

Ordinance No. 123719

Council Bill No. 117292

AN ORDINANCE relating to economic development; authorizing the Council President to sign a letter of understanding with Wyndham Publications, Inc. to sponsor the creation of an economic development and tourism publication consisting potentially of a three-book series about the City with the working title, Seattle: The Emerald City; and ratifying and confirming prior acts.

Related Legislation File: _____

Date Introduced and Referred: <u>Sept. 19, 2011</u>	To: (committee): <u>Full Council</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>9.26.11</u>	Date Presented to Mayor: <u>9.27.11</u>
Date Signed by Mayor: <u>Sept. 30, 2011</u>	Date Returned to City Clerk: <u>Sept. 30, 2011</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text _____	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: _____

Committee Action:

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
<u>9.26.11</u>	<u>Passed</u>	<u>9-0</u>

ORDINANCE 123719

1
2 AN ORDINANCE relating to economic development; authorizing the Council President to sign
3 a letter of understanding with Wyndham Publications, Inc. to sponsor the creation of an
4 economic development and tourism publication consisting potentially of a three-book
5 series about the City with the working title: Seattle: The Emerald City; and ratifying and
6 confirming prior acts.

7 WHEREAS, Wyndham Publications, Inc. has successfully produced tourism publications
8 nationwide including a 2008 publication showcasing King County; and

9 WHEREAS, Seattle: The Emerald City will contain a two-page profile of the City Council and a
10 two-page profile of the Mayor's Office; and

11 WHEREAS, Wyndham Publications, Inc. has agreed to supply the City of Seattle with five
12 hundred copies of Seattle: The Emerald City to use as a marketing and economic
13 development tool for distribution by the City; and

14 WHEREAS, the City's obligation is limited to providing Wyndham Publications, Inc. a pre-
15 approved letter of invitation to third parties to submit content for the book; and

16 WHEREAS, the City retains the right to review for acceptable content; and

17 WHEREAS, Seattle: The Emerald City will showcase Seattle as a good place to live, work and
18 do business, and thereby contribute to the City's reputation as an economic engine;
19 NOW, THEREFORE,

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

21 Section 1. The City Council President is authorized on behalf of The City of Seattle to
22 sign the letter of understanding with Wyndham Publications, Inc. to sponsor the creation of a
23 tourism book with the working title of Seattle: The Emerald City in the form attached hereto as
24 Attachment 1.

25 Section 2. The City Council ratifies and confirms Council President Richard Conlin's
26 signature on the letter of understanding with Wyndham Publications, Inc. signed on August 17,
27 2011.
28

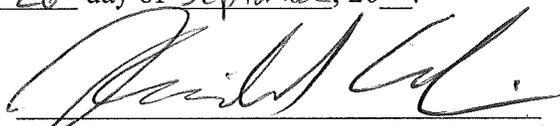


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Section 3. On behalf of the City, the Office of Economic Development or other suitable entity is designated to work with Wyndham Publications, Inc. as set forth in the letter of understanding.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 26th day of Sept, 2011, and signed by me in open session in authentication of its passage this 26th day of September, 2011.



President _____ of the City Council

Approved by me this 30th day of Sept, 2011.



Michael McGinn, Mayor

Filed by me this 30th day of Sept, 2011.



City Clerk

(Seal)

Attachments: Attachment 1: Letter of Understanding with Wyndham Publications, Inc.





Wyndham Publications, Inc.

August 15, 2011

Mr. Richard Conlin
Council President
City of Seattle
P.O. Box 34025
Seattle, Washington 98124-4025

Dear Mr. Conlin:

This letter of understanding provides the framework for a relationship between Wyndham Publications, Inc. (Wyndham) and The City of Seattle (the City) to create an economic development and tourism publication consisting potentially of a three-book series (the Project) about the City with the working title, *Seattle: The Emerald City* (the Book).

Wyndham Publications, Inc. agrees to supply The City of Seattle with a total of five hundred copies (500) of the publication herein referred to as *Seattle: The Emerald City*, for use as a marketing and economic development tool for distribution by the City. Distribution by the City may include: visiting business and political dignitaries; the Mayor's Office, council delegations, City and regional economic development offices, City and regional tourism offices, trade missions, municipal departments, and others. Additionally, Wyndham will provide one (1) two-page profile to the Seattle City Council and one (1) two-page profile to the Mayor's Office of The City of Seattle to be included in Part Two of the book, which is described below.

