SEATTLE CITY COUNCIL

Legislative Summary

CB 118387

Record No.: CB 118387 **Type:** Ordinance (Ord) 124768 **Status:** Attested by City Clerk

Version: 1 **In Control:** City Clerk

File Created: 03/22/2015

Final Action: 05/15/2015

Title: AN ORDINANCE relating to the Opportunity Fund category of the 2008 Parks and Green Spaces Levy; authorizing the acceptance of monetary donations from the Seattle Parks Foundation, Friends of Rainier Beach Urban Farm, and Seattle Tilth to support the existing Rainier Beach Urban Farm and Wetlands Improvements project (K730153); increasing appropriations to the Department of Parks and Recreation in the 2015 Adopted Budget; and amending the 2015-2020 Adopted Capital Improvement Program; all by a three-fourths vote of the City Council.

	Date
Filed with City Clerk:	5/15/2015
Mayor's Signature:	5/15/2015
Vetoed by Mayor:	
Veto Overridden:	
Veto Sustained:	

Notes:

Sponsors: Godden

Attachments:

Drafter: susan.golub@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	04/14/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text:	The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk					
	Notes:						
1	City Clerk	04/14/2015	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	04/16/2015	sent for review	Parks, Seattle Center, Libraries, and Gender Pay Equity Committee	

Action Text: The Council Bill (CB) was sent for review. to the Parks, Seattle Center, Libraries, and Gender Pay Equity Committee

Notes:

1	Full Council	05/04/2015	referred	Parks, Seattle Center, Libraries, and Gender Pay Equity Committee	

Action Text: The Council Bill (CB) was referred to the Parks, Seattle Center, Libraries, and Gender Pay Equity Committee

Notes:

1	Parks, Seattle Center, Libraries, and Gender Pay Equity Committee	05/05/2015	pass		Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).

Notes:

In Favor: 3 Chair Godden, Vice Chair Harrell, Member Rasmussen

Opposed: 0

1	Full Council	05/11/2015	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:

In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Okamoto, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

1	City Clerk	05/12/2015	submitted for Mayor's signature	Mayor	

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

1	Mayor	05/15/2015	Signed		

Action Text: The Council Bill (CB) was Signed.

Notes:

1	Mayor	05/15/2015	returned	City Clerk	

Action Text: The Council Bill (CB) was returned. to the City Clerk

Notes:

1	City Clerk	05/15/2015	attested by City Clerk		

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

Notes:

CITY OF SEATTLE

ORDINANCE 124768

COUNCIL BILL 118387

AN ORDINANCE relating to the Opportunity Fund category of the 2008 Parks and Green Spaces Levy; authorizing the acceptance of monetary donations from the Seattle Parks Foundation, Friends of Rainier Beach Urban Farm, and Seattle Tilth to support the existing Rainier Beach Urban Farm and Wetlands Improvements project (K730153); increasing appropriations to the Department of Parks and Recreation in the 2015 Adopted Budget; and amending the 2015-2020 Adopted Capital Improvement Program; all by a three-fourths vote of the City Council.

WHEREAS, Ordinance 122749 authorized a proposition to be submitted to Seattle's voters that would levy for up to six years regular property taxes in excess of the limitation on levies in Chapter 84.55 RCW for the purposes of acquiring, developing, or restoring parks, recreation facilities, cultural facilities, green spaces, playfields, trails, community gardens, and shoreline areas; and

WHEREAS, the proposed 2008 Parks and Green Spaces Levy (2008 Parks Levy) was approved by Seattle voters on November 4, 2008; and

WHEREAS, the 2008 Parks Levy program includes an Opportunity Fund, making available up to $15,000,000 to fund acquisition and development projects not identified for funding in the remainder of the 2008 Parks Levy program; and

WHEREAS, in 2011, the Rainier Beach Urban Farm and Wetlands (RBUFW) Improvements Project (K730153) was allocated $500,000 within the Opportunity Fund via Ordinance 123560 to develop an urban agriculture project, transforming the former Atlantic City Nursery into a working urban farm and demonstration wetlands restoration site; and

WHEREAS, in 1998, City Council Resolution 29781 affirmed the desire of the City for an independent parks foundation to increase resources available for parks purposes in Seattle; and

WHEREAS, in 2011, Seattle Tilth (Tilth) and the Friends of Rainier Beach Urban Farm and Wetlands (the Friends) were chosen through a competitive public selection process to be the long-term operators of the site; and

WHEREAS, in 2011, the Berger Partnership developed a schematic design in collaboration with the City, the Seattle Parks Foundation (SPF), the Friends, and Tilth that documents proposed improvements to the Park and is approved by all parties; and

WHEREAS, the schematic design developed by the Berger Partnership for the RBUFW project was beyond the available funding; and

WHEREAS, the Friends are planning to donate $316,000 towards the RBUFW project; and

WHEREAS, Tilth is planning to donate $307,790 towards the RBUFW project; and

WHEREAS, the Seattle Parks Foundation plans to donate $1,221,050 towards the RBUFW project; and

WHEREAS, the Seattle Parks Department plans to accept these donations; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The donations from Seattle Tilth (Tilth), the Friends of Rainier Beach Urban Farm and Wetlands (the Friends), and the Seattle Parks Foundation (SPF) are accepted.

