

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

Roll Call

Approval of Minutes: May 11, 2016

Pledge of Allegiance

Mayor's Comments

Council Comments/Liaison Reports

Administration Update on prior business

City Attorney

Citizen Comments

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

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

Documents: [CB 1605-23.pdf](#)

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

Documents: [CB 1605-24.pdf](#)

CONSENT ITEMS:

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

Documents: [res-87.pdf](#)

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

Documents: [payroll-60.pdf](#)

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

Documents: [masonry.pdf](#)

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

Documents: [Puget Sound Outfall.pdf](#)

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

Documents: [Fishermans Village.pdf](#)

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

Documents: [Homeless Connect-1.pdf](#)

#### ACTION ITEMS:

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

Documents: [CB 1604-22.pdf](#)

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

Documents: [Puget Sound Outfall-1.pdf](#)

Executive Session

Adjourn

Everett City Council agendas can be found, in their entirety, on the City of Everett Web Page at [www.everettwa.gov/citycouncil](http://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 Amending the City's Multifamily Housing Property Tax Exemption Regulations, Section 1 of Ordinance No. 2408-99, Section 8 of Ordinance No. 2347-98, as amended (EMC 3.78.080).

<u>5/18/16</u>	Briefing
_____	Proposed Action
_____	Consent
_____	Action
<u>5/18/16</u>	First Reading
<u>5/25/16</u>	Second Reading
<u>6/1/16</u>	Third Reading
<u>6/1/16</u>	Public Hearing

COUNCIL BILL #	<u>CB1605-23</u>
Originating Department	<u>Planning</u>
Contact Person	<u>Allan Giffen</u>
Phone Number	<u>(425) 257-8725</u>
FOR AGENDA OF	<u>May 18, 2016</u>
	<u>May 25, 2016</u>
	<u>June 1, 2016</u>

Initialed by:  
 Department Head \_\_\_\_\_  
 CAA do  
 Council President gpm

<u>Location</u>	<u>Preceding Action</u>	<u>Attachments</u> Ordinance, Letter	<u>Department(s) Approval</u> Planning, Legal
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Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

**DETAILED SUMMARY STATEMENT:**

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

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

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

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

**RECOMMENDATION (Exact action requested of Council):**

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

**Ordinance No. \_\_\_\_\_**

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

**WHEREAS, the City Council finds the following:**

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

**WHEREAS, the City Council concludes the following:**

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

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

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

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

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

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

Is hereby amended to read as follows:

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

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

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

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

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

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

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

**RAY STEPHANSON, MAYOR**

\_\_\_\_\_

ATTEST: \_\_\_\_\_

CITY CLERK

Passed: \_\_\_\_\_

Valid: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

RECEIVED

APR 22 2016

CITY OF EVERETT  
PLANNING DEPT



2000 Tower Street • Everett, WA • 98201-1390 • 425.388.9100

Office of the President  
P 425.388.9572 – f 425.388.9531

April 19, 2016

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

Dear Allan,

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

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

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

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

Thank you for your consideration on this request.

Sincerely,

A handwritten signature in black ink that reads "David N. Beyer". The signature is written in a cursive style.

David N. Beyer  
President

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

**PROJECT TITLE:**

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

\_\_\_\_\_ Briefing  
 \_\_\_\_\_ Proposed Action  
 \_\_\_\_\_ Consent  
 \_\_\_\_\_ Action  
 \_\_\_\_\_ First Reading  
 \_\_\_\_\_ Second Reading  
 \_\_\_\_\_ Third Reading  
 \_\_\_\_\_ Public Hearing

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

Initialed by:  
 Department Head \_\_\_\_\_  
 CAA db  
 Council President [Signature]

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

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

**DETAILED SUMMARY STATEMENT:**

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

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

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

**RECOMMENDATION (Exact action requested of Council):**

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

ORDINANCE No. \_\_\_\_\_

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

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

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

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

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

**Operation of vessel in a reckless manner—Penalty.**

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

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

**Operation of vessel in a reckless manner—Penalty.**

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

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

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

Chapter 79A.60.040 RCW.

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

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

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

1. The person has an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or
2. The person has a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or
3. The person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or
4. The person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 79A.60.040 RCW.

### **Section 3.** Severability

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

### **Section 4.** General Duty

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

### **Section 5.** Savings

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

### **Section 6.** Corrections

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

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**Ray Stephanson, Mayor**

**ATTEST:**

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**City Clerk**

**Passed:**

**Valid:**

**Published:**

**Effective Date:**



RESOLUTION NO. \_\_\_\_\_



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

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

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

\_\_\_\_\_  
Councilperson Introducing Resolution

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Council President

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

**PROJECT TITLE:**

Call for Bids for the Police  
Headquarters Masonry  
Cleaning and Repair Project

\_\_\_\_\_ Briefing  
\_\_\_\_\_ Proposed Action  
\_\_\_\_\_ Consent  
\_\_\_\_\_ Action  
\_\_\_\_\_ First Reading  
\_\_\_\_\_ Second Reading  
\_\_\_\_\_ Third Reading  
\_\_\_\_\_ Public Hearing

