

September 12, 1994

Introduced By: Ron Sims  
Maggi Fimia  
Greg Nickels

Proposed No.: 94-568

ORDINANCE NO. **11490**

AN ORDINANCE approving the King County Executive's declaration of emergency with respect to the procurement of services to repair, restore and re-open the Kingdome facilities; waiving requirements for competitive bidding and formal solicitation; waiving minority and women's business enterprises requirements; waiving the requirements for the selection and award of a professional/technical service consultant contracts; and authorizing the Executive to contract directly on an emergency basis to procure services for the repair and restoration of the Kingdome in order to open the Kingdome in an expeditious and safe manner; appropriating \$34.0 million to the Building Repair and Replacement Fund to correct physical damages related to the ceiling and roof of the Stadium, amending Ordinance 11130, Section 117 and Attachment 2, as amended, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings of Fact:

A. Current and emergent situation created by the closure of the Kingdome facilities continues to impose adverse economic impacts on the King County community; and

B. The county and the Kingdome tenants have incurred financial losses due to the postponement and relocation of scheduled events; and

C. The county and Kingdome tenants may continue to incur substantial financial losses while the Kingdome remains closed; and

D. On advice of the county's engineering consultants, an integrated and coordinated approach to repair of the Kingdome is necessary to ensure efficient and effective corrective action; and

1           E. The county must proceed without delay to initiate an  
2 overall approach to achieve an integrated and coordinated  
3 repair to, and restoration of, the Kingdome facilities to  
4 reopen the facilities to the public and tenants and to  
5 provide a safe venue for future events; and

6           F. To achieve such a coordinated and integrated  
7 approach to any repair, a complete infrastructure study of  
8 Kingdome facilities is necessary; and

9           G. It is necessary to waive competitive bidding and  
10 formal solicitation requirements and minority and women's  
11 business enterprises requirements associated with contracts  
12 to assess and address the integrated and coordinated repair  
13 of the Kingdome facilities and work necessary to restore  
14 public confidence in the Kingdome facilities; and

15           H. These contracts are expected to exceed existing  
16 Kingdome budget contingencies and the appropriations  
17 established in Ordinance No. 11444; and

18           I. King County Executive Gary Locke issued a  
19 Declaration of Emergency on August 26, 1994 calling for the  
20 "immediate commencement of work to repair and restore the  
21 Kingdome facilities"; and

22           J. On September 2, 1994 the county executive submitted  
23 an emergency ordinance seeking the appropriation of \$34.0  
24 million to the Building Repair and Replacement Fund for work  
25 needed to re-open the Kingdome in time for the Seahawk home  
26 game on November 6, 1994; and

27           K. The council's Budget and Fiscal Management Committee  
28 conducted hearings on the proposed appropriation request on  
29 September 7, 8, 9 and 12 to expedite council review; and

30           L. The executive has certified that adequate funds are  
31 available to implement the ordinance, and has identified five  
32 "potential sources of debt service" including an increase in  
33 the motor vehicle lease tax, re-programming the hotel/motel

1 tax revenues shared with local arts programs, diverting  
2 additional state sales taxes to the hotel/motel tax,  
3 implementing a new 5% Kingdome use fee on ticket sales, and  
4 refunding to the county state sales and B&O taxes on the  
5 Kingdome re-construction; and

6 M. Each of the five potential debt service funding  
7 sources identified by the executive must first be authorized  
8 by the 1995 Legislature to meet 1996 debt service  
9 obligations; and

10 N. The executive and the acting Kingdome director have  
11 testified that the proposed roof and ceiling repair work will  
12 have a useful service life of 25 years; and

13 O. The executive and the acting Kingdome director have  
14 testified that all of the proposed repair work will be  
15 certified by a professional engineer registered by the State  
16 of Washington and backed by the engineer's "errors and  
17 omissions" insurance coverage.

18 SECTION 2. The council hereby approves the King County  
19 executive's declaration of emergency dated August 26, 1994.  
20 An emergency exists in which the public interest or property  
21 of the county would suffer material injury or damage by delay  
22 and therefore the competitive selection and bidding  
23 requirements of K.C.C. 4.16 and state law and the Minority  
24 and Women Business Enterprise requirements of K.C.C. 4.18 are  
25 hereby waived with respect to all contracts needed to  
26 evaluate and repair Kingdome facilities in order to re-open  
27 the facility as soon as possible.

28 SECTION 3. The department of stadium administration  
29 shall be responsible for the management of all capital  
30 improvement projects associated with the Kingdome.

31 SECTION 4. There is hereby approved and adopted an  
32 appropriation of \$34.0 million to the Building Repair and  
33 Replacement Fund to correct physical damages related to the

1 interior roof of the Stadium. It is the intent of the  
 2 council to issue limited general obligation bonds to cover  
 3 \$32.5 million in ceiling and roof repair costs with interim  
 4 financing from bond anticipation notes; the council requests  
 5 the executive to repay the additional \$1.5 million cost of  
 6 the infrastructure study in the 1995 current expense budget.

