



**Land Use & Economic  
Development  
Committee Agenda**  
Mukilteo City Hall - 11930 Cyrus  
Way  
**Wednesday, October 6,  
2021**  
**5:30 PM - 7:00 PM**  
**Zoom Virtual Meeting**

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**Join Zoom Meeting**

<https://us02web.zoom.us/j/84006796607?pwd=MDIyQigHQmRNMzF6eDFhVmMyMGR3Zz09>

**BY PHONE:**

1 253 215 8782 US (Tacoma)  
1 669 900 9128 US (San Jose)

Meeting ID: 840 0679 6607  
Passcode: 066151

**CALL TO ORDER - 5:30 PM**

**Meeting Objectives:**

1. Economic Recovery
2. Parking Resolution Amendments
3. Mukilteo Boys and Girls Clubs - Public Use Agreement

**ADJOURNMENT - 7:00 PM**

**Next Meeting Date:** *Wednesday, November 3, 2021, 5:30PM*

- For accessibility information and for accommodation requests, please call the ADA Coordinator at (425) 263-8005 (or TRS (800) 833-6384 or dial 711), or visit <https://mukilteowa.gov/departments/executive/ada-program/>.

<b>LAND USE &amp; ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT</b>	
<b>SUBJECT TITLE:</b> Parking Resolution Amendments	<b>FOR AGENDA OF:</b> October 6, 2021
<b>Contact Staff:</b> David Osaki, Community Development Director	<b>EXHIBITS:</b> 1. PowerPoint 2. Resolution No. 2019-06 3. Map w/ Potential Post-WSF Terminal Construction Parking Alternative
<b>Department Director:</b> David Osaki, Community Development Director	

### **Recommendation**

Land Use & Economic Development Committee (“LU&ED Committee”) to discuss an amendment to City resolution related to parking and city parking programs.

### **Background**

Mukilteo Municipal Code (MMC) Chapter 10.08 entitled “Parking of Motor Vehicles” establishes general restrictions and regulations for parking on City streets and City owned property. It also establishes the authority to create residential parking zones, an employee parking permit program, paid parking programs, and the resident parking pass program.

Implementation of certain MMC Chapter 10.08 provisions is done by resolution(s). Resolution No. 2019-06 (**See Exhibit 2**) identifies specific geographical areas subject to City parking programs and identifies specific allowances and restrictions (e.g. where parking is allowed, limited, and prohibited).

A summary of City of Mukilteo Parking programs may be found on the City of Mukilteo website: [Mukilteo Parking Programs](#)

### **Washington State Ferries Project - Parking Impacts**

The Washington State Department of Transportation (WSDOT) Mukilteo Multimodal Terminal Project impacted the number and location of parking spaces addressed by Resolution No. 2019-06. Updating Resolution No. 2019-06 is now warranted.

This Multimodal Terminal Project eliminated six (6) of 17 parking spaces on Park Avenue and also reconstructed the City parking area along the (old) 1<sup>st</sup> Street area. The old 1<sup>st</sup> Street parking area reconstruction modified what was once 25 City parking spaces to a total of 38 parking spaces.

Twelve (12) of the 38 spaces are on WSDOT property. Five of the 12 spaces serve as WSDOT’s mitigation for the City’s loss of parking spaces due to the Multimodal Terminal Project.

Per a City and WSDOT lease agreement approved by the City Council on December 7, 2020, the City is allowed to use all 12 parking spaces on WSDOT property for public parking at no cost to the City. The Agreement provides that the City may also charge for parking on these 12 parking spaces. Background on the agreement may be found here: [WSF-City Agreements December 7 2020 City Council](#)

The following table summarizes the distribution of parking for certain areas, by parking type, before the Washington State Ferries Multimodal Terminal Project construction. The table also summarizes an Alternative Post-Ferry Construction parking arrangement now being considered by staff.

LOCATION	PRE-WSF CONSTRUCTION PARKING SPACES	POST-WSF CONSTRUCTION PARKING SPACES (ALTERNATIVE FOR CONSIDERATION)
<b>1. Old 1<sup>st</sup> Street</b>		
A. Commuter Permit	9	21
B. Paid/Resident Pass ONLY	4	17
C. Shared Paid/Resident Passes OR Employee Permit (EITHER CAN USE, 1 <sup>st</sup> COME BASIS)	12	0
<b>TOTAL SPACES</b>	<b>25</b>	<b>38 (12 part of CITY-WSDOT Airspace Agreement)</b>
<b>2. Park Avenue</b>		
A. Commuter Permit	0	0
B. Paid/Resident Passes ONLY	9	3
C. Paid/Resident Passes Only OR Employee Permit (EITHER CAN USE, 1 <sup>st</sup> COME BASIS)	8	8
<b>TOTAL SPACES</b>	<b>17</b>	<b>11</b>
<b>3. Lighthouse Park (Behind Diamond Knot)</b>		
A. Commuter Permit	100	88
B. Paid/Resident Pass ONLY	0	0
C. Employee Permit ONLY	0	12*
<b>TOTAL SPACES</b>	<b>100</b>	<b>100</b>

\*These 12 spaces would be exclusive to use by those having employee parking permits.

In general, the Post-WSF Construction Alternative responds to a desire by commuter permit holders and the general public to park close to the ferry terminal (in the case of commuters) and the new fishing pier (in the case of the general public). The Alternative does this by assigning all of the 38 spaces on the old 1<sup>st</sup> Street to either:

- A. Commuter Parking Permit holders; or,
- B. Paying customers or those who have Resident Passes.

As was the case before the ferry terminal construction, the Post-WSF Construction Alternative allows employee parking permit holders to park for free in certain designated locations without time restrictions, such as Park Avenue, *if those spaces are available*. Employee parking permit spaces are shared with paid/resident parking pass spaces, meaning either could use those spaces on a first come basis.

What is different about employee parking in the Post-WSF Construction Alternative from Pre-Terminal Parking is that the Post-WSF Construction Alternative sets aside 12 dedicated employee parking permit spaces in the Lighthouse Park commuter parking area.

Additional employee parking permit spaces exist near Rosehill Community Center and in certain other Old Town locations. Map 10 in Exhibit 2 identifies the currently authorized employee parking permit areas.

Finally, a parking distribution comparison of commuter parking, paid/resident pass parking ONLY, employee parking *shared* with paid/resident pass parking, and employee parking ONLY between what is identified in Resolution No. 2019-06 (**again, See Exhibit 2**) and an Alternative being discussed by staff is presented below.

PARKING SPACE SUMMARY BY PARKING TYPE*		
PARKING TYPE	PRE-WSF CONSTRUCTION	POST-WSF CONSTRUCTION (ALTERNATIVE FOR CONSIDERATION)
<b>Commuter Permit</b>	109	109
<b>Paid/Resident Pass ONLY</b>	13	20
<b>Paid/Resident Pass OR Employee Permit</b>	20	8
<b>Employee Permit ONLY</b>	0	12
<b>TOTAL</b>	<b>152</b>	<b>159</b>

\*Does not include commuter or employee parking areas south of the BNSF railroad (e.g in Old Town).

### **Other Amendments**

Additional amendments to Resolution No. 2019-06 will be brought forward to the City Council to update and improve on clarity and consistencies. As one example, different maps in Resolution No. 2019-06 identify the same eight (8) parking spaces in the Rosehill Community Center parking lot as available for both commuter parking (who pay for the parking space) and for employee permit parking (who do not pay). This is a conflict that needs to be addressed.

### **ALTERNATIVES**

For discussion.

EXHIBIT 1

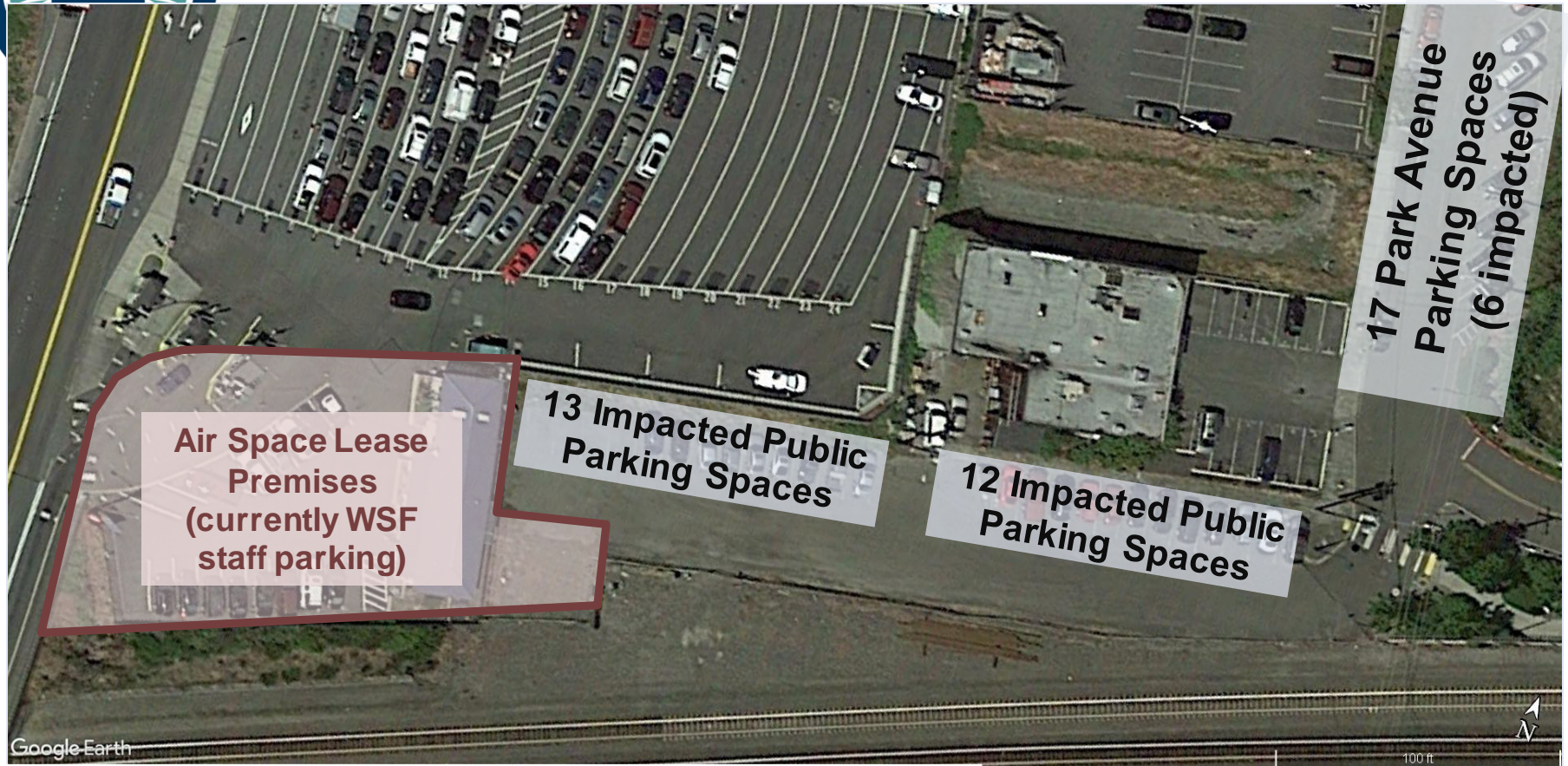


**Land Use & Economic Development Committee**  
**Parking Resolution Amendments**  
**October 6, 2021**



# Public Parking Spaces—Pre-Construction

(31 impacted / 11 not impacted = 42 Parking Spaces Available to the Public)



