

City of SeaTac

Council Study Session Minutes Synopsis

August 12, 2014
4:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Study Session (CSS) was called to order by Mayor Mia Gregerson at 4:01 p.m.

COUNCIL PRESENT: Mayor Mia Gregerson, Deputy Mayor (DM) Anthony (Tony) Anderson, Councilmembers (CMs) Barry Ladenburg, Kathryn Campbell, Terry Anderson (*arrived at 4:12 p.m.*), Dave Bush, and Pam Fernald (*arrived at 4:05 p.m.*).

STAFF PRESENT: City Manager Todd Cutts, City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Facilities Manager Pat Patterson, Senior Assistant City Attorney Mark Johnsen, Public Works (PW) Director Tom Gut, City Engineer Susan Sanderson, Senior Planner Michael Scarey, Community & Economic Development (CED) Director Joe Scorcio, Planning Manager Steve Pilcher, Economic Development (ED) Manager Jeff Robinson, Development Review Engineering Manager Ali Shasti, and Police Chief Lisa Mulligan.

PUBLIC COMMENTS (related to the agenda items listed below): Susan Andrews-Salmond and Sandy Hunt spoke in favor of Agenda Bill #3619 (expressing the City Council's support for Highline School District [HSD] Proposition No. 1).

CM Fernald arrived at this point in the meeting.

Vicki Lockwood spoke against Agenda Bill #3633 (an amendment to the employee agreement between the City and City Manager Todd Cutts).

CM T. Anderson arrived at this point in the meeting.

Earl Gipson spoke against Agenda Bill #3619.

Agenda Bill #3619; A Resolution expressing the City Council's support for Highline School District (HSD) Proposition No. 1 Bonds to Construct New Schools and Replace and Renovate Deteriorating Schools, to be presented to the electorate on November 4, 2014

Summary: HSD Proposition No. 1 is a bond measure with a stated purpose of relieving overcrowding and replacing deteriorating, outdated schools within the District. The proceeds from the bond measure will rebuild Highline High School, construct two new middle schools, construct a new Des Moines Elementary School at the Zenith site, make improvements at the Evergreen and Tyee Campuses, and make District-wide health, safety, security, arts, technology, and other capital improvements. The ballot title and description for the proposition is as follows:

Highline School District Proposition No. 1—Bonds to Construct New Schools and Replace and Renovate Deteriorating Schools.

The Board of Directors of Highline School District No. 401 adopted Resolution No. 06-14, concerning a proposition to relieve overcrowding and replace deteriorating, outdated schools. This proposition would authorize the District to rebuild Highline High School, construct two new middle schools, construct a new Des Moines Elementary School at Zenith, make critical improvements at Evergreen and Tyee Campuses, and make District-wide health, safety, security, arts, technology, and other capital improvements; issue no more than \$385,065,156 of general obligation bonds maturing within 21 years; and levy annual excess property taxes to repay the bonds, all as provided in Resolution No. 06-14. Should this proposition be: Approved [] Rejected [];

Revised Code of Washington (RCW) 42.17A.555 prohibits the use of city facilities to assist in promotion of or opposition to any ballot proposition. However, RCW 42.17A.555 (1) allows the Council to adopt a Resolution in support of or opposition to a ballot proposition if certain mandatory procedural steps are taken, including providing notice that the Council will discuss taking a collective position regarding the ballot measure, and providing an opportunity for public comment prior to Council action with persons wishing to express and opposing view being afforded an approximate equal opportunity to speak. Therefore, public comments will be solicited for the September 9, 2014 Council Meeting.

Senior Assistant City Attorney Johnsen reviewed the agenda bill summary.

Council consensus: Refer this to the 09/09/14 RCM Action Item

Agenda Bill #3625; A Motion authorizing the acceptance of the work for the replacement of the glazing in City Hall windows

Summary: With the approval of Agenda Bill #3495 by Council in April 2013, the City entered into a contract with Mike Werlech Construction for the replacement of the glass in the windows of City Hall. The project was scheduled to run for two years with the second and third floors being completed the summer of 2013 and the first floor windows to be completed in the spring of 2014. The project is now completed. Acceptance of the work will allow the City to release the 5% retainage being held.

The total amount of the contract with sales tax is \$388,745.81. There were two deductive change orders in the amount of \$12,737.19 leaving a final contract amount of \$376,008.62. Of this amount, 25% or \$94,002.16 is being paid by a grant from the Washington State Department of Commerce. The total cost to the City for the work is \$282,006.47.

Facilities Manager Patterson reviewed the agenda bill summary.

Council discussion ensued with the project. Mr. Patterson stated that he was very happy with the work and had minimal impact to offices.

