



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 118387

Record No.: CB 118387

Type: Ordinance (Ord)

Status: Attested by City Clerk

Version: 1

124768

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.

**Notes:**

**Filed with City Clerk:** 5/15/2015

**Mayor's Signature:** 5/15/2015

**Sponsors:** Godden

**Vetoed by Mayor:**

**Veto Overridden:**

**Veto Sustained:**

**Attachments:**

**Drafter:** susan.golub@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	04/14/2015	Mayor's leg transmitted to Council	City Clerk			
	<b>Action Text:</b>		The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk				
	<b>Notes:</b>						
1	City Clerk	04/14/2015	sent for review	Council President's Office			
	<b>Action Text:</b>		The Council Bill (CB) was sent for review. to the Council President's Office				
	<b>Notes:</b>						

**Legislative Summary Continued (CB 118387)**

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- 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

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

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

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

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

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

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

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

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

17 THEREFORE,

18 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

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

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

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

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

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

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

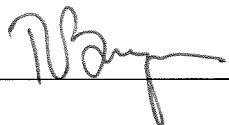
<b>Department</b>	<b>Project Name</b>	<b>Project ID</b>	<b>Amount</b>
Parks and Recreation	Rainier Beach Urban Farm and Wetlands Improvements	K730153	\$1,844,840

8  
9 Section 4. The funds appropriated in Section 2 of this ordinance shall not be expended  
10 until contracts with Tilth, the Friends, and SPF that provide for those parties' financial  
11 contributions to the project have been executed.

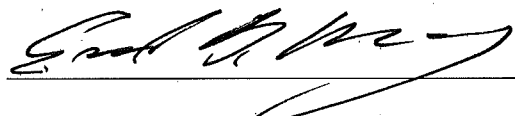
12 Section 5. The Mayor or the Mayor's designee is authorized for and on behalf of the City  
13 to execute contracts with the Tilth, the Friends, and SPF that are consistent with the terms and  
14 conditions contained in the Term Sheet between the parties, included as Attachment 1 to this  
15 ordinance.  
16

1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

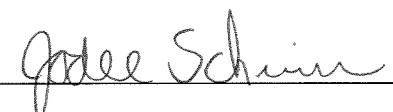
4 Passed by the City Council the 11<sup>th</sup> day of MAY, 2015, and  
5 signed by me in open session in authentication of its passage this  
6 11<sup>th</sup> day of MAY, 2015.

7  
8   
9 President \_\_\_\_\_ of the City Council

10  
11 Approved by me this 15<sup>th</sup> day of May, 2015.

12  
13   
14 Edward B. Murray, Mayor

15  
16 Filed by me this 15<sup>th</sup> day of MAY, 2015.

17  
18   
19 for \_\_\_\_\_  
20 Monica Martinez Simmons, City Clerk

21  
22 (Seal)

23 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 \_\_\_\_\_

Gerry Asp  
DPR Rainier Beach Urban Farm and Wetlands Funding ORD ATT 1  
March 3, 2015  
Version #1

SEATTLE TILTH

By \_\_\_\_\_

Dated \_\_\_\_\_

FRIENDS OF RAINIER BEACH URBAN FARM

By \_\_\_\_\_

Dated \_\_\_\_\_