



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 118545

Record No.: CB 118545

Type: Ordinance (Ord)

Status: Passed

Version: 1

124908

In Control: City Clerk

File Created: 09/15/2015

Final Action: 12/01/2015

**Title:** AN ORDINANCE relating to the Central Waterfront Project, authorizing amendment of the "Memorandum of Understanding Concerning Renovation and Expansion of the Seattle Aquarium and Development of the Central Waterfront" between The City of Seattle and the Seattle Aquarium Society.

### Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Licata

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: adam.schaefer@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

| Ver-<br>sion: | Acting Body:     | Date:                                                                           | Action:                                                                                                         | Sent To:         | Due Date: | Return<br>Date: | Result: |
|---------------|------------------|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------|-----------|-----------------|---------|
| 1             | Mayor            | 09/28/2015                                                                      | Mayor's leg<br>transmitted to<br>Council                                                                        | City Clerk       |           |                 |         |
|               | Action Text:     | The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk |                                                                                                                 |                  |           |                 |         |
|               | Notes:           |                                                                                 |                                                                                                                 |                  |           |                 |         |
| 1             | City Clerk       | 10/20/2015                                                                      | sent for review                                                                                                 | Budget Committee |           |                 |         |
|               | Action Text:     | The Council Bill (CB) was sent for review. to the Budget Committee              |                                                                                                                 |                  |           |                 |         |
|               | Notes:           |                                                                                 |                                                                                                                 |                  |           |                 |         |
| 1             | Full Council     | 10/26/2015                                                                      | referred                                                                                                        | Budget Committee |           |                 |         |
|               | Action Text:     | The Council Bill (CB) was referred. to the Budget Committee                     |                                                                                                                 |                  |           |                 |         |
|               | Notes:           |                                                                                 |                                                                                                                 |                  |           |                 |         |
| 1             | Budget Committee | 11/16/2015                                                                      | pass                                                                                                            |                  |           |                 | Pass    |
|               | Action Text:     | The Committee recommends that Full Council pass the Council Bill (CB).          |                                                                                                                 |                  |           |                 |         |
|               | Notes:           |                                                                                 |                                                                                                                 |                  |           |                 |         |
|               | In Favor:        | 7                                                                               | Chair Licata, Member Bagshaw, Member Burgess, Member Godden,<br>Member O'Brien, Member Rasmussen, Member Sawant |                  |           |                 |         |

Opposed: 0

Absent(NV): 1 Okamoto

1 Full Council 11/23/2015 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, Council President Burgess, Councilmember  
Godden, Councilmember Harrell, Councilmember Licata, Councilmember  
O'Brien, Okamoto, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

1 City Clerk 11/30/2015 submitted for Mayor  
Mayor's signature

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

Notes:

1 Mayor 12/01/2015 Signed

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

Notes:

1 Mayor 12/01/2015 returned City Clerk

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

Notes:

1 City Clerk 12/01/2015 attested by City  
Clerk

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

Notes:

**CITY OF SEATTLE**  
**ORDINANCE** 124908  
**COUNCIL BILL** 118545

AN ORDINANCE relating to the Central Waterfront Project, authorizing amendment of the “Memorandum of Understanding Concerning Renovation and Expansion of the Seattle Aquarium and Development of the Central Waterfront” between The City of Seattle and the Seattle Aquarium Society.

WHEREAS, The City of Seattle (“City”) owns the Seattle Aquarium (“Aquarium”), located on Piers No. 59 and No. 60 on the Central Waterfront, which is widely recognized as a world-class aquarium and a regional marine conservation resource; and

WHEREAS, via an agreement with the Department of Parks and Recreation, the Seattle Aquarium Society (SEAS) operates and maintains the Aquarium; and

WHEREAS, in 2003, in conjunction with the removal of the Alaskan Way Viaduct and replacement of the aging Elliott Bay Seawall, the City began developing a community vision for the central city that resulted in the adoption of Resolution 31264, stating Guiding Principles for the Central Waterfront that include reconnecting downtown Seattle to its waterfront; and

WHEREAS, between 2003 and 2012 the City Council has adopted a series of resolutions and ordinances stating principles related to future Aquarium development, including that Aquarium development should be consistent with the Central Waterfront Master Plan in effect at the time of the proposed development; and

WHEREAS, on August 13, 2012, the City Council unanimously adopted Resolution 31399 (the “Waterfront Resolution”), with the Mayor’s concurrence. The Waterfront Resolution expresses support, for the Waterfront Seattle Concept Design and Framework Plan as defining the City’s the long-term vision for new parks and public spaces to be

