



SEATTLE CITY COUNCIL

Legislative Summary

CB 119515

Record No.: CB 119515

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125822

In Control: City Clerk

File Created: 03/26/2019

Final Action: 05/24/2019

Title: AN ORDINANCE relating to Seattle Public Utilities; amending Ordinance 125475, which adopted the 2018 Budget, lifting the proviso in Section 8 regarding expenditure of funds appropriated in the Combined Sewer Overflow Budget Control Level for construction of the Ship Canal Water Quality Project Storage Tunnel, as Seattle Public Utilities has completed 100% project design and has met the requirement for reporting to the City Council Civil Rights, Utilities, Economic Development & Arts Committee.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: bob.hennessey@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	04/02/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	04/02/2019	sent for review	Council President's Office			
Action Text: The Council Bill (CB) was sent for review. to the Council President's Office							
Notes:							
1	Council President's Office	04/04/2019	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee			

Legislative Summary Continued (CB 119515)

Action Text: The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee

Notes:

1	City Council	05/13/2019	referred	Civil Rights, Utilities, Economic Development, and Arts Committee
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Action Text: The Council Bill (CB) was referred. to the Civil Rights, Utilities, Economic Development, and Arts Committee

1	Civil Rights, Utilities, Economic Development, and Arts Committee	05/14/2019	pass	Pass
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Action Text: The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 2 Chair Herbold, Member O'Brien

Opposed: 0

1	City Council	05/20/2019	passed	Pass
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Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 Councilmember González, Council President Harrell, Councilmember Herbold, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Pacheco, Councilmember Sawant

Opposed: 0

1 City Clerk 05/22/2019 submitted for Mayor
Mayor's signature

1 Mayor 05/24/2019 Signed

1 Mayor 05/24/2019 returned City Clerk

1 City Clerk 05/24/2019 attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

CITY OF SEATTLE

ORDINANCE

125822

COUNCIL BILL

119515

AN ORDINANCE relating to Seattle Public Utilities; amending Ordinance 125475, which adopted the 2018 Budget, lifting the proviso in Section 8 regarding expenditure of funds appropriated in the Combined Sewer Overflow Budget Control Level for construction of the Ship Canal Water Quality Project Storage Tunnel, as Seattle Public Utilities has completed 100% project design and has met the requirement for reporting to the City Council Civil Rights, Utilities, Economic Development & Arts Committee.

WHEREAS, The City of Seattle owns and operates a combined sewer system that in some locations overflows during heavy rain events; and

WHEREAS, the combined sewer system overflows (CSOs) are governed by the State of Washington under the terms of a National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, The City of Seattle is required by federal Consent Decree, as authorized by Ordinance 123908 and amended by Ordinance 124129, to construct control measures to limit untreated combined sewer overflows in accordance with State of Washington requirements by December 31, 2025; and

WHEREAS, in 2015 the City Council pursuant to Ordinance 124966 authorized Seattle Public Utilities to enter into a Joint Project Agreement with King County to design, construct, operate, and maintain the Ship Canal Water Quality Project to reduce combined sewer overflows; and

WHEREAS, The City of Seattle's 2018 Adopted Budget under Ordinance 125475 included a proviso on the expenditure of funds for construction of the storage tunnel portion of the Ship Canal Water Quality Project ("Storage Tunnel") (C315503) requiring 100% design

completion and reporting to the City Council Civil Rights, Utilities, Economic
Development & Arts Committee; and

WHEREAS, Seattle Public Utilities has completed 100% design of the Storage Tunnel and has
satisfied its reporting obligation to the Civil Rights, Utilities, Economic Development &
Arts Committee; NOW, THEREFORE,

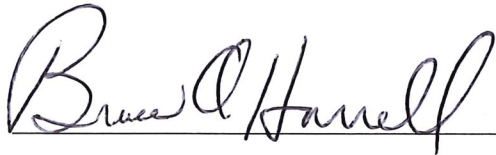
BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The restrictions imposed by the following budget proviso, which limits
spending on the following item, are removed because the conditions set forth in the proviso
requiring 100% design completion and reporting to the City Council Civil Rights, Utilities,
Economic Development & Arts Committee have been satisfied and are no longer restrictions for
any purpose, including those set forth in Ordinance 125475.

Item	Department	2018 Green Sheet	Proviso
1.1	Seattle Public Utilities	16-1-A-1	"No funds in the Combined Sewer Overflow Budget Control Level may be spent on physical construction of the Ship Canal Water Quality Project Storage Tunnel (C315503) (adopted in the 2018-2023 Capital Improvement Program), until authorized by future ordinance. It is anticipated that such authorization will not be granted until Seattle Public Utilities completes 100% project design of the Storage Tunnel activity and reports to the Civil Rights, Utilities, Economic Development & Arts Committee, or its successor committee."

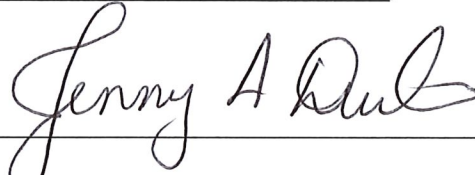
Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 20th day of MAY, 2019,
and signed by me in open session in authentication of its passage this 20th day of
MAY, 2019.



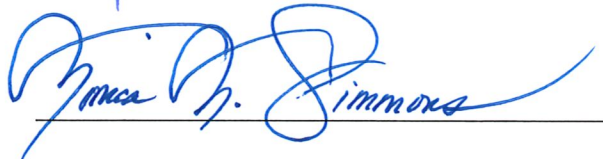
President _____ of the City Council

Approved by me this 24th day of MAY, 2019.



