

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 118205

1
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4
5 AN ORDINANCE relating to the Department of Parks and Recreation; authorizing amendments
6 to two federal grant agreements with the National Park Service to remove Urban Park and
7 Recreation Recovery Act conditions from a limited area of Seward Park that will be
8 affected by surface ancillary facilities for Seattle Public Utilities' combined sewer
9 overflow project and to place the conditions on an area of Lake Washington Boulevard;
10 and transferring appropriation authority and cash from the Drainage and Wastewater
11 Fund (44010) to the Cumulative Reserve Subfund - Unrestricted Subaccount (00164) for
12 landscaping enhancements on Lake Washington Boulevard required by the National Park
13 Service.

14
15 WHEREAS, Seward Park is a heavily-used, important, and historic part of the Seattle parks and
16 recreation system; and

17
18 WHEREAS, Seattle Public Utilities (SPU) operates and maintains a combined sewer overflow
19 system (CSO) in Seward Park governed by the State of Washington under the terms of a
20 National Pollutant Discharge Elimination System (NPDES) permit; and

21
22 WHEREAS, based on the volume of overflows and their impact on water quality in Lake
23 Washington, Basin 44, which includes Seward Park and upland residential
24 neighborhoods, has been identified in the NPDES permit and related Consent Decree
25 between the City of Seattle, the Environmental Protection Agency (EPA) and State of
26 Washington as a priority for CSO reduction; and

27
28 WHEREAS, the City has determined that constructing an underground storage tank in Seward
29 Park is the best approach for the reduction of CSOs in Basin 44 required by the NPDES
30 permit and Consent Decree; and

31
32 WHEREAS, the portions of Seward Park affected by limited surface ancillary facilities
33 associated with the CSO project are subject to the conditions of two federal Urban Park
34 and Recreation Recovery grants from 1979 and 1983, Grant Nos. 53-CTY-1960-7901
35 and 53-CTY-1960-8301 (UPARR Grants) except that the National Park Service (NPS)
36 may approve amendments to the UPARR Grants allowing transfer of conditions to other
37 park property; and

38
39 WHEREAS, the Department of Parks and Recreation (DPR) and SPU have requested that the
40 NPS approve amendments to the UPARR Grants to remove the grant conditions from

1 areas of Seward Park to be affected by surface ancillary facilities associated with the
2 CSO project and to place grant conditions on an area of Lake Washington Boulevard; and

3 WHEREAS, the NPS requires the City to mitigate the impact of the partial loss of recreation
4 opportunity at Seward Park during the construction phase of the CSO project by
5 completing landscaping enhancements on Lake Washington Boulevard, and DPR and
6 SPU agree that SPU is responsible for the cost of landscaping enhancements; and

7 WHEREAS, DPR and SPU agree that the cost of landscaping enhancements is \$40,000; NOW,
8 THEREFORE,

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

10 Section 1. The Superintendent of Parks and Recreation, or his designee, is authorized to
11 enter into amendments, with the National Park Service (NPS), to two federal Urban Park and
12 Recreation Recovery (UPARR) grants from 1979 and 1983, Grant Nos. 53-CTY-1960-7901 and
13 53-CTY-1960-8301, substantially in the form of Attachments 1 and 2 to this ordinance, to
14 remove the grant conditions from areas of Seward Park to be affected by surface ancillary
15 facilities associated with Seattle Public Utilities' combined sewer overflow system project in
16 Seward Park and to place grant conditions on the portion of Lake Washington Boulevard
17 depicted on Attachment 3.

18 Section 2. The Superintendent of Parks and Recreation, or his designee, is also
19 authorized to negotiate and enter into such other agreements as he deems necessary in connection
20 with the amendments to the UPARR grant agreements described in Section 1.

21 Section 3. To pay for NPS –required landscaping enhancement on Lake Washington
22 Boulevard, the appropriations for the following items in the 2014 Adopted Budget are modified,
23 as follows:
24
25
26
27

Fund	Department	Budget Control Level	Amount
Drainage and Wastewater Fund (44010)	Seattle Public Utilities	Combined Sewer Overflow (C310B)	(\$40,000)
Cumulative Reserve Subfund – Unrestricted Subaccount (00164)	Department of Parks and Recreation	Parks Infrastructure (K72441)	\$40,000
			\$0

Section 4. To support the appropriations made in Section 3 above, cash is hereby transferred as shown in the following table:

Fund	Amount Transferred
Drainage and Wastewater Fund (44010)	\$40,000 transferred out
Cumulative Reserve Subfund – Unrestricted Subaccount (00164)	\$40,000 transferred in

Section 5. 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.

