

# City of SeaTac

## Council Study Session Minutes Synopsis

September 12, 2017  
5:00 PM

City Hall  
Council Chambers

**CALL TO ORDER:** The SeaTac City Council Study Session (CSS) was called to order by Mayor Siefkes at 5:00 p.m.

**COUNCIL PRESENT:** Mayor Michael J. Siefkes, Deputy Mayor (DM) Pam Fernald, Councilmembers (CMs) Rick Forschler (*arrived at 5:02 p.m.*), Kathryn Campbell, Peter Kwon, Tony Anderson, and Erin Sitterley.

**STAFF PRESENT:** City Manager Joe Scorcio, City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Senior Assistant City Attorney Mark Johnsen, Legal Analyst Ellaine Wi, Finance & Systems Director Gwen Pilo, Payroll Coordinator Julie Ross, Community & Economic Development (CED) Director Jeff Robinson, Senior Planner Albert Torrico, Parks, Community Programs and Services Director Lawrence Ellis, Facilities Manager Brian Ruda, Public Works (PW) Director Will Appleton, City Engineer Florendo Cabudol, Assistant City Engineer Janet Mayer, Police Chief Lisa Mulligan, Civil Engineer 2 Gus Garcia.

**PUBLIC COMMENTS (related to the agenda items listed below):** There were no public comments.

*CM Forschler arrived at this point in the meeting.*

### **PRESENTATIONS - INFORMATION ONLY:**

**Introduction of new/promoted employees: Legal Analyst Ellaine Wi, Payroll Coordinator Julie Ross**  
City Manager Scorcio introduced Ms. Wi and Ms. Ross. He also announced the retirement of Payroll Coordinator Melinda King.

### **AGENDA BILLS:**

**Agenda Bill #4697; A Motion authorizing the City Manager to execute an Amended and Restated Access Agreement with Angle Lake Hotel, LLC for an access easement at Angle Lake Park.**

**Summary:** In 2013, the City Council authorized the City Manager to execute an agreement with Angle Lake Hotel, LLC (Developer) for an access easement through entrance to Angle Lake Park, in order to facilitate the construction of a hotel on their property. This 2013 Agreement provided that, the City would grant an access easement through Angle Lake Park to the Developer.

In exchange, the Developer agreed to grant a path easement through their property to the City in order to facilitate construction of a pedestrian path between Angle Lake Park and the proposed passive park on the lower portion of the Hughes Property. The 2013 Agreement also provided that the Developer would pay the City \$32,000 to be used for improvements to Angle Lake Park, as well as annual maintenance costs of the access easement area. In March 2016, the City was granted the path easement.

Recently, the Developer informed the City that they are in the process of selling their property to another developer who intends to construct a hotel on the site. The Developer requested that the City modify and extend the current agreement so that the agreement would be transferable to the future owner. Without this, Angle Lake Hotel, LLC believes that the proposed sale of their property would be negatively impacted.

The proposed agreement provides that the City will grant an easement to the future owner of the site, but gives the City the ability to terminate the agreement, without penalty, if a hotel is not constructed by June 30, 2022. The City will receive \$32,000 from Angle Lake Hotel, LLC upon execution of the Agreement and the future owner will pay \$2,274 with a 2.1% escalator per year towards maintenance of the access easement area. The maintenance fees would be capped at \$3,375 per year.

Executing this Agreement will facilitate the sale of the property owned by Angle Lake Hotel LLC, and construction of the long planned hotel on the site. It is estimated that the anticipated hotel, when developed, will generate approximately \$416,000 in one time fees and additional lodging tax revenue.

**AGENDA BILLS (continued):**

**Agenda Bill #4697 (continued):**

The Land Use and Parks (LUP) Committee reviewed this proposed amendment at their July 27, 2017 meeting and unanimously recommended its approval.

Senior Planner Torrico reviewed the agenda bill summary.

Council discussion ensued regarding the original value of the easement, and maintenance from future owner is an annual amount.

City Manager Scorcio requested this item be placed on tonight's consent agenda.

**Council consensus:** Refer to the 9/12/17 RCM Consent Agenda

**Agenda Bill #4718; A Resolution establishing a transaction fee for use of electric vehicle charging stations at City Hall and directing it be included in the Fee Schedule.**

**Summary:** In 2011, the City installed two electric vehicle charging stations at City Hall. Charge Point, a third party vendor provided these stations as part of their network at no cost under a grant program. Our current agreement with Charge Point is scheduled to expire in 2019. Vendor networks are the manner in which electric charging facilities are provided across the country. The City elected at the time of installation to allow use of the charging stations without fee, providing this service to the public without any cost recovery. Utilization of our stations has continued to increase, as has the use of electric vehicles in the overall area. The City currently has one electric vehicle and reserves one of the three spaces for that purpose.

