

City of SeaTac

Regular Council Meeting Minutes

July 27, 2010
6:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor T. Anderson at 6:02 p.m.

COUNCIL PRESENT: Mayor Terry Anderson, Deputy Mayor (DM) Gene Fisher, Councilmembers (CMs) Rick Forschler, Anthony (Tony) Anderson (*participated by phone until 9:28 p.m.*), Ralph Shape, Pam Fernald, and Mia Gregerson.

STAFF PRESENT: Interim City Manager (ICM) Todd Cutts, Senior Assistant City Attorney Mark Johnsen, City Clerk Kristina Gregg, Interim Assistant City Manager (IACM) Jeff Robinson, Human Services (HS) Manager Colleen Brandt-Schluter, Planning Director Steve Butler, Associate Planner Anita Woodmass, Associate Planner Kate Kaehny, Program Manager Soraya Lowry, Human Resources (HR) Director Anh Hoang, Facilities Director Pat Patterson, Acting Fire Chief Brian Wiwel, and Police Chief Jim Graddon.

FLAG SALUTE: HS Manager Brandt-Schluter led the Council, audience and staff in the Pledge of Allegiance.

PUBLIC COMMENTS: The following people spoke in support of a change of form of government and urged Council to vote yes on Agenda Bill #3247: Earl Gipson, representing many citizens; Tom Sitterley; Vicki Lockwood; S K Milam, speaking for Dennis Taylor; and Karen Baker.

Vicki Lockwood also commented on the following: (1) Monte Carlo Club – it needs to be dealt with, and (2) fireworks – requested the City not use tax money to fund fireworks.

S K Milam also questioned the timeline for getting a permit through King County (KC) to take down an old house.

Barry Ladenburg stated that the question tonight isn't about what each CMs position is regarding the change of form of government, but whether the Council should place this item on the November ballot.

PRESENTATIONS:

•Introduction of New Futures Executive Director Mario Paredes

HS Manager Brandt-Schluter introduced Mr. Paredes.

Mr. Paredes explained some of the services provided by New Futures. He invited Council to visit the New Futures facility and to host a community meeting at their site.

New Futures main goal is to support children and families.

•Highline Area Food Bank

Executive Director Mike Werle stated that the food bank is dedicated to the gathering and distribution of food for those in need in the Burien and greater Highline area. The Highline Area Food Bank also works in coalition with other area food banks.

Mr. Werle stated that the food bank has a volunteer that will come into the food bank, see what food is available, find a product clients may not know what to do with, and use it in a recipe for clients to sample.

Mr. Werle explained that the food bank is unable to accept clothing donations because of the limited space.

•Review and summary of 2010 State Legislative Session

SeaTac State Lobbyist Joe Daniels stated that the state is in dire financial shape this year. Therefore, most attention was given to the budget during this session. The passed supplemental budget did not satisfy anyone.

He provided Council with a summary of bills that the City was tracking, indicating whether they passed or failed. He detailed House Bill (HB) 2780 regarding camera enforced traffic signal violations, and Senate Bill (SB) 6603 that would have added a layer of comprehensive review to developing properties around airports. Both bills failed in the House of Representatives.

He also discussed the funding for the World War 1 Memorial. In order to attempt to balance the budget, the capital budget approved in 2007 for the memorial was removed.

Mr. Daniels stated that the 2011 Budget is estimated to have a \$3 - 5 billion deficit and there are a number of November election ballot items which may affect the budget. In 2011, there is also a potential shift in partisan control with changes in the legislature by either retirement or those seeking a higher office.

PRESENTATIONS (Continued):

2010 State Legislative Session (Continued): Governor Chris Gregoire recently announced that she may call for another special session to address budget shortfalls due to Congress's failure to provide nearly \$500 million in federal funds which were projected in the 2011-13 budget. She has set an August 9 deadline for such a decision. If a special session does not occur and there is no funding, she has indicated she will make across-the-board cuts to state agencies and programs.

● **Status update on the progress of the Zoning Code Update Ad Hoc Committee (AHC)**

Planning Director Butler stated that this update provides an overview of the AHC and Planning Commission (PC) Code Review to date, status of revisions to the Zoning Code, proposed Council review process and next steps.

Associate Planner Woodmass stated that the purpose of this briefing is to provide an update of progress to date and advise of the upcoming Council workshop and review. No action is being requested today.

Seven AHC meetings have been held to date. The AHC, PC and City Council are currently engaged in review of Phase 1 of the Zoning Code Update. The code is to be presented, reviewed and endorsed division by division for its ultimate adoption at the end of the Phase 1 review.

