

# City of SeaTac

## Council Study Session Minutes Synopsis

November 8, 2016  
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 5:02 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, Code Compliance Program Coordinator David Reader, Permit Coordinator Robin Winchester, Parks Operations Worker Jim Cooper, Parks & Recreation (P&R) Director Lawrence Ellis, Facilities Manager Brian Ruda, Police Chief Lisa Mulligan, Acting Community & Economic Development (CED) Director/Economic Development (ED) Manager Jeff Robinson, Planning Manager Steve Pilcher, Senior Planner Kate Kaehny, Stormwater Manager Don Robinett, Public Works (PW) Director Will Appleton, Senior Planner Al Torrico, Senior Management Analyst Timothy Ramsaur, and Acting Finance Director Gwen Pilo.

**PUBLIC COMMENTS (related to the agenda items listed below):** Darlene Thompson commented on the support her husband and she have received from the city staff.

### **INTRODUCTION OF NEW CITY EMPLOYEE:**

Acting City Manager Scorcio introduced Senior Management Analyst Timothy Ramsaur.

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

#### **State Auditor Entrance Conference for 2015 Audit**

Acting Finance Director Pilo introduced Washington State Auditor's Office Audit Manager Sandra Groshong and Assistant Audit Manager Brandon Tecca.

Mr. Tecca reviewed the audit scope: payroll, cash receipting, travel, procurement cards, small and attractive assets, and courts; and financial statement audit for the fiscal year 2015. Levels of reporting include: findings, management letters, and exit items.

Audit costs are approximately \$65,750, plus estimated charges for travel time of \$4,000 and travel costs.

Council discussion ensued regarding the audit: (1) Identify deficiencies with interfacing with the airport? No, (2) Scope of audit: some areas have a natural higher risk based on responsibilities, and (3) Contract agencies: not currently part of scope but could be considered.

Audit Exit is expected to occur late December or early January.

### **AGENDA BILLS:**

#### **Agenda Bill #4460; A Resolution establishing a Community Services Committee.**

**Summary:** This Resolution creates a new Community Services Committee. The purpose behind creating this committee is to bring community members, leaders, and businesses together to address community service in the City. For example, the committee could take requests or suggestions of projects around the City, and help spearhead gathering volunteers to carry out the project, or the committee could help link volunteers interested in service with groups or organizations who perform community service.

This committee is not designed to be a standing committee, and the committee can meet on an as needed basis. There would be up to 15 members of the committee, who would be appointed by the Mayor and confirmed by the City Council for a term of two years. Committee members would come from a variety of backgrounds including but not limited to, residents, employees who work in the City, community members, community leaders, and businesses. The Chair of the Committee would be selected from its members by the Mayor for a one year term.

Mayor Siefkes reviewed his reasons for requesting this committee.

**AGENDA BILLS (continued):**

**Agenda Bill #4460 (continued):** Discussion ensued regarding the need for this committee as well as the need to review all of the city's current committees.

**Council consensus:** Refer to the Administration & Finance (A&F) Committee, including review of all existing committees

**THE FOLLOWING TWO AGENDA BILLS WERE PRESENTED TOGETHER:**

**Agenda Bill #4472; An Ordinance amending portions of Titles 13, 14, 15 and 18 of the SeaTac Municipal Code (SMC), to integrate Low Impact Development (LID) principles for stormwater management into the City's land use codes.**

**Summary:** The National Pollutant Discharge Elimination System (NPDES) Permit requires permittees to update their codes, standards and enforceable documents to make LID the preferred and commonly used approach to managing storm water. Pursuant to the NPDES Permit, these updates are required to be in effect by January 1, 2017. These code amendments are a portion of the overall actions under consideration to ensure compliance with the NPDES Permit. Proposed amendments to road standards, right-of-way (ROW) use and surface and stormwater management codes are identified in a separate ordinance. The proposed amendments represent what staff believes to be the minimum changes necessary to meet the requirements of the City's NPDES permit.

The proposed amendments have been reviewed by both the Planning Commission (PC) and the City Council's Transportation and Public Works (T&PW) Committee. Where possible, the amendments include provisions to lessen potential impacts to developers, such as allowing LID facilities such as rain gardens to qualify as required landscaping. The PC voted at its November 1, 2016 meeting to recommend approval of the proposed changes, with one amendment to remove all amendments to tree retention standards (SMC 15.445.410 - 430).

**Agenda Bill #4436; An Ordinance amending Chapters 11.05, 11.10 and 12.10 to the SeaTac Municipal Code (SMC), related to road standards, right-of-way use, and surface and stormwater management.**

**Summary:** The City's NPDES Permit requires an update to codes, standards and enforceable documents to make low impact development (LID) the preferred and commonly used approach to development. Pursuant to the NPDES Permit, said updates must go into effect by January 1, 2017.

