

City of SeaTac

Regular Council Meeting Minutes

July 26, 2016
7:00PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Michael Siefkes at 7:00 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, Senior Assistant City Attorney Mark Johnsen, City Clerk Kristina Gregg, Acting Community & Economic Development (CED) Director/Economic Development (ED) Manager Jeff Robinson, Parks & Recreation (P&R) Director Lawrence Ellis, Assistant City Attorney Julia Yoon, Deputy Chief Brian Wiwel, and Police Chief Lisa Mulligan.

FLAG SALUTE: Deputy Chief Wiwel led the Council, audience, and staff in the Pledge of Allegiance.

PUBLIC COMMENTS: Steve Pinto commented on a Highline Times article about an \$18 million finding. He questioned what happens if the appeal is denied.

Earl Gipson also spoke regarding the \$18 million judgment. He stated a code of ethics is needed for staff, in addition to Council. He suggested the ethics penalty be \$5,000, not \$1,000.

The following people spoke in favor of hydroplane races: Mike Borfitz, Robert Simmons, Lonnie Goulet, Steve Beck, Curtis Steinke, Judy Williams, Doug Hill, and J. W. Meyers, Seattle Outboard Association Representative.

Roger McCracken, MasterPark, commented on the proposed fines for taxicabs parking on city streets (Agenda Bill #4077) stating this is the perfect opportunity to continue talking about the Transportation Impact Fee (TIF) and how to look at additional revenue that would reduce those fees for citizens and businesses.

John Thompson questioned whether his development would be required to pay TIF.

Sam Nicholes offered support for diversity resolution that was brought up at the July 12 Council meeting.

Doug Hill also thanked CMs Kwon and Forschler for voucher review process and Mayor Siefkes for SeaTac Airport Committee.

Vicki Lockwood stated juries don't always get it right and the city has to fight the ruling and \$18 million judgement. She stated ethics is knowing the difference between knowing what you can do right legally and what is right.

Mr. McCracken stated MasterPark will donate \$1,000 to the hydroplane races.

PRESENTATIONS:

Key City Issues Status

Acting City Manager Scorcio commented on the following: (1) key vacancies – Finance Director recruitment has begun, Senior Management Analyst positions almost ready to recruit, Records Management Coordinator vacant beginning August 12, 2016 – this will impact public records requests, it will be refilled, but reviewing current position, (2) live streaming, (3) Customer Service Standards, (4) Riverton Room will be updated, (5) Firs Mobile Home Park closure, (6) SCA request for presentation at RCM, (7) August 7 - Museum of Flight event, and (8) City Attorney out, Senior Assistant City Attorney covering.

CONSENT AGENDA:

Approval of claims vouchers (check no. 115222 - 115363) in the amount of \$2,047,665.67 for the period ended July 20, 2016. *Note: Check #15332 listed on the July 5, 2016 claims was incorrect, it should have read Check #115221, the dollar amount however was correct.

Approval of payroll vouchers (check no. 53389 - 53416) in the amount of \$83,175.77 for the period ended July 15, 2016.

Approval of payroll electronic fund transfers (check no. 88388 - 88515) in the amount of \$330,762.22 for the period ended July 15, 2016.

Approval of payroll wire transfer in the amount of \$59,490.34 for the period ended July 15, 2016.

Approval of Council Meeting Minutes:

Land Use & Parks Committee Meeting held June 23, 2016

Administration & Finance Committee Meeting held July 5, 2016

Council Study Session held July 12, 2016

Regular Council Meeting held July 12, 2016

MOVED BY FERNALD, SECONDED BY CAMPBELL TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS (related to Action Items and Unfinished Business): Earl Gipson requested the Ethics Code be discussed first.

ACTION ITEM:

Mayor Siefkes changed the order of the Action Items to accommodate the presenters:

Agenda Bill #4396; An Ordinance #16-1011 adding a new Section 2.45.155 to the SeaTac Municipal Code (SMC) related to the City Parks Code.

Summary: This Ordinance authorizes the P&R Director or designee to authorize a limited number of special events or public safety training events on Angle Lake, at speeds in excess of five knots per hour. No special event or public safety training event permit will be issued for activities conducted between the Monday preceding Memorial Day and the Friday after Labor Day.

This Ordinance is a result of a request of the Seattle Outboard Association to host a limited hydro-race on September 10 and 11, 2016, and a request from the Kent Regional Fire Authority (RFA) to allow some public safety training to be conducted on Angle Lake. Both activities, while permissible on the Lake, are currently subject to the five knots per hour speed limit.