Phase 1 includes restructuring and streamlining the entire code and revisions to some standards, including permitted uses, definitions and some development standards, and use charts. Phase 2 includes detailed review of and updates to numerous chapters including the City Center and South 154th Street Station Area Overlay Districts and non-conforming uses, planned unit development, incentives and others.

Ms. Woodmass reviewed the AHC Phase 1 review schedule with wrap up tentatively scheduled for April 2011.

The purpose of the proposed Council process is to: (1) allow Council to review proposed changes to the code after AHC and PC review and endorsement, and (2) allow Council to endorse the code or offer revisions to the proposals. Staff is proposing 5-6 workshops with each workshop focusing on review of one of seven divisions in the new Zoning Code. Final adoption of the entire new code will occur after Council review and endorsement of all seven divisions.

The draft Zoning Code is available online for public review and will be provided to the City Council.

The first workshop is scheduled for August 10. Staff will present AHC and PC endorsed code from Division II for Council review and will ask for Council endorsement.

● **Update on the South 200th Street Extension**

Program Manager Lowry introduced Sound Transit Deputy Director for Business Services Ron Lewis and Government and Community Relations Specialist Rachel Smith.

Mr. Lewis stated that tonight's presentation is to provide Council with an overview of the light rail extension to South 200th Street, identify key project elements/stakeholders as well as outreach activities they are currently involved with and will continue throughout the project, and review the schedule for delivering the project.

Mr. Lewis gave a brief overview of the entire Light Rail System. He reviewed current activities, focusing on the extension from the airport to South 200th Street.

The proposal is to accelerate extension of the light rail to South 200th Street by four to six years. He reviewed the scope and readiness. This segment was included in the original environmental review.

The benefits of the project include: extends service and increases ridership, creates interim terminus with increased functionality, provides an alternative to Tukwila International Boulevard (IB) Station parking, and increases system parking supply before U-link opens in 2016.

Accelerating the extension results in a funding gap of approximately \$40 million, however, \$6 million in additional grants have been secured toward closing the gap. Sound Transit is still pursuing other grant sources to fund the remaining gap.

Mr. Lewis recognized various SeaTac employees who were involved in the original project and asked for continued support as they move forward with the extension.

He detailed the community outreach activities Sound Transit is initiating. A fact sheet is available online at www.soundtransit.org.

PRESENTATIONS (Continued):

South 200th Street Extension (Continued): Mr. Lewis reviewed the preliminary schedule for 2010 – 2015.

Council discussion ensued regarding noise and parking issues with Mr. Lewis explaining noise reduction techniques Sound Transit is implementing and their parking monitoring efforts. To date, no noise complaints have been received for the SeaTac portion and none are expected for the new portion. Mr. Lewis also explained that extending the light rail to South 200th Street is only part of the parking solution. He reviewed some strategies for parking management including pay parking vs. free parking.

Mayor T. Anderson requested Sound Transit look into running the light rail on the west side of 28th Avenue South instead of the east side so it is not so close to the businesses. Mr. Lewis agreed to look into it.

Ms. Lowry stated that while the project is ambitious, staff is looking to collaborate with Sound Transit.

DISCUSSION ITEM:

•Summary of \$5,000 - \$35,000 Purchase Requests for the period ended July 23, 2010

ICM Cutts reviewed the purchase requests:

<u>Item Description</u>	<u>Department</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>
Fire hose replacement	Fire	\$13,730	\$13,730	\$11,241
Tyee High School Dollars for Scholars Foundation	City Manager's Office	\$10,000	\$10,000	\$18,400

****future budget amendment will be necessary****

Council consensus: Referred to the 07/27/10 RCM Consent Agenda

AGENDA BILL PRESENTATIONS:

Agenda Bill #3248 – A Resolution approving regular membership in the Cities Insurance Association of Washington (CIAW), and authorizing the City Manager to execute an Interlocal Agreement (ILA) with CIAW and a broker services agreement with Brown and Brown of Washington

Summary: This Resolution approves the City joining the CIAW risk pool as a regular member, approves the ILA and By-Laws of CIAW, and authorizes the City Manager to execute the ILA and a broker services agreement with Brown and Brown of Washington effective September 1, 2010 to August 31, 2011.

The City is currently an associate member of the CIAW risk pool. In order to continue receiving liability and property insurance through the CIAW risk pool, the City will need to become a regular member of CIAW. Becoming a regular member means that the City will have full voting rights with CIAW, and the City could be reassessed additional premium costs should CIAW's assets be insufficient to cover liabilities.

City staff from Risk Management/HR, Legal, and Finance reviewed the City's insurance options to determine whether it would be practical to switch insurance to a different risk pool. Staff determined that the cost of switching would be significantly more expensive, and such would not outweigh any benefits of changing.

