

City of SeaTac

Council Study Session Minutes Synopsis

October 27, 2015
4:30PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Study Session (CSS) was called to order by Mayor Mia Gregerson at 4:30 p.m.

COUNCIL PRESENT: Mayor Mia Gregerson, Deputy Mayor (DM) Anthony (Tony) Anderson, Councilmembers (CMs) Barry Ladenburg (*arrived at 4:32 p.m.*), Kathryn Campbell, Terry Anderson, Dave Bush, and Pam Fernald.

STAFF PRESENT: City Manager Todd Cutts, City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Assistant City Manager (ACM) Gwen Voelpel, Community & Economic Development (CED) Director Joe Scorcio, and City Engineer Florendo Cabudol.

PUBLIC COMMENTS: There were no public comments.

AGENDA BILLS:

Agenda Bill #4134; A Motion authorizing the City Manager to enter into a Construction Agreement with Puget Sound Energy (PSE) for the Connecting 28th/24th Avenue South project.

Summary: The proposed scope of improvements for the Connecting 28th/24th Avenue South includes relocating existing aerial utilities underground. PSE currently owns and operates both transmission and distribution electric lines within the 28th/24th Avenue South corridor Right-of-Way (ROW). It is not feasible to relocate the transmission lines, and they will remain overhead. PSE initiated upgrades are also included in this agreement and will be constructed at PSE's cost. PSE has completed the design and has prepared proposed Schedule 74 Construction Agreement. The scope of work described in the construction agreement includes replacing PSE's existing overhead electrical distribution system with an underground system and PSE initiated upgrades. The construction agreement is in the form that was negotiated by the cities and approved by the Washington Utilities and Transportation Commission (WUTC).

The total cost of the underground electric conversion including design, easements, construction, and inspection are shared in accordance with the terms of Schedule 74 of Electric Tariff G. The City's share is 40% and PSE's share is 60% for furnishing and installation of materials related to the underground conversion. The City's share of the undergrounding costs is estimated to be \$100,000. Payment for the undergrounding costs will likely begin in 2016 and continue through the duration of the project. In addition, the City is responsible for all costs associated with the trenching, backfilling, and surface restoration for this work. Those trenching costs would be included in the construction contract for the Connecting 28th/24th Avenue South project, which will be presented to the Council for approval early next year. Costs associated with PSE initiated upgrades are PSE's responsibility.

City Engineer Cabudol reviewed the agenda bill summary.

CM Ladenburg arrived at this point in the meeting.

Mr. Cabudol responded to a question posed regarding other utilities. He stated that they anticipate CenturyLink and Comcast also and staff is working with them in conjunction with PSE.

Council consensus: Refer to the 11/10/15 RCM Consent Agenda

Agenda Bill #4135; An Ordinance declaring public use and necessity for condemnation of property as required for the Connecting 28th/24th Avenue South project and authorizing the payment of funds from the City's 307 Transportation CIP Fund.

Summary: Construction of the Connecting 28th/24th Avenue South project (South 200th Street to South 208th Street) is anticipated to begin in the first quarter of 2016. This project will build a new four lane roadway with turn lanes, curb, gutter, shared use pathway, medians, street lighting, storm drainage infrastructure, paving and conversion of aerial utility lines to underground. This project is scheduled to be advertised for construction bids in December, 2015. The project has already secured a significant amount of ROW and temporary construction easements needed from the Port of Seattle (POS) and other property owners in the area. This proposed Ordinance addresses the acquisition of property and temporary construction easements from the remaining properties within the project limits.

Before construction can begin, either all property acquisitions or possession and use agreements must be complete. Discussions are ongoing between the City and the respective property owners about acquiring the property. However, it is likely that eminent domain proceedings will be necessary so that the City can acquire the needed property rights prior to commencement of construction. The City Council adopted Ordinance 15-1001 in February, 2015, which authorized the Legal Department to commence eminent domain proceedings for properties in the event that the property owner and

AGENDA BILLS (continued):

Agenda Bill #4135 (continued): the City are unable to reach a negotiated settlement. However, the City provided notice to the property owners via regular mail, when it should have been certified mail. Due to this technical error, it is necessary to adopt a second Ordinance related to property acquisition for this project. Since the City has already finalized acquisition of most of the necessary property without utilizing eminent domain, the proposed Ordinance only addresses those parcels that the City still needs to acquire. If negotiations fail, the Ordinance will allow staff to pursue ROW acquisitions by initiating a condemnation proceeding without further Council action.

Final action on the Ordinance is scheduled for the November 24, 2015 Regular Council Meeting (RCM).

The City has made offers to the property owners in the amount of \$758,000. The final acquisition cost will be determined through continued negotiations or through court proceedings. Any property acquisition costs are budgeted and will be paid for through the Transportation CIP Fund.

City Engineer Cabudol reviewed the agenda bill summary.

Council discussion ensued regarding the process.

City Attorney Mirante Bartolo clarified that since the original Ordinance was brought forward in February, the City has settled on many of the properties affected. There are only a few more to settle. When staff reviewed the current status with the remaining properties, it was discovered that by way of technicality, the statute says notice must be provided by "certified mail". It was done by regular mail. This Ordinance is to ensure the statute is followed specifically. She also clarified that if Council approves this Ordinance, the City would still need to seek approval through the court in order to condemn any properties if it gets to that point.

Discussion ensued regarding the remaining properties. Mr. Cabudol stated he anticipates settling with a few more properties prior to Council action on November 24.

Council consensus: Refer to the 11/24/15 RCM Action Item

RECESSED: Mayor Gregerson recessed the meeting to an Executive Session on Potential Litigation at 5:03 p.m.

Staff in attendance: City Attorney Mirante Bartolo, CED Director Scorcio, ACM Gwen Voelpel, City Manager Todd Cutts

EXECUTIVE SESSION: Potential Litigation - RCW 42.30.110(1)(i) (30 Minutes)

City Clerk Gregg announced Council requested an additional 20 minutes at 5:30 p.m., 15 more minutes at 5:50 p.m., 10 more minutes at 6:05 p.m., 5 more minutes at 6:15 p.m., 2 more minutes at 6:20 p.m.

RECONVENED: Deputy Mayor A. Anderson reconvened the meeting at 6:25 p.m.

ADJOURNED: Deputy Mayor A. Anderson adjourned the Council Study Session at 6:25 p.m.