

Ordinance No. 122953

Council Bill No. 116478

AN ORDINANCE relating to the Mercer Corridor project; amending the 2009 Adopted Budget of the Seattle Department of Transportation by restricting the use of the appropriation for the Major Projects Control Level (19002).

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin

Councilmember

## Committee Action:

PASS 7-0 J, SC, EM, RC, TB,  
JG, + NL

CF No. \_\_\_\_\_

Date Introduced:	<u>3-16-09</u>	
Date 1st Referred:	To: (committee)	
<u>3-16-09</u>	<u>Transportation</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>4-6-09</u>	<u>9-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>4-7-09</u>	<u>4-15-09</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/>
<u>4-15-09</u>	<u>3 p</u>	F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

4-6-09 PASS 9-0

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_  
(initial/date)

*Law Department*

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 122953

1 AN ORDINANCE relating to the Mercer Corridor project; amending the 2009 Adopted Budget  
2 of the Seattle Department of Transportation by restricting the use of the appropriation for  
3 the Major Projects Control Level (19002).

4 WHEREAS, the Mayor has proposed and the City Council has approved a 2009 Budget and  
5 2008-2013 Capital Improvement Program that includes the Mercer Corridor project; and

6 WHEREAS, it is in the City's best interest to fund and continue implementation of the Mercer  
7 Corridor project at this time, prior to initiation of the Alaskan Way Viaduct (AWV)  
8 replacement project because these capital improvement projects will help lessen the  
9 negative impact of the AWV replacement project during construction; and

9 WHEREAS, the Seattle Department of Transportation has provided the Council with  
10 environmental documentation and a revised financing plan for the Mercer Corridor  
11 project in accordance with Council's 2009-2010 Adopted Budget Statement of Legislative  
12 Intent (SLI 71-2-A-1) as documented in Clerk File 309811; and

12 WHEREAS, the financing plan for the Mercer Corridor project includes \$50 million of as yet  
13 unsecured grants that the Seattle Department of Transportation is actively pursuing;  
14 NOW, THEREFORE,

15 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

16 Section 1. The following proviso is added to the Major Projects Budget Control Level  
17 (19002) in the Seattle Department of Transportation Budget.

18 Proviso:

19 The Seattle Department of Transportation (SDOT) is authorized to spend money from  
20 SDOT's Major Projects Budget Control Level to advertise the construction contract, to prepare  
21 the construction management plan, and to evaluate contractor bids to determine the lowest  
22 responsive, responsible bidder for the Mercer Corridor (Mercer) project, Project ID: TC365500.  
23 SDOT may complete right-of-way acquisition and any associated relocation activities, design and  
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1 certification and any other activities necessary to prepare the Mercer project for advertisement for  
2 bid; however, no money, not yet encumbered or expended, from SDOT's Major Projects Budget  
3 Control Level may be spent or encumbered for any other construction activities related to the  
4 Mercer project until authorized by future ordinance.

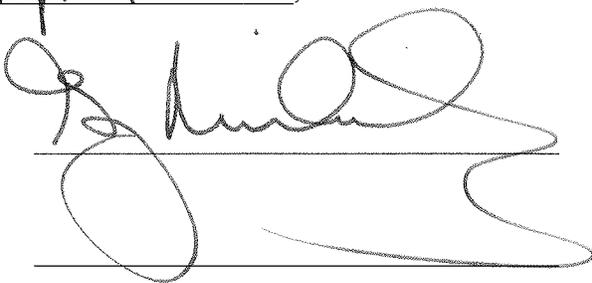
5 Section 2. This ordinance shall take effect and be in force immediately upon its approval  
6 by the Mayor or, if not approved and returned by the Mayor within ten days after presentation,  
7 then on the eleventh day after its presentation to the Mayor or, if vetoed by the Mayor, then  
8 immediately upon override of the Mayor's veto by the Council; provided, however, that this  
9 ordinance shall not take effect prior to the effective date of Ordinance 122920.  
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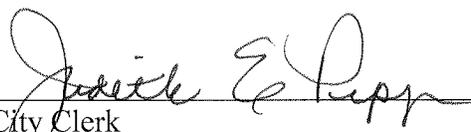
1 Passed by a majority vote of all the members of the City Council the 6<sup>m</sup> day of  
2 April, 2009, and signed by me in open session in authentication of its  
3 passage this 6<sup>th</sup> day of April, 2009.

