Ordinance No. 123328

Council Bill No. 116881

AN ORDINANCE relating to the Mercer Corridor Project; removing restrictions in the 2009 Adopted Budget and the 2010 Adopted Budget that limit the Seattle Department of Transportation's spending on the Mercer Corridor Project; and removing restrictions in the First Quarter 2009 Supplemental Budget Ordinance that limits Seattle City Light's spending on the Mercer Corridor Relocations Project.

Related Legislation File: _____

Date Introduced and Referred:	To: (committee):
June 1, 2010	Transportation
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: June 14, 2010	Date Presented to Mayor: June 14, 2010
Date Signed by Mayor: 6.21.10	Date Returned to City Clerk: 6.23.10
Published by Title Only X Published in Full Text _____	Date Vetoed by Mayor:
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Tim Burgess

Committee Action:

Date	Recommendation	Vote
6-8-10	Pass	3-0 TR, JG, MO

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
6/14/10	Passed	7-1 (NO: Licata; Excused: Bagshaw)

Law Department

Tracy Burrows/tb
SDOT.Mercer 2010 CIP_ORD
April 29, 2010
Version #3a

ORDINANCE 123328

AN ORDINANCE relating to the Mercer Corridor Project; removing restrictions in the 2009 Adopted Budget and the 2010 Adopted Budget that limit the Seattle Department of Transportation's spending on the Mercer Corridor Project; and removing restrictions in the First Quarter 2009 Supplemental Budget Ordinance that limits Seattle City Light's spending on the Mercer Corridor Relocations Project.

WHEREAS, it is in the City's best interest to fund and continue implementation of the Mercer Corridor Project at this time because this project will create over one thousand jobs during the construction phase and will provide critical infrastructure improvements to serve the growing South Lake Union economic hub; and

WHEREAS, previous versions of the Mercer Corridor Project finance plan included an unsecured funding gap anticipated from state and federal sources and private participation; and

WHEREAS, the City Council passed Ordinance 122953 in April 2009 with the intent of considering future appropriation authority for the Mercer Corridor Project in the context of whether substantial progress has been made toward closing the funding gap in the project; and

WHEREAS, the City's 2010 Adopted Budget includes an appropriation of $22,564,000 for the Seattle Department of Transportation (SDOT) Mercer Corridor Project with a proviso restricting spending on construction until authorized by a future ordinance; and

WHEREAS, the Third Quarter 2009 Supplemental Budget Ordinance, Ordinance 123175, includes an appropriation of $12,275,000 for the Seattle Department of Transportation (SDOT) Mercer Corridor Project with a proviso restricting spending on construction until authorized by a future ordinance; and

WHEREAS, the First Quarter 2009 Supplemental Budget Ordinance, Ordinance 123006, imposes provisos on the 2008 and 2009 appropriations for Seattle City Light's (SCL) Mercer Corridor Relocations project restricting spending until authorized by a future ordinance; and

WHEREAS, the environmental documentation for the Mercer Corridor Project is complete and the Federal Highway Administration issued a Finding of No Significant Impact (FONSI) on May 12, 2009; and

2010 CITY CLERK

WHEREAS, the City has secured a total of $31.4 million in private contributions for the project, including direct cash contributions of $16.2 million, temporary construction easements valued at $8.8 million, and environmental mitigation fees totaling $6.4 million; and

WHEREAS, the Mercer Corridor Project has been awarded a total of $39 million in federal funding since the adoption of Ordinance 122953, including $9 Million in Federal Highway Administration Surface Transportation Program funds allocated through the Puget Sound Regional Council and $30 Million in American Reinvestment and Recovery Act funds allocated through the Transportation Investment Generating Economic Recovery (TIGER) program; and

WHEREAS, major project savings and proceeds from the future disposition of surplus property and right-of-ways in the amount of $35.7 million close the funding gap for the project; and

WHEREAS, the Mercer Corridor Project is fully funded and its environmental review has been completed; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The following restrictions imposed by Ordinance 122953 are removed and are no longer restrictions for any purpose.