1 Passed by the City Council the ____ day of _____, 2014, and
2 signed by me in open session in authentication of its passage this
3 ____ day of _____, 2014.

4 _____
5 _____
6 President _____ of the City Council

7
8 Approved by me this ____ day of _____, 2014.

9 _____
10 _____
11 Edward B. Murray, Mayor

12
13 Filed by me this ____ day of _____, 2014.

14 _____
15 _____
16 Monica Martinez Simmons, City Clerk

17 (Seal)

- 18
19 Attachment 1: Amendment No. 1 to UPARR Grant Agreement No. 53-CTY-1960-8301
20 Attachment 2: Amendment No. 7 to UPARR Grant Agreement No. 53-CTY-1960-7901
21 Attachment 3: UPARR Conversion Replacement Section 1010 Boundary Map

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UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
URBAN PARK AND RECREATION RECOVERY PROGRAM GRANT
AMENDMENT TO UPARR GRANT AGREEMENT

JURISDICTION: City of Seattle		
GRANT AGREEMENT NO. 53-CTY-1960-8301	AMENDMENT NO. 1	STATE Washington
PROJECT TITLE: Lake Washington Recreation Area Rehab		
THIS AMENDMENT TO GRANT Agreement No. <u>53-CTY-1960-8301</u> is hereby made and agreed upon by the United States of America, acting through the Director of the National Park Service pursuant to Title X, Urban Park and Recreation Recovery Program, 16 USC 2501, 92 Stat. 3538 (1978).		
The GRANTEE and the United States, in mutual consideration of the promises made herein and in the agreement of which this is an amendment do promise as follows:		
That the above mentioned agreement is amended by adding the following:		
Partial conversion of Seward Park as depicted on "Section 1010 Boundary Maps 1 & 2 of 2".		
Replacement will be provided at Lake Washington Boulevard to include upland landscaping enhancements as depicted on "Section 1010 Boundary Map".		
In all other respects the agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the date entered below:		
UNITED STATES OF AMERICA		GRANTEE
BY _____ (Signature)		City of Seattle _____ (Government Name)
_____ (Title) National Park Service		BY _____ (Signature)
_____ (Date)		_____ (Name)
		_____ (Title)

Paperwork Reduction Act Statement. We collect this information under the authority of the Urban Park and Recreation Recovery (UPARR) Act (16 U.S.C. 2501 et. seq.). We use this information to document changes made to the original grant agreement. Your response is required to obtain or retain a benefit. We estimate that it will take you approximately 1 hour to complete this form. This estimate includes time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form.

You may send comments on the burden estimate or any aspect of this form to the Information Collection Clearance Officer, National Park Service, 1849 C Street, NW, (2601), Washington, DC 20240. We may not collect or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. ATT 1 to DPR Seward Park CSO Grants ORD



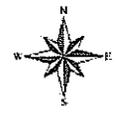
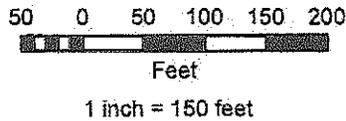
UPARR Grant #53-CTY-1960-8301 - Section 1010 Boundary Map (Map 2 of 2)
UPARR Grant #53-CTY-1960-7901

Christopher Williams, Acting Superintendent



Legend

- Indicates Conversion Areas
- Portion of Seward Park subject to UPARR restriction



