



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 118725

Record No.: CB 118725

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125104

In Control: City Clerk

File Created: 05/04/2016

Final Action: 08/17/2016

**Title:** AN ORDINANCE relating to the Seattle Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to execute for and on behalf of the City an amendment to the existing Seacrest Boathouse Concession Agreement with Marination LLC, originally authorized by Ordinance 124112; authorizing the Superintendent to execute future amendments relating to concession fees as the Superintendent determines to be in the best interest of the City; and ratifying and confirming certain prior acts.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Juarez

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 - First Amendment to Seacrest Boathouse Concession Agreement

Drafter: Charles Ng

**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	06/21/2016	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						
	Notes:						
1	City Clerk	06/21/2016	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	06/23/2016	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 07/11/2016 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 08/04/2016 pass Pass
- Action Text:** The Committee recommends that Full Council pass the Council Bill (CB).  
**Notes:**  
In Favor: 3 Chair Juarez, Vice Chair Bagshaw, Member Harrell  
Opposed: 0
- 1 Full Council 08/08/2016 passed Pass
- Action Text:** The Council Bill (CB) was passed by the following vote, and the President signed the Bill:  
In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien  
Opposed: 0
- 1 City Clerk 08/12/2016 submitted for Mayor's signature Mayor
- 1 Mayor 08/16/2016 Signed  
**Action Text:** The Council Bill (CB) was Signed.  
**Notes:**
- 1 Mayor 08/17/2016 returned City Clerk
- 1 City Clerk 08/17/2016 attested by City Clerk  
**Action Text:** The Ordinance (Ord) was attested by City Clerk.  
**Notes:**
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CITY OF SEATTLE

ORDINANCE 125104

COUNCIL BILL 118725

AN ORDINANCE relating to the Seattle Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to execute for and on behalf of the City an amendment to the existing Seacrest Boathouse Concession Agreement with Marination LLC, originally authorized by Ordinance 124112; authorizing the Superintendent to execute future amendments relating to concession fees as the Superintendent determines to be in the best interest of the City; and ratifying and confirming certain prior acts.

WHEREAS, Ordinance 124112, passed in February 2013, authorized the Superintendent of the Department of Parks and Recreation (“Superintendent”) to enter into a six-year Concession Agreement (“Concession Agreement”) with Marination LLC; and

WHEREAS, under the Concession Agreement, Marination LLC provided over \$200,000 in capital improvements to the Seacrest Boathouse and currently manages and operates the Seacrest Boathouse as a restaurant and boat and recreation equipment rental facility for the public; and

WHEREAS, the payment to the Seattle Department of Parks and Recreation (DPR) in the current Concession Agreement requires Marination LLC to pay a monthly concession fee of ten percent of gross sales to DPR; and

WHEREAS, Marination LLC notified DPR that continuing to pay this ten-percent concession fee is unsustainable and will put its business operation at risk going forward and requested the Superintendent lower the concession fee to be more in line with market rates; and

WHEREAS, the Superintendent determined that it would be in the best interest of DPR to amend the Concession Agreement and modify the concession fees to ensure a sustainable

1 concession remains in the Seacrest location, and determined that the impact of this action  
2 will not significantly impact revenues to DPR; and

3 WHEREAS, the Superintendent and Marination LLC expressly intend that upon authorization  
4 from this ordinance and signature by an authorized representative of both parties, certain  
5 concession fee terms of the Concession Agreement with Marination LLC shall be  
6 changed and retroactively effective as of the dates provided for in such amendment;

7 NOW, THEREFORE,

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

9 Section 1. The Superintendent of Parks and Recreation (“Superintendent”) is authorized  
10 to execute, for and on behalf of The City of Seattle (“City”), an amendment to the Concession  
11 Agreement with Marination LLC, which was originally authorized by Ordinance 124112,  
12 substantially in the form of the First Amendment to the Seacrest Boathouse Concession  
13 Agreement between The City of Seattle and Marination LLC, attached hereto as Attachment 1.

14 Section 2. The Superintendent is authorized to negotiate future amendments to the  
15 Concession Agreement with Marination LLC for the purpose of adjusting the concession fees  
16 due from Marination LLC as the Mayor or Superintendent deems to be in the best interest of the  
17 City.

18 Section 3. Any act consistent with the authority of this ordinance taken before its  
19 effective date is hereby ratified and confirmed.

1 Section 4. 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 8<sup>th</sup> day of AUGUST, 2016,  
5 and signed by me in open session in authentication of its passage this 8<sup>th</sup> day of  
6 AUGUST, 2016.

7   
8 \_\_\_\_\_

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

10  
11 Approved by me this 16<sup>th</sup> day of August, 2016.

12   
13 \_\_\_\_\_

14 Edward B. Murray, Mayor

15  
16 Filed by me this 17 day of August, 2016.