Section 2. In order to pay for necessary capital costs and expenses incurred, or to be incurred, but for which insufficient appropriations were made due to causes that could not

reasonably have been foreseen at the time the 2015 budget was adopted, the appropriation for the following item in the 2015 Adopted Budget is increased from the funds shown, as follows:

Fund	Department	Budget Control Level	Amount
2008 Parks Levy Fund (33860)	Parks and Recreation	2008 Parks Levy Opportunity Fund (33860-K720041)	$1,844,840

Note: Parks shall abandon any funds appropriated in anticipation of donations not forthcoming.

Section 3. The 2015-2020 Adopted Capital Program is hereby amended to add the following allocation to the Rainier Beach Urban Farm and Wetlands Improvements Project, as described in the Rainier Beach Urban Farm and Wetlands Improvements Project Description - Department of Parks and Recreation Capital Improvement Program:

Department	Project Name	Project ID	Amount
Parks and Recreation	Rainier Beach Urban Farm and Wetlands Improvements	K730153	$1,844,840

Section 4. The funds appropriated in Section 2 of this ordinance shall not be expended until contracts with Tilth, the Friends, and SPF that provide for those parties' financial contributions to the project have been executed.

Section 5. The Mayor or the Mayor's designee is authorized for and on behalf of the City to execute contracts with the Tilth, the Friends, and SPF that are consistent with the terms and conditions contained in the Term Sheet between the parties, included as Attachment 1 to this ordinance.

Section 6. 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 11th day of MAY, 2015, and signed by me in open session in authentication of its passage this 11th day of MAY, 2015.

President _____ of the City Council

Approved by me this 15th day of May, 2015.

Edward B. Murray, Mayor

Filed by me this 15th day of MAY, 2015.

for Monica Martinez Simmons, City Clerk

(Seal)

Attachment 1: Term Sheet

TERM SHEET

RAINIER URBAN FARM AND WETLANDS PROJECT

The purpose of this Term Sheet is to set forth the understanding of The City of Seattle, The Seattle Parks Foundation, Seattle Tilth, and the Friends of Rainier Beach Urban Farm and Wetlands with respect to the design, construction and financing of improvements at 5513 S. Cloverdale Street, Seattle, WA 98118, the site of the former Atlantic City Nursery ("Project") so as to prepare the site for urban agriculture and educational activities. The undersigned agree that this Term Sheet is not a binding contract but is an expression of the principal terms proposed by each to accomplish their mutual objectives and that no party shall have any obligation to any other party until final agreements are executed.

I. Basic Obligations of The City of Seattle.

A. The City of Seattle ("City"), as owner of the Project site, has contracted with Seattle Tilth ("Tilth") and the Friends of Rainier Beach Urban Farm and Wetlands ("Friends") for operation of the Project site for five years. The purpose of this agreement is to provide for public access and community gardening at the site. Ordinance 123967, 2012.

B. The City will advertise and bid a contract for the Project that is consistent with the Berger Partnership's schematic design ("Project Design") dated August 8, 2014. The advertisement will be structured to include a base bid and alternate bid items that the City may select consistent with available Project funds.

C. Provided the parties all agree there are sufficient funds available or become available on a reimbursable basis to complete the base bid for Project, the City will execute a construction contract for the improvements.

D. The City will obtain permits and provide project management and administrative services for the Project consistent with its normal business practices. The City will be the sole point of contact with the construction contractor and all consultants.

E. The City's share of construction costs will not exceed $800,000, $500,000 from 2008 Parks Levy funds and $300,000 from the City's share of real estate excise taxes.