This Resolution states that the City agrees to become a regular member of CIAW. The Resolution also approves the ILA and bylaws of CIAW, and authorizes the City Manager to execute the ILA on behalf of the City. Finally, the Resolution authorizes the City Manager to execute a broker services agreement with Brown and Brown of Washington for the upcoming renewal period. The broker services agreement is necessary for the purchase of insurance in CIAW.

The cost of insurance through CIAW for the upcoming renewal period of September 1, 2010 to August 31, 2011 is \$220,885.16, including the costs associated with the broker services agreement.

HR Director Hoang reviewed the agenda bill summary.

CM Fernald stated that this item was reviewed by the Administration & Finance (A&F) Committee and recommended for approval.

Upon a question posed by DM Fisher, Ms. Hoang stated that this agreement is for one year.

CM Forschler questioned the substantial difference for the alternative. Ms. Hoang stated that the alternative risk pool is approximately \$200,000 more.

Council consensus: Referred to the 07/27/10 RCM Consent Agenda

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3250 – An Ordinance approving the low bidder for the re-roofing of City Hall, authorizing the City Manager to enter into a contract with Access Services, and amending the 2010 Annual City Budget

Summary: A call for bids was sent out June 14 via the Municipal Research and Services Center (MRSC) small works roster to all roofing contractors listed. Seven contractors attended the mandatory pre-bid conference on June 23. Four bids were received at the bid opening on July 8. The bids were as follows:

Access Services Inc.	\$261,000.00
Stanley Roofing Co. Inc.	\$319,263.00
Pacific Tech Construction, Inc.	\$332,716.00
Mike's Roofing, Inc.	\$359,100.00

Access Services Inc, the low bidder, was vetted and found to be in good standing with the Washington State Department of Labor and Industries (L&I). They appear to be a fully qualified installer of the PVC membrane product specified and are prepared to stand behind their bid.

The City Hall roofing project was originally scheduled to be completed in 2014, as outlined in the 2010 Capital Improvement Program (CIP). However, it is now recommended that the City Hall roofing project occur in conjunction with the cooling tower replacement because the flat roof leaks in various locations. The total recommended appropriation for this project is \$314,374.50, which includes sales tax and contingency.

The 2010-2015 CIP included \$271,086 for this expenditure in 2014. Since this project was originally scheduled for 2014, the City Council did not consider this item during the 2010 budget process. If the City Council wants to re-roof City Hall at this time, a budget amendment is necessary. Therefore, this Ordinance appropriates \$314,375 in the Municipal Capital Improvement Fund (Fund 301) for this expense.

Facilities Director Patterson reviewed the agenda bill summary.

DM Fisher stated that this item was reviewed by the A&F Committee and recommended for approval.

CM Fernald questioned whether Access Services work has been reviewed from previous projects. Mr. Patterson stated that he checked references with high remarks.

Upon a question posed by Mayor T. Anderson, Mr. Patterson stated that staff is looking into any recycle value the existing roof may have.

Council consensus: Referred to the 07/27/10 RCM Consent Agenda

Agenda Bill #3209 – A Motion finalizing the costs for the new Fire Station 46 and accepting the project as complete

Summary: The new Fire Station 46 is complete and Council has accepted all work. The state has responded to all Notices of Completion of PW Project which in turn has allowed the City to release all retainages to their respective contractors. Total project costs were \$7,779,302. Building construction costs per square foot were \$249.

On May 8, 2007 Council approved a budget of \$5,157,269 for construction of the fire station. Subsequently, Council approved an additional \$521,602 for green site work and fuel system. In early April the estimated project costs were shown to Council at which point they directed the Facilities Director to do value engineering in an attempt to lower costs without diminishing the integrity of the building. At the April 8, 2008 A&F Committee meeting, the Facilities Director reviewed with Council value engineering items with an estimated cost savings of \$272,900. It was mentioned that proceeding with the cost saving items (ie; composition roofing, wood siding, etc) would compromise the 50 year sustainability of the building as requested originally by Council. Council elected to proceed with the construction as designed.

It should be noted that the fire station was scheduled to go out for bid in spring 2007; however, construction was delayed due to concerns regarding the location of the new station. The major portion of project was eventually bid out between March and May of 2008. From 2007 to mid 2008, construction costs increased nearly 15%.

Facilities Director Patterson reviewed the agenda bill summary.

Mr. Patterson compared the total costs for station 46 with a station built in Lakeland Hills in Auburn, Washington.