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

Initialed by:  
Department Head \_\_\_\_\_  
CAA db  
Council President \_\_\_\_\_

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

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

**DETAILED SUMMARY STATEMENT:**

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

**RECOMMENDATION (Exact action requested of Council):**

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

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

**PROJECT TITLE:**

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

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

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

Initialed by:  
Department Head \_\_\_\_\_  
CAA db  
Council President \_\_\_\_\_

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

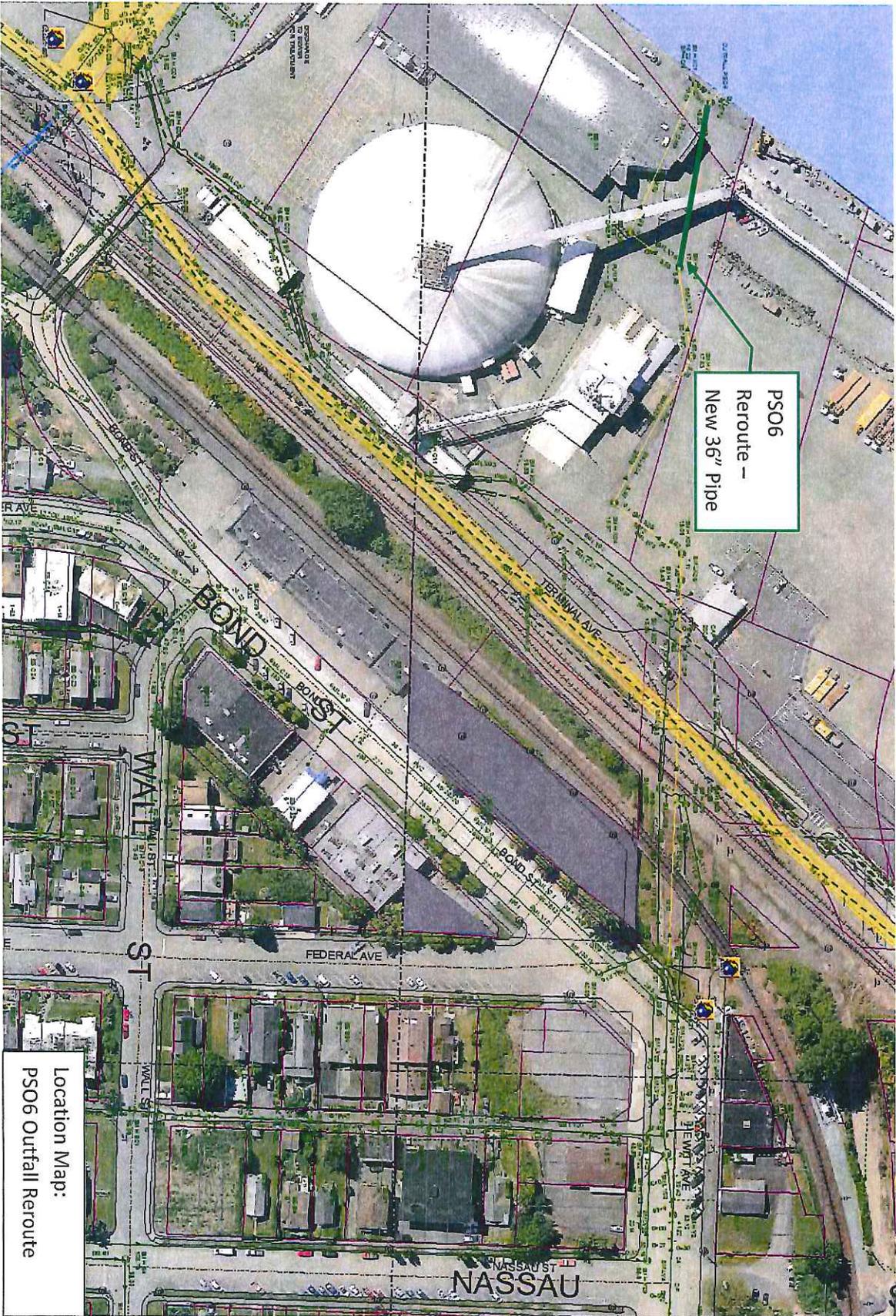
Amount Budgeted	\$900,000	
Expenditure Required	\$622,000	Account Number(s): UP 3583
Budget Remaining	\$82,921	
Additional Required	-0-	

**DETAILED SUMMARY STATEMENT:**

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

**RECOMMENDATION** (Exact action requested of Council):

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



PS06  
Reroute -  
New 36" Pipe

Location Map:  
PS06 Outfall Reroute

**EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET**

**PROJECT TITLE:**

Street Closure – Fisherman’s  
Village Music Festival

\_\_\_\_\_ Briefing  
 \_\_\_\_\_ Proposed Action  
 \_\_\_\_\_ Consent  
 \_\_\_\_\_ Action  
 \_\_\_\_\_ First Reading  
 \_\_\_\_\_ Second Reading  
 \_\_\_\_\_ Third Reading  
 \_\_\_\_\_ Public Hearing