Department	Proviso Description	Budget Control Level
Transportation	The Seattle Department of Transportation (SDOT) is authorized to spend money from the Major Projects Budget Control Level to advertise the construction contract, to prepare the construction management plan, and to evaluate contractor bids to determine the lowest responsive, responsible bidder for the Mercer Corridor (Mercer) project, Project ID: TC 365500. SDOT may complete right-of-way acquisition and any associated relocation activities, design and certification and any other activities necessary to prepare the Mercer project for advertisement for bid; however, no money, not yet encumbered or expended, from SDOT's Major Projects Budget Control Level may be spent or encumbered for any other construction activities related to the Mercer project until authorized by future ordinance.	Major Projects

CITY CLERK

Section 2. The following restrictions imposed by Ordinance 123175 are removed and are no longer restrictions for any purpose.

Department	Proviso Description	Budget Control Level
Transportation	The Seattle Department of Transportation (SDOT) is authorized to spend money from the Major Projects Budget Control Level (19002), including the appropriation made in Item 3.29 of Council Bill No.116714, to advertise the project's construction contract, to prepare the construction management plan, and to evaluate contractor bids to determine the lowest responsive, responsible bidder for the Mercer Corridor (Mercer) project, Project ID: TC 365500. SDOT may complete right-of-way acquisition and any associated relocation activities, design and certification and any other activities necessary to prepare the Mercer project for advertisement for bid; however, no money, not yet encumbered or expended, from SDOT's Major Projects Budget Control Level may be spent or encumbered for any other construction activities related to the Mercer project until authorized by future ordinance.	Major Projects

Section 3. The restrictions imposed by the following 2010 Adopted Budget Proviso are removed and are no longer restrictions for any purpose, including for subsections 1 (b) and (c) of Ordinance 123177.

Department	Green Sheet	Proviso Description	Budget Control Level
Transportation	57-1-B-1	The Seattle Department of Transportation (SDOT) is authorized to spend money from the Major Projects BCL for the Mercer Corridor ("Mercer East") project, Project ID: TC 365500 to advertise the project's construction contract, to prepare the construction management plan, and to evaluate contractor bids to determine the lowest	Major Projects

SEA CITY CLERK

		responsive, responsible bidder. SDOT may complete right-of-way acquisition and any associated relocation activities, demolish buildings, complete design, complete right-of-way certification and perform any other activities necessary to prepare the Mercer East project for advertisement for bid; however, 2010 appropriations to SDOT's Major Projects BCL may not be spent or encumbered for any other construction activities related to the Mercer East project until authorized by future ordinance.	

Section 4. The following restrictions imposed by Ordinance 123006 are removed and are no longer restrictions for any purpose.

Department	Proviso Description	Budget Control Level
Seattle City Light	None of the money appropriated for 2008 for Seattle City Light may be spent on construction on the Mercer Corridor Relocations project, Project ID 8376, unless already spent or encumbered as of the effective date of this ordinance, until authorized by future ordinance. None of the money appropriated for 2009 for Seattle City Light may be spent on construction on the Mercer Corridor Relocations project, Project ID 8376, unless already spent or encumbered as of the effective date of this ordinance, until authorized by future ordinance.	SCL 350

CITY CLERK

Section 5. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 14th day of June, 2010, and signed by me in open session in authentication of its passage this 14th day of June, 2010.

President _____ of the City Council

Approved by me this 21st day of June, 2010.

Michael McGinn, Mayor

Filed by me this 23rd day of June, 2010.

City Clerk

(Seal)

THIS CITY CLERK

Tracy Burrows/tb
SDOT.Mercer 2010 CIP_FISC
March 23, 2010
Version #7

Form revised September 19, 2008

FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Transportation	Dorinda Costa/ 615-0765	Stephen Barham/ 733-9084

Legislation Title:

AN ORDINANCE relating to the Mercer Corridor Project; removing restrictions in the 2009 Adopted Budget and the 2010 Adopted Budget that limit the Seattle Department of Transportation's spending on the Mercer Corridor Project; and removing restrictions in the First Quarter 2009 Supplemental Budget Ordinance that limits Seattle City Light's spending on the Mercer Corridor Relocations Project.

