

City of SeaTac

Council Study Session Minutes Synopsis

January 10, 2017
5:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Study Session (CSS) was called to order by Mayor Michael Siefkes at 5:01 p.m.

COUNCIL PRESENT: Mayor Michael J. Siefkes, Deputy Mayor (DM) Pam Fernald, Councilmembers (CMs) Rick Forschler, Kathryn Campbell, Peter Kwon, Tony Anderson, and Erin Sitterley.

STAFF PRESENT: Acting City Manager Joe Scorcio, City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Senior Assistant City Attorney Mark Johnsen, Police Chief Lisa Mulligan, Acting Community & Economic Development (CED) Director/Economic Development (ED) Manager Jeff Robinson, Public Works (PW) Director Will Appleton, Acting Finance Director Gwen Pilo, City Engineer Florendo Cabudol, Parks, Community Programs and Services Director Lawrence Ellis, and Senior Management Analyst Tim Ramsaur.

PUBLIC COMMENTS (related to the agenda items listed below): John Thompson wished everyone a Happy New Year and commented on a permit he requested in 1959 was just approved.

AGENDA BILLS:

Agenda Bill #4480; An Ordinance amending Section 8.05.280 of the SeaTac Municipal Code (SMC) related to public disturbances.

Summary: Recently, the King County (KC) Superior Court ruled that the City's Disorderly Conduct Code is unconstitutionally overbroad. Therefore, this Ordinance amends the Criminal Code to remedy this issue.

First, this Ordinance amends the SeaTac Criminal Code by adopting the state statute for Disorderly Conduct, Revised Code of Washington (RCW) 9A.84.030. In addition, additional language is added to prohibit intentional "fighting in a public place, or quarreling or inciting or encouraging others to fight in a public place." With these changes, the Code should pass constitutional muster and will enable the City to prosecute cases that fall outside the state statute, thereby preserving public safety and reducing or eliminating undesirable behaviors that otherwise the City would not be able to curtail or prohibit. Second, the crime of "Riot" is renamed to "Criminal Mischief". This amendment mirrors state law.

Senior Assistant City Attorney Johnsen reviewed the agenda bill summary.

Council discussion ensued regarding the need for this change.

Acting City Manager reviewed why this did not go to PS&J. City Attorney Mirante Bartolo stated this change is better for all involved and clarifies the intent of the code language.

Council consensus: Refer to the 1/10/17 RCM Consent Agenda

Agenda Bill #4509; An Ordinance vacating the right-of-way (ROW) on South 190th Street from 32nd Avenue South to its western terminus.

Summary: Huling Brothers Family, LLC. is planning to redevelop the properties adjacent to South 190th Street and will incorporate the proposed vacated ROW into their project. There are no future connectivity plans for this segment of ROW and it serves no apparent future municipal use.

The procedures for vacating a public ROW are set forth in the RCW 35.79. The City Council set the date of the required Public Hearing (PH) for January 24, 2017 (Resolution 16-027) to consider the merits of the application to vacate the ROW in question. All utilities serving this area were given notice of the vacation request and this Ordinance reserves and existing utility easements in the vacated area until released by the grantee.

RCW 35.79.030 provides that the City may require compensation to the City for the acquired property, not to exceed the full appraised value of the area vacated. Therefore, the City will receive \$743,000 in compensation to the vacated area.

AGENDA BILLS (continued):

Agenda Bill #4509 (continued): This item will be placed on the agenda for the January 24, 2017 Regular Council Meeting (RCM) for a PH and subsequent Council action.

The vacation is conditioned on the Petitioner paying the cost of the full appraised value of the vacated ROW, in the amount of seven hundred forty three thousand dollars (\$743,000.00).

City Engineer Cabudol reviewed the agenda bill summary.

Council discussion ensued regarding the current zoning, property ownership, and notification to surrounding properties.

Council consensus: Refer to the 1/24/17 RCM PH and Action Item

Agenda Bill #4507; A Motion authorizing the City Manager to execute a contract with the Washington State Department of Commerce for the SeaTac International Marketplace.