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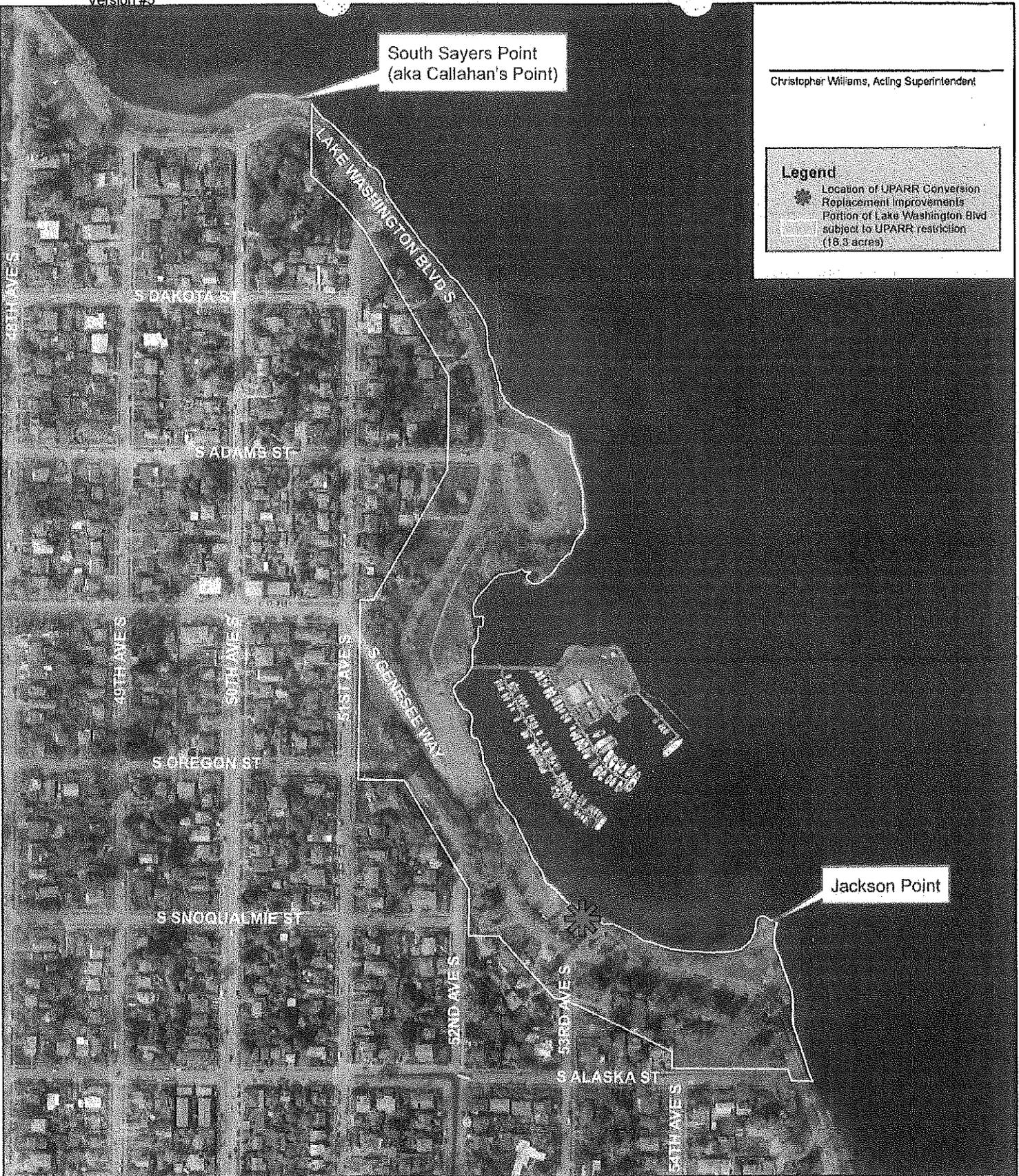
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Orthophoto source:
 MapCon, March-April 2012
 Map date: April 1, 2014

Christopher Williams, Acting Superintendent

Legend

-  Location of UPARR Conversion Replacement Improvements
-  Portion of Lake Washington Blvd subject to UPARR restriction (18.3 acres)



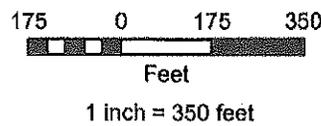
South Sayers Point
 (aka Callahan's Point)

Jackson Point

UPARR Grant #53-CTY-1960-8301 - Section 1010 Boundary Map
UPARR Grant #53-CTY-1960-7901

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ATT 1 to DPR Seward Park CSO Grants ORD