CM Forschler questioned the accuracy of the national average numbers. His research showed that the average \$135 - \$148 instead of the \$350 Mr. Patterson had stated. He requested this item be postponed two weeks.

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3209 (Continued): CM Forschler also questioned the State Auditor's recommendation that the City not act as its own General Contractor and whether the City should contract this position in the future.

Mr. Patterson clarified that the numbers CM Forschler had didn't include site work and the numbers came from a site that is not the most trustworthy.

ICM Cutts stated that the decision about the General Contractor position needs to be made for future projects. He clarified that tonight's item is only about accepting work already done.

CM Gregerson stated that Council put staff in a position that made the project cost more money.

Council consensus: Referred to the 08/10/10 RCM

Agenda Bill #3247 – A Resolution calling for a special election on November 2, 2010, to place before the qualified electors of the City the proposition of whether the City's present Council-Manager plan of government should be abandoned and the Mayor-Council plan of government be adopted; and submitting this call to the King County (KC) Department of Elections for a formal order calling for a special election to be held in conjunction with the November 2, 2010 General Election

Summary: This Resolution was presented to the City Council by CM Forschler during New Business at the July 13, 2010 Regular Council Meeting (RCM). At the request of CM Fernald, the Resolution was moved to the July 27, 2010 RCM.

This Resolution calls for a Special Election, to be held in conjunction with the 2010 General Election, on the issue of whether the City should abandon its current Council-Manager plan of government and adopt the Mayor-Council plan of government. The 2010 General Election is scheduled for November 2, 2010.

If the Resolution is passed, a certified copy shall be transmitted by the City Clerk to the KC Department of Elections for review and for placement upon the ballot in November, 2010.

The 2010 General Election is not a General Municipal Election. Therefore, the City will bear the cost of conducting this Special Election. KC Elections has advised the City Clerk that the cost of such an election in 2010 will be between \$25,000 and \$30,000. If this issue was on the ballot in November 2011, KC Elections has stated that there is no additional cost beyond what the City pays to hold the City Council elections. This amount has not been budgeted in 2010, and thus a budget amendment will be needed before the end of the year.

CM Forschler reviewed the agenda bill summary.

Upon a question posed by CM Gregerson, City Clerk Gregg clarified the costs as stated above.

Council consensus: Referred to the 07/27/10 RCM Unfinished Business

CONSENT AGENDA:

- **Approval of claims vouchers** (check nos. 90358 – 90555) in the amount of \$1,232,519.19 for the period ended July 20, 2010.
- **Approval of claims vouchers** (check nos. 90556 – 90561) in the amount of \$14,745.00 for the period ended July 21, 2010.
- **Approval of claims vouchers** (check no. 90562) in the amount of \$115.00 for the period ended July 23, 2010.
- **Approval of payroll vouchers** (check nos. 48900 – 48947) in the amount of \$176,658.28 for the period ended July 15, 2010.
- **Approval of payroll electronic fund transfers** (check nos. 64789 - 64970) in the amount of \$338,606.24 for the period ended July 15, 2010.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$63,919.24 for the period ended July 15, 2010.
- **Summary of \$5,000 - \$35,000 Purchase Requests** for the period ended July 23, 2010.

Approval of Council Meeting Minutes:

- **Regular Council Meeting** held June 22, 2010.

CONSENT AGENDA (Continued):

Agenda Items reviewed under Agenda Bill Presentations recommended for placement on this Consent Agenda:

Agenda Bill #3248; Resolution #10-013 approving regular membership in the Cities Insurance Association of Washington, and authorizing the City Manager to execute an Interlocal Agreement with Cities Insurance Association of Washington and a broker services agreement with Brown and Brown of Washington

Agenda Bill #3250; Ordinance #10-1020 approving the low bidder for the re-roofing of City Hall, authorizing the City Manager to enter into a contract with Access Services, and amending the 2010 Annual City Budget

MOVED BY SHAPE, SECONDED BY GREGERSON TO ACCEPT THE CONSENT AGENDA AS PRESENTED.*

PUBLIC COMMENTS (related to the Consent Agenda): There were no public comments.

*MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS (related to the Unfinished Business): Ron Bensley urged the Council to collaborate together no matter the outcome.

Vicki Lockwood thanked CM Forschler for bringing this item forward for Council action.

John Thompson stated his concern with costs associated with an elected Mayor form of government.

UNFINISHED BUSINESS:

Agenda Bill #3247; Resolution #10-014 calling for a special election on November 2, 2010, to place before the qualified electors of the City the proposition of whether the City's present Council-Manager plan of government should be abandoned and the Mayor-Council plan of government be adopted; and submitting this call to the King County Department of Elections for a formal order calling for a special election to be held in conjunction with the November 2, 2010 General Election

MOVED BY FISHER, SECONDED BY FORSCHLER TO PASS RESOLUTION #10-014.*

DM Fisher commented on the signature issues from the last election. He stated that he feels the reorganization study results prove the need for an elected Mayor. He did state his concern about spending \$30,000 to bring it forward to a vote.