7 PROVIDED THAT:

8 This appropriation is subject to the following  
 9 conditions:

10 A. At the request of the Budget and Fiscal Management  
 11 Committee Chair, the executive or the acting Kingdome  
 12 director shall appear before and present a weekly written and  
 13 oral report to the council's Budget and Fiscal Management  
 14 Committee on the progress of Kingdome repairs and  
 15 expenditures, and demonstrate compliance with the following  
 16 milestones established in the work plan proposed by the  
 17 acting Kingdome director:

18 Committee Meeting September 21, 1994:

19 Interior ceiling prep work/tension ring Quad 1

20 Interior ceiling prep work/tension ring Quad 3

21 Committee Meeting October 5, 1994:

22 Interior ceiling prep work/tension ring Quad 2

23 Interior ceiling prep work/tension ring Quad 4

24 Committee Meeting October 12, 1994:

25 Installation of ceiling/coating materials and K-13  
 26 spray

27 Committee Meeting October 19, 1994:

28 Completion of exterior roof

29 B. One county auditor shall be assigned to the Kingdome  
 30 project for the duration of the repair project to provide a  
 31 weekly, independent accounting of repair expenses. The  
 32 auditor shall provide a weekly written report of repair  
 33 expenditures to the Budget and Fiscal Management Committee.

1 C. To the extent possible given the repair schedule  
2 limitations, the executive should attempt to meet the county  
3 Minority and Women Business Enterprise participation goals  
4 pursuant to K.C.C. 4.18, but this proviso shall in no way be  
5 deemed to conflict with section 2 of this ordinance or give  
6 rise to a cause of action by any minority or women's business  
7 enterprise.

8 D. The acting Kingdome director shall prepare an  
9 estimate of the annual maintenance and repair costs for the  
10 new ceiling, roofing and roof drainage system and submit a  
11 financial analysis to the council's Budget and Fiscal  
12 Management Committee on or before October 14, 1994.

13 E. The executive shall submit written documentation  
14 from the two professional sport tenants that the proposed  
15 ceiling and acoustical treatments have been accepted.  
16 Written approvals shall be submitted to the council chair on  
17 or before October 7, 1994.

18 F. The executive shall appoint, subject to council  
19 confirmation, individuals to develop a financial plan  
20 necessary to fund the Kingdome repair plan on a Kingdome  
21 Financing Commission. The Commission should be comprised of  
22 the county executive or his designee, at least two  
23 Metropolitan King County councilmembers, three State House  
24 and three State Senate representatives from the Legislature  
25 including at least one minority party representative from  
26 each body, two representatives from the city of Seattle and  
27 two representatives appointed by the Suburban Cities  
28 Association, at least three representatives of Kingdome  
29 tenants, at least four representatives from the arts  
30 community and at least four representatives from the  
31 Hotel/Motel business community. The chair shall be appointed  
32 by the county executive subject to confirmation by the  
33 council.

1           G. The executive is requested to provide a \$3.3 million  
2 Kingdome contingency fund in the 1995 current expense budget  
3 to repay the \$1.5 million infrastructure study costs and to  
4 fund up to \$1.8 million for other unanticipated Kingdome  
5 repair work. This \$3.3 million reserve is equivalent to the  
6 annual debt service needed in 1996 to make payments on the  
7 \$32.5 million bond issue for ceiling and roof repairs in the  
8 event that the 1995 Legislature does not provide new stadium  
9 revenues.

10           H. The executive is requested to immediately appoint an  
11 Architect of Record to develop a work plan for other  
12 infrastructure improvements which may be needed to make the  
13 Kingdome a fully useable facility. The Architect of Record  
14 shall identify any needed improvements to lighting, sound,  
15 drainage, HVAC, plumbing, electrical distribution and other  
16 infrastructure improvements in a written report to be  
17 submitted to the council in the first quarter of 1995.

18           I. The executive shall submit a plan to restore \$4  
19 million taken from the Insurance Fund for emergency repairs  
20 to the Kingdome to the Budget and Fiscal Management Committee  
21 on or before October 7, 1994.

22           J. The executive shall analyze opportunities for  
23 corporate sponsorships of the Kingdome, or other means of  
24 generating new revenue from the facility, with a goal of  
25 bringing at least \$1 million in new revenues to the Kingdome  
26 operating budget in 1995.

27           SECTION 5. Ordinance No. 11130, Section 117, as  
28 amended, is hereby amended by adding thereto and inserting  
29 therein following:

30           From several capital improvements project funds there  
31 are hereby appropriated and authorized to be disbursed the  
32 following amounts for the specific projects identified in  
33 Attachment No. 2 of this ordinance.

1	<u>Fund</u>	<u>Capital Fund</u>	<u>Amount</u>
2	3950	Building Repair and Replacement	\$34,000,000

3            SECTION 6. Ordinance 11130, Section 117, Attachment 2,  
 4 as amended, is hereby amended by adding thereto and inserting  
 5 the following:

6	<u>Fund</u>	<u>Project</u>	<u>Description</u>	<u>Amount</u>
7	3950	395NEW	Stadium Repair Project	\$34,000,000

8            SECTION 7. The county council finds as a fact and  
 9 declares for the reasons stated in section one above that an  
 10 emergency exists and that this ordinance is necessary for the  
 11 immediate preservation of public peace, health or safety or  
 12 for the support of county government and its existing public  
 13 institutions.

14            INTRODUCED AND READ for the first time this 6<sup>th</sup>  
 15 day of September, 1994.

16            PASSED by a vote of 12 to 1 this 12<sup>th</sup> day  
 17 of September, 1994.

18            KING COUNTY COUNCIL  
 19            KING COUNTY, WASHINGTON

20            Kent Pullen  
 21            Chair

22            ATTEST:

23            Gerald A. Peterson  
 24            Clerk of the Council

25            APPROVED this 15<sup>th</sup> day of September, 1994.

26            Roy Locke  
 27            King County Executive

28            Attachments: