



Legislation Details (With Text)

File #: CB 120397 **Version:** 1 **Name:** CB 120397
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 8/16/2022

Final Action: 8/19/2022 **Ord. No.** Ord 126655

Title: AN ORDINANCE relating to the financing of the Aquarium Expansion project; authorizing amendments to existing agreements with the Seattle Aquarium Society relating to such financing; and providing for other related matters.

Sponsors: Teresa Mosqueda

Indexes:

Attachments: 1. Att A - Amendment to Ocean Pavilion Funding Agreement, 2. Att B - Amendment to the Seattle Aquarium Operations and Management Agreement, 3. Summary and Fiscal Note, 4. Central Staff Memo, 5. Signed Ordinance 126655, 6. Affidavit of Publication

Date	Ver.	Action By	Action	Result
8/19/2022	1	City Clerk	attested by City Clerk	
8/19/2022	1	Mayor	returned	
8/19/2022	1	Mayor	Signed	
8/19/2022	1	City Clerk	submitted for Mayor's signature	
8/16/2022	1	City Council	passed	Pass
8/11/2022	1	Finance and Housing Committee	pass	Pass
8/9/2022	1	City Council	referred	
8/1/2022	1	Council President's Office	sent for review	
7/27/2022	1	City Clerk	sent for review	
7/27/2022	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the financing of the Aquarium Expansion project; authorizing amendments to existing agreements with the Seattle Aquarium Society relating to such financing; and providing for other related matters.

WHEREAS, The City of Seattle (“City”) owns the Seattle Aquarium facility (“Aquarium”), located on Piers 59 and 60 along the Seattle Central Waterfront (“Waterfront”) and recognizes the importance of the Aquarium for its national and regional standing for scientific research, marine conservation education,

civic engagement, and value as a visitor destination. The Seattle Aquarium Society (SEAS) has managed aspects of the Aquarium operations since the 1980s under a series of agreements with the City's Parks and Recreation Department (SPR), and SEAS assumed full management responsibility in 2010; and

WHEREAS, in 2009, the City Council passed Ordinance 123205, authorizing SPR to enter into a long-term agreement with SEAS to operate and manage the Aquarium. The Operations and Management Agreement (OMA) required SEAS to prepare a master plan to guide investments in the physical development of the Aquarium and further required that the SEAS master plan be approved by the City Council by resolution. Under the OMA, new capital improvements that SEAS develops will be owned by the City, with SEAS owning all animals and maintaining and operating the facility, including providing animal care and programming of the Aquarium. The OMA requires SEAS to coordinate its planning and development of a future Master Plan with the Committee on Central Waterfront Partnerships, and the Waterfront Planning parameters developed by the City Council. Further, the OMA requires that the Master Plan be consistent with the City's adopted Alaskan Way and Seawall Replacement Program, especially as it concerns the seawall replacement component of the program and the redesign of adjacent public spaces at Waterfront Park and Piers 62/63; and

WHEREAS, in 2019, the City Council passed Ordinance 126015, authorizing a funding agreement and a construction agreement between the City and SEAS to provide up to \$34 million for a new aquarium facility to be known as the Ocean Pavilion. Both the Funding Agreement and Construction Agreement have been executed by the City and SEAS; and

WHEREAS, construction of the Ocean Pavilion is expected to increase the Aquarium's attendance to 1.2 million visitors a year, and the City believes an expanded Aquarium facility will better serve the needs of City residents and visitors and will be a significant draw to anchor the north end of the future Waterfront Park; and

WHEREAS, due to the COVID-19 pandemic and subsequent regional and nationwide economic conditions, fundraising for the Ocean Pavilion by SEAS has lagged behind initial estimates, creating funding constraints for SEAS; and

WHEREAS, SEAS has requested an additional \$20 million of financial support in 2022 and 2023 to allow construction of the Ocean Pavilion to advance on pace with the City's Waterfront Program, while allowing SEAS additional time to advance their philanthropic campaign; and

WHEREAS, in negotiating amendments to the Ocean Pavilion Funding Agreement and the OMA to provide an additional \$20 million of financial support in the near-term under the amended Funding Agreement, which is to be offset by increased fees paid to the City by SEAS over the remaining term of the amended OMA, the Parties understand and agree that this funding shall be the City's final contribution to the Ocean Pavilion; and

WHEREAS, the design of the Ocean Pavilion and the City's Overlook Walk project are integrated in order to maximize benefits to the public and minimize construction impacts and duration for all parties; and

WHEREAS, as part of the public benefits established in the earlier Funding Agreement, the design of the Ocean Pavilion provides for public access and open space amenities as part of the roof, elevator, and exterior stair connections to the Waterfront, which shall be open and maintained as available to the public by SEAS; and

WHEREAS, it will be efficient and in the public interest to have the Ocean Pavilion building infrastructure, exhibits, and public access amenities all constructed as one project to be delivered by SEAS; and

WHEREAS, Seattle Municipal Code subsection 5.06.030.C requires City Council approval by ordinance of any interfund loan for a duration of 90 days or more, and in the ordinance introduced as Council Bill [REDACTED], the City Council approved an interfund loan for this purpose, contingent on the approval of amendments to the Ocean Pavilion Funding Agreement and the OMA to carry out the foregoing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The amendments to the Ocean Pavilion Funding Agreement and the Seattle Aquarium Operations and Management Agreement, in substantially the forms attached to this ordinance as Attachments A and B, respectively, are hereby authorized to be executed on behalf of the City by the Superintendent of Parks and Recreation, the Director of Finance, and the Director of the Office of the Waterfront, acting jointly, and with only such additions, deletions, and modifications as the three officials, acting jointly, determine are in the City’s best interest.

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 _____ day of _____, 2022, and signed by me in open session in authentication of its passage this ____ day of _____, 2022.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

Attachments:

Attachment A - Amendment to the Ocean Pavilion Funding Agreement

Attachment B - Amendment to the Seattle Aquarium Operations and Management Agreement