



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

Ver- sion:	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

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

3 WHEREAS, following a formal and thorough review process of the submitted proposals, the
4 DPR evaluation panel determined the strongest proposal to be that of DBIA Services; and
5 WHEREAS, the DPR Superintendent is currently negotiating a five-year partnership agreement
6 with DBIA Services for continued and expanded activation, programming, and
7 coordination services at Westlake Park and Occidental Square Park, but will require more
8 time to reasonably and adequately complete the negotiations prior to the expiration of the
9 Pilot Agreement on April 30, 2016; and

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

14 WHEREAS, DPR desires to receive City Council authority to amend the existing Pilot
15 Agreement term by extending its expiration by three months, which would expire on July
16 30, 2016, to allow sufficient time for the completion of negotiations with DBIA Services
17 and presentation of the five-year partnership agreement to the City Council; NOW,
18 THEREFORE,

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

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

- 1 DBIA Services, a Washington non-profit corporation, originally authorized by Ordinance
- 2 124865, in substantially the form described and set forth in Attachment A to this ordinance.
- 3 Section 2. Any acts consistent with the authority of this ordinance and taken prior to the
- 4 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.

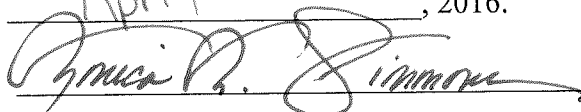


President _____ of the City Council

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:

For DBIA Services:

Jesús Aguirre, Superintendent
Seattle Parks and Recreation

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 _____.

SUMMARY and FISCAL NOTE

Department:	Contact Person/Phone:	Executive Contact/Phone:
Seattle Parks and Recreation	Victoria Schoenburg/ 684-7031	Michael McVicker/727-8516

1. BILL SUMMARY

Legislation 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.

Summary and background of the Legislation: This legislation authorizes the Superintendent of Parks and Recreation to execute an amendment to the one-year Pilot Agreement with DBIA Services, originally authorized by Ordinance 124865, extending the end date of the Agreement from April 30, 2016 to July 30, 2016.

The Department of Parks and Recreation (DPR) is negotiating a new, 5-year agreement with DBIA following their successful response to a Request for Proposal process for activation of Westlake Park and Occidental Square. The negotiations will not be completed before the one-year term of the pilot agreement expires on April 30, 2016. In order to avoid disruption of the on-going activation, DPR is proposing to extend the term of the pilot agreement by three months.

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?**
No.
- b) Is there financial cost or other impacts of not implementing the legislation?**
Not implementing this legislation will result in the shutting down of activation and programming in Westlake Park and Occidental Square following April 30, 2016 due to lack of an agreement and until a new agreement is negotiated and approved by Council.
- c) Does this legislation affect any departments besides the originating department?**
No.

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?

Yes, Westlake Park and Occidental Square.

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?

Homeless and disadvantaged communities benefit from the free activation and programming currently being provided in both parks. Stopping these activities will adversely affect the members of those populations that treat these parks as their daytime home.

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: None

List attachments below:

None

STATE OF WASHINGTON -- KING COUNTY

--SS.

337161

No. 125029,030,031,032,033

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

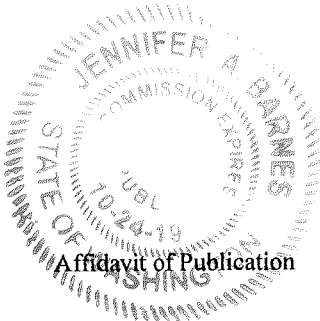
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

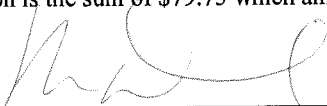
CT:TITLE ONLY ORDINANCES

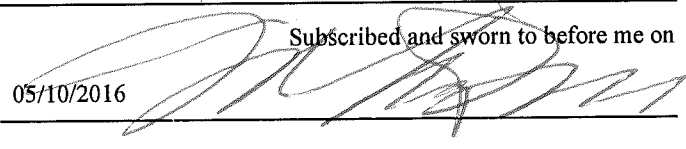
was published on

05/10/16

The amount of the fee charged for the foregoing publication is the sum of \$79.75 which amount has been paid in full.




Subscribed and sworn to before me on

05/10/2016


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on April 25, 2016, 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 125029

AN ORDINANCE relating to the Seattle Youth Commission; amending Sections 3.67.020, 3.67.030, 3.67.050, and 3.67.060 and repealing Section 3.67.070 of the Seattle Municipal Code.

Ordinance 125030

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.

Ordinance 125031

AN ORDINANCE related to the operation of open-air tour vehicles; creating a new Chapter 16.66 in the Seattle Municipal Code; and amending Sections 15.91.002 and 15.91.016 of the Seattle Municipal Code.

Ordinance 125032

AN ORDINANCE relating to Legislative Department staff; increasing the number of Legislative Assistant positions; amending Ordinance 118851; and amending the Legislative Assistant Compensation Plan Administrative Guidelines.

Ordinance 125033

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

Date of publication in the Seattle Daily Journal of Commerce, May 10, 2016.

5/10(337161)