Summary and background of the Legislation:
This legislation removes one proviso on the Department of Transportation's 2010 appropriations, two provisos on the Department of Transportation's 2009 appropriations, one proviso on City Light's 2008 appropriations, and one proviso on City Light's 2009 appropriations.

SDOT's Provisos

Project Name:	Project I.D.	Project Location:	Start Date:	End Date
Mercer Corridor Project	TC365500	Mercer St/Fairview Ave N/Dexter Ave N	Q1 1999	Q2 2013

Previous versions of the Mercer Corridor Project included an unsecured funding gap anticipated from state and federal sources and private participation. The City's 2010 Adopted Budget includes an appropriation of $22,564,000 for the Mercer Corridor Project with a proviso restricting spending on construction until authorized by a future ordinance. The Third Quarter 2009 Supplemental Ordinance includes an appropriation of $12,275,000, which is also subject to a proviso restricting spending on construction. These provisos are consistent with Council's previous action (Ordinance 122953) imposing a proviso on 2009 appropriations for the Mercer Corridor Project.

The 2009-2010 Adopted Budget includes the following Proviso:

> The Seattle Department of Transportation (SDOT) is authorized to spend money from the Major Projects BCL for the Mercer Corridor ("Mercer East") project, Project ID: TC365500 to advertise the project's construction contract, to prepare the construction management plan, and to evaluate contractor bids to determine the lowest responsive, responsible bidder. SDOT may complete right-of-way acquisition and any associated relocation activities, demolish buildings, complete design, complete right-of-way certification, and perform any other activities necessary to prepare the Mercer East project for advertisement for bid; however, 2010 appropriations to SDOT's Major

2010 CITY CLERK

Projects BCL may not be spent or encumbered for any other construction activities related to the Mercer East project until authorized by future ordinance.

The Third Quarter 2009 Supplemental Ordinance, Ordinance 123175, includes the following Proviso:

> The Seattle Department of Transportation (SDOT) is authorized to spend money from the Major Projects Budget Control Level (19002), including the appropriation made in Item 3.29 of Council Bill No.116714, to advertise the project's construction contract, to prepare the construction management plan, and to evaluate contractor bids to determine the lowest responsive, responsible bidder for the Mercer Corridor (Mercer) project, Project ID: TC 365500. SDOT may complete right-of-way acquisition and any associated relocation activities, design and certification and any other activities necessary to prepare the Mercer project for advertisement for bid; however, no money, not yet encumbered or expended, from SDOT's Major Projects Budget Control Level may be spent or encumbered for any other construction activities related to the Mercer project until authorized by future ordinance.

Ordinance 122953 amending the 2009 Adopted Budget includes the following Proviso:

> The Seattle Department of Transportation (SDOT) is authorized to spend money from the Major Projects Budget Control Level to advertise the construction contract, to prepare the construction management plan, and to evaluate contractor bids to determine the lowest responsive, responsible bidder for the Mercer Corridor (Mercer) project, Project ID: TC 365500. SDOT may complete right-of-way acquisition and any associated relocation activities, design and certification and any other activities necessary to prepare the Mercer project for advertisement for bid; however, no money, not yet encumbered or expended, from SDOT's Major Projects Budget Control Level may be spent or encumbered for any other construction activities related to the Mercer project until authorized by future ordinance.

Significant progress has been made towards closing the funding gap. Since the provisos were enacted, the Department of Transportation has received additional grant funding and has provided a revised funding plan that outlines secured funding needed to complete the project.

City Light's Provisos

The First Quarter 2009 Supplemental Ordinance, Ordinance 123006, includes the following Provisos:

> None of the money appropriated for 2008 for Seattle City Light may be spent on construction on the Mercer Corridor Relocations project, Project ID 8376, unless already

DNS CITY CLERK

spent or encumbered as of the effective date of this ordinance, until authorized by future ordinance.