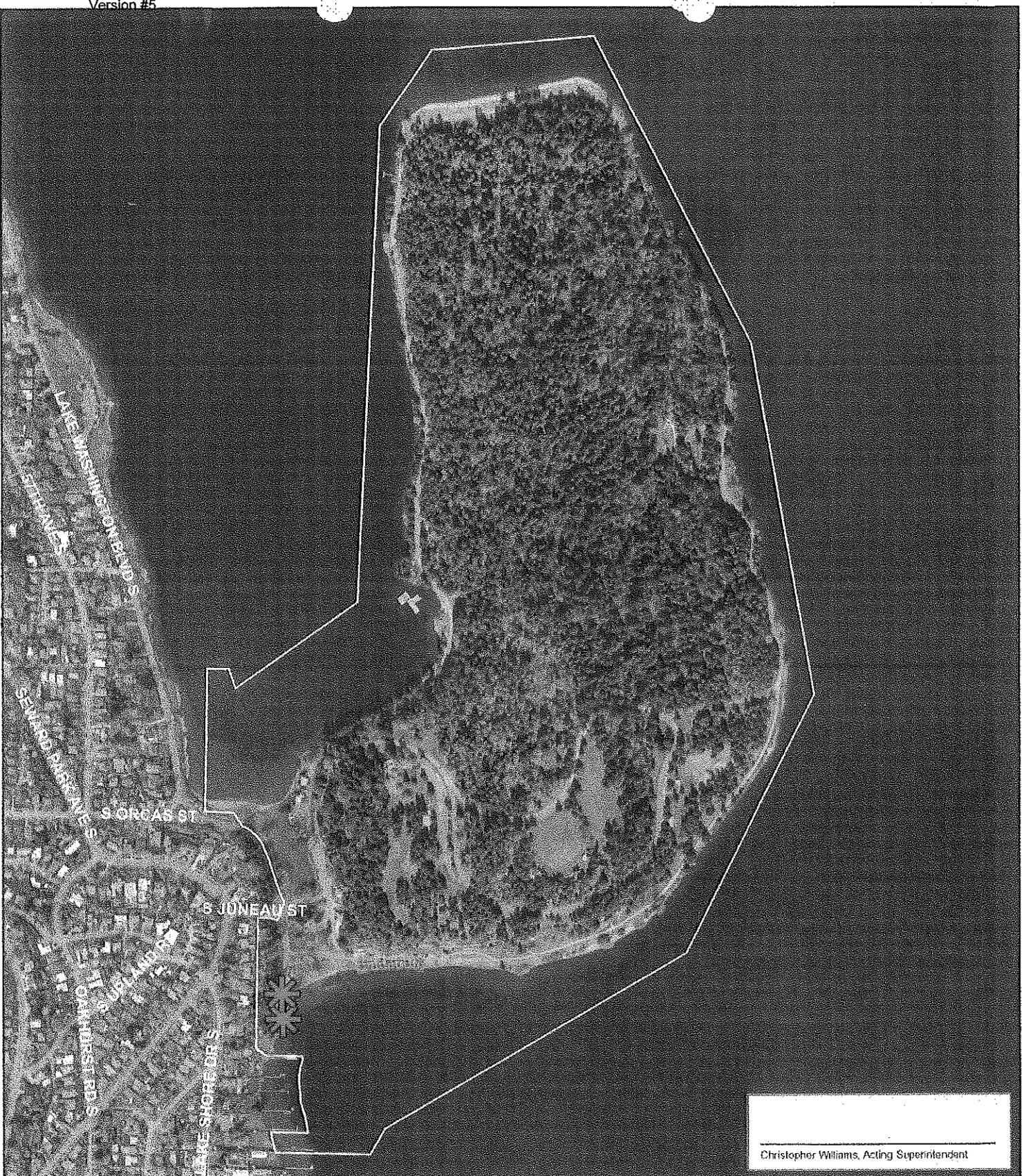
Photo source:
 MapCon, March-April 2012
 Map date: April 1, 2014

**UNITED STATES DEPARTMENT OF THE INTERIOR
 NATIONAL PARK SERVICE
 URBAN PARK AND RECREATION RECOVERY PROGRAM GRANT
 AMENDMENT TO UPARR GRANT AGREEMENT**