F. The City will endeavor to commence construction by June 15, 2015.

G. The City will provide documentation of costs to the parties when and as necessary to secure grants and other funds.

II. Basic Obligation of Seattle Parks Foundation

The Foundation has received a commitment of $30,000 in King County Conservation District grant funds for the Project. The Foundation has also raised $1,191,050 in private donations. The Foundation will transfer and donate these funds ($1,221,050) to the City for costs related to the construction of the Project pursuant to procedures that the parties will develop according to the following schedule:

Project Bid	$224,210
25% Project Completion	$224,210
50% Project Completion	$224,210
75% Project Completion	$224,210
100% Project Completion	$224,210
Project Close Out	$100,000

III. Basic Obligations of the Friends of Rainier Beach Urban Farm and Wetlands

A. Friends has received a commitment of $25,000 from The City of Seattle Department of Neighborhoods for the Project. Friends will transfer and donate that amount to the City immediately upon receipt.

B. Friends has received a commitment of$291,000 in Washington State grant funds for the Project. Friends will use the State grant funds only to reimburse the City for costs related to the construction of the Project pursuant to procedures that the parties will develop.

C. Friends will at all times comply with the terms and conditions imposed by the State in connection with the Project grant funds and will promptly process requests for reimbursement and remit those payments to the City.

D. Friends will contract with and use Tilth at all times as its fiscal sponsor pursuant to a written agreement with respect to funds dedicated to the Project.

IV. Basic Obligations of Seattle Tilth

A. Tilth was awarded funds from the King County Conservation District and will use $10,000 of those funds to pay the City for costs related to the construction of the Project pursuant to procedures that the parties will develop.

B. Tilth has been recommended to receive $297,790 in Washington State grant funds for the Project from the Building Communities Fund Program. Tilth will use the State grant funds only to reimburse the City for costs related to the construction of the Project pursuant to procedures that the parties will develop.

C. Tilth will at all times comply with the terms and conditions imposed by the State in connection with the Project grant funds and will promptly process requests for reimbursement and remit those payments to the City.

D. Tilth will contract with and serve as fiscal agent for the Friends of Rainier Beach Urban Farm and Wetlands for all purposes related to this agreement.

V. Obligations Common to all Parties

A. The parties intend that all costs of completing the Project be included in the Project budget and paid or reimbursed from the amounts described above. Project costs include, but are not limited to, costs of design and other consultants; permit fees; construction; and City project management and administrative costs.

B. The parties intend to work together in good faith to identify cost savings, including potential design changes, that will allow the Project to be realized to the maximum extent possible in the event that bids for the Project exceed the Project budget.

THE CITY OF SEATTLE	SEATTLE PARKS FOUNDATION
By _____	By _____
Dated _____	Dated _____

SEATTLE TILTH

By _____

Dated _____

FRIENDS OF RAINIER BEACH URBAN FARM

By _____

Dated _____

STATE OF WASHINGTON -- KING COUNTY

--ss.

324981 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:124767-771 TITLE ONLY

was published on

06/08/15

The amount of the fee charged for the foregoing publication is the sum of $100.75 which amount has been paid in full.

Subscribed and sworn to before me on

06/08/2015

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on May 11, 2015, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar. Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124767

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

ORDINANCE NO. 124768

AN ORDINANCE relating to the Opportunity Fund category of the 2008 Parks and Green Spaces Levy; authorizing the acceptance of monetary donations from the Seattle Parks Foundation, Friends of Rainier Beach Urban Farm, and Seattle Tilth to support the existing Rainier Beach Urban Farm and Wetlands Improvements project (K730153); increasing appropriations to the Department of Parks and Recreation in the 2015 Adopted Budget; and amending the 2015-2020 Adopted Capital Improvement Program; all by a three-fourths vote of the City Council.

ORDINANCE NO. 124769

AN ORDINANCE authorizing the Seattle Center Director to execute an agreement with The Vera Project for presentation of an all ages music and art program during 2015 and 2016; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124770

AN ORDINANCE relating to land use and zoning, amending the SDOT Street Use Fee Schedule for installing, maintaining, or removing awnings or marquees, amending Attachment A to Ordinance No. 123477; amending the Official Land Use Map (Chapter 23.32) to rezone certain land in 42 neighborhood-commercial zones to add the "P" suffix for new and expanded pedestrian-designated areas; amending the development standards for areas with pedestrian designations, amending Chapter 23.47A and Sections 23.41.012, 23.54.015, 23.54.020, and 23.84A.048 of the Seattle Municipal Code.

ORDINANCE NO. 124771

AN ORDINANCE relating to City employment; authorizing the execution of a collective bargaining agreement between the City of Seattle and the International Brotherhood of Electrical Workers, Local 77 Material Controllers Unit to be effective January 1, 2013 through December 31, 2015; authorizing the payment of compensation negotiated in the collective bargaining agreement; and ratifying and confirming prior acts.

Date of publication in the Seattle Daily Journal of Commerce, June 8, 2015.

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