None of the money appropriated for 2009 for Seattle City Light may be spent on construction on the Mercer Corridor Relocations project, Project ID 8376, unless already spent or encumbered as of the effective date of this ordinance, until authorized by future ordinance.

City Light has demonstrated that it has secured contributions from those customers requesting undergrounding of the transmission lines. This funding is identified and included in the revised finance plan and environmental documentation for SDOT's Mercer Corridor Project that complies with the information outlined in Section 4 of Ordinance 122686.

Project Name:	**Project I.D.**	**Project Location:**	**Start Date:**	**End Date**
Mercer Corridor Relocations Project	8376	Mercer Street & I - 5/Dexter Ave N	1Q 2007	4Q 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.)*

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

Note: This legislation removes provisos but does not modify the appropriations or spending plan in the 2010 Adopted Budget or 2010-2015 Adopted CIP.

- **What is the financial cost of not implementing the legislation:** If the legislation is not implemented, construction on the Mercer Corridor Project cannot begin in mid-2010 as planned. Design is complete and pending activities, including utility relocation, are on the critical path. Delays to the construction schedule will result in increased project costs that are difficult to measure.

DNS CITY CLERK

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives:** None.

- **Is the legislation subject to public hearing requirements:** No.

- **Other Issues** (*including long-term implications of the legislation*): None.

Please list attachments to the fiscal note below:

Attachment 1: 2010 Budget City Council Green Sheet 57-1-B-1.
Attachment 2: Map of Mercer Corridor Improvements.

CITY CLERK

Attachment 1 to Fiscal Note
2010 City Council Budget Green Sheet 57-1-B-1

Approved

Tab	Action	Option	Version
57	1	B	1

Budget Action Title: Impose a budget proviso restricting use of 2010 appropriations for SDOT's Major Projects BCL related to the Mercer East project

Councilmembers: Burgess; Conlin; Drago

Staff Analyst: Dan Eder

Council Bill or Resolution:

Budget Committee Vote:

Date	*Result*	*TB*	*SC*	*RC*	*JD*	*JG*	*BH*	*NL*	*RM*	*TR*
11/10/2009	*Pass 8- 1-Absent*	-	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*	*Y*

Summary of Dollar Effect

See the following pages for detailed technical information

	2010 Increase (Decrease)
General Subfund	
General Subfund Revenues	$0
General Subfund Expenditures	$0
Net Balance Effect	**$0**
Other Funds	
Other Funds Revenues	$0
Other Funds Expenditures	$0
Net Balance Effect	**$0**
Total All Funds	
Total Budget Balance Effect	**$0**

Description of proposed budget action:

This green sheet would impose the following proviso:

"The Seattle Department of Transportation (SDOT) is authorized to spend money from the Major Projects BCL for the Mercer Corridor ("Mercer East") project, Project ID: TC365500 to advertise the project's construction contract, to prepare the construction management plan, and to evaluate contractor bids to determine the lowest responsive, responsible bidder. SDOT may complete right-of-way acquisition and any associated relocation activities, demolish buildings, complete design, complete right-of-way certification, and perform any other activities necessary to prepare the