1 created following the removal of the Alaskan Way Viaduct, and the Central Waterfront  
2 Committee's Strategic Plan (the "CWC Strategic Plan") that outlines an implementation  
3 strategy to fund and build the new waterfront; and

4 WHEREAS, the Waterfront Resolution encourages partnerships with the Pike Place Market and  
5 Aquarium for key expansions of these two long-standing Seattle institutions, consistent  
6 with the Concept Design and Framework Plan; and

7 WHEREAS, on February 25, 2013 the City Council unanimously adopted Ordinance 124121,  
8 with the Mayor's concurrence, authorizing execution of a Memorandum of  
9 Understanding between the City and SEAS to serve as the basis for both the City and  
10 SEAS to proceed with the Aquarium renovation and expansion design; and

11 WHEREAS, on August 3, 2015, the City Council unanimously adopted Resolution 31603 (the  
12 "Master Plan Resolution"), with the Mayor's concurrence, approving the SEAS Master  
13 plan for the purposes of further review and analysis, including environmental review, of a  
14 potential on land Aquarium expansion at the Overlook Walk Location, and directs the  
15 Office of the Waterfront and the Department of Parks and Recreation to coordinate  
16 environmental review of the Aquarium expansion with SEAS;

17 NOW, THEREFORE,

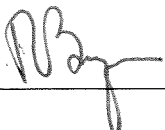
18 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

19 Section 1. The Director of Transportation and the Superintendent of Parks and  
20 Recreation or their designees are hereby authorized to execute, for and on behalf of the City, an  
21 amendment to the memorandum of understanding with the Seattle Aquarium Society entitled  
22 "Memorandum of Understanding Concerning Renovation and Expansion of the Seattle  
23 Aquarium and Development of the Central Waterfront" to increase the City's maximum

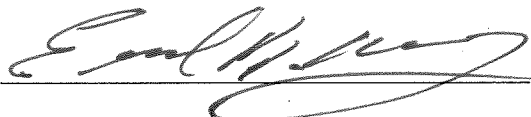
- 1 compensation to SEAS for 50 percent of its expenditures for Aquarium Expansion Project
- 2 engineering, design and consultant services incurred beginning January 1, 2013 from \$1,000,000
- 3 to \$1,800,000 .

Section 2. 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.

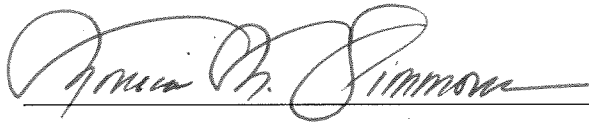
Passed by the City Council the 23<sup>rd</sup> day of Nov., 2015, and signed by me in open session in authentication of its passage this 23<sup>rd</sup> day of Nov., 2015.

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

Approved by me this 1<sup>st</sup> day of December, 2015.

  
\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this 1<sup>st</sup> day of December, 2015.

  
\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

**SUMMARY and FISCAL NOTE\***

| <b>Department:</b>              | <b>Contact Person/Phone:</b> | <b>Executive Contact/Phone:</b> |
|---------------------------------|------------------------------|---------------------------------|
| SDOT – Office of the Waterfront | Dorinda Costa/5-0765         | Ted Castro/5-0190               |

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to the Central Waterfront Project, authorizing amendment of the “Memorandum of Understanding Concerning Renovation and Expansion of the Seattle Aquarium and Development of the Central Waterfront” between The City of Seattle and the Seattle Aquarium Society.

**Summary and background of the Legislation:** In February 2013 City Council approved Ordinance 124121 authorizing the SDOT Director and Superintendent of Parks and Recreation to execute an agreement between the City of Seattle and the Seattle Aquarium Society regarding renovation and expansion of the Seattle Aquarium. The agreement authorized up to \$1 million to be spent for eligible direct project-related design and development costs.

Since execution of the MOU, in April 2013, the Office of the Waterfront and the Parks and Recreation Department have been working with the Seattle Aquarium Society to develop the Aquarium’s Master Plan for expansion and to coordinate and integrate the Aquarium Expansion into plans for the Central Waterfront Project. In August 2015, City Council approved the Seattle Aquarium Society’s Master Plan for the purpose of allowing the advancement of the design of a potential on land Aquarium expansion with Resolution 31603. The resolution intended to allow SEAS to advance the design of a potential on land Aquarium expansion at the Overlook Walk Location so that sufficient information is available for environmental review and to advance design to a schematic level.