JURISDICTION: City of Seattle												
GRANT AGREEMENT NO. 53-CTY-1960-7901	AMENDMENT NO. 7	STATE Washington										
PROJECT TITLE: Urban Recreation Access; Handicapped Improvements												
<p>THIS AMENDMENT TO GRANT Agreement No. <u>53-CTY-1960-7901</u> is hereby made and agreed upon by the United States of America, acting through the Director of the National Park Service pursuant to Title X, Urban Park and Recreation Recovery Program, 16 USC 2501, 92 Stat. 3538 (1978).</p> <p>The GRANTEE and the United States, in mutual consideration of the promises made herein and in the agreement of which this is an amendment do promise as follows:</p> <p>That the above mentioned agreement is amended by adding the following:</p> <p style="padding-left: 40px;">Partial conversion of Seward Park as depicted on "Section 1010 Boundary Maps 1 & 2 of 2".</p> <p style="padding-left: 40px;">Replacement will be provided at Lake Washington Boulevard to include upland landscaping enhancements as depicted on "Section 1010 Boundary Map".</p> <p>In all other respects the agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the date entered below:</p> <table style="width:100%; border: none;"> <tr> <td style="width:50%; text-align: center;">UNITED STATES OF AMERICA</td> <td style="width:50%; text-align: center;">GRANTEE</td> </tr> <tr> <td>BY _____ (Signature)</td> <td>City of Seattle _____ (Government Name)</td> </tr> <tr> <td>_____ (Title) National Park Service</td> <td>BY _____ (Signature)</td> </tr> <tr> <td>_____ (Date)</td> <td>_____ (Name)</td> </tr> <tr> <td></td> <td>_____ (Title)</td> </tr> </table>			UNITED STATES OF AMERICA	GRANTEE	BY _____ (Signature)	City of Seattle _____ (Government Name)	_____ (Title) National Park Service	BY _____ (Signature)	_____ (Date)	_____ (Name)		_____ (Title)
UNITED STATES OF AMERICA	GRANTEE											
BY _____ (Signature)	City of Seattle _____ (Government Name)											
_____ (Title) National Park Service	BY _____ (Signature)											
_____ (Date)	_____ (Name)											
	_____ (Title)											

Paperwork Reduction Act Statement. We collect this information under the authority of the Urban Park and Recreation Recovery (UPARR) Act (16 U.S.C. 2501 et. seq.). We use this information to document changes made to the original grant agreement. Your response is required to obtain or retain a benefit. We estimate that it will take you approximately 1 hour to complete this form. This estimate includes time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form.

You may send comments on the burden estimate or any aspect of this form to the Information Collection Clearance Officer, National Park Service, 1849 C Street, NW. (2601), Washington, DC 20240. We may not collect or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. ATT 2 to DPR Seward park CSO Grants ORD

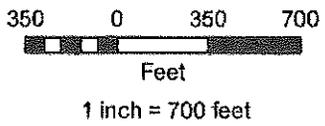


Christopher Williams, Acting Superintendent

UPARR Grant #53-CTY-1960-8301 - Section 1010 Boundary Map (Map 1 of 2)
UPARR Grant #53-CTY-1960-7901



Legend
 Indicates Conversion Areas
 See Map 2 of 2 for detail
 Portion of Seward Park
 subject to UPARR restriction
 (284 acres)



ATT 2 to DPR Seward park CSO Grants ORD
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 accuracy, fitness or merchantability
 accompany this product.
 Map date: April 1, 2014

Doc:\ent\Path: V:\Project\604714\Info Web\gron\BridleUPARR #53-CTY-1960-8301 Map 2 (P-10) a1.mxd



750 sq. ft. Pad
15'x50' Area Enclosures for Irrigation, Electrical (2), Water, and Motor Actuators

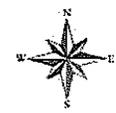
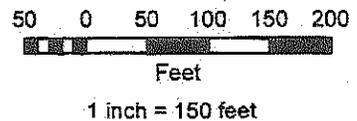
Approx 6'x2' (Bench covering Air Duct)

Christopher Williams, Acting Superintendent

UPARR Grant #53-CTY-1960-8301 - Section 1010 Boundary Map (Map 2 of 2) UPARR Grant #53-CTY-1960-7901

Legend

- Indicates Conversion Areas
- Portion of Seward Park subject to UPARR restriction



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Orthophoto source:
MapCon, March-April 2012
Map date: April 1, 2014



ATT 2 - DPR Seward Park CSO Grants ORD

Christopher Willems, Acting Superintendent

South Sayers Point
(aka Callahan's Point)

Legend

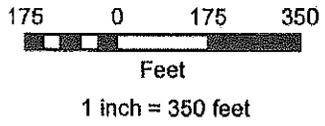
-  Location of UPARR Conversion Replacement Improvements
-  Portion of Lake Washington Blvd subject to UPARR restriction (18.3 acres)



UPARR Grant #53-CTY-1960-8301 - Section 1010 Boundary Map
UPARR Grant #53-CTY-1960-7901

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ATT 2 to DPR Seward park CSO Grants ORD

MapCon, March-April 2012
Map date: April 1, 2014

Document Path: V:\Project\2014\Lake Washington Blvd\UPARR #53-CTY-1960-8301_Map_1 (P-01-a).mxd

South Sayers Point
(aka Callahan's Point)

Christopher Williams, Acting Superintendent

Legend

-  Location of UPARR Conversion Replacement Improvements
-  Portion of Lake Washington Blvd subject to UPARR restriction (18.3 acres)



