

**Project title:** An Ordinance creating a special improvement project entitled "36th Street CSO Storage and Regulator Modifications" Fund 336, Program 022.

**Council Bill #**

CB 2106-21

**Agenda dates requested:**

June 30, 2021

Briefing

Proposed action 6/30/21 and 7/7/21

Consent

Action 7/14/21

Ordinance -X-

Public hearing

Yes  No **Budget amendment:**Yes  No **PowerPoint presentation:**Yes  No **Attachments:**

Proposed Ordinance

**Department(s) involved:**

Public Works, Admin

**Contact person:**

Candace Au-Yeung

**Phone number:**

(425) 257-7215

**Email:**

cauyeung@everettwa.gov

**Initialed by:***RLS*

Department head

Administration

Council President

**Consideration:** Plans & Systems Ordinance**Project:** 36th Street CSO Storage and Regulator Modifications**Partner/Supplier:** WA State Department of Ecology**Location:** 36<sup>th</sup> Street east of Smith Avenue**Preceding action:** WA State Dept. of Ecology Grant Agreement WQC-2019-EverPW-00051**Fund:** 336-Water & Sewer System Improvements Fund**Fiscal summary statement:**

The funding sources for this project will be a Washington State Department of Ecology Water Quality Grant and local matching funds from Fund 401 Water and Sewer Utility Fund. The budget for the design phase of this project is \$387,700.

**Project summary statement:**

This project, in conjunction with the Sewer "O" Phase 2 project, will control/eliminate combined sewer flooding at 36<sup>th</sup> Street and McDougall Ave and reduce combined sewer overflow (CSO) discharges at Snohomish River Outfalls (SRO) SRO7 and SRO8 to comply with Department of Ecology requirements

Once the final design is complete, the Public Works Department will bring a funding ordinance for the construction phase to City Council for consideration.

**Recommendation (exact action requested of Council):**

Adopt an Ordinance creating a special improvement project entitled "36th Street CSO Storage and Regulator Modifications" Fund 336, Program 022.



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

**An ORDINANCE creating a special improvement project entitled “36th Street CSO Storage and Regulator Modifications” Fund 336, Program 022, to accumulate all costs for the improvement.**

**WHEREAS,**

- A.** The City of Everett is committed to a planned sewer infrastructure replacement program.
- B.** The City of Everett has identified the need and obtained funds to construct certain improvements to reduce or eliminate combined sewer flooding at 36<sup>th</sup> Street and McDougall Avenue.

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

**Section 1.** A special improvement project is hereby established as Fund 336, Program 022, entitled “36th Street CSO Storage and Regulator Modifications” to accumulate all costs for the improvement. Authorization is hereby given to accumulate costs and distribute payments for the improvement project.

**Section 2.** Authorization is hereby granted for the “Public Works Director” or “City Engineer” under the direction of the Mayor, to assume full and complete responsibility for conducting all tasks and doing all things to accomplish the actions authorized in this ordinance

**Section 3.** The sum of \$387,700 is hereby appropriated to Fund 336, Program 022, “36th Street CSO Storage and Regulator Modifications” as follows:

A. Estimated Project Design Costs	\$387,700
B. Source of Funds	
WA State Department of Ecology Grant	\$ 96,925
Fund 401 Water & Sewer Utility Fund	<u>290,775</u>
Total Funds	\$387,700

**Section 4.** 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 internal references.

**Section 5.** The City Council hereby declares that should any section, paragraph, sentence, clause or

phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**Section 6.** 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 7.** 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.

\_\_\_\_\_  
Cassie Franklin, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Fuller, City Clerk

PASSED: \_\_\_\_\_

VALID: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_