Seattle: The Emerald City will be divided into two major sections. The first section (Part One) will be text and images concerning the City's future, economic development, tourism, history, and life in The City of Seattle. The second section (Part Two, Team Seattle) will consist of the profiles of companies and organizations that have elected to participate in *Seattle: The Emerald City*. Wyndham will supply text for the first portion of the book to be approved by the City of Seattle for accuracy and content. The City will be allowed at least two weeks to review the text and request changes after receipt of the manuscript, with the understanding that additional time will be provided for, if requested by the City. The length of any additional time allotments will be subject to the publishing timeline requirements of Wyndham Publications. The City may request changes in content in Part One, and the alterations will be made in the text, provided there is mutual agreement by Wyndham. If the City and Wyndham cannot mutually agree on the text, the parties will in good faith explore other, mutually agreeable options, which address the City's concerns. The City of Seattle will not originate any of the text for the first portion of the book. In addition to Part One, the text that will be submitted for review and approval will include the text contained in the profile section of the book for the Seattle City Council and the Mayor's Office. No other portion of Part Two, Team Seattle will be submitted for the City's review and approval, as those profiles will be submitted to the individual organizations for approval of their own profiles. However, the City will be allowed to review Part Two, Team Seattle to satisfy the City's request to preempt unknown eventualities. The City will review Part Two, Team Seattle with the understanding that the profiles contained in this section are for those of the businesses, corporations, and other organizations that underwrite the project, and that the profiles have already been through several editing and reviewing processes and been approved by the organizations themselves. No changes will be suggested by the City in Part Two, Team Seattle unless the City feels compelled to do so due to slanderous or extremely objectionable text, or other liabilities. In the unlikely event that the City should request a change in Part Two, Team Seattle, that change will promptly be brought to the attention of Wyndham and, in turn, Wyndham will promptly bring the change to the attention of the originating business, corporation, or organization as being a request of the City of Seattle. Any change that is suggested by the City in Part Two, Team Seattle will be made in a manner that is agreeable to the City, the organization involved, and to Wyndham.

The first portion of the book will consist of approximately eight to ten chapters. Wyndham reserves the right to alter the number of chapters, the images, and the number of sections as necessary. The City will be allowed at least two weeks to review the chapters, with the understanding that additional time will be provided for, if requested by the City. The length of any additional time allotments will be subject to the publishing timeline requirements of Wyndham Publications. The review of the chapters by the City of Seattle is not for editing grammar and style (Wyndham reserves the right to preserve its editing voice and style.) The purpose of the review of the chapters by the City of Seattle is to assure the City that the content

is acceptable. In the event the City expresses any objection to the content within either portion of the book, Wyndham shall take affirmative measures to address the objections to ensure that there is mutual agreement between the City and Wyndham on the content. Both Wyndham and the City agree to make good faith efforts towards resolving any such issues.

The City will agree to the above conditions regarding the project and, to assist with the proposed project, the City will agree to Wyndham's request to provide a pre-approved letter of invitation to third-parties to submit content for Part Two of the book (the Letter). The content of the Letter will be approved by the City and will not be altered by Wyndham. The original signatures from the Mayor and/or Council Members will be provided for the letter of invitation. The text of the letter will be directed to the general business community. Wyndham agrees that the letter will only be sent, published or delivered during the term of the Book, or the Project if additional books are sponsored by the City. The Letter will be reproduced by Wyndham at Wyndham's sole expense. All copies of the Letter will contain the exact, identical text as set forth in the pre-approved letter provided by and signed by the Council Members as described herein. The City of Seattle will supply City letterhead and accompanying City envelopes to Wyndham. The type and quantity of letterhead must be agreed upon between the City of Seattle and Wyndham. Wyndham will address the envelopes and affix postage thereto, and be responsible for mailing all invitations to recipient's chosen by Wyndham. Wyndham Publications, Inc. will include on the invitation list any and all lists compiled by the City and/or any and all entities suggested by the City. The envelopes may not be routed through the City's mail system.

Wyndham shall hold harmless, defend and indemnify The City of Seattle, its elected officials and other agents or assigns from and against any liability and costs (including legal fees) arising out of the Book or this agreement. This indemnity shall include, but not be limited to, any liability relating to the solicitations by the City on behalf of Wyndham for submissions for Part Two of the book and any copyright, trademark or other breach of intellectual property claim.