COUNCIL BILL # \_\_\_\_\_  
 Originating Department City Clerk  
 Contact Person Sharon Fuller  
 Phone Number 425-257-8609  
 FOR AGENDA OF May 18, 2016

Initialed by:  
 Department Head \_\_\_\_\_  
 CAA db  
 Council President SPM

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

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

**DETAILED SUMMARY STATEMENT:**

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

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



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

FIDELITY - JORDAN (CLOSED)

Jordyn Petit  
Luciano

WAXING - ~~LISEE~~ BEST NAILS -

PHO HA - (CLOSED)  
(ON SAT & SUN)

He

NEIL'S BARBER SHOP -

M/M

KAMA'AINA GRINDZ -

On a sign

EDWARD JONES - CLOSED

IRISHMEN -

[Signature]

SKODAZ REAL ESTATE -

[Signature]

(KAMA AINA GRINDZ, MAJESTIC CTR, BANK OF AMERICA BLDG, UBS, 2910 COLBY, PROCURA MORTGAGE)

STUDIO DONNA, Donna Perigo

CRAVIN CASIN -

[Signature]

HISTORIC Everett Theatre

Choff

**Indemnification, Hold Harmless, and Certification**

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

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

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

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

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

 _____ Signature	4/26/16 _____ Date
RYAN CROWTHER _____ Printed Name	
EVERETT MUSIC INITIATIVE _____ Organization Representing	206.679.0848 _____ Phone No.

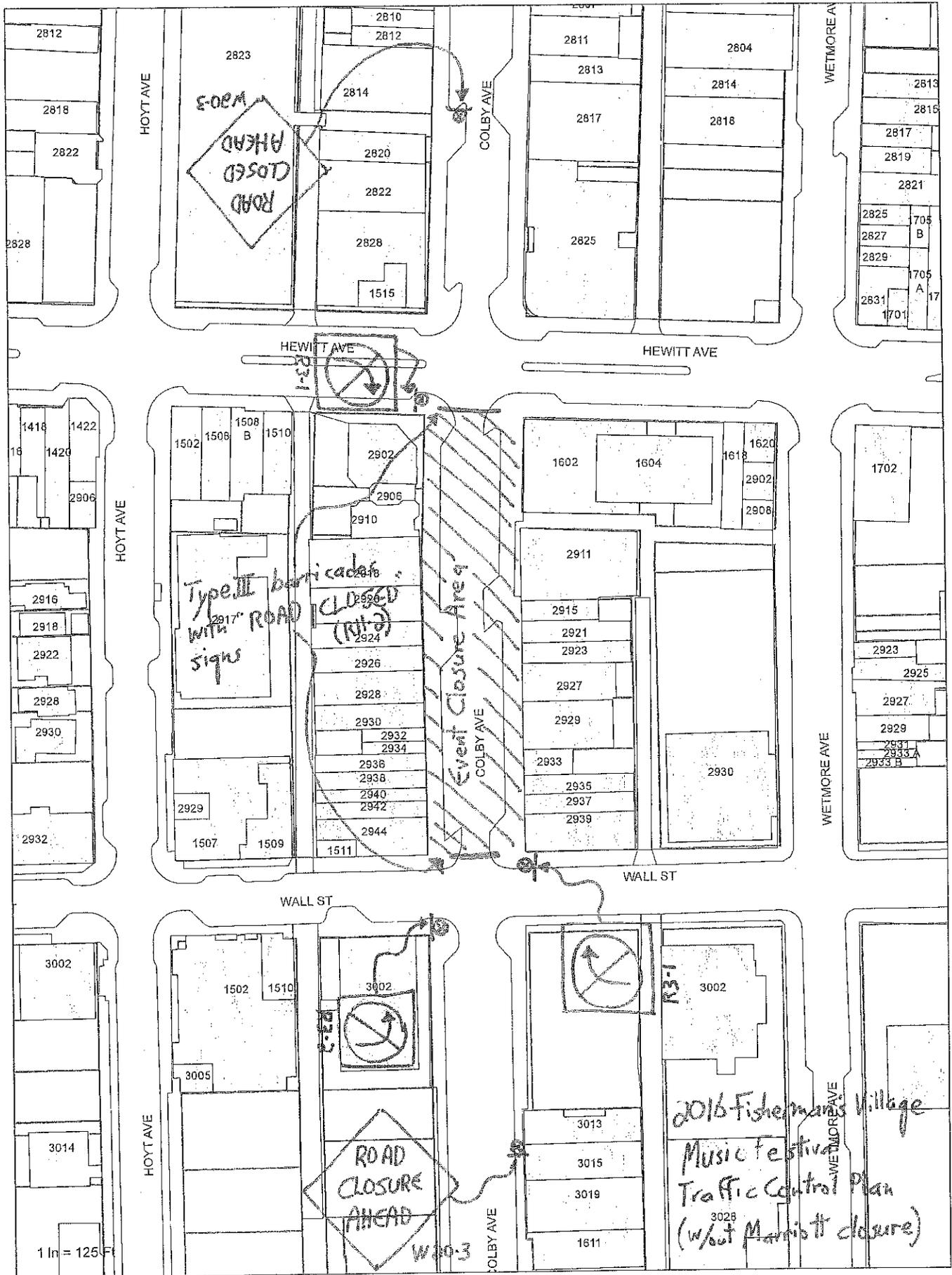
List businesses/residences impacted by this event. You must also obtain an approval signature from each business/resident indicating they concur with the closure.