Three different Ordinances were drafted at the request of the Council at the July 12, 2016 meeting: (1) The original Ordinance that addresses Special Use Permits for boating events and emergency responder training; (2) An Ordinance that only addresses Special Use Permits for boating events; and (3) An Ordinance that addresses Special Use Permits for emergency responder training.

P&R Director Ellis reviewed the agenda bill summary and the three Ordinances.

MOVED BY CAMPBELL, SECONDED BY KWON TO REMOVE ORIGINAL ORDINANCE INCLUDING BOTH SPECIAL EVENTS AND TRAINING FROM CONSIDERATION.

MOTION CARRIED UNANIMOUSLY.

MOVED BY FERNALD, SECONDED BY KWON TO REFER THE ORDINANCE INCLUDING TRAINING TO THE LAND USE & PARKS COMMITTEE.*

Council discussion ensued as to whether this item is time critical and whether this training is needed in order to have the hydroplane races.

ACTION ITEM (continued):

Agenda Bill #4396 (continued): *MOTION CARRIED UNANIMOUSLY.

MOVED BY ANDERSON, SECONDED BY SITTERLEY TO ADOPT ORDINANCE ALLOWING SPECIAL USE PERMITS ON ANGLE LAKE (AGENDA BILL #4396, ORDINANCE #16-1011.)*

MOVED BY FERNALD, SECONDED BY CAMPBELL TO AMEND THE ORDINANCE BY ADDING THE FOLLOWING SUBSECTION 1 TO SMC 2.45.155 (A):

1. THE DIRECTOR MAY NOT AUTHORIZE A SPECIAL EVENT FOR WATERCRAFT RACING THAT OCCURS AFTER NOVEMBER 1, 2016.**

Council discussion ensued regarding the amendment. If the hydroplane races are a success and the city would like to have them again in the future, the Council will need to amend the code to remove the sunset date. However, this ensures that if the hydroplane races are not considered a success, they won't occur again in the future.

**AMENDMENT CARRIED WITH ANDERSON AND SITTERLEY VOTING NO.

*ORIGINAL MOTION CARRIED UNANIMOUSLY, AS AMENDED.

Agenda Bill #4407; An Ordinance #16-1012 amending Section 9.05.045 of the SeaTac Municipal Code (SMC) related to parking of for-hire vehicles.

Summary: In December 2015, the City Council adopted Ordinance No. 15-1020 which created a new section prohibiting for-hire vehicles from stopping, standing or parking upon any street or public right-of-way (ROW) while awaiting employment or patronage. Due to continuing violations and valuable input from the public, Councilmembers and the police, staff recommends the proposed amendment. The proposed amendment makes the following changes to SMC 9.05.045:

- Omits the language requiring police to prove the driver is awaiting employment or patronage.
- The current code applies citywide. The amendment applies only in residentially zoned areas.
- The current code has a general definition of for-hire vehicles. The amendment sets forth a more detailed definition of the various types of for-hire vehicles.
- The current code has progressive monetary penalties for repeat violations. The amendment sets all violations at \$250.
- Adds language of the prima facie presumption that the registered owner is responsible for parking violations when the vehicle is found parked without an operator. This language is based upon state law. RCW 46.63.140.
- Adds language of an affirmative defense if the vehicle is parked adjacent to the defendant's residence as shown on a valid state issued driver's license.

Assistant City Attorney Yoon reviewed the agenda bill summary and changes made since the last meeting.

Discussion ensued regarding enforcement of transportation network company endorsed vehicles.

MOVED BY FERNALD, SECONDED BY ANDERSON TO PASS AGENDA BILL #4407 (ORDINANCE #16-1012).

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #4266; An Ordinance #16-1013 adding a new Chapter 2.90 to the SeaTac Municipal Code (SMC) related to Ethics of Elected City Officials.

Summary: The Council has requested that an Ordinance adopting an Ethics Code be presented to the Council for consideration. The Legal Department has reviewed numerous ethics codes for other jurisdictions, and it is suggested that the City Council first take action on adopting an ethics code for elected officials. Once an ethics code for elected officials is adopted, the Legal Department and City Manager can address ethics codes for committee members such as the Planning Commission (PC) and Citizen Advisory Committees and for employees.

ACTION ITEM (continued):

Agenda Bill #4266 (continued): This Ordinance has been revised to reflect the changes suggested by Council at the July 12 Council Study Session (CSS). First, additional language related to CMs holding another elected office was added to SMC 2.90.030(A)(6). The additional language reads, "However, holding any other elected office at the same time is a violation of the Ethics Code, regardless of whether the doctrine of incompatible offices is applicable." Second, a footnote was added to SMC 2.90.030(A)(11) to provide the wording of RCW 35A.13.120. Third, SMC 2.90.050 was clarified that any penalties imposed for violating the Ethics Code are subject to approval of a majority of the Council.