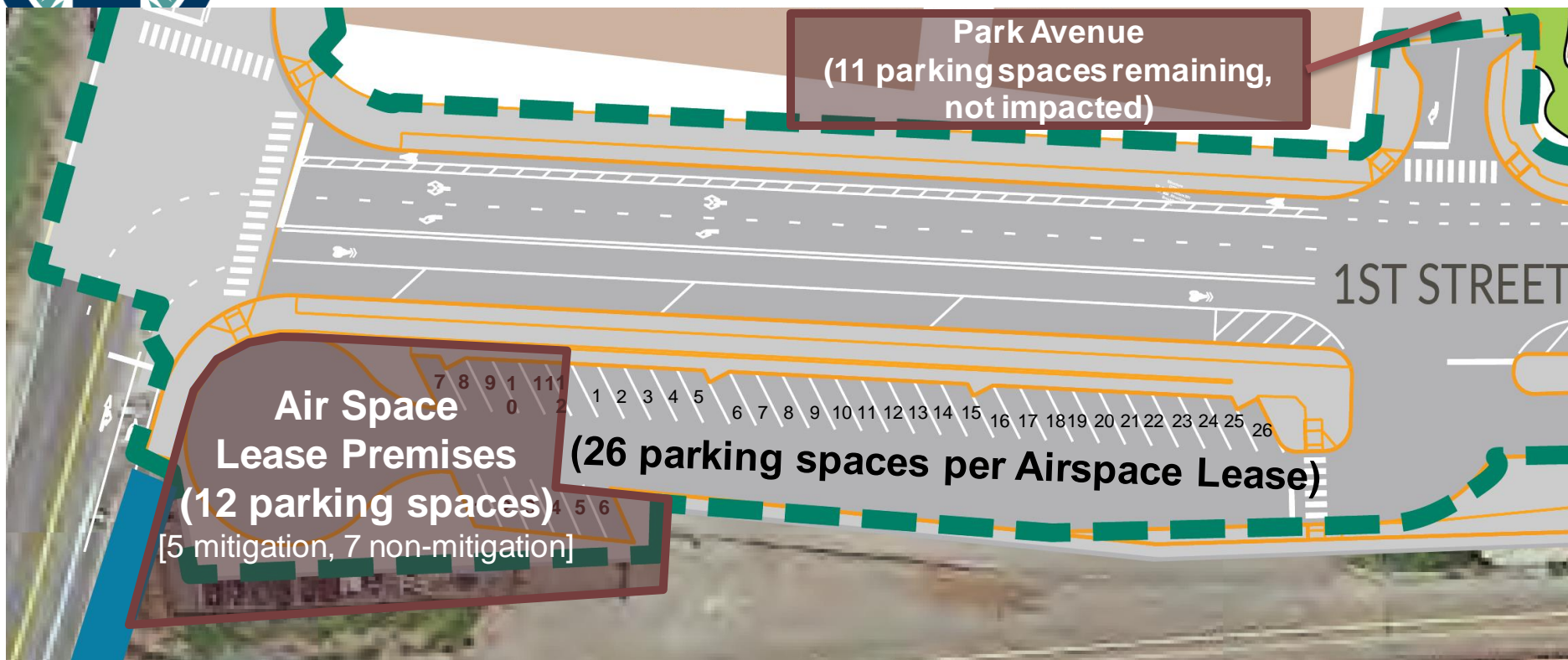
	Pre-Construction	Post-Construction	Change
Park Ave.	17 spaces	11 spaces	-6 spaces
First St.	25 spaces	38 spaces	+ 13 spaces
Total	42 spaces	49 spaces	+ 7 spaces





# Public Parking Spaces—Post-Construction

31 mitigation / 7 non-mitigation / 11 remaining, not impacted =  
49 Parking Spaces Available to the Public



	Pre-Construction	Post-Construction	Change
Park Ave.	17 spaces	11 spaces	- 6 spaces
First St.	25 spaces	38 spaces	+ 13 spaces
Total	42 spaces	49 spaces	+ 7 spaces

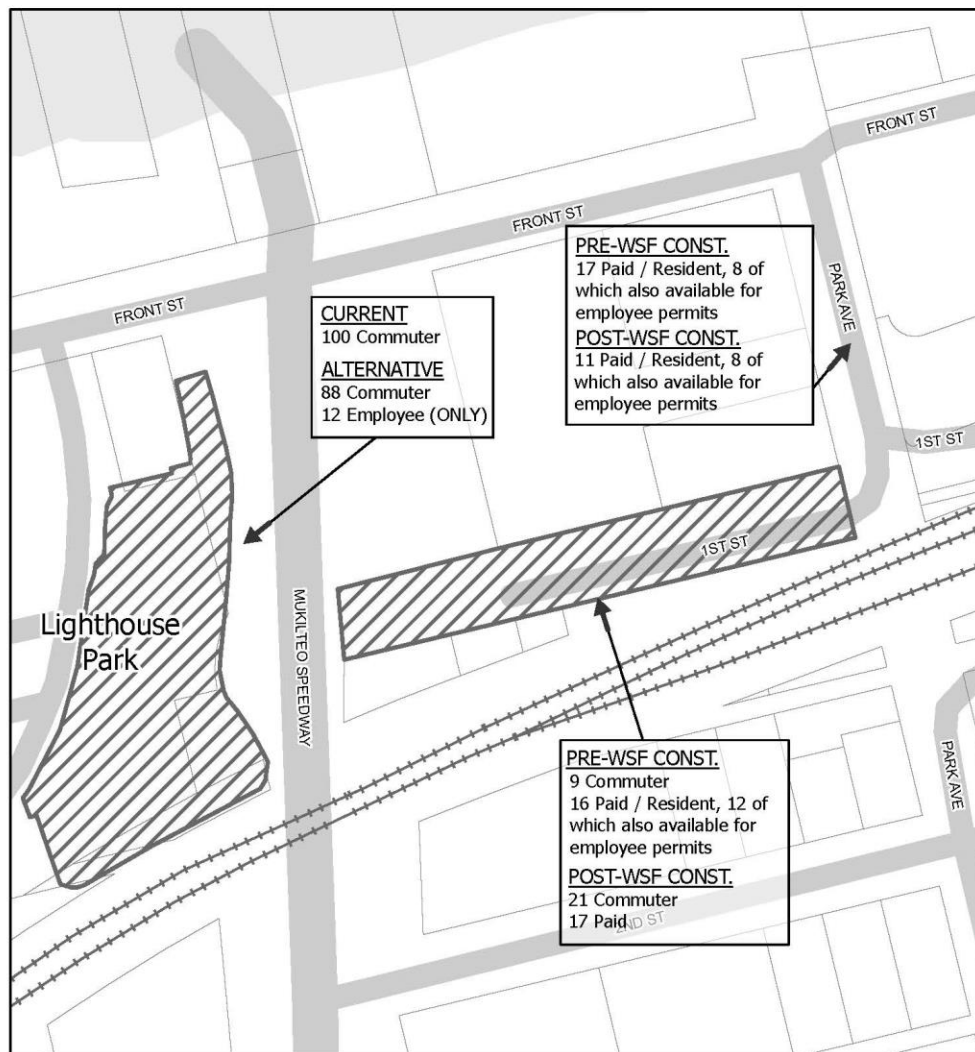
Displaced by sidewalk improvements and ROW changes

Includes 5 required mitigation spaces and 7 required non-mitigation spaces

007  
Results in more spaces than pre-construction—meeting commitments and conditions



## City Parking Program Alternative



0 62.5 125 250 Feet







# Questions



## EXHIBIT 2

### CITY OF MUKILTEO MUKILTEO, WASHINGTON

#### RESOLUTION 2019-06

#### **A RESOLUTION OF THE MUKILTEO CITY COUNCIL REPEALING RESOLUTION 2016-05, ADDING A NEW 2:30AM-4:30AM NO PARKING ZONE WITHIN THE DISCOVERY CREST AND WATERFORD PARK SUBDIVISIONS, AND RE-ESTABLISHING ALL PARKING RESTRICTIONS**

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WHEREAS, the City adopted Resolution No. 2016-05 to increase efficiency in administration of parking regulations by maintaining all parking resolutions in a single resolution; and

WHEREAS, Mukilteo Municipal Code (MMC) 10.08.090(A) provides for the creation of residential parking permit zones to be established by City Council resolution; and

WHEREAS, Resolution No. 2016-05 identifies among other items, all zones subject to the City's residential parking permit programs; and

WHEREAS, MMC section 10.08.070 allows for the creation of restricted parking zones, including the option of a "No Parking Between Two-Thirty a.m. to Four-Thirty a.m. zone" (MMC 10.08.070(E)), provided the parking zone is marked with signs advising of such restrictions; and

WHEREAS, the City Council wishes to create a new restricted parking zone, subject to "No Parking Between Two-Thirty a.m. to Four-Thirty a.m.", within the Discovery Crest and Waterford Park subdivisions; and

WHEREAS, to establish public purpose, that due to the lack of neighborhood solutions, escalating tension among neighborhoods and threat of property damage, this new restricted parking zone provides for the safety of all involved and minimizes adverse impact to parked vehicles; and

WHEREAS, the City also wishes to maintain efficiency in the administration of parking regulations by consolidating all parking provisions related to angle parking, prohibited parking on certain streets, restricted parking zones, residential parking permit zones, employee parking permit zones, and paid parking zones that may be authorized by resolution into a single resolution, as was done by Resolution No. 2016-05; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF MUKILTEO, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

**Section 1.**     **Resolution 2016-05 - Repealed.** The City Council hereby repeals Resolution 2016-05.

**Section 2.**     **Angle Parking.** Parking regulations and restrictions provided for in MMC 10.08.030 (A)(2) – Angle Parking may be allowed in the following areas:

- A. Front Street.
- B. Park Street north of the Burlington Northern Railroad tracks.
- C. The south side of 3<sup>rd</sup> Street from Lincoln Avenue east 220 feet.
- D. 4<sup>th</sup> Street between SR525 and Lincoln Avenue.
- E. 5<sup>th</sup> Street between SR525 and Park Avenue.
- F. Lincoln Avenue north of 3<sup>rd</sup> Street.