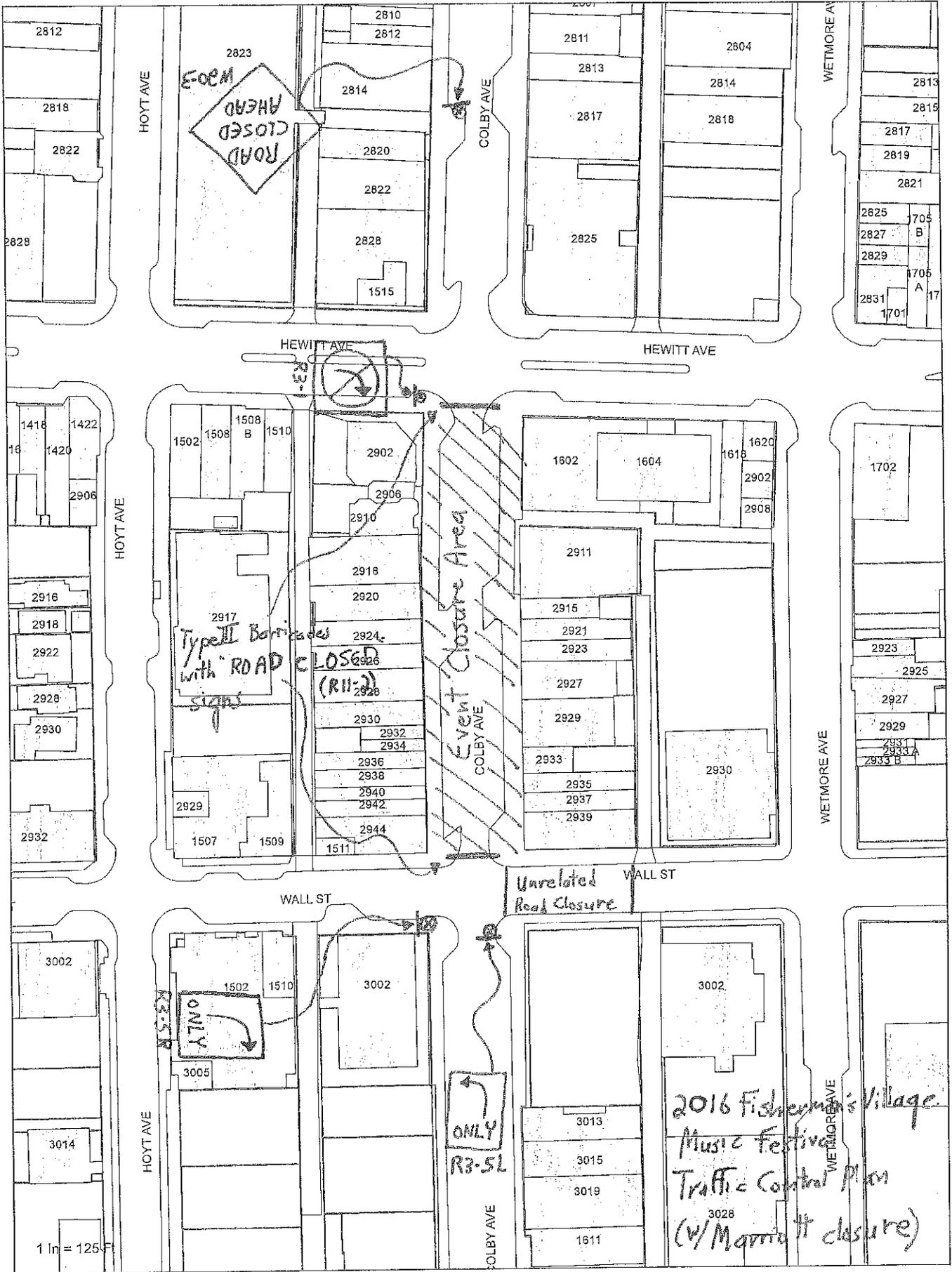
Business/Residence	Signature of approval
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____