Senior Assistant City Attorney Johnsen reviewed the agenda bill summary and discussed changes since the last review.

Discussion ensued regarding holding two elected offices and the process for penalties per the ethics code versus RCW.

MOVED BY ANDERSON, SECONDED BY KWON TO PASS AGENDA BILL #4266 (ORDINANCE #16-1013).*

MOVED BY ANDERSON, SECONDED BY FERNALD TO AMEND THE LAST SENTENCE OF 2.90.030(A)(5) TO READ

HOWEVER, HOLDING ANY OTHER PUBLIC ELECTED OFFICE AT THE SAME TIME IS A VIOLATION OF THE ETHICS CODE, REGARDLESS OF WHETHER THE DOCTRINE OF INCOMPATIBLE OFFICES IS APPLICABLE.

AMENDMENT CARRIED UNANIMOUSLY.

*ORIGINAL MOTION CARRIED UNANIMOUSLY, AS AMENDED.

UNFINISHED BUSINESS: There was no Unfinished Business.

NEW BUSINESS:

Resolution to support ethnic diversity

CM Kwon requested staff be asked to prepare a Resolution to support ethnic diversity for the August 9, 2016 Council Meeting.

Discussion ensued regarding the details of the proposed Resolution and whether the Resolution is needed.

Council concurred to move forward with staff preparing a draft Resolution.

Resolution to call for a Special Election on November 8, 2016 for a ballot item to change the form of government

CM Forschler requested Council pass a Resolution calling for a Special Election to change the form of government. The Resolution needs to be to King County (KC) by August 2.

MOVED BY FORSCHLER, SECONDED BY FERNALD TO PASS A RESOLUTION TO CALL FOR A SPECIAL ELECTION ON NOVEMBER 8, 2016 FOR A BALLOT ITEM TO CHANGE THE FORM OF GOVERNMENT.*

Discussion ensued regarding effective date. Statute dictates time line. An election for Mayor would need to be held first which would be early next year.

Most CMs commented that this is not the right time for this to happen.

Earl Gipson stated there's interest, but this is not the right time.

Sam Nicholes stated it should go before public.

Steve Pinto commented that this is not the right time.

*MOTION FAILED WITH FORSCHLER VOTING YES.

CITY MANAGER'S COMMENTS: Acting City Manager Scorcio reviewed multiple calendar items for the next couple of weeks and reminded everyone that the 2nd meeting in August is cancelled.

COMMITTEE UPDATES: CM Sitterley stated the Kent Regional Fire Authority (RFA) is changing their name to the Puget Sound RFA.

CM Campbell stated the SCORE board meetings July 27, 2016.

CM Forschler provide an update on the July 14 Land Use & Parks (LUP) Committee meeting. The next LUP meeting is scheduled for July 28, 2016 at 5 p.m.

CM Kwon stated the Code Compliance Meeting is scheduled for July 27 at 5 p.m. He also attended the first SeaTac Airport Committee meeting.

Mayor Siefkes reviewed the first SeaTac Airport Committee meeting.

COUNCIL COMMENTS: CM Campbell reminded everyone to vote in the Primary which is the same night as National Night Out (NNO), August 2.

CM Forschler requested staff review options for Council to seek out second opinions on legal opinions.

CM Kwon thanked everyone for staying through the meeting.

CM Sitterley thanked staff for Customer Service Standards, Angle Lake residents for attending the meeting, Mayor Siefkes for the SeaTac Airport Committee, and CM Campbell for reminding everyone to vote.

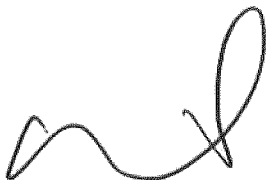
CM Sitterley and CM Anderson sent get well wishes to City Attorney Mirante Bartolo who is ill.

DM Fernald stated she attended the SeaTac Airport Committee and was happy with what she heard. She also reminded everyone of the NNO.

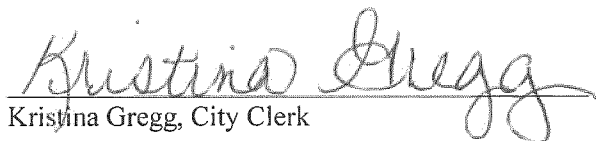
Mayor Siefkes thanked Council for their time, effort, and commitment. The time spent at meetings is only a fraction of the time members spend on city business. He also thanked staff for their efforts.

ADJOURNED:

MAYOR SIEFKES ADJOURNED THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 9:36 P.M.



Michael J. Siefkes, Mayor



Kristina Gregg, City Clerk