



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5967
November 16, 2021
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 5967: King County North Mercer Interceptor Staging Area Agreements for the I-90 Boat Launch and Luther Burbank South Parking Lot	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed:
RECOMMENDED ACTION:	Authorize the City Manager to execute property agreements substantially as presented with King County and Washington State Department of Transportation	<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Public Works		
STAFF:	Jason Kintner, Chief of Operations Paul West, CIP Project Manager		
COUNCIL LIAISON:	n/a	Choose an item.	Choose an item.
EXHIBITS:	<ol style="list-style-type: none">1. Project Map2. I-90 Boat Launch Sublease3. I-90 Boat Launch Proposed Work Detail Diagram4. I I-90 Boat Launch Amendment #2 to Airspace Lease5. I-90 Boat Launch Mitigation Measures6. I-90 Boat Launch RCO approval of Non-conforming Use7. Luther Burbank South Parking Lot License Agreement8. Luther Burbank South Parking Lot Proposed License Area Diagram9. Luther Burbank RCO approval of Non-conforming Use		
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

SUMMARY

The purpose of this agenda bill is to authorize the City Manager to execute two property agreements with King County ("County") and amend the airspace lease for the I-90 Boat Launch to provide construction staging space for the North Mercer Island and Enatai Sewer Upgrade Project ("Project"). The property agreements will allow the County's contractor to occupy a portion of the I-90 Boat Launch for two years and also occupy a portion of the Luther Burbank Park south parking lot in the off-season (October 1 to May 15) for the duration of the construction project. The City will be compensated for these uses as detailed below.

The Project will begin in early 2022 and is anticipated to be complete in 2024. City staff are working closely with the County to coordinate messaging, including advance notice of parking lot closures and traffic impacts.

PROJECT BACKGROUND

Beginning in early 2022, the King County Wastewater Treatment Division will replace sewer pipes that serve areas in north Mercer Island, the southwest portion of Bellevue near Enatai Beach, and the Town of Beaux Arts Village. These pipes, which are owned and maintained by the County, carry wastewater from their North Mercer Island Pump Station to the Swayolocken Pump Station in Bellevue (see Exhibit 1). Installed during the 1970s, these pipes are aging and reaching capacity. The new pipes will provide service for the next 50 to 60 years. City Council approved an Interagency Agreement (IAA) with King County for this project at its June 1, 2021 meeting ([AB 5882: King County North Mercer Interceptor Interagency Agreement](#)). The IAA established the County as the lead agency for the project and detailed particular elements of the project that will impact the City's infrastructure.

The County has searched for places that its contractor can stage materials and equipment for this project. Vacant land on the north end of Mercer Island is scarce. The I-90 Boat Launch and Luther Burbank Park south parking lot sites provide the best of the few options for staging in proximity to the project. Other staging will take place on WSDOT right-of-way. City staff structured the agreements to limit the impact to recreational park users. At no time during the project will either facility be closed for public use. The agreements limit the footprint for staging operations and specify peak-season restrictions for both sites. These and other mitigation measures will reduce the impact on public recreation.

I-90 BOAT LAUNCH SUBLEASE AND WSDOT AIRSPACE LEASE AMENDMENT

The I-90 Boat Launch is located on Washington State Department of Transportation ("WSDOT") interstate right-of-way. The City obtained an airspace lease with WSDOT in 1994 which allowed the City to make improvements to the right-of-way for public recreation including the boat ramp and parking lot. Under the proposed agreement (Exhibit 2), the County will sublease a portion of the Boat Launch from the City for two years and can occupy 41 of the 60 trailer parking spots (Exhibit 3). To sublease the parking spaces to the County, WSDOT required an amendment to the airspace lease (Exhibit 4).

The City and WSDOT developed the sublease based on Federal Highway Administration requirements, the anticipated budgetary impacts to the City, and additional impacts to the Mercer Island community. The County will pay fair market value for its use of the site and the City will pass through all of the proceeds, minus reasonable costs for administration, to WSDOT. Under the conditions of the airspace lease amendment, the projected impact for the County to use the 41 designated trailer parking spaces during construction amounts to just over \$56,000 per year to the City in both 2022 and 2023. This figure is based in part on the loss of parking revenue using 2017-2020 revenue actuals and rate increases in 2021.

The sublease includes mitigation measures that limit impacts to boat launch users (Exhibit 5). The Boat Launch will remain open throughout the project. The access road to the boat launch will remain fully open at all times except for a two-week period when it is reduced to one lane to accommodate construction of an underground pipe. The County will make all reasonable efforts to complete this work in the off-season. Some of the lost parking will be mitigated by directing overflow trailer parking to the City Hall parking lot on the weekends. The County will be responsible for the signage and public noticing to operate this system.

The Boat Launch was constructed with Washington State recreation funding through agreements that are now administered by the State Recreation and Conservation Office ("RCO"). Any non-recreational use that exceeds 180 days could be construed as a conversion which violates the terms of the grant agreements used to construct the boat launch. A pre-approval from RCO provides the City with an exception to the RCO conversion policy (Exhibit 6).

LUTHER BURBANK PARK SOUTH PARKING LOT LICENSE AGREEMENT

Under the proposed agreement (Exhibit 7), the County will have temporary license to occupy a portion of the south parking lot at Luther Burbank Park for seven and a half months between October 1 and May 15 through the duration of the project. The County will occupy 42 parking spaces in the south bay of the parking lot, out of the 70 total located there (Exhibit 8). These parking stalls are farthest from the park access and least used. This license is subject to a number of conditions that limit the impact of the County's operation on park users, such as public information, fencing, traffic control, restrictions on use, notification of neighbors, and portable toilets. The County will be required to completely demobilize and clean up the site by May 15 each year to make it available for public recreation during the summer season. The County will pay a rental fee of \$10,000 per year at the start of each period of occupation. At the end of the project, the County will restore any damage to the parking lot.

Luther Burbank Park's original facilities were constructed in 1972 with Washington State recreation funding through agreements that are now administered by the RCO. Any non-recreational use that exceeds 180 days could be construed as a conversion which violates the terms of the grant agreement used to construct the south parking lot. A pre-approval from RCO provide the City with an exception to the RCO conversion policy (Exhibit 9) with the condition that the total length of occupation not exceed 24 months. This limit could be reached if the project exceeds three years in duration. If that scenario seems likely in 2024, City staff will approach RCO for a time extension on the exception.

RECOMMENDED ACTION

Authorize the City Manager to execute:

1. The Airspace Sublease Agreement with the County substantially as in the form attached as Exhibit 2.
2. The Airspace Lease Amendment with WSDOT substantially as in the form attached in Exhibit 4.
3. The License Agreement with the County substantially as in form attached as Exhibit 7.