In 2016, the charging station was utilized 1026 times (277 by City vehicle) which consumed a total amount of 3879 kilowatts. The number of charges resulted in an average charge time of 4.5 hours, with an average electrical cost of \$0.35 per transaction (AKA per charge). The total cost to the City was \$354.93 for electricity with no cost recovery for needed maintenance and related expenses. In 2017, in conjunction with Charge Point, the City was able to replace the two original stations with 4 new stations (current technology) at a cost of \$6,398.00. The 2 additional charging stations will help the City continue to provide a valuable service to the general public as the number electric vehicles continues to grow.

Comparing fees with other charging stations in the local area presented rates between hourly and flat fees and prices ranging from \$.50 to \$2.00 per transaction. The Administration and Finance (A&F) Committee reviewed this information and recommended a flat fee at \$2.00 per transaction. This is consistent with other public agencies and locations in the immediate area. It may take a few months to fully implement the change (permanent signage, notifying the general public, programming the system, etc).

Currently, no revenue is generated. If implemented, the projected 2018 revenue (based on historic usage and a \$2.00 flat fee) is \$1,498.00. Estimated expenses are \$355.00 (cost of electricity) and \$470.00 (contract cost with Charge Point). This would leave the City with an estimated \$673.00 annually to apply toward the cost of future equipment maintenance and replacement.

At the August 17, 2017 meeting, the A&F Committee recommended that the City's Fee Schedule be amended to add a charging fee for electric vehicles at a flat rate of \$2.00 per transaction (AKA, per charge). The Committee is scheduled to discuss this matter further at its September 7, 2017 meeting.

Facilities Manager Ruda reviewed the agenda bill summary.

Council discussion ensued regarding the fee and how it was determined, and where the fees go in the budget. Mr. Scorcio stated the revenue and expenses both come from the General Fund, annual fee to Charge Point

**Council consensus:** Refer to the 9/26/17 RCM Consent Agenda

**AGENDA BILLS (continued):**

**Agenda Bill #4719; A Motion authorizing the City Manager to execute a professional services contract with KPG, Inc. for the design of the 2018 Overlay Project, in an amount not to exceed \$246,477.79.**

**Summary:** This project will reconstruct Military Road South between S 209th Street and the I-5 bridge. Work will include “rubblization” of the existing concrete road in place and overlaying with hot mix asphalt, construction of storm water improvements, addition of pedestrian facilities and bicycle lanes, roadway channelization, and permanent signing, within the City right of way and WSDOT limited access area.

A total of six firms responded to our Request for Qualifications (RFQs) and the most highly qualified, KPG, Inc. was selected. KPG, Inc. has worked with City staff on previous projects.

The fiscal impact of this design contract is \$246,477.79. A summary of the total project funding and projected expenditures is listed below.

Available Project Funding	\$920,000
Estimated Project Expenditures	\$246,477.79

Assistant City Engineer Mayer reviewed the agenda bill summary.

Discussion ensued regarding the construction project which will occur in summer of 2018, impact on businesses, lighting along project area, sidewalks, and budget.

PW Director Appleton stated this project is out in front of the Sidewalk Committee recommendations which may be to include lighting in sidewalk projects. Lighting can also be done in the future without damaging the work already done.

Ms. Mayer stated this project area was chosen based on comments from the Maintenance division as to the area with the most maintenance issues.

**Council consensus:** Refer to the 9/26/17 RCM Consent Agenda

**Agenda Bill #4663; An Ordinance adopting a non-exclusive franchise to MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services, to construct, maintain, repair, replace, remove, and operate a Fiber Optic Cable Network in, upon, over, under, along, across and through the City of SeaTac.**

**Summary:** On December 14, 2016, the City received a formal application for a franchise from Verizon Access Transmission Services. The new network will initially serve existing cell towers in the area, and then grow organically to serve major employers, schools, government buildings, health care facilities, and bandwidth intensive businesses. Proposed services include telecommunications, private line, and Internet access.

The City is not able to charge a franchise fee pursuant to federal law, as this is a telecommunications provider. However, the franchise outlines the conditions for relocation of their facilities and when Verizon Access Transmission Services is responsible for relocation costs. Verizon Access Transmission Services is responsible for payment of an application fee and all generally applicable fees for the requisite City construction permits in compliance with the City's fee schedule.

This item did not go before any committee. It is recommended the Ordinance be adopted.

City Engineer Cabudol reviewed the agenda bill summary. He introduced Verizon representative Allen Bar.

Discussion ensued regarding other franchise agreements the City has entered into for telecommunications.