This legislation allows the Office of the Waterfront and the Department of Parks and Recreation to carry out this direction by authorizing the amendment of the existing MOU between the City and SEAS to provide up to \$800,000 of additional funding to carry out the design related work necessary to incorporate the potential on land Aquarium expansion into the City’s Environmental Impact Statement for the Alaskan Way, Promenade, and Overlook Walk projects. These funds are appropriated in the 2015 Third Quarter Supplemental Budget Amendment and the 2016 Proposed Budget. This legislation does not expand the City’s overall financial commitment to the Seattle Aquarium Expansion project.

**2. CAPITAL IMPROVEMENT PROGRAM**

☐ This legislation creates, funds, or amends a CIP Project.

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

X   **This legislation does not have direct financial implications.**

#### **4. OTHER IMPLICATIONS**

**a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?**

This legislation authorizes amendment of an existing agreement with the Seattle Aquarium Society to increase the amount of funding available for eligible direct project-related design and development costs but does not change funding appropriations or the City's overall financial commitment to the project.

**b) Is there financial cost or other impacts of not implementing the legislation?**

If this legislation is not approved, the proposed on land alternative for Aquarium expansion may not be able to be incorporated into the City's Environmental Impact Statement for the Alaskan Way, Promenade, and Overlook Walk projects. This could result in the City and SEAS to conduct a more costly Supplemental Environmental Impact Statement process to incorporate the Aquarium expansion into the project. It could also result in delays to incorporating the Aquarium expansion into the design for the Overlook Walk, resulting in more costly design changes later in the process.

**c) Does this legislation affect any departments besides the originating department?**

Parks and Recreation – David Graves/Gerald Asp

**d) Is a public hearing required for this legislation?**

No.

**e) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**f) Does this legislation affect a piece of property?**

No.

**g) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

No.

**h) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.**

N/A

**i) Other Issues:**

**List attachments/exhibits below:**

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**STATE OF WASHINGTON -- KING COUNTY**

--SS.

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331451

No. 124908,909,910,911,912,13

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.

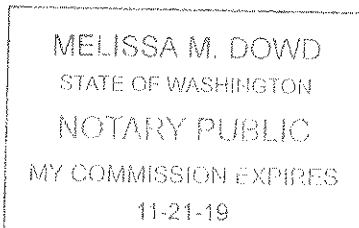
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCES

was published on

12/15/15

The amount of the fee charged for the foregoing publication is the sum of \$108.50 which amount has been paid in full.



  
Subscribed and sworn to before me on

12/15/2015

  
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication

## State of Washington, King County

### City of Seattle

#### Title Only Ordinances

The full text of the following legislation, passed by the City Council on November 23, 2015, 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>. Document Type Contact: Office of the City Clerk at (206) 684-8344.

#### Ordinance 124906

AN ORDINANCE relating to the annual budget of the Office of Arts and Culture; amending Section 5.40.120 of the Seattle Municipal Code.

#### Ordinance 124908

AN ORDINANCE relating to the Central Waterfront Project, authorizing amendment of the "Memorandum of Understanding Concerning Renovation and Expansion of the Seattle Aquarium and Development of the Central Waterfront" between The City of Seattle and the Seattle Aquarium Society.

#### Ordinance 124909

AN ORDINANCE relating to the Smith Cove project in the Department of Parks and Recreation; and authorizing the loan of funds from the City's Consolidated (Residual) Cash Pool, or its participating funds, in the amount of \$660,000, to the Parks Capital Fund for bridge financing of the Smith Cove project.

#### Ordinance 124910

AN ORDINANCE related to ending the square footage business tax for periods after December 31, 2015; and amending Section 5.46.030 of the Seattle Municipal Code.

#### Ordinance 124911

AN ORDINANCE relating to the Transfer Tax and Collection Tax; repealing Ordinance 122199 relating to the General Fund, Parks Fund, and Solid Waste Fund.

#### Ordinance 124912

AN ORDINANCE relating to taxation of utilities in The City of Seattle; amending Section 5.48.060 of the Seattle Municipal Code.

#### Ordinance 124913

AN ORDINANCE relating to the solid waste system of The City of Seattle; adopting a system or plan of additions and betterments to and extensions of the solid waste system; authorizing the issuance and sale of solid waste system revenue bonds, in one or more series, for the purposes of paying part of the cost of carrying out that system or plan; providing for the reserve requirement and paying the costs of issuance of the bonds; providing for certain terms, conditions, covenants and the manner of sale of the bonds; describing the lien of the bonds; creating certain accounts of the City relating to the bonds; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, December 15, 2015.  
12/15(381461)