2010 CITY CLERK

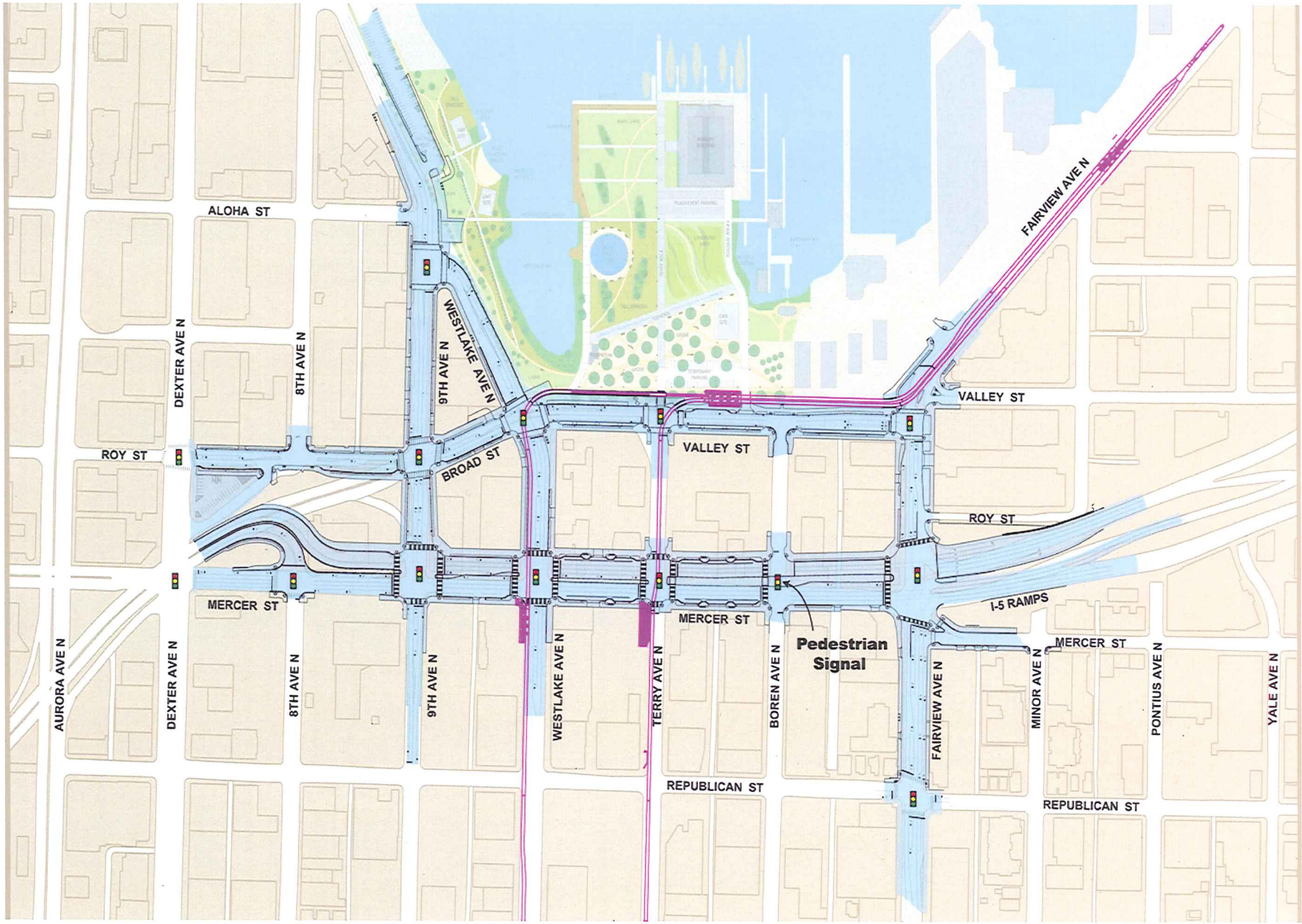
Tab	Action	Option	Version
57	1	B	1

Mercer East project for advertisement for bid; however, 2010 appropriations to SDOT's Major Projects BCL may not be spent or encumbered for any other construction activities related to the Mercer East project until authorized by future ordinance."

The proviso allows SDOT to demolish buildings but is otherwise consistent with Council's previous action (Ordinance 122953) imposing a proviso on 2009 appropriations for the Mercer East project.

2015 CITY CLERK

Attachment 2 Map of Mercer Corridor Improvements



Attachment 2 to Fiscal Note

City of Seattle
Office of the Mayor

May 11, 2010

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed council bill that lifts the budget provisos placed on funding for the Mercer Corridor Project. Approval of this council bill will allow the Seattle Department of Transportation (SDOT) to move forward with construction of the Mercer Corridor Project.