The City will consider a proclamation to designate the Book to be the Official Book for the City of Seattle. Wyndham Publications, Inc. understands that the City Council may authorize City sponsorship of two additional books to complete a three-book series (the Project), with each book to be done approximately every three years or as determined by Wyndham Publications.

Wyndham understands that the City of Seattle will appoint a high-level contact with whom Wyndham can coordinate inquiries regarding the project. The start date for production of the Book will be early fall 2011 with an estimated completion date within approximately one year. This date is subject to change according to the needs and/or scheduling of Wyndham Publications. It is understood that variations in the duration of the Book may occur due to circumstances outside of the control of Wyndham. Wyndham will make every reasonable effort to complete the Book in a timely manner. Wyndham understands that this relationship is exclusive in that the City of Seattle will not enter into any similar agreement to begin or participate in any similar book project during production of the Book that may interfere with or impact completion of the Book. Wyndham Publications will retain the copyright to *Seattle: The Emerald City*.

Wyndham will be responsible for all additional costs of production that are not specifically referred to herein or otherwise agreed upon. All proceeds from the publication will go to Wyndham.

Our signatures below will signify agreement of the points outlined above.

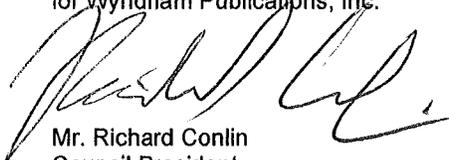
Sincerely,



Mr. Kim A. Halverson
Senior Vice President
for Wyndham Publications, Inc.

B-19-11

Date



Mr. Richard Conlin
Council President
for the City of Seattle

8/17/11

Date

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative	Catherine Moore 684-8805	

Legislation Title:

AN ORDINANCE relating to economic development; authorizing the Council President to sign a letter of understanding with Wyndham Publications, Inc. to sponsor the creation of an economic development and tourism publication consisting potentially of a three-book series about the City with the working title, *Seattle: The Emerald City*; and ratifying and confirming prior acts.

Summary of the Legislation:

Authorizes the City Council President to sign a letter of understanding with Wyndham Publications, Inc. to sponsor the creation of a tourism publication with the working *Seattle: The Emerald City*. Ratifies and confirms the Council President's signature on such letter.

Background:

Wyndham Publications, Inc. specializes in publishing tourism books for use by municipalities to promote tourism and economic development. In 2008 Wyndham published *Seattle & King County, Gateway to the Pacific Northwest* in cooperation with King County. Wyndham now seeks to publish a book project solely showcasing the City of Seattle. In exchange for the City supplying Wyndham Publications, Inc. an official letter of invitation to third parties to participate in the book project, Wyndham Publications, Inc agrees to give 500 copies of *Seattle: The Emerald City* to the City for distribution to visiting businesses, dignitaries, trade missions and others involved in economic development and promotion.

Please check one of the following:

This legislation does not have any financial implications.

(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

This legislation has financial implications.

(If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)

Appropriations:

(This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation please provide details in the Appropriation Notes section below. If the appropriation is not supported by revenue/reimbursements, please confirm that there is available fund balance to cover this appropriation in the note section.)



Fund Name and Number	Department	Budget Control Level*	2011 Appropriation	2012 Anticipated Appropriation
TOTAL				

*See budget book to obtain the appropriate Budget Control Level for your department.

Appropriations Notes:

Anticipated Revenue/Reimbursement Resulting from this Legislation:

(This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.)

Fund Name and Number	Department	Revenue Source	2011 Revenue	2012 Revenue
TOTAL				

Revenue/Reimbursement Notes:

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

(This table should only reflect the actual number of positions affected by this legislation. In the event that positions have been, or will be, created as a result of other legislation, please provide details in the Notes section below the table.)

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2011 Positions	2011 FTE	2012 Positions*	2012 FTE*
TOTAL							

* 2012 positions and FTE are total 2012 position changes resulting from this legislation, not incremental changes. Therefore, under 2012, please be sure to include any continuing positions from 2011.

Position Notes:

Do positions sunset in the future?

(If yes, identify sunset date)

Spending/Cash Flow:

(This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year)



than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.)

Fund Name & #	Department	Budget Control Level*	2011 Expenditures	2012 Anticipated Expenditures
TOTAL				

* See budget book to obtain the appropriate Budget Control Level for your department.