Summary: The State's 2016 Capital Budget included the direct appropriation of a \$1.25 million grant for the development of the International Marketplace as part of the City's implementation of the South 154th Street Station Area Plan. These funds were the result of a legislative request supported by the City Council and sponsored by Senator Karen Keiser. The purpose of the grant is to support development activities related to the construction of a public plaza and associated commercial space as part of the International Marketplace. The International Marketplace will help achieve the vision for the South 154th Street Station Area as a thriving mixed-use, transit oriented neighborhood. By showcasing and celebrating the diverse cultural heritage of the area through food, products, and art, it will be a focal point for residents, employees and visitors in SeaTac and provide an additional public gathering spot for community events. The interesting mix of shops, restaurants and open space will provide the types of amenities that residential and commercial developers believe to be essential elements of a successful community.

Specifically, this grant will support public project space development for the International Marketplace with costs that may include, but are not limited to, an infrastructure analysis to determine current utility capacity, design/engineering, environmental/cultural review, land/ROW acquisition, permits, material testing, construction, and construction management. These activities will assist in moving the redevelopment of the SeaTac Center and other adjacent properties forward in a more expeditious manner by completing essential other adjacent properties forward in a more expeditious manner by completing essential predevelopment actions prior to the sale of the real estate. The City's participation will create a public/private partnership and help structure the negotiation of a Development Agreement with the new owner(s) of the property.

The net amount of the grant award is \$1,212,500 after the deduction of the Department of Commerce administrative fee. The funds must be expended no later than June 30, 2019. If this contract is executed, the City's 2017-2018 Biennial Budget will require an amendment to account for both the revenue and expenditure of these funds.

Acting CED Director / ED Manager Robinson reviewed the agenda bill summary.

Council discussion ensued regarding at which point the City needs to execute a contract. Mr. Robinson stated the City must enter into a contract within 60 days of receipt, which was December 13, 2016.

Council consensus: Refer to a future Land Use & Parks (LUP) Committee Meeting

Agenda Bill #4515; An Ordinance amending Section 2.45.155 to the SeaTac Municipal Code (SMC) related to boat speeds on Angle Lake.

Summary: On August 6, 2016, the City Council approved Ordinance #16-1011, adding new Section 2.45.155 to the SMC that allows watercraft speeds to exceed five knots per hour on Angle Lake, subject to the provisions of a Special Use Permit. This Ordinance provided that no special event will be issued for activities conducted between the Monday preceding Memorial Day and the Friday after Labor Day. The Ordinance also added language that stated that the "Director may not authorize a special event for watercraft racing that occurs after November 1, 2016" in order to determine the success of the watercraft races in September, 2016.

AGENDA BILLS (continued):

Agenda Bill #4515 (continued): Since the September, 2016 watercraft racing event was successful, the City Council should determine whether the language prohibiting events after November 1, 2016 should be deleted. This Ordinance removes this language from SMC 2.45.155, which would allow these types of events to occur on a yearly basis. All other provisions of the Code will remain in effect, including the need to obtain a Special Use Permit.

Parks, Community Programs and Services Director Ellis introduced Seattle Outboard Association (SOA) Representatives Matt Yarno and JW Myers and provided a summary of the 2016 hydroplane races. Mr. Ellis reviewed the agenda bill summary.

Discussion ensued regarding the purpose of this Ordinance which is to allow hydroplane races on Angle Lake, and their personal experiences with the event.

Council consensus: Refer to the 1/24/17 RCM Consent Agenda

Agenda Bill #4506; An Ordinance amending Sections 2.45.050 and 2.45.550 of the SeaTac Municipal Code (SMC) related to alcohol in City Parks.