**Council consensus:** Refer to the 9/26/17 RCM Consent Agenda

**AGENDA BILLS (continued):**

**Agenda Bill #4721; A Resolution appointing the Records Manager as the City's Public Records Officer (PRO).**

**Summary:** Revised Code of Washington (RCW) 42.56.580 (1) requires that the City "appoint and publicly identify a PRO whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency's compliance with the public records disclosure requirements" in RCW 42.56.

Currently, the City Clerk is designated as the City's PRO (Resolution 05-012). Due to the realignment of duties in the City Clerk's Office, Records Management is now the primary responsibility of the Records Manager. Additionally, the job description for the Records Manager provides that this position will serve as the City's PRO. Due to this change, it is necessary for the City Council to formally appoint the Records Manager as the City's PRO.

This item was discussed at the A&F Committee on June 1, 2017 as part of the discussion regarding the reclassification of positions and realignment in the City Clerk's Office. The Committee ratified the proposed job reclassifications and changes, which included changing the designation of the City's PRO from the City Clerk to the Records Manager.

Senior Assistant City Attorney Johnsen reviewed the agenda bill summary.

**Council consensus:** Refer to the 9/26/17 RCM Consent Agenda

**Agenda Bill #4717; A Resolution opposing safe injection sites in the City of SeaTac or within adjacent areas of unincorporated King County (KC).**

**Summary:** In January 2017, the KC Board of Health passed Resolution No. 17-01 endorsing the Heroin Prescription Opiate Addiction Task Force Final Report and Recommendations calling on local and state actors to implement the public health policies outlined in the report. This includes the establishment of at least two pilot safe injection facilities, which KC designates as "community health engagement locations" (CHELs), for supervised injection of heroin and other illegal drugs.

In June 2017, the KC Council, adopted Ordinance 2017-0136.2, amending its appropriations ordinance to provide that no funds from its Mental Illness and Drug Dependency Fund shall be expended to establish an illegal substance injection site except in any city which chooses to establish such a location by vote of its elected governing body.

Pursuant to SeaTac Municipal Code (SMC) 15.100.020 (D), "All land uses and development authorized by the code shall comply with all other regulations and requirements of the code or any other local, State, or Federal agency that has jurisdiction over land uses and development." Since the use, consumption, or injection of heroin or any other controlled substance listed in Schedule 1 by RCW 69.50.204 is illegal under State law, the siting of any CHEL that facilitate the use of the controlled substances is not permitted by City code.

On August 18, 2017, City Manager Joseph Scorcio sent a letter to Syringe Services Manager Joe Tingsley, of KC Public Health advising that a safe injection site is currently a prohibited land use with the City limits. The City Council was copied on that correspondence.

The cities of Auburn, Bellevue, Des Moines, Federal Way and Renton have passed similar legislation.

This matter was reviewed by the Public Safety and Justice (PS&J) Committee on September 7, 2017. The PS&J Committee recommends this be placed before full Council for consideration and potential action.

City Attorney Mirante Bartolo reviewed the agenda bill summary.

Council discussion ensued regarding the purpose and need for this Resolution.

City Attorney Mirante Bartolo stated that Safe Injection Sites will still be illegal within SeaTac whether this Resolution is passed or not. Council needs to determine whether to make a public statement by passing this Resolution.

**Council consensus:** Refer to the 9/12/17 RCM Action Item

**PRESENTATIONS - INFORMATION ONLY:**

**Briefing the Council on the Sidewalk Committee's recommendations on project selection criteria and design elements to implement through the City's Sidewalk Program.**

City Engineer Cabudol introduced Civil Engineer 2 Gus Garcia. Mr. Cabudol stated the sidewalk program purpose is to safely and economically accommodate pedestrian and non-motorized users and improve overall livability, aesthetics, and property values.

Projects are selected by a performance attribute matrix. Project locations are selected by the committee with assistance from staff. He reviewed the selection criteria used.

Mr. Garcia reviewed project design elements and cross section typologies (traffic calming, parking, and shared use).

Mr. Cabudol summarized the sidewalk program: public outreach and information is key to success, build community consensus and support, thoughtful and context sensitive design that meets the needs of the neighborhood, and include amenities such as lighting, street trees, and landscaping when community need is identified and budget allows.

Discussion ensued regarding choosing future projects traffic calming, and mailbox replacement with secure mailbox when the City has to replace the mailbox.

CM Campbell and Mayor Siefkes thanked the committee members for their efforts. CM Campbell stated there are still openings on the committee.

**RECESSED:** Mayor Siefkes recessed the CSS to an Executive Session on Litigation 6:22 p.m. until 6:55 p.m.

**EXECUTIVE SESSION: Litigation RCW 42.30.110(1)(i) (33 minutes)**

**RECONVENED:** Mayor Siefkes reconvened the meeting at 6:55 p.m.

**ADJOURNED:** Mayor Siefkes adjourned the CSS at 6:55 p.m.