**RECEIVED**

APR 27 2016

**CITY OF EVERETT**  
 City Clerk





ROAD CLOSED AHEAD

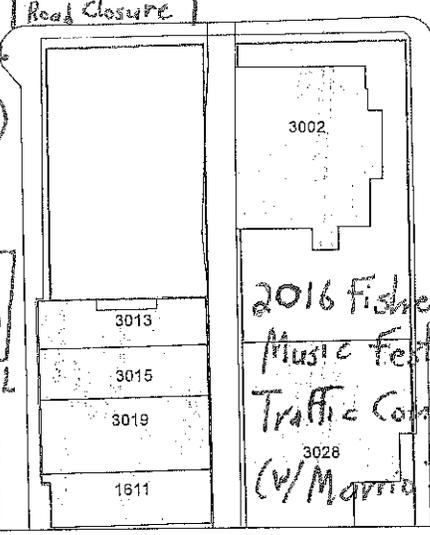
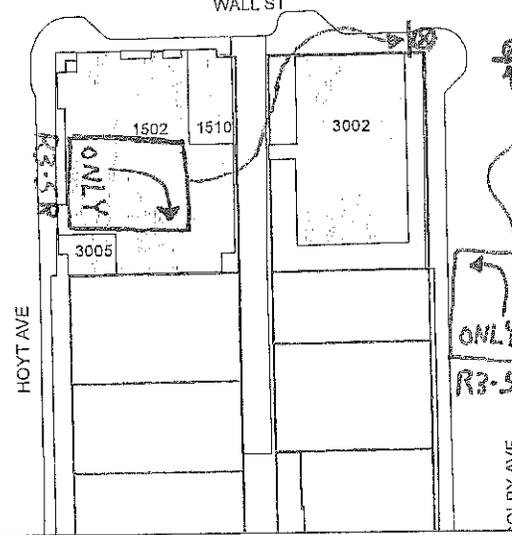
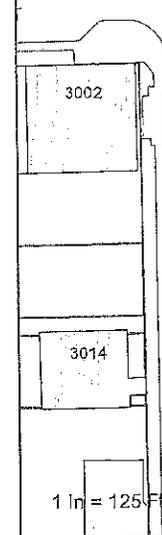
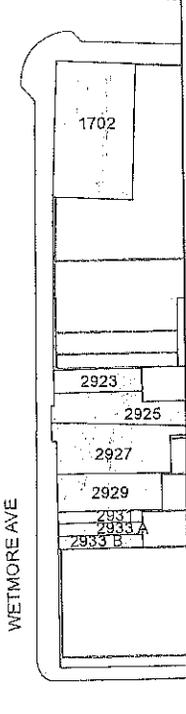
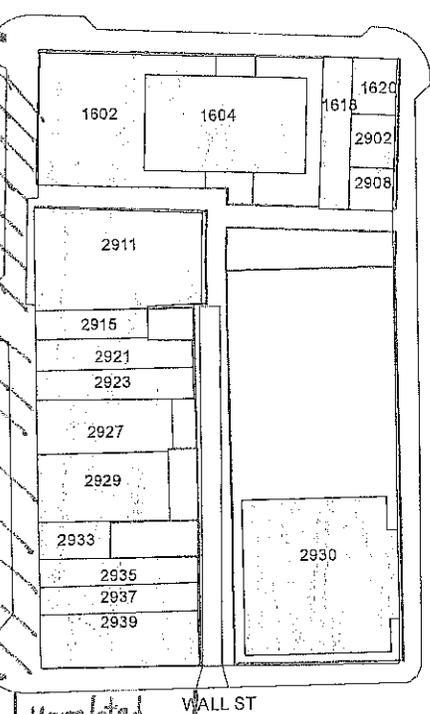
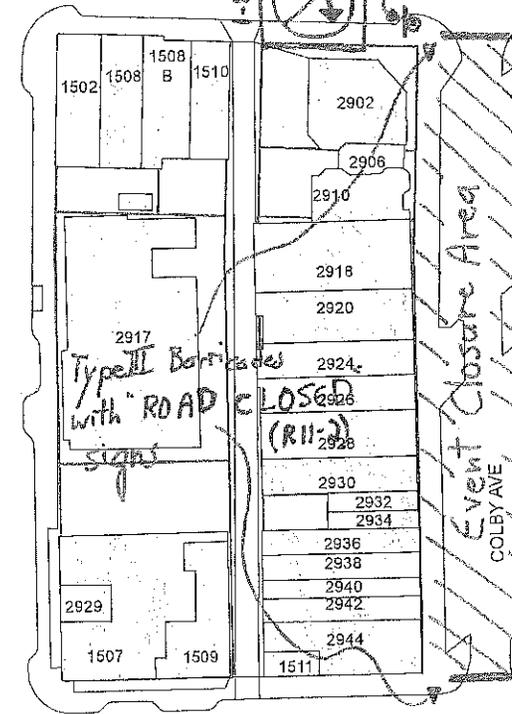
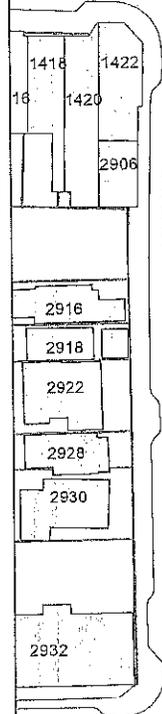
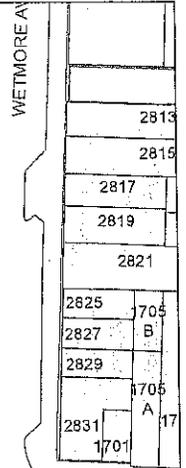
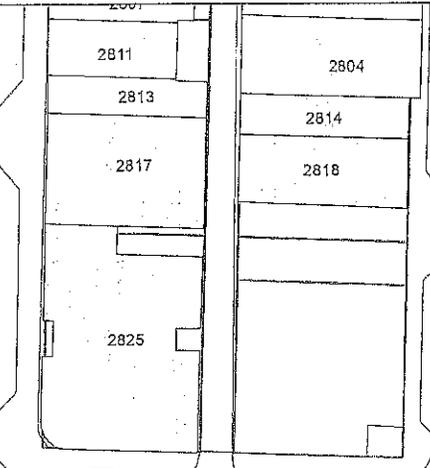
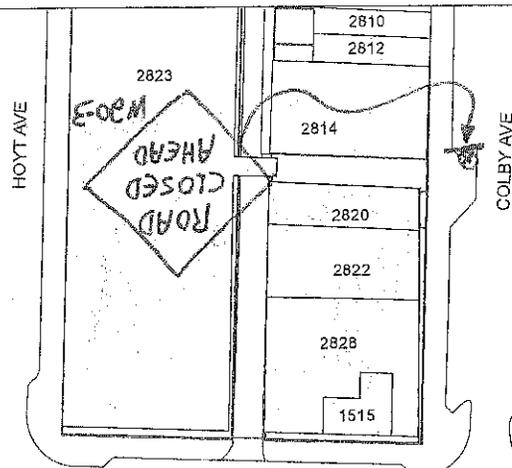
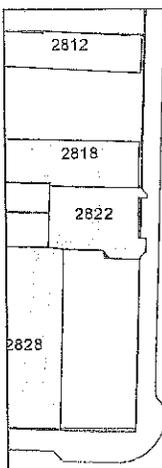
Typell Barricades with ROAD CLOSED signs (R11-2)