Summary: Currently, the possession and consumption of alcoholic beverages in City parks is prohibited, with the exception of permitted events at the SeaTac Community Center. It has been requested that the City consider allowing certain fundraising events in City parks in which alcohol would be allowed. More specifically, the Rotary Club of Duwamish Southside (Formerly SeaTac Rotary) requested to host a fundraising event at the Highline SeaTac Botanical Garden on June 10, 2017. After discussion at the LUP Committee, this Ordinance is being brought forward for Council consideration.

This Ordinance will allow the sale, possession and/or consumption of alcoholic beverages at the Highline SeaTac Botanical Garden and Grandview Park solely for non-profit fundraising purposes, subject to the issuance of a Special Use Permit by the Parks, Community Programs and Services Director. The Special Use Permit application must be filed with the City 60 days prior to the proposed event, and would require:

- A security plan to ensure controlled event access that is sufficient to prevent the sale, possession, or consumption of alcoholic beverages to persons under 21 years of age;
- A banquet permit for the event that has been issued by the Washington State Liquor and Cannabis Board;
- Proof of liability insurance, including liquor liability, with minimum limits of \$2,000,000. Such insurance shall explicitly provide that the City of SeaTac, and its employees and elected officials are named as primary, non-contributory additional insureds. Any insurance certificates shall be reviewed and approved by the City Attorney's Office and Risk Management;
- Information related to the non-profit status and registration with the Washington State Secretary of State for any non-profit entitie(s) sponsoring the event; and
- Any other information deemed necessary by the Department to ensure compliance with State and local Law.

In addition, for proposed events to be held at the Highline SeaTac Botanical Garden, written consent of the proposed event from the Highline Botanical Garden Foundation would be required.

Parks, Community Programs and Services Director Ellis reviewed the agenda bill summary.

Council discussion ensued regarding this Ordinance, the event being hosted by the Highline SeaTac Botanical Garden.

Council consensus: Refer to the 1/24/17 RCM Consent Agenda

AGENDA BILLS (continued):

Agenda Bill #4518; An Ordinance adding a new Chapter 2.91 to the SeaTac Municipal Code related to an Ethics Policy for City Employees.

Summary: This Ordinance sets forth ethical conduct standards for City employees, and outlines the minimum provisions that shall be included in an ethics policy for City employees. This Ordinance also directs that the City Manager provide an annual report to the City Council on ethics complaints, investigations, and resolutions from the previous year.

Acting City Manager Scorcio reviewed the agenda bill summary.

DM Fernald stated the A&F Committee reviewed this Ordinance and recommended moving this forward for approval.

Acting City Manager Scorcio stated the policy is ready and will be effective immediately with this Ordinance.

Council consensus: Refer to the 1/10/17 RCM Consent Agenda

PRESENTATIONS - COUNCIL DIRECTION:

Animal Control Services Timeline

Sr. Management Analyst Ramsaur provided an overview of previous actions: Regional Animal Services of KC (RASKC) reviewed during budget and Council approved non-binding statement of intent letter be sent to RASKC.

Timeline/Next Steps:

- January 2017 - RASKC Contract Review
- February 2017 – Public Safety & Justice (PS&J) Committee
- March 2017 – PS&J Committee Recommendations to Council
- March 2017 – Council Action, Intent to Contract Letter to RASKC
- June 2017 – Council Action, Approve Contract

Discussion ensued regarding the timeline and the proposed options.

RECESSED: Mayor Siefkes recessed the CSS to an Executive Session to review the performance of a public employee, potential litigation, and to consider the minimum price at which real estate will be offered for sale or lease at 6:21 p.m.

EXECUTIVE SESSION: Review the Performance of a Public Employee RCW 42.30.110[1][g]) / Potential Litigation RCW 42.30.110(1)(i) / To consider the minimum price at which real estate will be offered for sale or lease RCW 42.30.110(1)(c) (29 minutes)

City Clerk Gregg announced Council requested an additional 9 minutes

RECONVENED: Mayor Siefkes reconvened the CSS at 6:59 p.m.

ADJOURNED: Mayor Siefkes adjourned the CSS at 6:59 p.m.