Jenny A. Durkan, Mayor

Filed by me this 24th day of MAY, 2019.



Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	Executive Contact/Phone:
Seattle Public Utilities	Alan Lord/3-1565	Aaron Blumenthal/3-2656

1. BILL SUMMARY

- a. **Legislation Title:** AN ORDINANCE relating to Seattle Public Utilities; amending Ordinance 125475, which adopted the 2018 Budget, lifting the proviso in Section 8 regarding expenditure of funds appropriated in the Combined Sewer Overflow Budget Control Level for construction of the Ship Canal Water Quality Project Storage Tunnel, as Seattle Public Utilities has completed 100% project design and has met the requirement for reporting to the City Council Civil Rights, Utilities, Economic Development & Arts Committee.
- b. **Summary and background of the Legislation:** This ordinance would authorize the SPU General Manager/CEO to expend funds to construct the storage tunnel portion of the Ship Canal Water Quality Project. The Ship Canal Project will help store combined stormwater and wastewater flows from five SPU and two King County sewer basins to reduce Combined Sewer Overflows (CSOs) and meet regulatory requirements.

Ordinance 125475 includes a proviso requiring SPU complete 100% project design of the storage tunnel portion of the project and make a report to the Council's Civil Rights, Utilities, Economic Development & Arts Committee. The proviso further stipulates the utility must secure approval by ordinance before expending funds to construct the storage tunnel. SPU has completed the requirements of the proviso and estimates the cost of the entire Ship Canal Water Quality Project to be \$570 million with a 70% confidence level in that estimate. This total project cost is consistent with the costs reported as part of the Ship Canal Water Quality Project adopted 2019 budget.

The Ship Canal Water Quality Project is a part of Seattle's CSO control program which seeks to meet state and federal permit requirements to reduce the size and number of sewer overflows into receiving water bodies. As part of a Consent Decree to bring the City into compliance with the federal Clean Water Act, SPU developed a plan which proposed several projects that would reduce CSO events. The largest of those projects, the Ship Canal Water Quality Project, addresses wastewater storage capacity needs in the Ballard and Fremont/Wallingford areas. Nearly 70% of the City's CSOs associated with the Plan occur from these basins. This project will store wastewater in a deep underground tunnel that is generally in the street right-of-way.

2. CAPITAL IMPROVEMENT PROGRAM

- a. Does this legislation create, fund, or amend a CIP Project? __ Yes __ X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

- a. **Does this legislation amend the Adopted Budget?** X Yes ____ No
This legislation lifts a proviso adopted with the 2019 Budget.
- b. **Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**
The legislation will help the City meet the requirements of its federal Consent Decree. Funds to complete the project are allocated in SPU's Drainage and Wastewater Fund.
- c. **Is there financial cost or other impacts of *not* implementing the legislation?**
Under the Consent Decree, SPU is required to address combined sewer overflows in the basins addressed by the Ship Canal Water Quality Project.

Delays in construction of the storage tunnel would increase costs due to escalation and jeopardize the project schedule. The City has a federal Consent Decree that requires the CSO project to be completed no later than December 31, 2025, and the City would face stipulated penalties of up to \$5,000 per day for failure to complete the project.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**
No. However, SPU must work with other City departments to complete the project, including FAS, SDOT, Seattle Parks & Recreation, and the Seattle Fire Department.
- b. **Is a public hearing required for this legislation?**
No. The project team conducted numerous public meetings throughout the development of the Plan to Protect Seattle's Waterways and ongoing communications with the community and property owners are planned throughout the project.
- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No.
- d. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- e. **Does this legislation affect a piece of property?**
No. Acquisition of certain property rights for this project has been authorized by ordinances.
- f. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

None. The neighborhoods that have the highest potential to be affected include Ballard, Fremont and Wallingford. There are no anticipated disproportionate impacts to minority or low-income populations.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**
Not Applicable.

- h. Other Issues:**
None

STATE OF WASHINGTON -- KING COUNTY

--SS.

374671

No.

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.

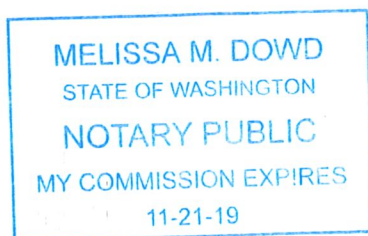
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125820,821 & 822 TITLE

was published on

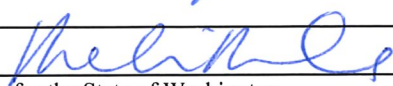
06/06/19

The amount of the fee charged for the foregoing publication is the sum of \$74.52.



Affidavit of Publication



Subscribed and sworn to before me on
06/06/2019


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on May 20, 2019, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125820

Council Bill 119511

AN ORDINANCE relating to land use and zoning; affirming the rezone approved through Ordinance 125640; and accepting an amended Property Use and Development Agreement as a condition of rezone approval. (Remand of the approval granted through C.F. 314356 of a rezone application by 70th & Greenwood Ave, LLC, C.F. 314425, SDCI Project 3023260)

Ordinance 125821

Council Bill 119518

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

Ordinance 125822

Council Bill 119515

AN ORDINANCE relating to Seattle Public Utilities; amending Ordinance 125475, which adopted the 2018 Budget, lifting the proviso in Section 8 regarding expenditure of funds appropriated in the Combined Sewer Overflow Budget Control Level for construction of the Ship Canal Water Quality Project Storage Tunnel, as Seattle Public Utilities has completed 100% project design and has met the requirement for reporting to the City Council Civil Rights, Utilities, Economic Development & Arts Committee.

Date of publication in the Seattle Daily Journal of Commerce, June 6, 2019.

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