



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6048
May 3, 2022
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6048: Resolution to Apply for RCO ALEA, WWRP and LWCF grant funding programs for Luther Burbank Park Waterfront Renovation and Upgrades	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution
RECOMMENDED ACTION:	Adopt Resolution No. 1623.	

DEPARTMENT:	Public Works		
STAFF:	Jason Kintner, Chief of Operations Patrick Yamashita, Deputy Public Works Director Paul West, CIP Project Manager		
COUNCIL LIAISON:	n/a		
EXHIBITS:	1. Resolution No. 1623 2. Luther Burbank Park Land Ownership Map		
CITY COUNCIL PRIORITY:	1. Prepare for the impacts of growth and change with a continued consideration on environmental sustainability.		

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

This agenda bill seeks City Council approval to apply for grant funding for the Luther Burbank Waterfront Renovation and Upgrade project from the Washington State Recreation and Conservation Office's (RCO) Aquatic Lands Enhancement Account (ALEA), Washington Recreation and Wildlife Program (WWRP), and the Land and Water Conservation Fund (LWCF). The agenda bill includes:

- An overview of the three grant programs and potential funding opportunities.
- The property control requirements specific to each of the grant programs.
- A budget summary and commitments if the grant applications are successful.

PRIOR CITY COUNCIL CONSIDERATION:

- [AB 5486](#) Resolution to Support a RCO Grant Application for Planning and Design of the Future Configuration of the Docks at Luther Burbank Park on 10/16/2018
- [AB 5692](#) Resolution Authorizing a RCO Grant Application for Pier Renovation at Luther Burbank Park on 6/16/2020
- [AB 5868](#) Luther Burbank Park Docks and Adjacent Waterfront Concept Design Recommendation on 5/18/2021
- [AB 6021](#) Luther Burbank Docks and Waterfront Project 30% Design Recommendation on 3/1/2022

BACKGROUND

On March 1, 2022, the City Council directed staff to move forward with a comprehensive renovation of the Luther Burbank Park waterfront in two phases ([AB 6021](#)). Phase 1 is the building improvements, including stabilization of the 1928 Boiler Building, renovation of the 1974 Annex, and the addition of a rooftop viewing deck/outdoor classroom on top of the Annex. Phase 2 is the reconfiguration of the docks and renovation of the adjacent waterfront.

Staff is now requesting City Council approval of a resolution to apply for grants for the Phase 1 renovation of the Annex, Phase 1 viewing deck/outdoor classroom, and Phase 2 elements listed below. Grant funding for the Boiler Building stabilization is being sought currently as authorized by City Council action on April 5, 2021 ([AB 6049](#)).

PROPOSED PROJECT SCOPE

Work covered in these grants includes the following elements of the larger project:

- New ADA accessible routes to project elements
- New Floating dock for non-motorized watercraft
- New Overwater stairs for seating along the bulkhead next to Handsome Bollards art
- New Viewing deck/outdoor classroom
- New seating and landscaping
- New signs and furnishings
- Expansion of the Cobble beach north of the plaza
- Repaving of the plaza
- Low impact development (LID) features to address stormwater
- Renovation of the restroom facilities

Two elements that are not grant-eligible are the concession stand renovation and lake water irrigation equipment. These two elements represent less than 5% of the total project budget and will be funded through the capital budget.

Staff has completed the grant applications and once the resolution is approved, will submit the entire application packet to meet the May 3, 2022 deadline. The deadline is midnight on May 3 (same day as the City Council meeting), so the materials will be submitted immediately upon receiving City Council approval.

ISSUE/DISCUSSION

OVERVIEW OF GRANTS

The following table summarizes key information related to the three grants.

	Source of Funds	Grant Limit	Expected Request
Aquatic Lands Enhancement Account (ALEA)	State	\$500,000	\$500,000
Wildlife and Recreation Program (WWRP)	State	none	\$500,000
Land and Water Conservation Fund (LWCF)	Federal	\$2,000,000	\$1,200,000

All three programs have a 50% match requirement. The attached Resolution is a necessary component to satisfy the grant requirements.

The ALEA and LWCF grant programs closely align with the needs of the project and it is anticipated that the grant applications will be competitive.

The Washington Wildlife and Recreation Program (WWRP) for Water Access prioritizes funding for acquisition projects. Although the City's grant application will be less competitive in this category, the staff recommends applying.

GRANT PROGRAM PROPERTY CONTROL AND TENURE REQUIREMENTS

Most of the Luther Burbank project is located on Washington State Department of Natural Resources (DNR) shorelands. A small portion along the western edge is located on the City-owned portion of the park. See Exhibit 2 for a diagram of property ownership.

The City leases the DNR shorelands for public access. The ALEA and WWRP grant programs require 25-year ownership commitments from the completion of the project. The City's current aquatic lands lease expires in 24 years in 2046, which does not meet the "control and tenure" requirements of these grant programs. DNR has expressed support for these projects and indicated they will work with the City to issue a new lease to meet the grant requirements.

LWCF requires perpetual tenure on the subject property, which is a much higher bar. The City has approached DNR about an agreement in perpetuity, which would most likely take the form of an easement. DNR is evaluating the City's request and is familiar with the terms of this grant. The staff recommendation is to pursue this grant application while property discussions continue.

Staff recommends that the City Council approve the resolution authorizing the staff to submit the grant applications, and if funded, staff will return to the City Council for authorization to enter into the property agreements with DNR.

BUDGET

The total cost for the scope of work described above is \$2.4M. If the City is awarded all three grants, the maximum funding potential is \$2.2M, although the actual award could be less than that. The grants will match each other, so they can be used to reimburse project costs, including qualifying pre-agreement costs before expending the City funds.

RESOLUTION

RCO requires City Council authorization by resolution (see Exhibit 1) to accompany each grant application. The language in the body of the resolution is verbatim as requested by RCO and includes the following provisions:

- Authorize various positions in City staff to serve in specific roles on behalf of the City for this grant application.
- Acknowledge the conditions included in a future grant agreement between the City of Mercer Island and RCO.
- Acknowledge the timing for certifying the availability of matching funds.

- Acknowledge that part of the property not owned by the City, but developed as part of the grant award must be dedicated for the purposes of the grant.

NEXT STEPS

As noted previously, the grant application deadline is midnight on May 3 (same day as the City Council meeting), so the application materials will be submitted immediately upon receiving City Council approval.

Project rankings for the grant program will be made public in September 2022. The City will have to certify the availability of matching funds by September 25, 2022 to be recommended for funding by the Recreation and Conservation Funding Board on October 25, 2022.

If awarded, funding will become available in July 2023 in the new State fiscal year.

If the grant is not awarded, staff will continue to pursue other funding options, including reapplying to these grant programs in 2024.

RECOMMENDED ACTION

Adopt Resolution No. 1623 authorizing staff to submit grant applications for the Luther Burbank Waterfront Renovation and Upgrade project.