Event Closure Area

Unrelated Road Closure

2016 Fisherman's Village Music Festival Traffic Control Plan (w/ Marmitt closure)

1 in = 125 ft



EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

**PROJECT TITLE:**

Street Closure – Project  
Homeless Connect

\_\_\_\_\_ Briefing  
 \_\_\_\_\_ Proposed Action  
 \_\_\_\_\_ Consent  
 \_\_\_\_\_ Action  
 \_\_\_\_\_ First Reading  
 \_\_\_\_\_ Second Reading  
 \_\_\_\_\_ Third Reading  
 \_\_\_\_\_ Public Hearing

COUNCIL BILL # \_\_\_\_\_  
 Originating Department City Clerk  
 Contact Person Sharon Fuller  
 Phone Number 425-257-8609  
 FOR AGENDA OF May 18, 2016

Initialed by:  
 Department Head \_\_\_\_\_  
 CAA db  
 Council President [Signature]

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

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

**DETAILED SUMMARY STATEMENT:**

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

**RECOMMENDATION (Exact action requested of Council):**

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

**SPECIAL EVENT APPLICATION**

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

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

Closure Time: 6am 7/13/16 to 6pm 7/14/16  
(Setup) (Event)

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

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

Sponsoring Organization: United Way of Snohomish County

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

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

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

What method will be used to inform the impacted parties of the street closure? Sign for door to door

If applicable, answer the following:

Approx. # of participants: 1500 Persons 150 Animals      Vehicles  
pets (cats, dogs) Type of Animals

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

Portion of street to be used:  Full width  Half  Other

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

**Official Use**

	Admin.	Traffic	Police	Fire	Transit	Streets
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"/>

Special Conditions: \_\_\_\_\_

**RECEIVED**  
Comments

Council agenda date: 5/18/16

City Council approval:   /  /  

APR 28 2016

Permit \_\_\_\_\_

TR # \_\_\_\_\_

CITY OF EVERETT

City Clerk

**Indemnification, Hold Harmless, and Certification**

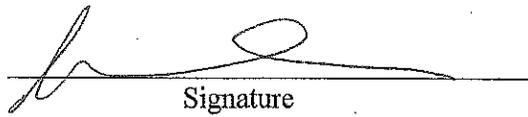
As a material inducement and consideration for the City granting this approval, the Applicant, on behalf of the sponsoring organization, hereby agrees to defend, indemnify and hold harmless the City from and against any and all Claims for personal injury, death, property damage or destruction, arising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

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

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

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

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

 \_\_\_\_\_  
Signature

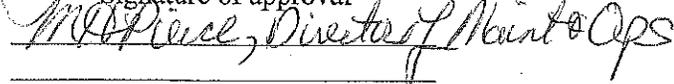
4/25/2016  
\_\_\_\_\_  
Date

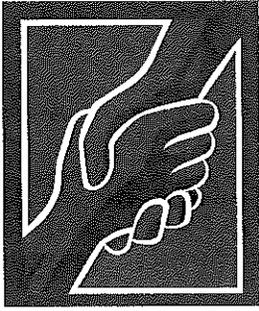
Adrian Nieland  
\_\_\_\_\_  
Printed Name

United Way of Snohomish County  
\_\_\_\_\_  
Organization Representing

425. 374. 5507  
\_\_\_\_\_  
Phone No.