**Section 3.**     **Prohibited Parking on Certain Streets.** Parking regulations and restrictions provided for in MMC 10.08.060 – Streets on which parking is prohibited shall apply to the following areas:

- A. SR525 (Mukilteo Speedway) except for Community Transit vehicles in areas marked as bus stops and the west side of the 7800 block, north of the entrance to the Mukilteo Water and Wastewater District, as designated by signage and pavement markings.
- B. SR526 between the eastern City limits and SR525.
- C. 84<sup>th</sup> Street between SR525 and the western side of 53<sup>rd</sup> Avenue W.
- D. East side of Lincoln Avenue between 2<sup>nd</sup> and 3<sup>rd</sup> Streets.
- E. Easterly side of Park Avenue between Mukilteo Lane and 2<sup>nd</sup> Street.
- F. 3<sup>rd</sup> Street 200 feet east of Church Avenue.
- G. Church Avenue 200 feet south of 3<sup>rd</sup> Street.
- H. 53<sup>rd</sup> Avenue W. between 84<sup>th</sup> Street SW and the north side of 81<sup>st</sup> Street SW.
- I. 44<sup>th</sup> Avenue W. between SR526 and the north side of 76<sup>th</sup> Street SW.
- J. 76<sup>th</sup> Street SW. between 44<sup>th</sup> Avenue W. and the west side of 46<sup>th</sup> Avenue W.
- K. 76<sup>th</sup> Street SW. between the west side of 48<sup>th</sup> Avenue W. to SR525.
- L. 48<sup>th</sup> Avenue W. between the south side of 73<sup>rd</sup> Street SW. to the north side of 71<sup>st</sup> Place SW.
- M. The north side of 70<sup>th</sup> Street SW between Goat Trail Road and 48<sup>th</sup> Avenue W.
- N. Goat Trail Road from 70<sup>th</sup> Street SW. to SR525.
- O. 8<sup>th</sup> Drive from Goat Trail Road to 11<sup>th</sup> Street.
- P. LaMar Drive.
- Q. Debralon Lane.
- R. 56<sup>th</sup> Place W. between 88<sup>th</sup> Street SW and 86<sup>th</sup> Place SW.
- S. 86<sup>th</sup> Place W. from 56<sup>th</sup> Place W. to 59<sup>th</sup> Place W.
- T. South side of 73<sup>rd</sup> Street SW from 46<sup>th</sup> Ave. W to 48<sup>th</sup> Ave. W.
- U. Clover Lane from SR 525 to Washington Ave.
- V. Washington Ave. from Clover Lane to SR 525.
- W. Frontage road connection Washington Ave. to SR525 traffic lanes.
- X. Beverly Park Rd. between SR525 and western city limits.
- Y. Chennault Beach Rd. between SR525 and Harbour Pointe Blvd.

- Z. Harbour Heights Parkway – unless signed otherwise.
- AA. Those streets in Harbour Pointe Village (Phases 1-3) as shown on **Map 6** attached to and made a part of this Resolution.

**Section 4. Restricted Parking Zones.** Parking regulations and restrictions provided for in MMC 10.08.070 – Restricted parking zones shall apply to the following areas:

- A. Four-Hour Parking Zone: the area as shown on **Map 7** attached to and made a part of this Resolution.
- B. 30-Minute Parking:
  - 1. North side of 3<sup>rd</sup> Street from a point fifteen (15) feet east of the east side of Lincoln Avenue east fifty (50) feet.
  - 2. South side of 3<sup>rd</sup> Street from a point fifteen (15) feet east of the east side of Lincoln Avenue east fifty (50) feet.
- C. No Parking between Two-thirty a.m. and Four-thirty a.m. Zone (pursuant to MMC 10.08.090): the areas shown on **Map 5** and **Map 8** attached to and made a part of this Resolution.
- D. No Parking between Eight a.m. and Four p.m. Zone (pursuant to MMC 10.08.090): the area shown on **Map 3** attached to and made a part of this Resolution.
- E. No Parking During Normal School Hours (weekdays 7:00 a.m. to 2:00 p.m.) Zone (MMC 10.08.070M): the area shown on **Map 4** attached to and made a part of this Resolution.
- F. Loading Zones:
  - 1. 3<sup>rd</sup> Street
  - 2. Lincoln Avenue
  - 3. 2<sup>nd</sup> Street
  - 4. Front Street
- G. Handicap Zones:
  - 1. 714 – 2<sup>nd</sup> Street (2 spaces)
  - 2. 649 – 5<sup>th</sup> Street (1 space)
  - 3. Front Street

**Section 5. Residential Parking Permit Zone A.**

- A. A “Residential Parking Permit Zone A” as provided for by MMC 10.08.090 for relief from the “No Parking between Two-thirty a.m. to Four-thirty a.m. Zone” (MMC 10.08.070E) is hereby created as shown on **Map 1** and the “4- Hour Parking Zone” (MMC 10.08.070D) as shown on **Map 7** attached to and made a part of this Resolution by this reference.
- B. A maximum of two (2) permanent parking permits and one (1) guest parking permit may be issued per address. Residents must provide proof of address to receive any permits and proof of vehicle ownership to receive permanent parking permits.

**Section 6. Residential Parking Permit Zone B.**

- A. A “Residential Parking Permit Zone B” as provided for by MMC 10.08.090 for relief from the “Four-Hour Parking Zone” and the “No Parking between Two-thirty a.m. to Four-thirty a.m. Zone” (MMC 10.08.070D and MMC 10.08.070E) is hereby created as shown on **Map 2** attached to and made a part of this Resolution by this reference.

- B. A maximum of one (1) permanent parking permit and one (1) guest parking permit may be issued per address. Residents must provide proof of address to receive any permits and proof of vehicle ownership to receive permanent parking permits.

**Section 7. Residential Parking Permit Zone C.**

- A. A “Residential Parking Permit Zone C” as provided for by MMC 10.08.090 for relief from the “No Parking between Eight a.m. and Four p.m. Zone” (MMC 10.08.070F) is hereby created as shown on **Map 3**.
- B. A maximum of four (4) permanent parking permits and two (2) guest parking permits may be issued per address. Residents must provide proof of address to receive any permits and proof of vehicle ownership to receive permanent parking permits.

**Section 8. Residential Parking Permit Zone D.**

- A. A “Residential Parking Permit Zone D” as provided for by MMC 10.08.090 for relief from the “No Parking During Normal School Hours Zone” (MMC 10.08.070M) is hereby created as shown on **Map 4**.
- B. A maximum of four (4) permanent parking permits and two (2) guest parking permits may be issued per address. Residents must provide proof of address to receive any permits and proof of vehicle ownership to receive permanent parking permits.

**Section 9. Employee Parking Permit Zone.**

- A. An “Employee Parking Permit Zone” as provided for by MMC 10.08.095 for relief from the “Two -Hour Parking Zone” (MMC 10.08.070D) is hereby created as shown on **Map 10** attached to and made a part of this Resolution by this reference, and shall include the following areas:
  - 1. East side of Park Avenue from 1<sup>st</sup> Street north 110 feet.
  - 2. North side of 1<sup>st</sup> Street from Park Ave. west 75 feet and the last five stalls on the west end of 1<sup>st</sup> Street.
  - 3. North terminus of Park Ave. south of railroad tracks and north side of Mukilteo Lane from Fowler Pear Tree Park east 110 feet.
  - 4. East side of Park Ave. between 2<sup>nd</sup> and 3<sup>rd</sup> Streets.
  - 5. Both sides of 3<sup>rd</sup> Street east from Park Ave. east 150 feet to the bridge.
  - 6. South side of 3<sup>rd</sup> Street from the Rosehill parking lot driveway entrance eastward to Park Avenue.
  - 7. Eight parking stalls in the lower Rosehill parking lot as designated by **Map 11**.
- B. Employee parking permits shall only be issued to business in the Downtown Business District or Waterfront Mixed Use District that have a valid and current City of Mukilteo Business license.
  - 1. No more than 20 permits shall be issued to a single business. However, no more than one permit per employee, as indicated on the business license application, shall be issued to a single business.
  - 2. Business owners shall be responsible for distributing permits to their employees.



**Section 10. Non Peak Hour Parking Permit Zone.**


A “Nonpeak Hour Parking Permit Zone” as provided for by MMC 10.08.097 for relief from parking restrictions is hereby created for the nine (9) parking spaces on the north side of 1<sup>st</sup> Street east of SR525 and west of Park Avenue.

**Section 11. Paid Parking Zone A.**


- A. “Paid Parking Zone A” as provided for by MMC 10.08.070 is hereby created as shown on **Map 9** attached to and made a part of this Resolution by this reference.
- B. A maximum of two (2) annual Resident Park Pass per resident vehicle(s) may be issued per year per address for relief from hourly fees in Lighthouse Park as set forth in MMC 10.08.098.

PASSED by the City Council and APPROVED by the Mayor this 20<sup>th</sup> day of May, 2019.

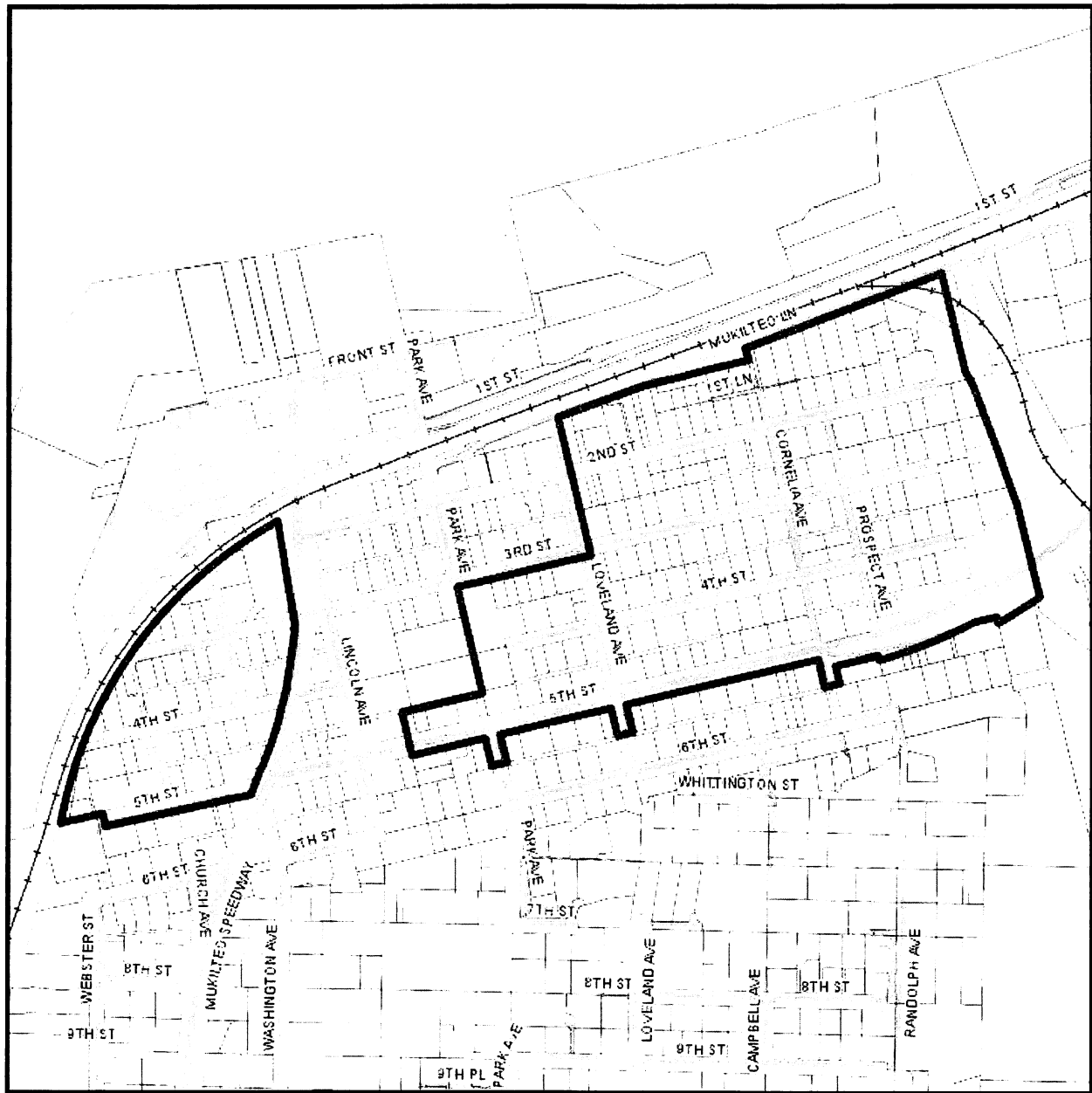
APPROVED:

  
MAYOR, JENNIFER GREGERSON

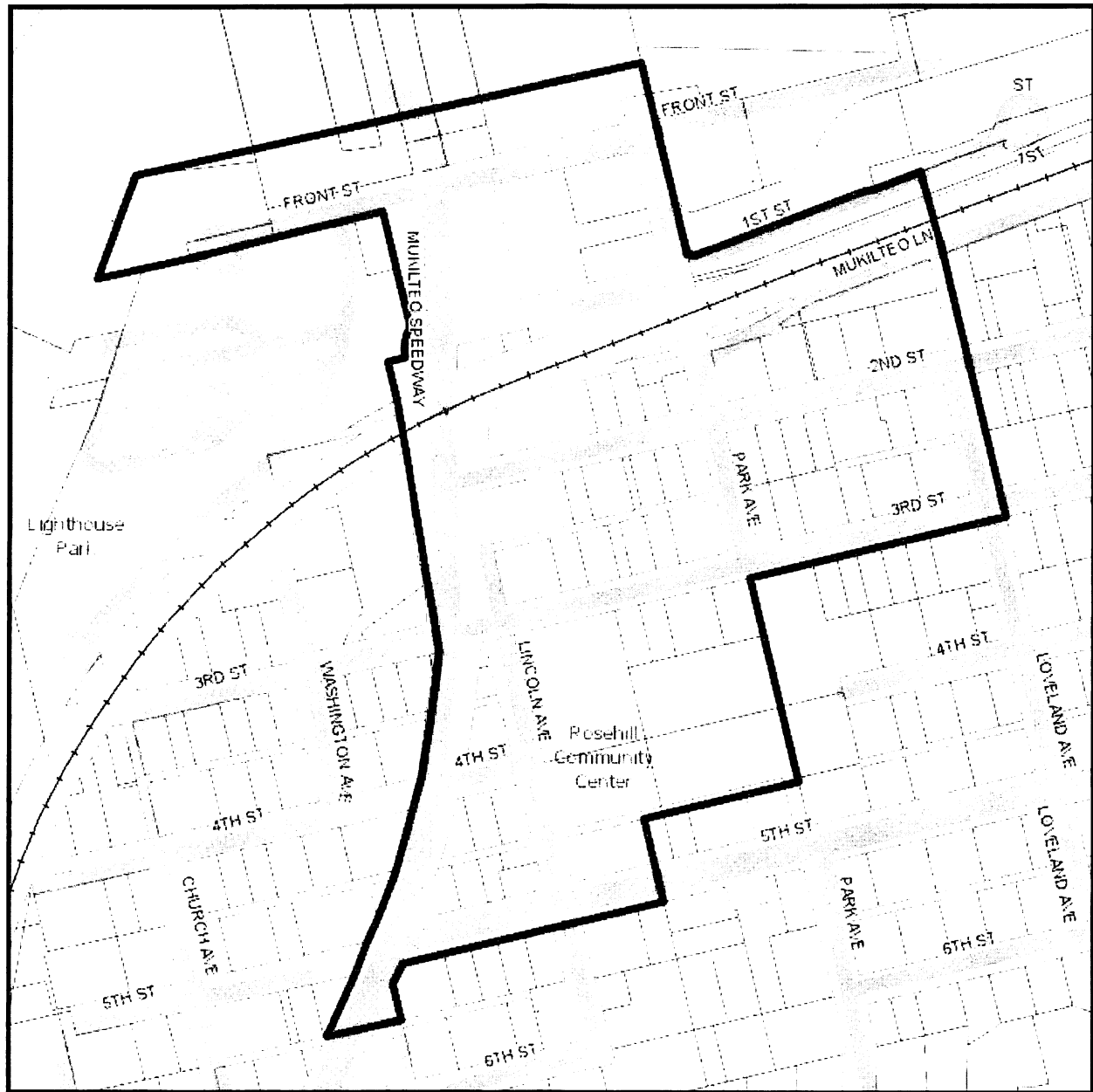
ATTEST/AUTHENTICATED:

  
CITY CLERK, CAROL MOORE


## Map 1: Residential Parking Permit Zone A



## Map 2: Residential Parking Permit Zone B

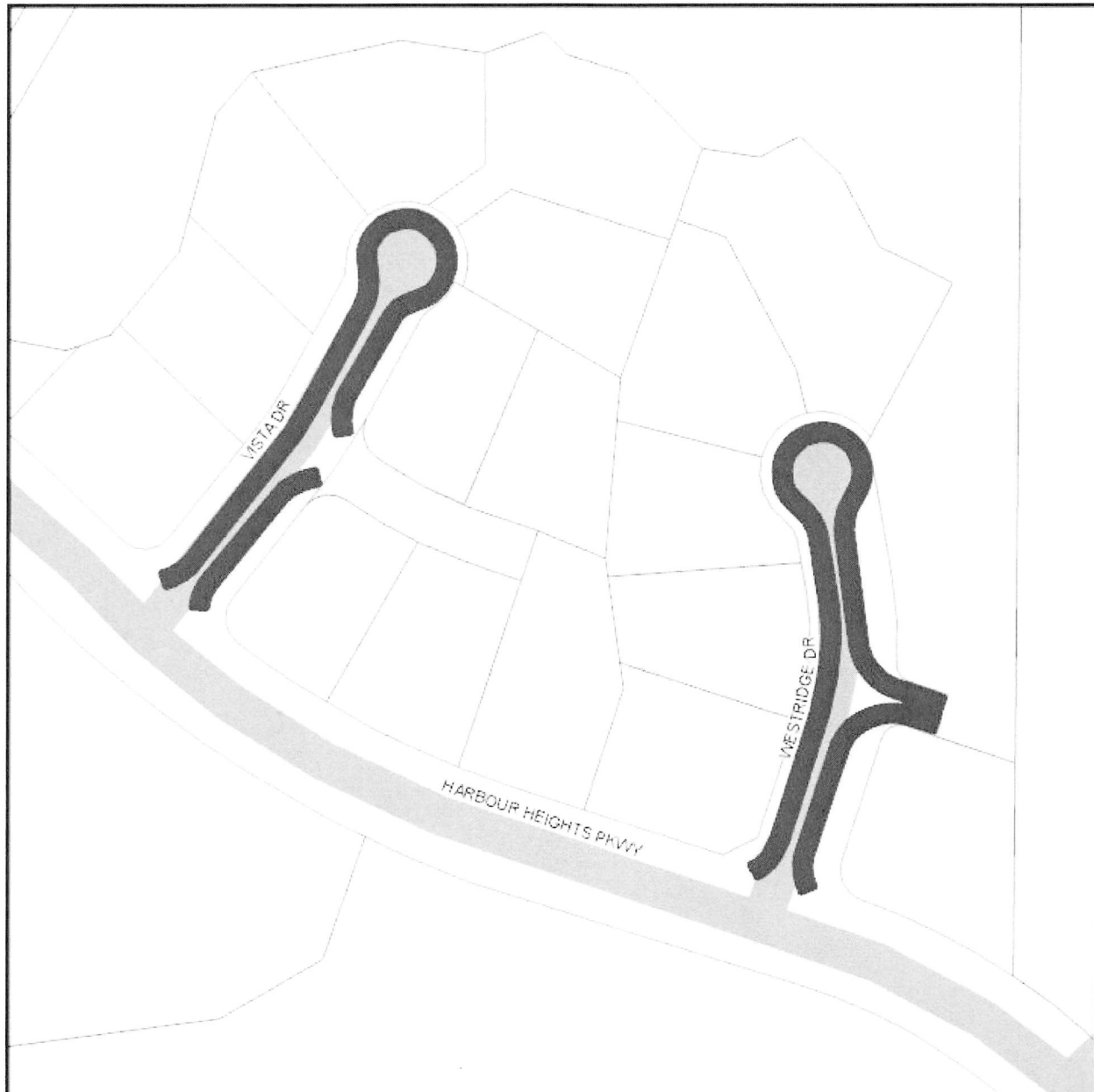


0 130 260 Feet

 Zone B Boundary



### Map 3: Residential Parking Permit Zone C

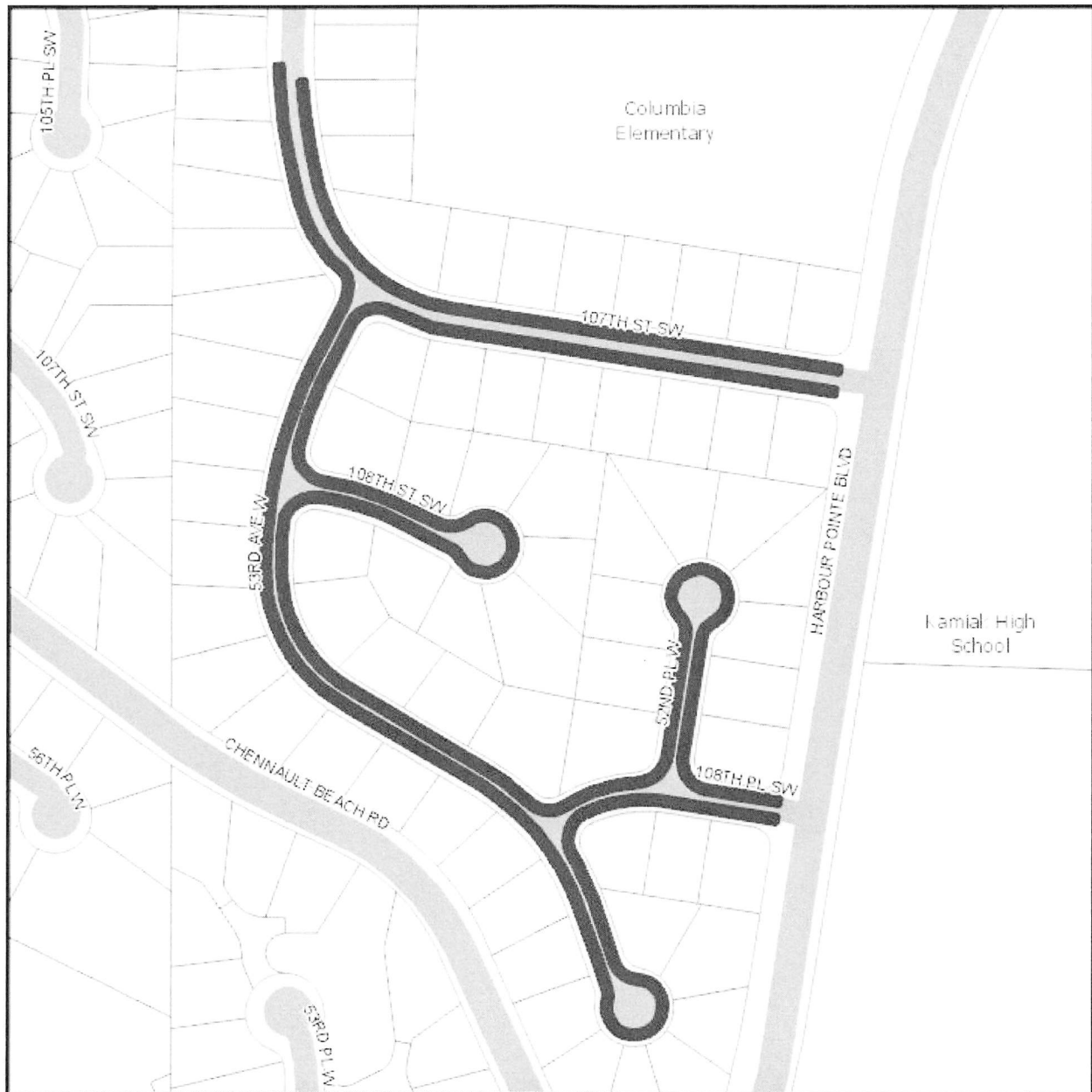


0 37.5 75 Feet

Zone C Permit Area



## Map 4: Residential Parking Permit Zone D



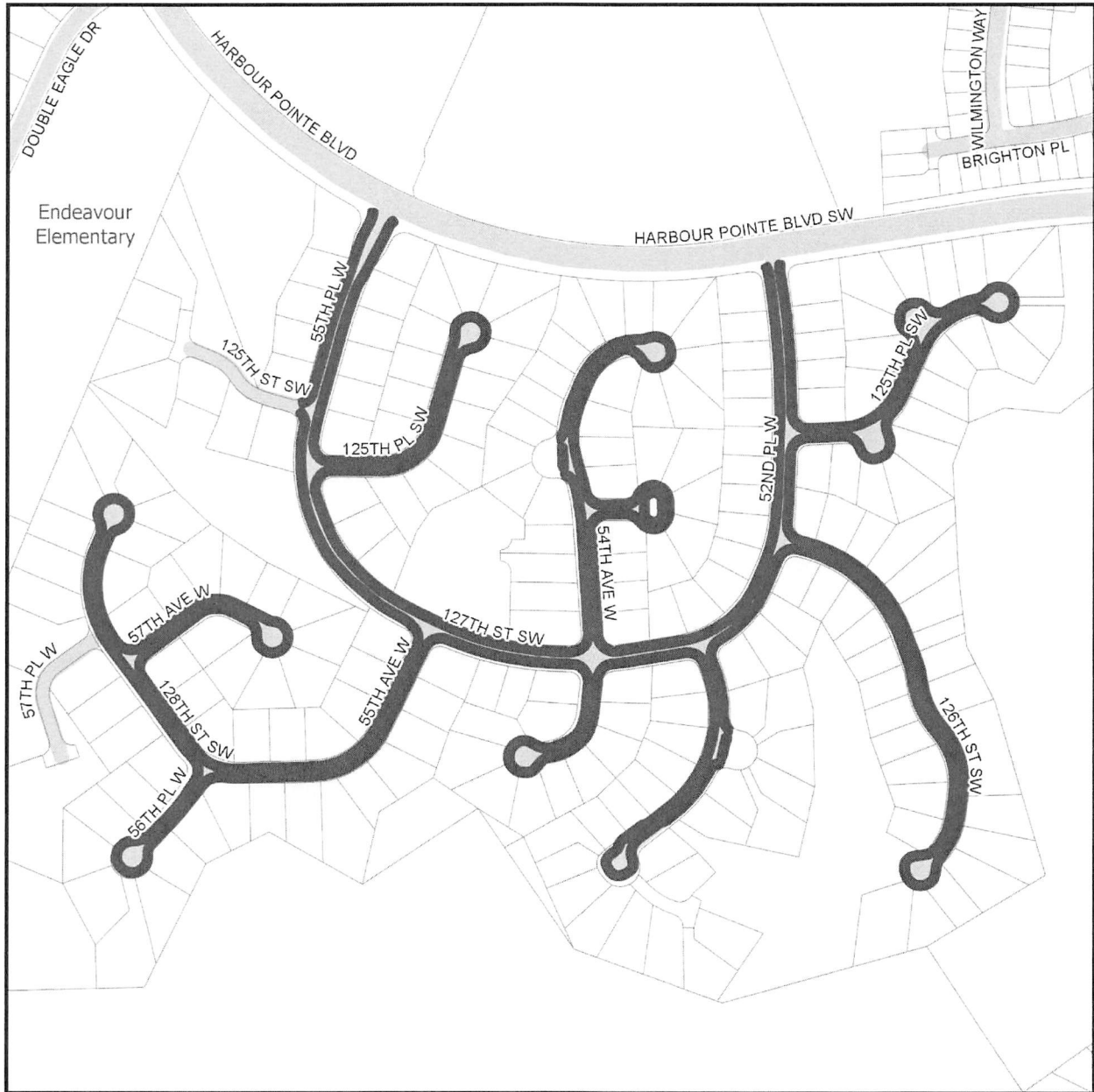
0 80 160 Feet

 Zone D Parking Permit Area






# Map 5: Discovery Crest & Waterford Park No Parking 2:30am - 4:30am

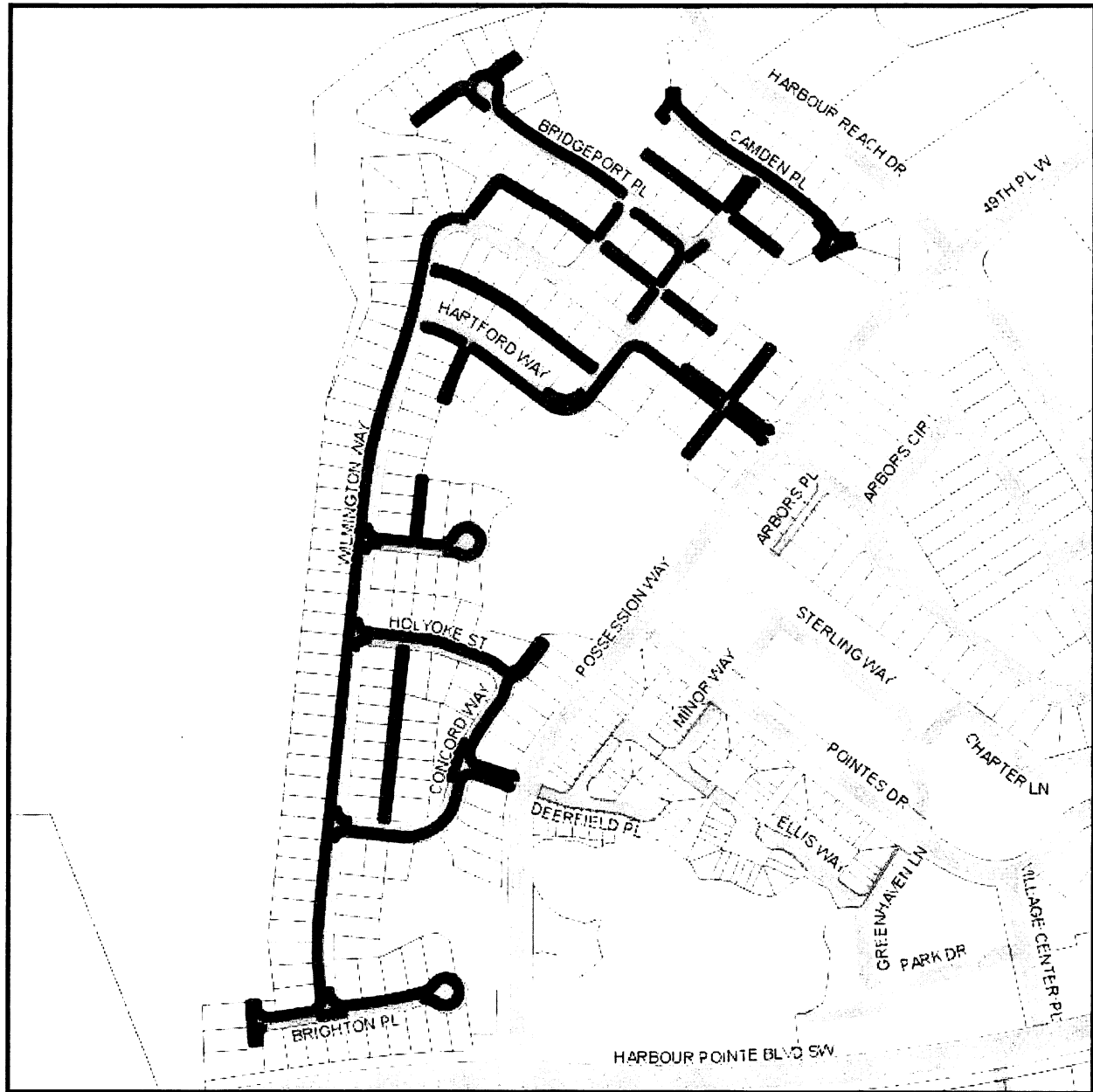


0 150 300 Feet


 No Parking 2:30am - 4:30am



## Map 6: Harbour Pointe Village No Parking Areas

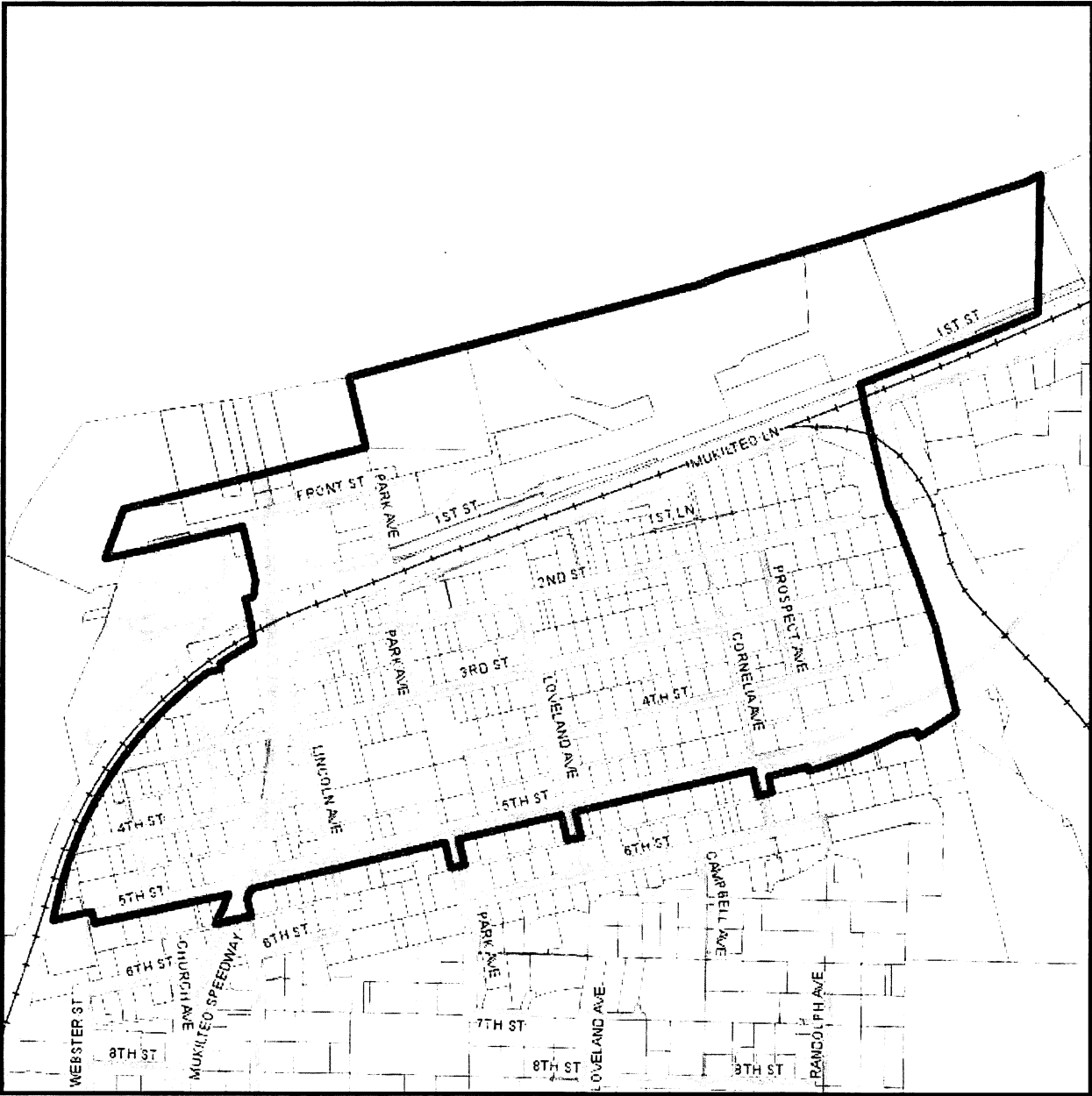


0 140 280 Feet

 No Parking Area



## Map 7: 4-Hour Parking Zone



0      275      550 Feet


A horizontal number line with tick marks at 0, 275, and 550. A point is marked at 137.5 feet.