SDOT has secured over 80 percent of the $190.5 million needed for the project, including $30 million in TIGER grant funding. The remaining funds will come from savings realized from major projects and the sale of existing right-of-way. The Mercer Corridor Project funding includes $31.4 million in private sector contributions and does not require any new taxes. The environmental review is complete and the project is ready to go to construction. The Federal Highway Administration signed the Mercer Corridor Finding of No Significant Impacts (FONSI) on May 12, 2009. The Washington State Department of Transportation certified the right-of-way in February.

Moving forward now to complete the Mercer Corridor Project will create an estimated 1,200 direct construction jobs and numerous additional jobs in related sectors. By starting this project now, the City is able to take advantage of a favorable bid climate and ensure that project costs do not increase because of inflation. Thank you for your consideration of this legislation. Should you have questions, please contact Dori Costa at 615-0765.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcginn@seattle.gov

ENS CITY CLERK

STATE OF WASHINGTON – KING COUNTY

--ss.

256755 No. TITLE ONLY

CITY OF SEATTLE,CLERKS OFFICE

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 12th 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:123321,323-329

was published on

06/25/10

The amount of the fee charged for the foregoing publication is the sum of $ 122.85, which amount has been paid in full.

JENNIFER A. PATTEN
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
SEPT. 24, 2010

Subscribed and sworn to before me on

06/25/10

Notary public for the State of Washington,
residing in Seattle

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on June 14, 2010, 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.

State ... g County

ORDINANCE NO. 123321

AN ORDINANCE relating to Seattle Public Utilities and the Department of Neighborhoods; declaring the SW Barton Street Pump Station property, located at the southwest corner of SW Barton Street and 34th Avenue SW, Seattle, as surplus to utility needs, and authorizing transfer of the property's jurisdiction from Seattle Public Utilities to the Seattle Department of Neighborhoods for the establishment of a community garden.

ORDINANCE NO. 123323

AN ORDINANCE relating to Seattle Public Utilities; authorizing the purchase of approximately 67.7 acres of real property in Section 36, Township 23 North, Range 8 East, W.M. in King County, Washington, commonly called the Mount Washington property, adjacent to the Cedar River Municipal Watershed, from the Washington State Parks and Recreation Commission, granting a recreational trail easement over a portion of the property, and ratifying and confirming certain prior acts.

ORDINANCE NO. 123324

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to accept an easement for water, sewer and drainage infrastructure in 7040 36th Avenue NE, Seattle, and declaring an easement in the above property surplus to the City of Seattle's needs.

ORDINANCE NO. 123325

AN ORDINANCE relating to the Transportation Strategic Plan; amending Ordinance 123177, which adopted the 2010 Budget, by restricting the use of appropriations for the update to the Transportation Strategic Plan's Seattle Transit Plan element.

ORDINANCE NO. 123326

AN ORDINANCE relating to the construction of a new Fire Station 21; transferring jurisdiction of a portion of Lots 18, 19, 20 and 21, Block 2, Hillman's Lake Front Addition to the City of Seattle, Division Number 3, from the Fleets and Facilities Department or its successors to the Seattle Department of Transportation for street purposes to widen the alleyway in said block; and laying off, opening, widening, extending, and establishing the alleyway on the property transferred.

ORDINANCE NO. 123327

AN ORDINANCE vacating the alley in Block 70, Terry's 1st Addition to the Town of Seattle, on the petition of FH, LLC, a Washington limited liability company; and accepting a Property Use and Development Agreement related herein (Clerk File 307256).

ORDINANCE NO. 123328

AN ORDINANCE relating to the Mercer Corridor Project; removing restrictions in the 2009 Adopted Budget and the 2010 Adopted Budget that limit the Seattle Department of Transportation's spending on the

Mercer Corridor Project; and removing restrictions in the First Quarter 2009 Supplemental Budget Ordinance that limits Seattle City Light's spending on the Mercer Corridor Relocations Project.

ORDINANCE NO. 123329

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

Publication ordered by the City Clerk

Date of publication in the Seattle Daily Journal of Commerce, June 25, 2010.

6/25(256755)