17   
18 \_\_\_\_\_

19 Monica Martinez Simmons, City Clerk

20  
21 (Seal) 

22 Attachments:

23 Attachment 1 – First Amendment to the Seacrest Boathouse Concession Agreement between The  
24 City of Seattle and Marination LLC  
25

Attachment 1

First Amendment to  
Seacrest Boathouse Concession Agreement  
Between  
The City of Seattle  
and  
Marination, LLC

This First Amendment to the Seacrest Boathouse Concession Agreement (“First Amendment”) between The City of Seattle (“City”) and Marination, LLC (“Concessionaire”) amends the Seacrest Boathouse Concession Agreement between the parties dated February 20, 2013 (the “Agreement”).

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

1. Part A-5 Concession Fee

From the Commencement Date through August 31, 2013, Concessionaire’s obligation to pay Concession Fees shall remain in full force as required under the original Agreement without amendment. Effective September 1, 2013, Part A-5 is deleted in its entirety and replaced with the following:

5.1 Base Concession Fee. Beginning on or before September 1, 2013 and thereafter monthly throughout the Term, Concessionaire shall pay the City a monthly fee in the amount of \$5,954.67 (the “Base Concession Fee”). The Base Concession Fee shall be paid in advance, without demand, set-off or deduction of any kind, and in the time and manner provided under Section 5.3.

5.2 Percentage Fee. Beginning on or before September 1, 2013 and thereafter monthly throughout the Term, in addition to the Base Concession Fee, Concessionaire shall pay the City two percent (2%) of Concessionaire’s Gross Receipts (the “Percentage Fee”). Concessionaire shall pay the Percentage Fee monthly in arrears based on the Gross Receipts received in the prior month, and in the time and manner provided under Section 5.3. Notwithstanding the foregoing, no Percentage Fee shall be due from October 1, 2013 through June 30, 2014. As used in this Agreement, “Gross Receipts” shall have the meaning provided in Part B-1 and all references to the “Concession Fee” shall mean and include both the Base Concession Fee and the Percentage Fee.

5.3 Time and Manner of Payment. On or before the 15<sup>th</sup> day of each month during the Term, Concessionaire shall pay the City (i) the Base Concession Fee, (ii)

the Percentage Fee, and (iii) the monthly amount of Leasehold Excise Tax required under Part B-7. All payments to the City under this Agreement shall be paid to City of Seattle, Department of Parks and Recreation, Magnuson Park and Business Resources, Attention: Charles Ng, Parks Concessions Coordinator, and 800 Maynard Avenue S, Suite 300, Seattle, WA 98134. All Concession Fee payments shall be accompanied by a written statement prepared by Concessionaire on a monthly report form approved by the Superintendent and detailing the Gross Receipts received in the prior month, including any amounts excluded from Gross Receipts as provided under Part B-1, and the calculation of the Percentage Fee.

2. The City and Concessionaire expressly intend that so long as this First Amendment is signed by an authorized representative of both parties, the amendment to Part A-5 shall be retroactively effective as of the dates provided in Section 1 of this First Amendment.

3. All references to the "Agreement" shall mean and include the original Seacrest Boathouse Concession Agreement described above and this First Amendment. All capitalized terms that are not defined in this First Amendment shall have the meaning given in the original Agreement. All terms and conditions of the original Agreement that have not been modified by this First Amendment shall remain in full force and effect.

For the City of Seattle:

For Marination, LLC:

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Jesús Aguirre, Superintendent  
Seattle Department of Parks and Recreation

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Roz Edison, Member  
Marination, LLC

Next page for Acknowledgements



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STATE OF WASHINGTON -- KING COUNTY

--SS.

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341046

No. TITLE ONLY

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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

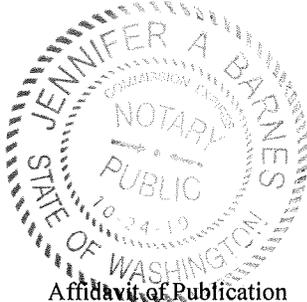
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125103-07,109,114-115

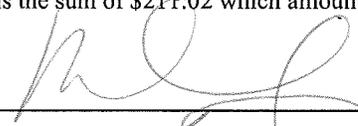
was published on

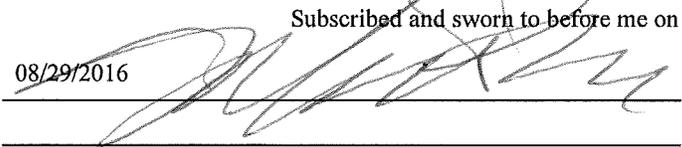
08/29/16

The amount of the fee charged for the foregoing publication is the sum of \$211.02 which amount has been paid in full.