Map 8: No Parking 2:30 am - 4:30 am Zone

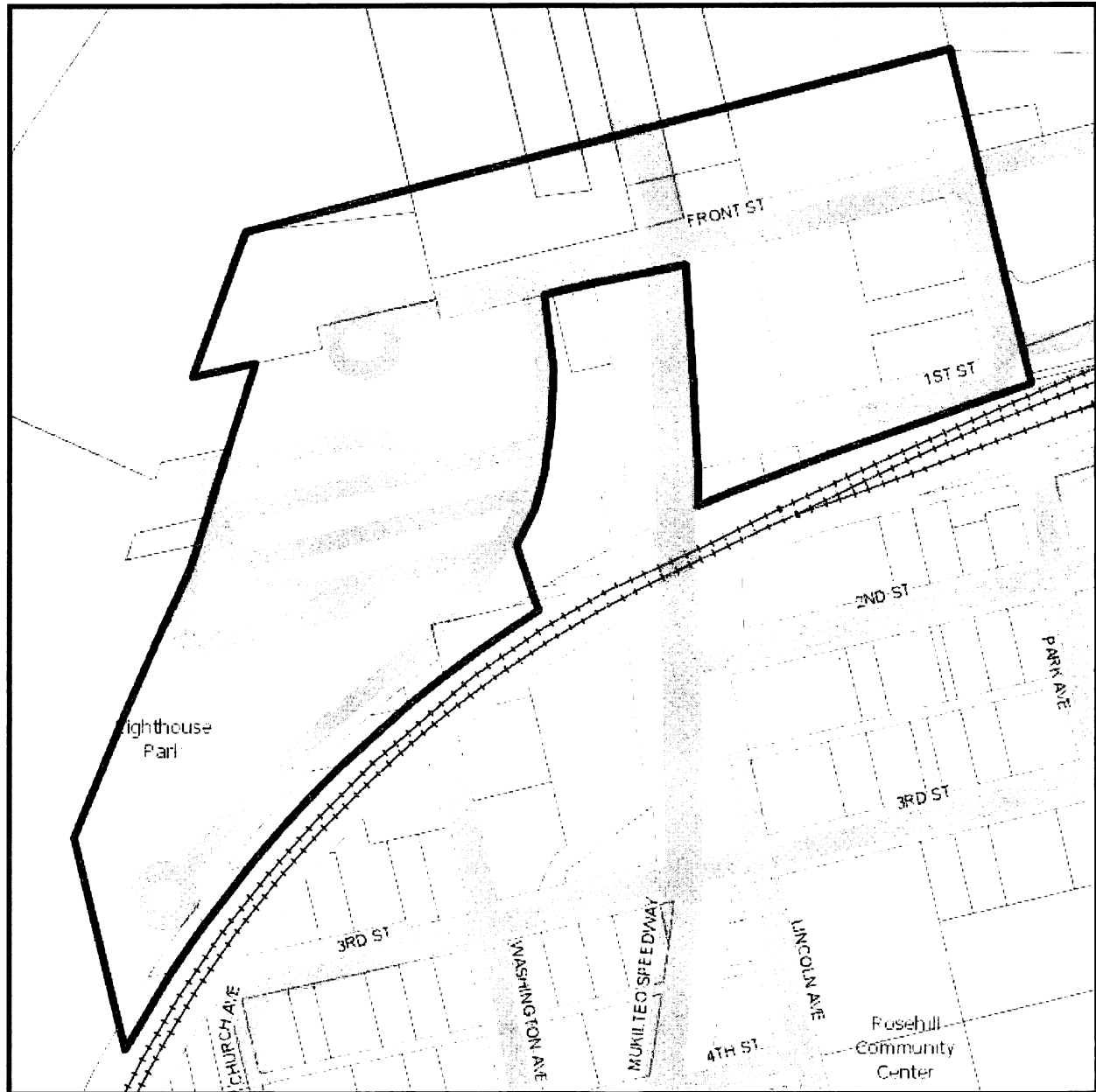


0 275 550 Feet

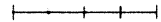
 Zone Boundary



## Map 9: Paid Parking Zone A



0 90 180 Feet

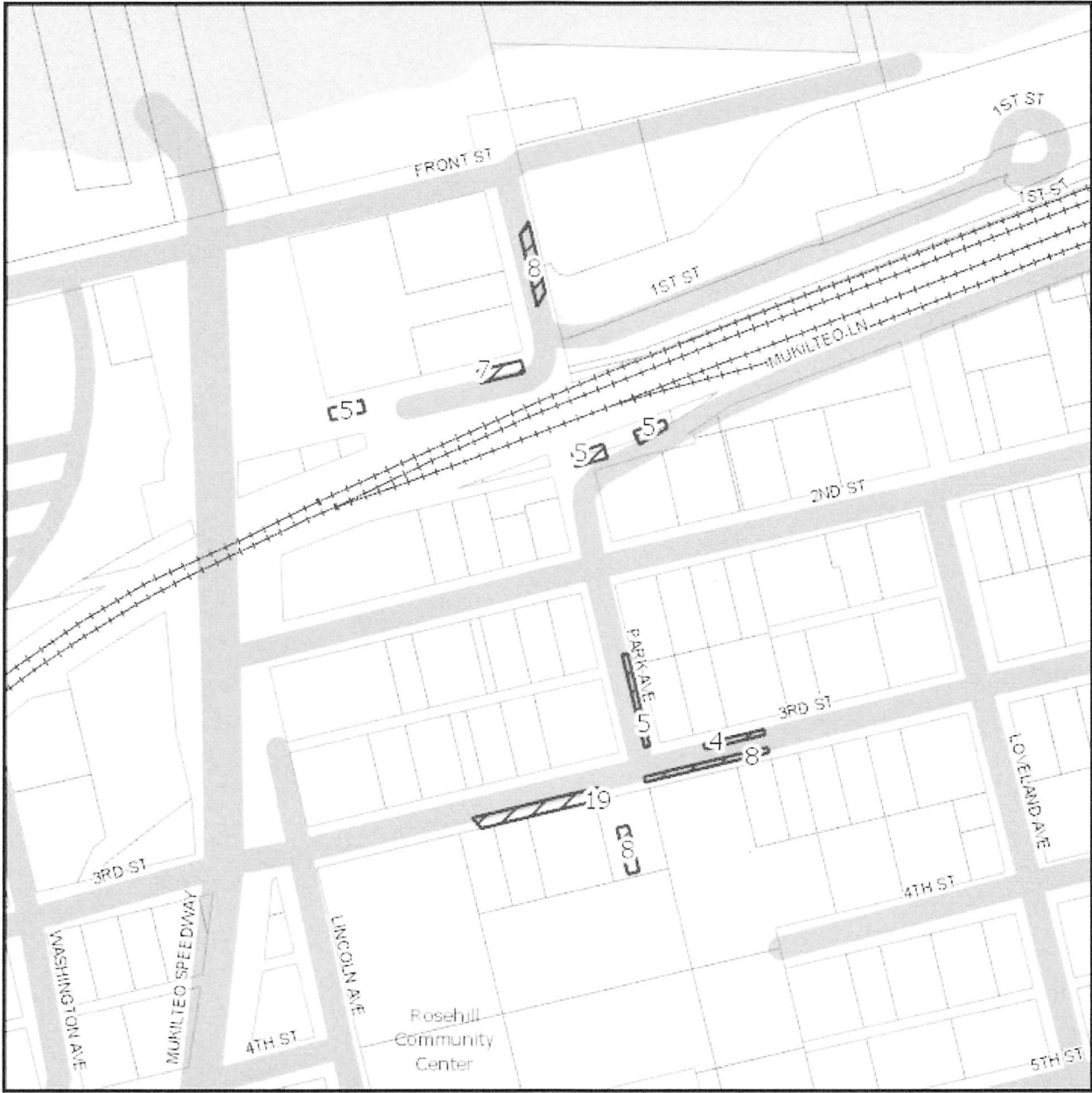


Parking Zone Boundary





# Map 10: Employee Parking Permit Zones



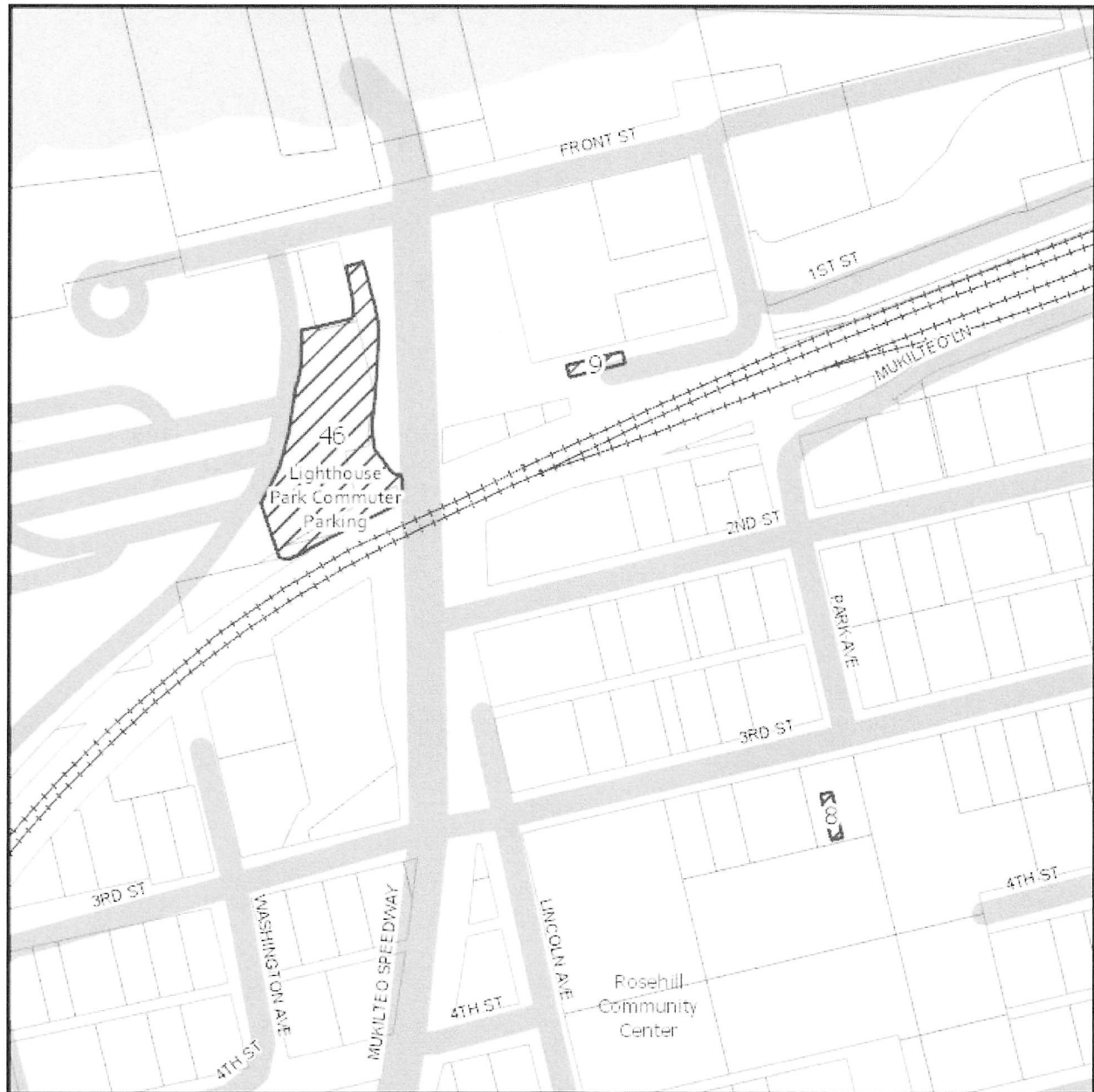
0 90 180 Feet

 Employee Parking Permit Zones

Labels denote number of spaces available



## Map 11: Commuter Parking Zones



0 90 180 Feet



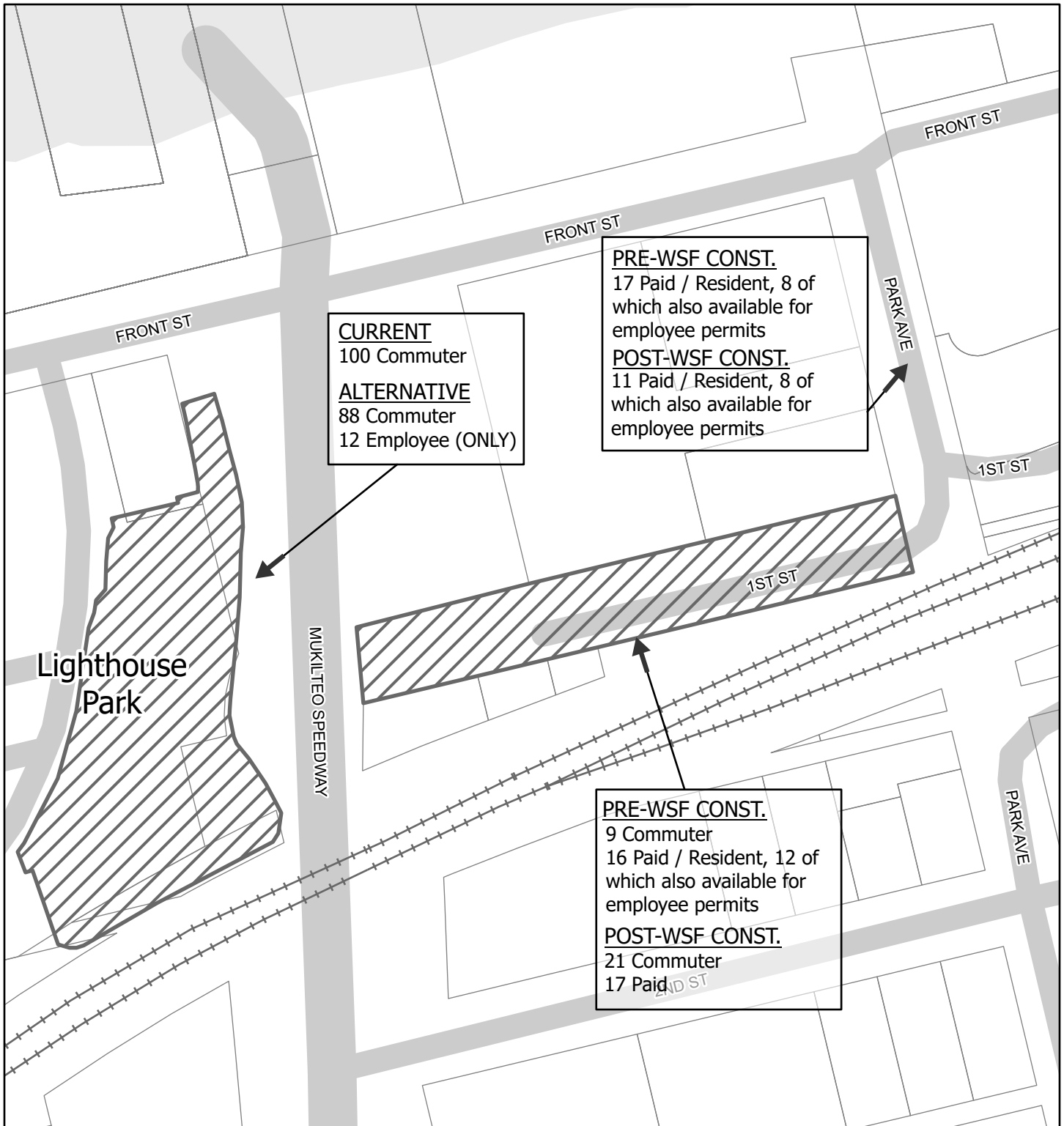
Commuter Zone Boundary

Labels denote number of  
spaces available



# EXHIBIT 3

## City Parking Program Alternative



0 62.5 125 250 Feet



<b>LAND USE &amp; ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT</b>	
<b>SUBJECT TITLE:</b> Mukilteo Boys and Girls Club - Public Use Agreement	<b>FOR AGENDA OF:</b> October 6, 2021
<b>Contact Staff:</b> David Osaki, Community Development Director	<b>EXHIBITS:</b> 1. September 8, 2021 LU&ED Committee Boys and Girls Clubs Public Use Agreement Agenda Materials
<b>Department Director:</b> David Osaki, Community Development Director	

### **Recommendation**

Land Use & Economic Development Committee (“LU&ED Committee”) to discuss an agreement (Addendum No. 6) with the Boys and Girls Clubs of Snohomish County (“BGCSC”) to formalize public use of the building and revise public use provisions for use of the ballfield.

### **Background**

The September 8, 2021 LU&ED Committee agenda included discussion of a draft public use agreement between the City and BGCSC related to public use of the BGCSC facility located at 10600 47th Place West. The draft public use agreement is in the form of an addendum to the 2006 lease agreement that allowed the BGCSC to use and develop the City’s property.

As only one LU&ED Committee member was in attendance September 8, 2021, this matter is being brought back to the October 6, 2021 meeting for discussion.

The September 8, 2021 LU&ED Committee meeting materials related to this topic are attached for reference (**See Exhibit 1**). These materials include a draft addendum developed between City staff and the BGCSC.

City Council consideration of the public use agreement is scheduled for November 1, 2021.

### **ALTERNATIVES**

For discussion.

## EXHIBIT 1

LAND USE & ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT	
<b>SUBJECT TITLE:</b> Mukilteo Boys and Girls Club - Public Use Agreement	<b>FOR AGENDA OF:</b> September 8, 2021
<b>Contact Staff:</b> David Osaki, Community Development Director	<b>EXHIBITS:</b> 1. Boys and Girls Clubs of Snohomish County - Public Use Agreement (Draft Addendum No. 6)
<b>Department Director:</b> David Osaki, Community Development Director	

### **Recommendation**

Land Use & Economic Development Committee (“LU&ED Committee”) to discuss an agreement (Addendum No. 6) with the Boys and Girls Clubs of Snohomish County to establish public use of the building and revise public use provisions for use of the ballfield.

### **Background**

The Mukilteo Boys and Girls Clubs of Snohomish County (BGCSC) officially opened its new Mukilteo facility at 10600 47<sup>th</sup> Place West in January 2019. The facility includes a building, with a gym, and also a multi-purpose ballfield.

The Mukilteo Boys and Girls Club is located on City owned property. The property and building is subject to a lease agreement with the City. The lease was originally entered into in 2006 and has been amended five times since, most recently in 2019 for a shared use parking agreement between Electroimpact, the BGCSC and the City.

As the new Mukilteo BGCSC facility approached its opening, the City Council expressed interest in entering into an agreement with the BGCSC to address public use of the facility. That discussion focused mainly on public use of the new building, especially since the building includes a gym.