The proposed code amendments are a portion of those necessary to meet the terms of the NPDES Permit; proposed amendments to land use and development codes are identified in a separate ordinance.

The proposed amendments represent the minimum necessary changes to the City code related to road standards, ROW use, and surface and stormwater management, to meet the requirements of the NPDES Permit. Proposed amendments include: adoption of the 2016 King County Surface Water Design Manual (KCSWDM), adoption of the updated City of SeaTac Addendum to the KCSWDM; updates to ROW use requirements; adoption of updated Washington State Department of Transportation (WSDOT) road standards; and the adoption of the newly created City of SeaTac Addendum to the Road Standards.

Stake holder meetings were held on September 16 and October 14 to obtain feedback on the proposal. The proposed amendments have been reviewed by the T&PW Committee. The Committee forwarded the proposal to the Council with a recommendation for approval on October 17, 2016.

This Ordinance has no direct impact on the City's Budget. However, these new regulations will likely increase the cost of future Capital Improvement Projects within the City, in terms of design, construction and maintenance costs.

Stormwater Manager Robinett reviewed the agenda bill summaries.

CM Forschler stated the T&PW recommendation was to approve it with language changes which have been included, removing tree retention and housekeeping items, and as long as mapping was included, which it is.

Discussion ensued regarding potential liability exposure with or without these Ordinances.

**Council consensus Agenda Bill #4472 and #4436:** Refer to the 11/22/16 RCM Consent Agenda

**AGENDA BILLS (continued):**

**Agenda Bill #4474; An Ordinance outlining a process to address employment complaints against the City Manager.**

**Summary:** The City does not have a specific protocol to address employee complaints made against the City Manager. Since the City Manager's employment with the City is at the pleasure of the City Council, it is appropriate for the City Council to address any employee complaints against the City Manager.

In the Council packet for the September 13, 2016 City Council Meeting, a memo was included that outlined a process that could be used to deal with this issue. The Council also discussed the matter at that meeting, and staff was asked to finalize an Ordinance that would put a formal process in place. This Ordinance provides the following:

- Complaints shall be directed to the entire City Council or to the employee's Department Director, with a copy to the City Attorney and Human Resources (HR) Manager. If a complaint is filed with the Department Director, they shall forward the complaint to the City Council.
- Within two business days or as soon as practicable, the Mayor shall acknowledge receipt of the complaint in writing to the complainant, which shall include a non-retaliation affirmation on behalf of the City Council.
- The complaint shall be addressed by the Council in an executive session at their next business meeting of the City Council. The Mayor or a majority of the Council may also call for a special meeting to discuss the allegations in executive session.
- The Mayor may, but is not required to, place the City Manager on paid administrative leave until the next business meeting of the City Council.
- At the next Council business meeting following receipt of the allegations, the Council may place the City Manager on administrative leave through formal Council action. Continuation of the Mayor's placement of the City Manager on administrative leave must be formally approved by the Council through formal action.
- The City Council will, as soon as practicable, determine whether the allegations should be investigated, and who should conduct the investigation.
- After the completion of the investigation (if any), or within 30 days if no investigation has been initiated, the City Council shall decide what, if any, action should be taken to resolve the complaint. Any decision to remove the City Manager must comply with the procedures set forth in RCW 35A.13. The Mayor shall communicate to the complainant the resolution of the complaint.
- The Mayor and the City Council are encouraged to seek the advice and assistance of the Legal Department and/or HR with any part of the above process.

This Ordinance also states that no later than seven calendar days after the effective date, the City Manager shall ensure that a copy of this Ordinance is distributed to all City employees. Additionally, a copy of the Ordinance shall be provided to all new employees.

Senior Assistant City Attorney Johnsen reviewed the agenda bill summary.

Council discussion ensued regarding the Ordinance. It was suggested that the Ordinance detail how the Mayor will notify the City Manager of being placed on administrative leave (in writing as a minimum), what is allowed while on administrative leave (contact with employees, email access, building access), and intentional false statements (determined this is already covered by state law). Discussion also ensued regarding who is notified, who gets the complaint moving forward, confidentiality, whether it would be subject to Open Public Meetings Act (OPMA) and public disclosure, and comparable city policies.

**Council consensus:** Refer to the 11/22/16 RCM Action Item

**RECESSED:** Mayor Siefkes recessed the CSS to an Executive Session on Litigation at 6:33 p.m.

**EXECUTIVE SESSION: Litigation RCW42.31.110(1)(i) (27 minutes)**

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

**ADJOURNED:** Mayor Siefkes adjourned the CSS at 7:00 p.m.