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

Business/Residence	Signature of approval
1. Everett High School (Everett SD)	
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____



# Project Homeless Connect

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

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

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

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

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

## Will this affect me?

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

## Can I help?

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

## Questions?

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

Brought to You By

**EMPLOYEES  
COMMUNITY  
FUND  
OF BOEING**



In Partnership With

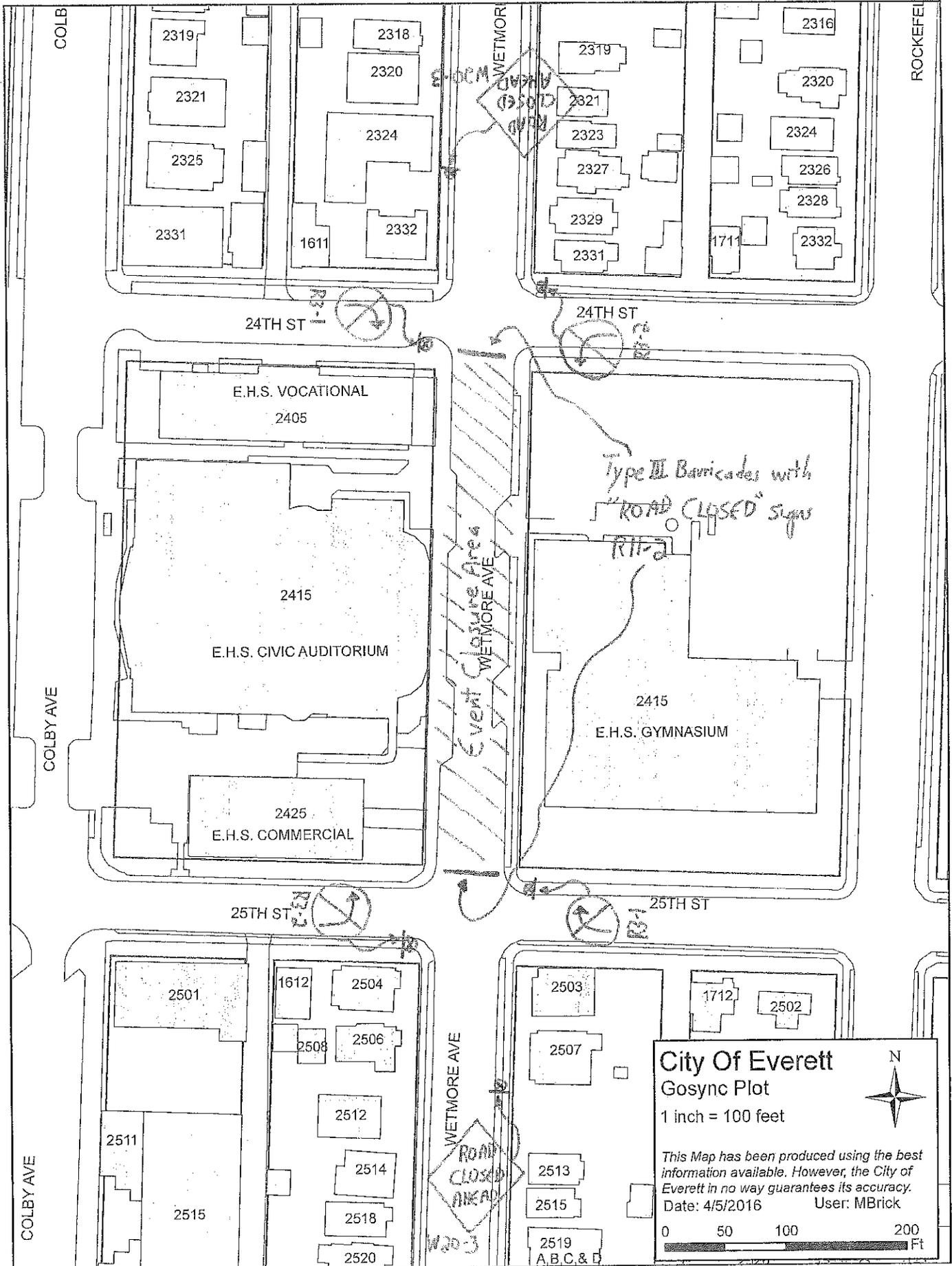


United Way  
of Snohomish County



**Snohomish  
County**

*And over 90 additional community partners*



COLB

ROCKEFEL

COLBY AVE

COLBY AVE

WETMORE

WETMORE AVE

24TH ST

24TH ST

25TH ST

25TH ST

2319

2318

2319

2316

2321

2320

2321

2320

2325

2324

2323

2324

2331

1611

2332

2327

2326

2329

2328

2331

1711

2332

E.H.S. VOCATIONAL  
2405

2415

E.H.S. CIVIC AUDITORIUM

2425

E.H.S. COMMERCIAL

Type III Barricades with  
"ROAD CLOSED" signs

R11-2

2415

E.H.S. GYMNASIUM

2501

1612

2504

2503

1712

2502

2508

2506

2507

2511

2512

2513

2515

2514

2515

2518

2520

2519

A, B, C, & D

ROAD  
CLOSED  
AHEAD

**EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET**

**PROJECT TITLE:**

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

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

COUNCIL BILL # CB160422  
 Originating Department Finance  
 Contact Person Susy Haugen  
 Phone Number 425-257-8612  
 FOR AGENDA OF May 4, 2016