Council consensus: Refer this to the 09/09/14 RCM Consent Agenda

Agenda Bill #3633; A Motion authorizing the Mayor to execute an amendment to the employee agreement between the City and City Manager Todd Cutts

Summary: The City Council recently concluded the City Manager's evaluation. As the result of a successful evaluation, it is proposed that the City Manager's contract be amended.

There are two proposed substantive changes to the City Manager's existing contract. First, the City Manager's current contract provides for accrual of vacation leave based on the length of service, which is currently 18 days per year. It is proposed to increase the vacation accrual rate to 22 days per year. Second, it is proposed that the City pay for the City Manager's membership to Emerging Local Government Leaders (ELGL), including travel related expenses for his conferences. In addition to the substantive changes, the proposed amendment also makes several housekeeping changes.

The costs associated with the negotiated employment agreement will be budgeted and paid through the General Fund.

Mayor Gregerson reviewed the agenda bill summary.

Council discussion ensued regarding the amendment with most CMs speaking in favor of the agreement.

Council consensus: Refer this to the 09/09/14 RCM Consent Agenda

PRESENTATIONS – INFORMATION ONLY:

● **Presentation on the status of the Transportation Element (TE) of the Comprehensive Plan (CP) Update** (*Note: first in a series of presentations leading towards Council policy direction and Transportation Plan approval*)

City Engineer Sanderson introduced Senior Planner Scarey and Transpo Group Project Manager Larry Toedtli. This presentation was made to the PC last week and received good feedback. Staff will meet again with Council at the October Budget Workshop to discuss financial planning relative to transportation needs. In November, staff will present additional findings and request input on policy direction from the PC and Council.

Mr. Toedtli stated that tonight's presentation is to initiate discussion on Update of TE and preparation of Transportation Master Plan (TMP), review existing transportation conditions, and introduce conversation on transportation policies.

Mr. Toedtli and Mr. Scarey reviewed the TE and TMP objectives.

Mr. Toedtli reviewed primary work program tasks, existing transportation system, and initial findings.

Council discussion ensued regarding the chosen road sections to review with suggestion made to add South 133rd and 154th Streets, and Military Road between South 200th Street and Kent Des Moines Road.

Mr. Toedtli continued reviewing the initial findings and existing transportation system conditions for pedestrian facilities, bicycle facilities, and transit.

He stated that the Transportation Policy looks at how to integrate the pedestrian and bicycle facility improvements with traffic needs. Also need to define level of service standards.

PRESENTATIONS – INFORMATION ONLY (Continued):

Presentation on the status of the TE of the CP Update (Continued):

Next steps: Travel demand model being updated, Forecasts and alternatives evaluation, Multimodal improvements and priorities, Policy updates, Meet with PC and Council in November, and Public outreach as part of the CP update process.

Council discussion ensued regarding the sidewalk program and funding, and South 152nd Street and Military Road.

PRESENTATIONS – COUNCIL DIRECTION:

•Report back from the Planning Commission (PC) on Recreational Marijuana Issue continuation from May 27 meeting

CED Director Scorcio stated that the purpose of this presentation is to bring discussion to a decision point so staff knows whether to continue working on this issue.

He presented a map showing how neighboring communities are handling this issue. Most cities are under moratorium for uses. A couple of cities have put permanent zoning while some have interim zoning. SeaTac continues to implement Federal regulations.

The PC was not asked to evaluate the policy level question as to whether the City should deal with land issues that are inconsistent. The PC instead reviewed the question about if the City allows marijuana, how would SeaTac approach it from a land use standpoint.

Mr. Scorcio responded to questions that Council asked during the previous presentation. Council questions:

(1) Can a business license or land use permit be revoked? Business license – yes. Land use permit – once a use is granted, and the law is changed, the original use becomes a legally non-conforming use, unless determined illegal under federal law.

(2) Can a value added tax or some other revenue generating mechanism be applied to marijuana related business? Yes.

Council discussion ensued regarding those questions.

Mr. Scorcio presented three options for Council direction:

(1) Decide not to make any change to the SeaTac Municipal Code (SMC) and rely on federal regulations;

(2) Decide not to make any change to the SMC but amend Zoning Code to prohibit Marijuana related uses (retail, producer/processors, medicinal); or

(3) Amend the SMC to permit one, two, or all three uses (retail, producer, processor).

The PC recommended continuing with the current code language which does not allow for any type of marijuana-related business.

Discussion ensued regarding the options with Council stating their preference.

Council direction: Option 1 – Decide not to make any change to the code and rely on the federal regulations

City Manager Cutts clarified that there will be no change but staff will continue to monitor.

ADJOURNED: Mayor Gregerson adjourned the CSS at 5:56 p.m.

Following this meeting council and staff will be going into a meeting exempt from the Open Public Meetings Act (OPMA) per Revised Code of Washington (RCW) 42.30.140(4)(a) (15 minutes).