Spending/Cash Flow Notes:

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.
- b) **What is the financial cost of not implementing the legislation?**
None.
- c) **Does this legislation affect any departments besides the originating department?**
Office of Economic Development as it will be responsible for providing the letter of invitation and reviewing the suitability of the content of the publication.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** None.
- e) **Is a public hearing required for this legislation?** No.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.
- g) **Does this legislation affect a piece of property?** No.

List attachments to the fiscal note below:



STATE OF WASHINGTON – KING COUNTY

--SS.

277354
CITY OF SEATTLE, CLERKS OFFICE

No.

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.

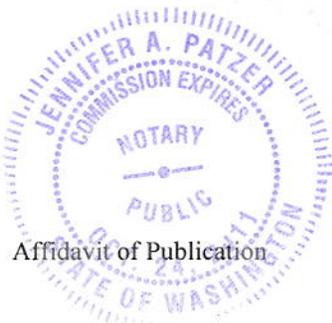
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123714-123721 TITLE

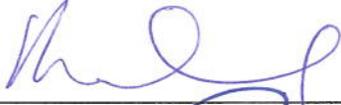
was published on

10/17/11

The amount of the fee charged for the foregoing publication is the sum of \$ 150.15, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
10/17/11 

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 September 26, 2011, 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. 123714

AN ORDINANCE establishing a Seattle Tourism Business Improvement Area; levying special assessments upon hotel businesses within the area; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers Advisory Board, and providing for an implementation agreement with a Program Manager.

ORDINANCE NO. 123715

AN ORDINANCE relating to Seattle Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to enter into an easement agreement granting and conveying a permanent subsurface tunnel easement under portions of the Cheasty Greenspace to the Central Puget Sound Regional Transit Authority and to accept payment therefor; finding that the grant of a permanent subsurface tunnel easement meets the requirements of Ordinance 118477, adopting Initiative 42, to the extent applicable; ratifying and confirming the grant of temporary surface rights on portions of the Cheasty Greenspace to the Central Puget Sound Regional Transit Authority for temporary construction purposes and authorizing acceptance of payment therefor; and exempting the grant of temporary surface rights from the requirements of Ordinance 118477, to the extent applicable.

ORDINANCE NO. 123716

AN ORDINANCE relating to State of Washington restrictions on the use of certain property under the jurisdiction of the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to grant to the State of Washington a Deed of Right limiting the use of certain property in the Duwamish Head Greenspace to conservation purposes and to accept the release of a Deed of Right limiting the use of certain property in the Cheasty Greenspace to public recreation purposes.

ORDINANCE NO. 123717

AN ORDINANCE relating to the business license tax; amending the Seattle Municipal Code to provide that all return or tax information is confidential, privileged, and subject to disclosure in the manner provided by RCW 82.32.330; and amending Section 5.55.200 of the Seattle Municipal Code in connection therewith.

ORDINANCE NO. 123718

AN ORDINANCE relating to the Seattle Center Department; authorizing the Seattle Center Director to execute a ten year lease agreement, with additional options to extend, with Friends of KEXP; under which agreement KEXP will renovate and lease space in the Northwest Rooms and a portion of the adjacent courtyard at Seattle Center for use as KEXP's radio broadcast studios and offices, performance spaces, a cafe, a shared use outdoor stage, and other uses supporting KEXP's operations.

ORDINANCE NO. 123719

AN ORDINANCE relating to economic development; authorizing the Council President to sign a letter of understanding with Wyndham Publications, Inc. to sponsor the creation of an economic development and tourism publication consisting potentially of a three-book series about the City with the working title, Seattle: The Emerald City; and ratifying and confirming prior acts.

ORDINANCE NO. 123720

AN ORDINANCE relating to the Department of Parks and Recreation,

authorizing the Superintendent of Parks and Recreation to enter into an egress easement agreement with Seattle School District No. 1 over portions of vacated N. 42nd Street between Woodlawn Avenue N. and Densmore Avenue N., and to execute a covenant restricting the use of property at Wallingford Playfield to satisfy permit requirements related to the construction of a new gymnasium on the Hamilton International Middle School property; authorizing acceptance of reimbursed City-incurred costs related to the egress easement agreement and covenant; superseding the requirements of Ordinance 118477, which adopted Initiative 42, for the purposes of this ordinance; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123721

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

Publication ordered by the City Clerk
Date of publication in the Seattle Daily
Journal of Commerce, October 17, 2011.
10/17(277354)