Jackson Point

UPARR Grant #53-CTY-1960-8301 - Section 1010 Boundary Map
UPARR Grant #53-CTY-1960-7901

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Feet
1 inch = 350 feet



ATT 3 to DPR Seward Park CSO Grants ORD

On the photo source:
MapCon, March-April 2012
Map date: April 1, 2014



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Parks and Recreation	Louis Webster/684-5461	Forrest Longman/684-0331
Seattle Public Utilities	Debbie Harris/733-9050	Aaron Blumenthal/233-2656

Legislation Title:

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing amendments to two federal grant agreements with the National Park Service to remove Urban Park and Recreation Recovery Act conditions from a limited area of Seward Park that will be affected by surface ancillary facilities for Seattle Public Utilities' combined sewer overflow project and to place the conditions on an area of Lake Washington Boulevard; and transferring appropriation authority and cash from the Drainage and Wastewater Fund (44010) to the Cumulative Reserve Subfund - Unrestricted Subaccount (00164) for landscaping enhancements on Lake Washington Boulevard required by the National Park Service.

Summary of the Legislation:

This legislation would authorize the Superintendent of Parks and Recreation (DPR) to amend existing federal Urban Park and Recreation Recovery (UPARR) grants to remove the grant conditions from areas of Seward Park that will be affected by the surface ancillary facilities associated with Seattle Public Utilities' (SPU) combined sewer system overflow (CSO) project, and to transfer grant conditions to an area of Lake Washington Boulevard. This legislation also authorizes the transfer of appropriation and cash totaling \$40,000 from SPU to DPR to cover the costs of landscape enhancements to Lake Washington Boulevard required by the National Park Service (NPS) as mitigation for the partial loss of recreational opportunity at Seward Park during the construction phase of the CSO project.

Background:

As authorized by Ordinance 124491 (June 2014), SPU will be constructing a CSO tank in Seward Park to reduce discharge into Lake Washington. The UPARR grants, which restrict use of Seward Park to public recreation uses, must be amended to remove restrictions from areas of Seward Park to be affected by surface portions of the new CSO facility and to impose those restrictions on other property approved by the NPS.

The UPARR replacement area approved by the NPS is located along Lake Washington Boulevard, north of Seward Park, along the shoreline of Lake Washington, in the vicinity of 53rd Avenue S. Approximately 6,000 square feet of upland area that is currently grass only, will be planted by DPR with native vegetation to enhance the beauty of the shoreline. This landscape enhancement is required by the NPS as mitigation for partial loss of recreation opportunity at Seward Park during the construction phase of the CSO project. SPU and DPR have agreed that the cost for the required landscaping is a CSO project cost. This legislation authorizes the transfer of appropriation and cash from SPU to DPR to pay for the landscaping.

X This legislation has financial implications.

Appropriations:

Fund Name and Number	Department	Budget Control Level*	Existing 2014 Appropriation	New 2014 Appropriation (if any)	2015 Anticipated Appropriation
Cumulative Reserve Subfund – Unrestricted Subaccount (00164)	Department of Parks and Recreation	Parks Infrastructure (K72441)	\$0	\$40,000	\$0
TOTAL				\$40,000	

Appropriations Notes: Funding from SPU will be handled as a cash transfer to the Parks Fund (10200) to support the mitigation for partial loss of recreation opportunity at Seward Park. The above appropriation will be added to the existing Irrigation Replacement and Outdoor Infrastructure project (K732406).

Spending Plan and Future Appropriations for Capital Projects:

Spending Plan and Budget	2014	2015	2016	2017	2018	2019	Total
Spending Plan	\$3,000	\$37,000					\$40,000
Current Year Appropriation	\$40,000						\$40,000
Future Appropriations	0						0

Spending Plan and Budget Notes:

The new landscaping plan would be designed in 2014, and the landscaping would be installed in early 2015.

Funding Source:

Funding Source (Fund Name and Number, if applicable)	2014	2015	2016	2017	2018	2019	Total
Drainage and Wastewater Fund (44010)	\$40,000						\$40,000
TOTAL	\$40,000						\$40,000

Funding Source Notes:

SPU will transfer the funds to DPR within 60 days of the effective date of the ordinance.