Affidavit of Publication

  
Subscribed and sworn to before me on

08/29/2016  


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 August, 8, 2016 and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

### Ordinance 125103

#### Council Bill 118675

AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map (Chapter 23.32) to rezone land within the Lake City Urban Village and along Lake City Way; amending subsection 23.47A.005.C of the Seattle Municipal Code to remove certain restrictions on street-level street-facing residential uses; and amending Section 23.47A.009 to adopt development standards for certain properties along Lake City Way.

### Ordinance 125104

#### Council Bill 118725

AN ORDINANCE relating to the Seattle Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to execute for and on behalf of the City an amendment to the existing Seacrest Beachhouse Concession Agreement with Marination LLC, originally authorized by Ordinance 124112; authorizing the Superintendent to execute future amendments relating to concession fees as the Superintendent determines to be in the best interest of the City; and ratifying and confirming certain prior acts.

### Ordinance 125105

#### Council Bill 118731

AN ORDINANCE relating to historic preservation; imposing controls upon The Theodora, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

### Ordinance 125106

#### Council Bill 118732

AN ORDINANCE relating to City streets; changing the name of Broad Street between 9th Avenue N and Westlake Avenue N to Roy Street, of Warren Place between Warren Avenue N and its east terminus to Warren Place N, of S Della Street between 27th Avenue S and Martin Luther King Jr. Way S to S Walden Street, of Cloverdale Place S between Rainier Avenue S and Seward Avenue S to S Cloverdale Place, of NW 35th Street between 1st Avenue NW and NW Canal Street to NW Canal Street, of 1st Avenue NW between the south margin of N Canal Street and N 35th Street to N Canal Street, of a lower roadway at the east of the present existing bridge on Eastlake Avenue NE between its south terminus at the shoreline and the south margin of NE Pacific Street to Eastlake Place NE, of a lower roadway at the east of the present existing bridge on Eastlake Avenue NE between the north margin of NE Pacific Street and the south margin of NE 40th Street to Eastlake Place NE; correcting and confirming the name and location of NW 114th Street between NW Carkeek Park Road and NW 116th Street as NW 114th Street; naming the alley in Blocks 2, 3, and 4, Seaboard Addition to the City of Seattle, as 30th Avenue SW; naming the alley in Block 19, Denny-Fuhrman Addition to the City of Seattle, as Yale Terrace E; and superseding Ordinance 102981 to the extent inconsistent.

### Ordinance 125107

#### Council Bill 118733

AN ORDINANCE relating to the Central Puget Sound Regional Transit Authority ("Sound Transit"); authorizing execution of the "Lynnwood Link Supplement to the Memorandum of Agreement for

Intergovernmental Cooperation (April 20, 1998) between Central Puget Sound Regional Transit Authority (Sound Transit) and the City of Seattle for the Central Link Light Rail Project"; and ratifying and confirming certain prior acts.

### Ordinance 125109

#### Council Bill 118737

AN ORDINANCE relating to the Seattle City Employees' Retirement System; creating a separate retirement plan for City employees whose membership in the Retirement System begins on or after January 1, 2017; clarifying certain provisions and making technical corrections; and adding new Sections 4.36.005, 4.36.607, and 4.36.608 to, and amending Sections 4.36.010, 4.36.020, 4.36.030, 4.36.040, 4.36.050, 4.36.060, 4.36.070, 4.36.080, 4.36.090, 4.36.500, 4.36.505, 4.36.510, 4.36.515, 4.36.520, 4.36.525, 4.36.530, 4.36.540, 4.36.545, 4.36.550, 4.36.555, 4.36.560, 4.36.565, 4.36.567, 4.36.570, 4.36.575, 4.36.580, 4.36.585, 4.36.590, 4.36.595, 4.36.600, 4.36.605, 4.36.610, 4.36.615, 4.36.620, 4.36.625, 4.36.630, 4.36.635, 4.36.640, 4.36.645, 4.36.650, 4.36.655, 4.36.660, 4.36.665, 4.36.670, 4.36.675, 4.36.680, 4.36.690, 4.36.695, 4.36.705, 4.36.710, 4.36.715, 4.36.720, and 4.36.900 of, the Seattle Municipal Code.

### Ordinance 125114

#### Council Bill 118755

AN ORDINANCE relating to the Open Housing Ordinance; adding antidiscrimination protections based on a renters' use of a subsidy or verifiable alternative source of income; adding a first-in-time policy; prohibiting preferred employer programs; adding Section 14.08.050 to, and amending Sections 14.08.015, 14.08.020, 14.08.040, 14.08.045, 14.08.060, 14.08.070 and 14.08.190 of, the Seattle Municipal Code.

### Ordinance 125115

#### Council Bill 118757

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

Date of publication in the Seattle Daily Journal of Commerce, August 29, 2016.

8/29(341046)