In January 28, 2019, proposed use agreement language agreed to between City staff and the BGCSC was brought forward to the City Council for discussion. That proposed language stated,

#### **“Public Use of Facility.**

The Boys and Girls Club of Snohomish County agree to allow the public to use the building and recreational fields on a space available basis when not being used for youth programs. Public use time will vary depending on the programming needs of the Boys and Girls Club; however, the Club shall provide open use times quarterly to the City which will then be advertised to the community. Any increases in staffing or costs necessary to cover the public use time shall be negotiated between the City and the Boys and Girls Club with the City’s yearly budget or as needed.”

Council direction was for an agreement that was more specific on fees.

Since that time, further discussions between the BGCSC and the City staff were held, but was postponed pending the BGCSC desire to wait until the hiring of a new Mukilteo unit director. The onset of COVID postponed any further discussions, which were then restarted earlier this year.



## **Draft Public Use Agreement - Provisions**

The 2006 lease agreement between the City of Mukilteo and the BGCSC has a provision for public use of ball fields, which is in effect, that states.

“C. **Scheduling Use of Premises by Other Agencies.** Lessee shall schedule and make available any ball fields constructed on the premises to other community-based groups to provide recreation services to school age children. Lessee may charge a nominal fee (subject to approval of Lessor) for such use. Any community-based group which uses the facilities will be required to provide evidence of insurance acceptable to Lessee and to indemnify and hold harmless the Lessee and Lessor. Lessee shall not be obligated to allow use of the ball fields if such use materially restricts Lessee's ability to conduct its own recreational programs or services.”

However, there is no specific provision for general public use of the building.

**Exhibit 1** is the latest draft Agreement discussed between the City and BGCSC. The BGCSC finds this draft Agreement acceptable.

In developing this Agreement, the BGCSC Executive Director indicated that it has always been his vision that the building would be made available to the public when not in conflict with Boys and Girls Clubs activities. Public use of the various BGCSC facilities in Snohomish County are already allowed (in a non-COVID situation). The draft Agreement formalizes this for Mukilteo.

The draft Agreement contains provisions that:

- Specifically identifies available times of use and fees for two building features:
  - Gymnasium; and,
  - Community Room
- (Other parts of the building, such as the computer lab, would not be available for general public use given the equipment in that room.)
- Allow use of the building more frequently during the non-school year than during the school year.
- Provide that use of the building is allowed after hours as well as on Sundays when the Boys and Girls Clubs facility is normally closed.
- Allows for use of the ballfield subject to availability and payment of a fee.
- For both the ballfield and the building, identifies specific fees. The fees are to remain in place at the level specified in the Agreement for at least one year from the execution of the Agreement.
- After one year, allows fee increases up to 20% over the amount identified in the Agreement, subject to approval by the City Administrator. Fee increases (or cumulative increases) over 20% of the amount specified in the Agreement require City Council approval.