Uses and Sources for Operation and Maintenance Costs for the Project:

O&M	2014	2015	2016	2017	2018	2019	Total
Uses							
Start Up							
On-going		\$1,269	\$1,709	\$1,813	\$1,919	\$2,029	\$8,739
Sources (itemize)							
Parks and Recreation Fund							

Operation and Maintenance Notes:

The UPARR replacement area is currently mowed and line trimmed at an estimated cost of \$3,500. There will be an initial increase in O & M costs of \$1,269 in 2015, with slight increases in following years. The plants in the shrub bed will be native plants, of which many are drought-tolerant.

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?**
If the Superintendent is not authorized to amend the existing UPARR grants, it would negatively impact SPU's ability to complete the CSO project at Seward Park. SPU is obligated to address CSO discharge issues, and the proposed construction is the result of many years of public involvement, technical analysis, and coordination. These costs are not quantified, but are substantial.
- c) **Does this legislation affect any departments besides the originating department?**
Yes, SPU.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
There are 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?**
Yes, the legislation affects two small areas near the tennis courts at Seward Park, and the replacement area is a portion of Lake Washington Boulevard to the north. See the three

attached maps (Attachments A, B, and C).

h) Other Issues:

In conjunction with the UPARR grant amendments, SPU and Parks will also enter into a Memorandum of Agreement (MOA) with the NPS and State Historic Preservation Officer, which is intended to ensure that any federal actions, i.e. NPS approval of the UPARR grant amendments, consider impacts to properties that are eligible for the national historic register. As part of that MOA, SPU will be required to develop National Register of Historic Places nomination forms for historic elements on Lake Washington Boulevard and signage for Seward Park.

List attachments to the fiscal note below:

Attachment A: UPARR Conversion Section 1010 Boundary Map 1 of 2

Attachment B: UPARR Conversion Section 1010 Boundary Map 2 of 2

Attachment C: UPARR Conversion Section 1010 Boundary Map

Attachment A
 UPARR Conversion Section 1010
 Boundary Map 1 of 2

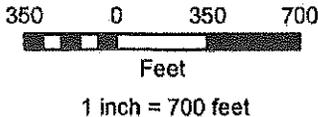


Christopher Williams, Acting Superintendent

UPARR Grant #53-CTY-1960-8301 - Section 1010 Boundary Map (Map 1 of 2)
UPARR Grant #53-CTY-1960-7901



Legend
 Indicates Conversion Areas
 See Map 2 of 2 for detail
 Portion of Seward Park
 subject to UPARR restriction
 (264 acres)



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ATT A to Seward Park CSO Grants FISC
 On the photo source:
 MapCon, March-April 2012
 Map date: April 1, 2014

Attachment B
UPARR Conversion Section 1010
Boundary Map 2 of 2

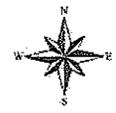
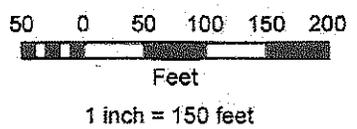


Christopher Williams, Acting Superintendent

UPARR Grant #53-CTY-1960-8301 - Section 1010 Boundary Map (Map 2 of 2)
UPARR Grant #53-CTY-1960-7901

Legend

- Indicates Conversion Areas
- Portion of Seward Park subject to UPARR restoration



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MapCon, March-April 2012
Map date: April 1, 2014

