SEATTLE CITY COUNCIL

Legislative Summary

CB 118662

Record No.: CB 118662 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 125030 **In Control:** City Clerk

File Created: 04/05/2016

Final Action: 04/29/2016

Title: AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the execution of an amendment to the existing one-year pilot Activation and Programming Agreement for Westlake Park and Occidental Square Park with DBIA Services; and ratifying and confirming certain prior acts.

Notes:

	Date
Filed with City Clerk:	5/4/2016
Mayor's Signature:	5/4/2016
Vetoed by Mayor:	
Veto Overridden:	
Veto Sustained:	

Sponsors: Juarez

Attachments: Att A - Amendment to Activation and Programming Agreement

Drafter: Victoria Schoenburg

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	04/12/2016	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					
1	City Clerk	04/12/2016	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	04/14/2016	sent for review	Parks, Seattle Center, Libraries, and Waterfront Committee			
	Action Text:	The Council Bill (CB) was sent for review. to the Parks, Seattle Center, Libraries, and Waterfront Committee					
	Notes:						

1	Full Council	04/18/2016	referred	Parks, Seattle Center, Libraries, and Waterfront Committee	

Action Text: The Council Bill (CB) was referred. to the Parks, Seattle Center, Libraries, and Waterfront Committee
Notes:

1	Parks, Seattle Center, Libraries, and Waterfront Committee	04/21/2016	pass		Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
In Favor: 2 Chair Juarez, Vice Chair Bagshaw
Opposed: 0

1	Full Council	04/25/2016	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
Notes:
In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant
Opposed: 0

1	City Clerk	04/26/2016	submitted for Mayor's signature	Mayor	

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

1	Mayor	04/29/2016	Signed		

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

1	City Clerk	04/29/2016	attested by City Clerk		

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

1	Mayor	05/04/2016	returned	City Clerk	

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

CITY OF SEATTLE

ORDINANCE 125030

COUNCIL BILL 118662

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the execution of an amendment to the existing one-year pilot Activation and Programming Agreement for Westlake Park and Occidental Square Park with DBIA Services; and ratifying and confirming certain prior acts.

WHEREAS, pursuant to Article XI of the Seattle Charter, the Superintendent of Parks and Recreation (Superintendent) has responsibility for the operation and control of the parks and recreation system of the City; and

WHEREAS, DBIA Services is an experienced nonprofit organization that has long been a partner with the Department of Parks and Recreation (DPR) to create safe and lively downtown public parks; and

WHEREAS, The City of Seattle, by and through the Superintendent, entered into an agreement ("Pilot Agreement") with DBIA Services, a Washington nonprofit corporation, to conduct a one-year pilot project for the activation and programming of the City-owned Westlake Park and Occidental Square Park; and

WHEREAS, City Council approved the one-year Pilot Agreement via Ordinance 124865, which became effective on May 5, 2015, and expires on April 30, 2016; and

WHEREAS, the Urban Parks Partnership Investment Initiative 4.11, as part of the Seattle Park District's six-year plan, allows for the opportunity to fund a long-term sustainable activation plan to activate Westlake Park and Occidental Square Park; and

WHEREAS, in December 2015, as part of the Urban Parks Partnership Investment Initiative funding, DPR invited all community organizations interested in a multi-year partnership with the City for the activation and programming of Westlake Park and Occidental

Square Park to submit proposals to the City through a publicly advertised request for proposal process; and

WHEREAS, following a formal and thorough review process of the submitted proposals, the DPR evaluation panel determined the strongest proposal to be that of DBIA Services; and

WHEREAS, the DPR Superintendent is currently negotiating a five-year partnership agreement with DBIA Services for continued and expanded activation, programming, and coordination services at Westlake Park and Occidental Square Park, but will require more time to reasonably and adequately complete the negotiations prior to the expiration of the Pilot Agreement on April 30, 2016; and

WHEREAS, DPR desires to execute a seamless transition from the Pilot Agreement to the five-year partnership agreement with DBIA Services without a break in service to allow for the continued activation and programming of both Westlake Park and Occidental Square Park; and

WHEREAS, DPR desires to receive City Council authority to amend the existing Pilot Agreement term by extending its expiration by three months, which would expire on July 30, 2016, to allow sufficient time for the completion of negotiations with DBIA Services and presentation of the five-year partnership agreement to the City Council; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Superintendent of Parks and Recreation, or the Superintendent's designee, is authorized to execute on behalf of The City of Seattle an amendment to the one-year Activation and Programming Agreement for Westlake Park and Occidental Square Park with

DBIA Services, a Washington non-profit corporation, originally authorized by Ordinance 124865, in substantially the form described and set forth in Attachment A to this ordinance.

Section 2. Any acts consistent with the authority of this ordinance and taken prior to the effective date of this ordinance are hereby ratified and confirmed.

Section 3. 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 25th day of April, 2016, and signed by me in open session in authentication of its passage this 25th day of April, 2016.

President _____ of the City Council

Approved by me this 29th day of April, 2016.

Edward B. Murray, Mayor

Filed by me this 29th day of April, 2016.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment A - Amendment to Activation and Programming Agreement for Westlake Park and Occidental Square Park Between The City of Seattle and DBIA Services

Attachment A

Amendment to
Activation and Programming Agreement
For Westlake Park and Occidental Square Park
Between
The City of Seattle
And DBIA Services

This Amendment to the Activation and Programming Agreement for Westlake Park and Occidental Square Park ("Agreement"), by and between THE CITY OF SEATTLE ("City"), a Washington municipal corporation, and DBIA Services ("DBIA"), a Washington nonprofit corporation, is made and entered into effective as of _____, 2016 (the "Effective Date"), subject to City Council authorization.

For good and valuable consideration, receipt of which is hereby acknowledged, the City and DBIA hereby agree to amend the Agreement as follows:

1. **Term of Agreement**. The term of this Agreement, which began on May 5, 2015, will end on July 30, 2016, unless terminated earlier under the provisions of the Agreement or unless the parties agree to a substitute and replacement agreement approved by Council.

2. **Continuance of the Activation and Programming Agreement.** All provisions of the Agreement, as amended hereby, shall remain in full force and effect and unchanged, except as provided herein. If any provision of this Amendment conflicts with the Agreement, the provisions of this Amendment shall control.

3. **Counterparts**. This Amendment may be executed in any number of counterparts with the same effect as if all signing parties had signed the same document. All counterparts shall be construed together and constitute the same document. Signature pages may be detached from the counterparts and attached to a single copy of this consent to form one document.

IN WITNESS WHEREOF, the parties hereto have affixed or caused to be affixed their respective signatures with the intent to be bound by the terms hereof as of the Effective Date.

Signatures of the Parties to this Amendment to the Pilot Agreement are on the following pages.

For The City of Seattle:

_____

Jesús Aguirre, Superintendent
Seattle Parks and Recreation

For DBIA Services:

_____

John Scholes, President/CEO
Downtown Seattle Association

STATE OF WASHINGTON)
) ss. (Acknowledgement for City)
COUNTY OF KING)

On this ___ day of _____, 2016, before me personally appeared _____, to me known to be the Superintendent of The City of Seattle, Seattle Parks and Recreation, that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said party, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument on behalf of said party.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

_____ _____
[Signature] *[Printed Name]*

NOTARY PUBLIC in and for the State of Washington residing at _____
My commission expires _____.

STATE OF WASHINGTON)
) ss. (Acknowledgement for DBIA Services)
COUNTY OF _____)

On this ___ day of _____, 2016, before me personally appeared _____, to me known to be the _____ of DBIA, the Washington not-for-profit corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said not-for-profit corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument on behalf of said not-for-profit corporation.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

_____ _____
[Signature] *[Printed Name]*

NOTARY PUBLIC in and for the State of Washington residing at _____
My commission expires _____.