00 | Account Number(s): Tort Fund |
| Budget Remaining | | |
| Additional Required | | |

DETAILED SUMMARY STATEMENT:

The Taylor-Montz litigation arises from a motor vehicle collision that occurred on November 15, 2013, in the northbound lanes on the 3700 block of Rucker Avenue in Everett. A City-owned Parks Department vehicle collided with the rear of plaintiff's legally stopped vehicle. Ms. Taylor-Montz sustained injuries and sought to recover \$250,000.00 from the City. A mediated settlement of \$60,000.00 has been reached pending City Council approval. The City Attorney's Office recommends approval of this settlement which would include a full release for any and all claims arising from this event.

RECOMMENDATION (Exact action requested of Council):

Approve the Lawsuit Settlement of Taylor-Montz v. City of Everett, Cause No. 15-2-06013-7, in the amount of \$60,000.00.

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

| | | | | |
|------------------------------|-------|-----------------|------------------------|---|
| Resolution Declaring Scott | _____ | Briefing | COUNCIL BILL # | _____ |
| Self Contained Breathing | _____ | Proposed Action | Originating Department | Finance/Purchasing |
| Apparatus Equipment Surplus | _____ | Consent | Contact Person | Clark Langstraat |
| and Authorize Sale by Sealed | x | Action | Phone Number | 425-257-8901 |
| Bid | _____ | First Reading | FOR AGENDA OF | July 13, 2016 |
| | _____ | Second Reading | | |
| | _____ | Third Reading | Initialed by: | |
| | _____ | Public Hearing | Department Head | _____ |
| | | | CAA |  |
| | | | Council President | _____ |

| | | | |
|-----------------|-------------------------|---|--|
| <u>Location</u> | <u>Preceding Action</u> | <u>Attachments</u> Proposed Resolution | <u>Department(s) Approval</u> Motor Vehicle Division, Purchasing |
|-----------------|-------------------------|---|--|

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

DETAILED SUMMARY STATEMENT:

The Fire Department is in the process of replacing their current Self Contained Breathing Apparatus (SCBA) equipment with a new high pressure system. The equipment being replaced has significant value and Fire would like to seek bids for a vendor to accept the used equipment as a trade-in for equipment to complement the new SCBA system. The equipment to be surplused consists of 94 Scott AP50 SCBA Air-Paks and 200 Scott 30-minute SCBA Air Bottles. Fire is seeking new 30 and 45-minute high pressure air bottles in exchange.

Estimated present value of these items is \$30,000-\$50,000.

Staff estimates present values based on previous and current sales and recommends sale by sealed bid.

RECOMMENDATION (Exact action requested of Council):

Adopt resolution declaring the listed Scott Self Contained Breathing Apparatus equipment surplus and authorizing its sale by sealed bid.

RESOLUTION No. _____

A Resolution declaring the listed vehicles and equipment surplus and authorizing their disposition.

Whereas, the City owns 94 each Scott AP50 SCBA Air-Paks and 200 each Scott 30-minute SCBA Air Bottles; and

Whereas, the above-referenced equipment is no longer of value or use to the City; and

Whereas, Ordinance 2963-06 establishes a procedure and methods for surplusing or disposition of City-owned personal property; and

Whereas, based on the guidelines set forth in Section 2 of Ordinance 2963-06 a sealed bid is the disposition method that best meets the City's interests; and

Whereas, the City's purchasing manager has reported the basis for the estimated value of the surplus property and has recommended surplusing the above-referenced vehicles and equipment by sealed bid.

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Everett:

1. The 94 each Scott AP50 SCBA Air-Paks and 200 each Scott 30-minute SCBA Air Bottles are no longer of value or use to the City; and
2. The disposition of this equipment at by Sealed Bid is hereby authorized.

COUNCIL MEMBER INTRODUCING RESOLUTION

PASSED AND APPROVED THIS ____ DAY OF
July, 2016

SCOTT MURPHY,
COUNCIL PRESIDENT