Initialed by:  
 Department Head \_\_\_\_\_  
 CAA db  
 Council President \_\_\_\_\_

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

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

**DETAILED SUMMARY STATEMENT:**

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

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

**RECOMMENDATION:**

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

**EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET**

**PROJECT TITLE:**

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

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

COUNCIL BILL # CB160422  
 Originating Department Finance  
 Contact Person Susy Haugen  
 Phone Number 425-257-8612  
 FOR AGENDA OF May 4, 2016

Initialed by:  
 Department Head \_\_\_\_\_  
 CAA JB  
 Council President \_\_\_\_\_

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

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

**DETAILED SUMMARY STATEMENT:**

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

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

**RECOMMENDATION:**

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

**ORDINANCE NO. \_\_\_\_\_**

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

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

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

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

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

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

**3.19.030 Registration/license certificates.**

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

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

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

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

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

E. License Fees.

1. Registration Fee. A registration fee of seventy-five dollars will be due at the time of filing an application for a business license. If the application for a business license is filed between July 1st and December 31st, the registration fee will be thirty-seven and one-half dollars.
2. Additional Location Fee. For each additional location at which a taxpayer transacts business, the taxpayer will pay a fee of twenty dollars per year at the time of registration. If the application for an additional location is filed between July 1st and December 31st, the additional location fee will be ten dollars.
3. Renewal Fee. A renewal fee will be due prior to January 1st of each year. For businesses with a gross income of less than twenty thousand dollars in the preceding year, the annual renewal fee is twenty-five dollars. For businesses with a gross income of twenty thousand dollars or more in the preceding year, the annual renewal fee is seventy-five dollars. The renewal fee for each additional location will be twenty dollars.
4. Fee Adjustment. Prior to mailing renewal notices, but no later than December 31, 2014, and annually thereafter, the office of the clerk shall administratively adjust the fees provided for herein in an amount equal to the annual change in the June to June Consumer Price Index (CPI-U) (1982-84=100) for the Seattle-Tacoma-Bremerton area as published by the United States Department of Labor (CPI). To calculate the adjustment, the current rate will be multiplied by one plus the annual change in the CPI. If the annual change in CPI is negative, no adjustment shall be made for the year. The amount of the fees so calculated will be rounded to the nearest whole dollar.

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

1. Ten percent of the current renewal fee, as adjusted in subsection (E)(4) of this section, if the payment is not received on or before the last day of the month following the expiration date.
2. Twenty percent of the current renewal fee, as adjusted in subsection (E)(4) of this section, if the payment is not received on or before the last day of the second month following the expiration date.
3. All business licenses issued subsequent to the initial license period will be deemed renewal licenses if there has been no discontinuance of the taxpayer's operations or activities. Nonpayment by the taxpayer of taxes or business license fees when due during the term of any

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

is hereby amended to read as follows:

### **3.19.030 Registration/license certificates.**

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

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

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

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

E. License Fees.

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

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

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

<u>License Year</u>	<u>Gross Earnings Measurement Period</u>
<u>2017</u>	<u>4<sup>th</sup> Quarter 2015</u> <u>3<sup>rd</sup> Quarter 2016</u> <u>2<sup>nd</sup> Quarter 2016</u> <u>1<sup>st</sup> Quarter 2016</u>

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

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

1. Ten percent of the current renewal fee, as adjusted in subsection (E)(4) of this section, if the payment is not received on or before the last day of the month following the expiration date.
2. Twenty percent of the current renewal fee, as adjusted in subsection (E)(4) of this section, if the payment is not received on or before the last day of the second month following the expiration date.
3. All business licenses issued subsequent to the initial license period will be deemed renewal licenses if there has been no discontinuance of the taxpayer's operations or activities. Nonpayment by the taxpayer of taxes or business license fees when due during the term of any license will constitute grounds for revocation of, or the refusal to renew, said license. (Ord. 3385-14 § 1, 2014; Ord. 2809-04 § 1 (part), 2004)

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

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

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

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

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

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

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

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

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

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

is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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Ray Stephanson, Mayor

ATTEST:

Sharon Fuller, City Clerk

Passed: \_\_\_\_\_

Valid: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

**PROJECT TITLE:**

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

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

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

Initialed by:  
 Department Head \_\_\_\_\_  
 CAA db  
 Council President [Signature]

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

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

**DETAILED SUMMARY STATEMENT:**

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

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

**RECOMMENDATION (Exact action requested of Council):**

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

**ADDENDUM NO. 1**

**TO**

**INTERLOCAL AGREEMENT**

**BETWEEN**

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

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

**RECITALS**

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

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

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

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

**AGREEMENT**

The Parties agree as follows:

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

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

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

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

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

**CITY OF EVERETT**

By: \_\_\_\_\_  
Ray Stephanson, Mayor

Date: \_\_\_\_\_

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
James D. Iles, City Attorney  
Date: \_\_\_\_\_

\_\_\_\_\_  
Sharon Fuller, City Clerk  
Date: \_\_\_\_\_

**PORT OF EVERETT**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_