The BGCSC indicated it will monitor costs of providing public use, including staffing, so a request for a future fee increase could occur.

**ALTERNATIVES**

None.

## **EXHIBIT 1**

### **SIXTH ADDENDUM TO LEASE AGREEMENT BETWEEN CITY OF MUKILTEO AND BOYS & GIRLS CLUBS OF SNOHOMISH COUNTY**

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THIS SIXTH ADDENDUM is made to that certain Lease Agreement dated September 28, 2006 for Property generally located at 10600 47th Place West by and between the CITY OF MUKILTEO, a Washington municipal corporation (the “Lessor”), and BOYS & GIRLS CLUBS OF SNOHOMISH COUNTY, a Washington non-profit corporation (the “Lessee”), recorded at Snohomish County Auditor’s File No. 200611020736 (the “Lease Agreement”).

#### **RECITALS**

**A.** The City and BGCSC’s partnership dates from 1961 when the Mukilteo Boys Club was granted its charter and started serving the Mukilteo community in a City-owned building on 2<sup>nd</sup> Street; and

**B.** The BGCSC is an important part of Mukilteo’s community as they provide convenient and affordable family support services through their daycare, sports programs, and summer camps; and

**C.** The BGCSC has completed the construction of a new, modern facility building, centrally located in Harbour Pointe to increase the access and availability of the Club for families in Mukilteo and Southwest Snohomish County; and

**D.** This new building is located on 12 acres of City-owned land and includes a gymnasium, community meeting room, a teen center, and a computer lab; and

**E.** BGCSC development of the City-owned land also includes a ballfield; and

**F.** The City and other public agencies have financially contributed to the BGCSC development of the property; and

**G.** The City desires to provide for public use of the building and ballfield on a space available basis when not being used for youth programs;

NOW, THEREFORE, in consideration of the agreement set forth below and for other good and valuable consideration, the City and BGCSC agree as follows:

**Section 1.** Section 5 “Purpose/Use”, Subsection 5.C “Scheduling Use of Premises by Other agencies” is hereby deleted in its entirety and replaced with a new subsection 5.C and 5.D as follows:

5. **Purpose/Use.** In addition to the terms and conditions of this lease, the use of the property shall be subject, specifically to the restrictions and/or conditions of the Quit Claim Deed attached hereto as Exhibit A. As is reflected therein Lessee shall use the premises to provide recreation and recreational facilities to serve school-age children.

A. **Physical Improvements:** Lessee shall improve the premises, substantially in form as described in Exhibit B, attached hereto and incorporated herein by this reference. Such improvements shall be subject to the approval of the Lessor; shall be designed, constructed, and maintained at the sole expense of the Lessee; and shall be substantially completed not later than December 31, 2012. Once the property is improved, Lessee shall maintain the premises and all improvements, landscaping, fixtures and equipment which are placed there as a quality community recreation facility for school-age children and in a neat, clean, safe and sanitary condition and shall at all times preserve the premises in good and safe repair. Upon the expiration of the lease, Lessee shall transfer ownership of the foregoing improvements in good condition, ordinary wear and tear accepted, to Lessor.

B. **Recreational Services to be Provided.** Upon completion of the physical improvements described in paragraph 5(a), Lessee shall provide upon the premises, at its sole cost, not less than 1,500 hours per calendar year of recreational programming and services for school age children.

~~C. **Scheduling Use of Premises by Other Agencies.** Lessee shall schedule and make available any ball fields constructed on the premises to other community based groups to provide recreation services to school age children. Lessee may charge a nominal fee (subject to approval of Lessor) for such use. Any community based group which uses the facilities will be required to provide evidence of insurance acceptable to Lessee and to indemnify and hold harmless the Lessee and Lessor. Lessee shall not be obligated to allow use of the ball fields if such use materially restricts Lessee's ability to conduct its own recreational programs or services.~~

**C. Public Use of Facility.** The Lessee agrees to allow the public to use the building and ballfield on a space available basis when not being used for its youth programs. Lessee shall not be obligated to allow use of the building and ballfield if such use materially restricts Lessee's ability to conduct its own recreational programs or services. Any group which uses the building or recreational field will be required to provide evidence of insurance to indemnify and hold harmless the Lessee and Lessor.

**D. Public Use Availability and Fees.**

Public use time will vary depending on the programming needs of the Lessee and will generally follow the times identified below. The Lessee shall provide open use times to the Lessor twice per year, prior to the school year and prior to the summer, to confirm consistency with the availability below and whether any revisions warrant an addendum. The fees below shall be the maximum for at least one year from execution of this addendum. After the one year period, any fee increase (or cumulative increases) up to 20 percent of the fees identified below may be approved administratively by the City Administrator. Any fee increase (or cumulative increases) which exceed 20 percent of the fee identified below shall require an addendum subject to City Council approval.

<b><u>FACILITY/ RENTAL FEE</u></b>	<b><u>TIME OF YEAR/AVAILABILITY</u></b>		
	<b><u>DURING SCHOOL YEAR (SCHOOL DAYS)</u></b>	<b><u>DURING SCHOOL YEAR (NON- SCHOOL DAYS)</u></b>	<b><u>DURING SUMMER</u></b>
<b><u>Gymnasium*</u></b> <ul style="list-style-type: none"> <li>• <u>Non-Tournament: \$50 per hour</u></li> <li>• <u>Tournaments: \$100 per day plus \$50 per hour</u></li> </ul>	<b><u>Monday-Friday</u></b> <ul style="list-style-type: none"> <li>• <u>9am - 1pm</u></li> <li>• <u>After 6pm (if no conflict with Boys &amp; Girls Clubs activities)</u></li> </ul> <b><u>Saturday</u></b> <ul style="list-style-type: none"> <li>• <u>After 6pm</u></li> </ul> <b><u>Sunday</u></b> <ul style="list-style-type: none"> <li>• <u>All day</u></li> </ul>	<b><u>Monday-Friday</u></b> <ul style="list-style-type: none"> <li>• <u>After 6pm (if no conflict with Boys &amp; Girls Clubs activities)</u></li> </ul> <b><u>Saturday</u></b> <ul style="list-style-type: none"> <li>• <u>After 6pm</u></li> </ul> <b><u>Sunday</u></b> <ul style="list-style-type: none"> <li>• <u>All day</u></li> </ul>	<b><u>Monday-Friday</u></b> <ul style="list-style-type: none"> <li>• <u>After 6pm</u></li> </ul> <b><u>Saturday</u></b> <ul style="list-style-type: none"> <li>• <u>All day (if no conflict with Boys and Girls Clubs activities)</u></li> </ul> <b><u>Sunday</u></b> <ul style="list-style-type: none"> <li>• <u>All day</u></li> </ul>
<b><u>Community Room*</u></b> <ul style="list-style-type: none"> <li>• <u>\$25.00 per hour</u></li> </ul>	<b><u>Monday - Friday</u></b> <ul style="list-style-type: none"> <li>• <u>9am-1pm</u></li> <li>• <u>After 6pm (if no conflict with Boys &amp; Girls Clubs activities)</u></li> </ul> <b><u>Saturday</u></b> <ul style="list-style-type: none"> <li>• <u>All day</u></li> </ul> <b><u>Sunday</u></b> <ul style="list-style-type: none"> <li>• <u>All day</u></li> </ul>	<b><u>Monday - Friday</u></b> <ul style="list-style-type: none"> <li>• <u>After 6pm (if no conflict with Boys &amp; Girls Clubs activities)</u></li> </ul> <b><u>Saturday</u></b> <ul style="list-style-type: none"> <li>• <u>All day</u></li> </ul> <b><u>Sunday</u></b> <ul style="list-style-type: none"> <li>• <u>All day</u></li> </ul>	<b><u>Daily</u></b> <ul style="list-style-type: none"> <li>• <u>All Day</u></li> </ul>

<u>FACILITY/ RENTAL FEE</u>	<u>TIME OF YEAR/AVAILABILITY</u>		
	<u>DURING SCHOOL YEAR (SCHOOL DAYS)</u>	<u>DURING SCHOOL YEAR (NON- SCHOOL DAYS)</u>	<u>DURING SUMMER</u>
<b><u>Ballfields**</u></b> <ul style="list-style-type: none"> <li>• <u>Non-Tournament: \$50 per hour</u></li> <li>• <u>Tournaments: \$100 per day plus \$50 per hour</u></li> </ul>	<b><u>Monday - Friday</u></b> <ul style="list-style-type: none"> <li>• <u>6am-5pm (during sports seasons)**</u></li> </ul> <b><u>Saturday</u></b> <ul style="list-style-type: none"> <li>• <u>All day (during non-sports seasons)**</u></li> <li>• <u>On space available basis during sports season</u></li> </ul> <b><u>Sunday</u></b> <ul style="list-style-type: none"> <li>• <u>All day (during sports and non-sports seasons)**</u></li> </ul>	<b><u>Monday - Friday</u></b> <ul style="list-style-type: none"> <li>• <u>After 6pm (during non-sports seasons)**</u></li> </ul> <b><u>Saturday</u></b> <ul style="list-style-type: none"> <li>• <u>All day (during non-sports seasons)**</u></li> <li>• <u>On space available basis during sports season</u></li> </ul> <b><u>Sunday</u></b> <ul style="list-style-type: none"> <li>• <u>All day (during sports and non-sports seasons)**</u></li> </ul>	<b><u>Daily (July-August only)</u></b> <ul style="list-style-type: none"> <li>• <u>On space available basis</u></li> </ul>

\* The building facility will generally be available after hours up to 11:00pm in the evening, subject to BGCSC staffing availability. (Ballfield has no lighting. Use of ballfield facility will be limited by availability of daylight.)

\*\* The "Sports Season" is:

- September - November; and,
- March - June

The "Non-Sports Season" is:

- December - February; and,
- July - August

**Section 2.** All provisions in the original Lease Agreement as subsequently modified by addenda remains in effect, except as expressly modified by this Addendum.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date first above written.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

BOYS AND GIRLS CLUBS OF  
SNOHOMISH COUNTY

CITY OF MUKILTEO

By: \_\_\_\_\_  
Bill Tsoukalas, Executive Director

By: \_\_\_\_\_  
Jennifer Gregerson, Mayor

APPROVED AS TO FORM:  
Office of the City Attorney

\_\_\_\_\_

STATE OF WASHINGTON            )  
  ) ss.  
COUNTY OF SNOHOMISH    )

I certify that I know or have satisfactory evidence that Bill Tsoukalas is the person who appeared before me, and said persons acknowledged that he was authorized to execute the instrument and acknowledged it as the Executive Director of the Boys and Girls Clubs of Snohomish County, to be the free and voluntary act and deed of such party for the uses and purposes mentioned in this instrument.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Printed: \_\_\_\_\_  
NOTARY PUBLIC IN AND FOR WASHINGTON  
Residing at: \_\_\_\_\_  
My appointment expires: \_\_\_\_\_

STATE OF WASHINGTON            )  
  ) ss.  
COUNTY OF SNOHOMISH    )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ Jennifer Gregerson \_\_\_\_\_ is the persons who appeared before me, and said persons acknowledged that she was authorized to execute the instrument and acknowledged it as the Mayor of the City of Mukilteo, to be the free and voluntary act and deed of such party for the uses and purposes mentioned in this instrument.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Printed: \_\_\_\_\_

NOTARY PUBLIC IN AND FOR WASHINGTON

Residing at: \_\_\_\_\_

My appointment expires: \_\_\_\_\_

**DRAFT**