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6 President \_\_\_\_\_ of the City Council

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8 Approved by me this 15<sup>th</sup> day of April, 2009.

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13 Gregory J. Nickels, Mayor

14 Filed by me this 15<sup>th</sup> day of April, 2009.

15  
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17   
18 City Clerk

19 (Seal)



**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Legislative	Dan Eder/206-684-8147	

**Legislation Title:**

**Summary and background of the Legislation:**

<b>Project Name:</b>	<b>Project I.D.</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date</b>
Mercer Corridor	TC365500	South Lake Union	2009	2012

- *Please check any of the following that apply:*

       **This legislation creates, funds, or anticipates a new CIP Project.** *(Please note whether the current CIP is being amended through this ordinance, or provide the Ordinance or Council Bill number of the separate legislation that has amended/is amending the CIP.)*

       **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

  x   **This legislation has financial implications.** *(Please complete all relevant sections that follow.)*

***Appropriations:*** *This table should detail existing appropriations and reflect appropriations that are a direct result of this legislation. If this legislation does not directly change an appropriation, but has budget impacts, please explain in the notes section below:*

<b>Fund Name and Number</b>	<b>Department</b>	<b>Budget Control Level*</b>	<b>Existing 2009 Appropriation</b>	<b>New 2009 Appropriation (if any)</b>	<b>2010 Anticipated Appropriation</b>
Transp. Operating Fund	SDOT	Major Projects 19002	\$82,450,000		\$39,100,000
<b>TOTAL</b>					

*\*See budget book to obtain the appropriate Budget Control Level for your department.*

**Notes:**

This ordinance would impose a proviso restricting spending from SDOT's Major Projects Budget Control Level for the Mercer Corridor project. The proviso would allow SDOT to complete design, real estate acquisition, advertise the construction contract, and evaluate bids. The proviso would not allow SDOT to award the construction contract or otherwise encumber construction contract funding until a future ordinance is passed by the City Council.



**Notes:**

- **Do positions sunset in the future?** *(If yes, identify sunset date):*
- **What is the financial cost of not implementing the legislation:** *(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):*

Council has approved all appropriations needed for the project in 2009. This legislation provides an opportunity for Council to review a revised financing plan, results of the contract bidding process, and potentially other information prior to commencing construction.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives** *(Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):*

None identified.

- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future?)*
- **Other Issues** *(including long-term implications of the legislation):*

None identified.

**Please list attachments to the fiscal note below:**

No attachments.



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STATE OF WASHINGTON – KING COUNTY

--SS.

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237519  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

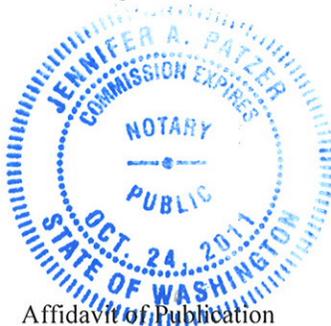
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122953-122955

was published on

04/17/09

The amount of the fee charged for the foregoing publication is the sum of \$ 56.60, which amount has been paid in full.



Affidavit of Publication

  
\_\_\_\_\_  
Subscribed and sworn to before me on  
04/17/09   
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on April 6, 2009, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

#### ORDINANCE NO. 122955

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

#### ORDINANCE NO. 122954

AN ORDINANCE relating to the City Light Department; authorizing execution of a 20-year agreement with WM Renewable Energy, LLC for the purchase of renewable power and environmental attributes and other related agreements that are necessary or convenient for transmitting the power from the Columbia Ridge landfill.

#### ORDINANCE NO. 122953

AN ORDINANCE relating to the Mercer Corridor project; amending the 2009 Adopted Budget of the Seattle Department of Transportation by restricting the use of the appropriation for the Major Projects Control Level (19002).

Publication ordered by JUDITH PIPPIN,  
City Clerk

Date of publication in the Seattle Daily  
Journal of Commerce, April 17, 2009.  
4/17(237519)