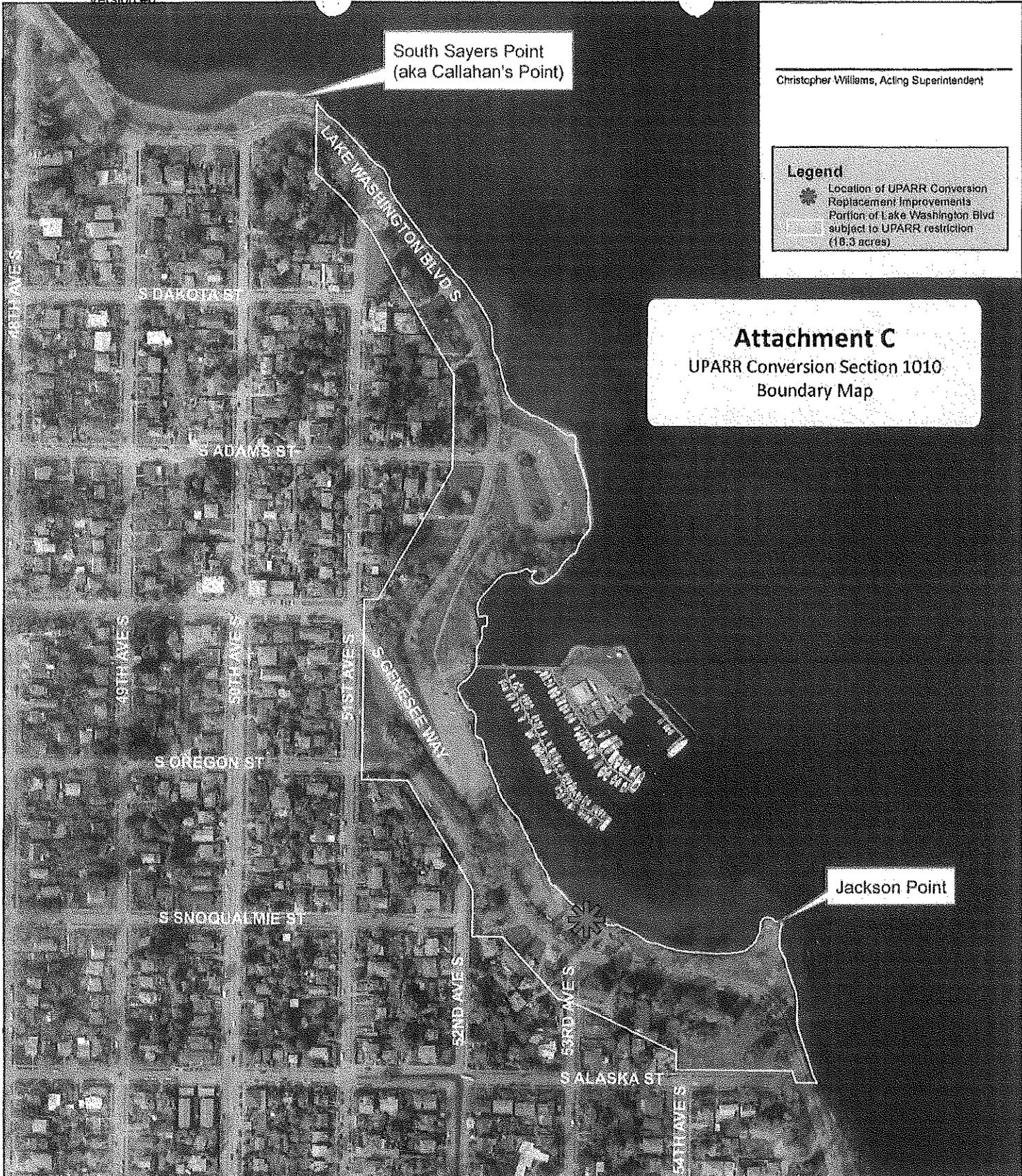


Christopher Williams, Acting Superintendent

Legend

-  Location of UPARR Conversion Replacement Improvements
-  Portion of Lake Washington Blvd subject to UPARR restriction (18.3 acres)

Attachment C
UPARR Conversion Section 1010
Boundary Map

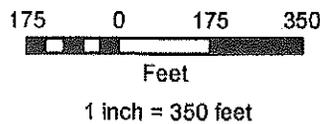


UPARR Grant #53-CTY-1960-8301 - Section 1010 Boundary Map
UPARR Grant #53-CTY-1960-7901

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Original source:
MapCon, March-April 2012
Map date: April 1, 2014



ATT C to DPR Seward Park CSO Grants FISC





City of Seattle
Edward B. Murray
Mayor

August 26, 2014.

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that authorizes the Superintendent of Parks and Recreation to amend two National Park Service Urban Park and Recreation Recovery (UPARR) grant agreements. The proposed amendments transfer restricted provisions from park property located in Seward Park to park property on Lake Washington Boulevard in order to accommodate construction of an underground combined sewer overflow (CSO) tank at Seward park.

By Ordinance 124491 (June 2014), the City Council authorized Seattle Public Utilities (SPU) to address water quality issues by constructing a CSO tank at Seward Park. While the facility will be built underground, there will be limited surface ancillary facilities on park property subject to the UPARR grants. The proposed amendments transfer the grant conditions to nearby park property on Lake Washington Boulevard, a change permitted by the grantor. In addition, the legislation transfers \$40,000 from SPU to Seattle Parks and Recreation to mitigate the partial loss of recreation opportunity at Seward Park during the construction phase of the CSO project.

Approval of the proposed legislation will allow the Seward Park CSO project to proceed as planned, in compliance with the UPARR grants. Thank you for your consideration of this legislation. Should you have questions, please contact Donald Harris at 684-8018.

Sincerely,

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council