CM Shape stated that \$30,000 for a special election is a lot of money. This issue has been put before the voters three times and defeated three times. He questioned why the Council would choose to put this item before the voters again.

CM A. Anderson stated that this election is a no win situation due to the almost 50/50 split vote at the last election. He stated his opinion that this should only be brought forward to the voters through the initiative process instead of spending an additional \$30,000 of taxpayers' money.

CM Forschler stated that the average budget for cities the size of SeaTac with an elected Mayor is approximately \$8 million less than the Council/Manager form.

CM Fernald stated that she also questions the counting of the votes during the last election. She mentioned her concern about spending the money for a special election but she does feel that the voters will approve the change of form of government.

*UPON A ROLL CALL VOTE, MOTION FAILED WITH A. ANDERSON, SHAPE, GREGERSON, AND T. ANDERSON VOTING NO AND FORSCHLER, FERNALD, AND FISHER VOTING YES.

NEW BUSINESS: There was no New Business.

CITY MANAGER'S COMMENTS: ICM Cutts commented on the following: (1) Music in the Park – each Sunday at 5 p.m., and (2) August 4 – Riverton Heights Community Meeting at the SeaTac Community Center.

COUNCIL COMMENTS: CM A. Anderson stated that he is excited about the Sound Transit expansion.

CM Shape stated he is impressed with the outcome of the Prothman Reorganization Study and thanked DM Fisher for bringing the process forward.

COUNCIL COMMENTS (Continued): CM Gregerson commented on the following: (1) thanked KC CM Julia Patterson for serving for six years as the Transportation Policy Board Chair; (2) requested Puget Sound Regional Council (PSRC) Executive Director Bob Drewel be invited to speak at a future Council Meeting; (3) need to have a conversation about when infrastructure becomes an emergency and is closed; (4) Public Issues Committee (PIC) – KC is trying to push the regional emergency management planning on to individual cities because of budget cuts; (5) Special Land Use & Parks (LUP) Committee Meeting July 26 and a second one scheduled for August 10 to try and continue moving forward with discussing the station area planning efforts for the Comprehensive Plan (CP); and (6) July 28, 2010 - Council Coffee Chat.

CM Fernald commented on the following: (1) July 18 - Angle Lake band stage cover ribbon cutting; (2) July 16 - Special Olympics send off; (3) August 3 – National Night Out (NNO); and (4) Reorganization Study - Prothman did a great job.

DM Fisher stated that when he agreed to be the DM, he let it be known that he would need to miss quite a few meetings due to his fishing business. Recently CM Shape put together a report on how he felt this was an undue hardship. While he did not feel this put an undue hardship on the City and he was well within his rights, he apologized for his absences.

RECESSED: Mayor T. Anderson recessed the RCM to an Executive Session regarding Potential Litigation at 8:52 p.m.

EXECUTIVE SESSION: Potential Litigation (20 minutes) (RCW 42.30.110 [1] [i])

City Clerk Gregg announced that Council requested 10 more minutes at 9:14 p.m., and 5 more minutes at 9:24 p.m.

(CMA. Anderson discontinued his participation in the meeting at this point.)

RECONVENED: Mayor T. Anderson reconvened the RCM at 9:28 p.m.

NEW BUSINESS:

(No agenda bill was created. The agenda bill # was assigned for tracking purposes only.)

Agenda Bill #3252; Motion authorizing the City Manager to execute an agreement to terminate the lease with Monte Carlo LLC

Senior Assistant City Attorney Johnsen explained the following terms of the agreement:

Lease to be terminated no later than 10:00 a.m. August 2, 2010.

Upon termination, the tenant would no longer be entitled to occupy the premises.

The parties agree that the amount of past due rent, common area maintenance (CAM) charges, and fees owed are \$79,000.

The tenant would pay \$40,000 of this amount by August 2, 2010 with the remaining to be paid in installments through December 31, 2010.

Upon payment of the past due rent, CAM charges, and fees, the City would release the tenant from the personal guarantee.

The tenant would have until August 10, 2010 to remove any personal property from the premises.

MOVED BY FORSCHLER, SECONDED BY SHAPE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO TERMINATE A LEASE WITH THE MONTE CARLO LLC.*


PUBLIC COMMENTS: There were no public comments.

*MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT:

MOVED BY FERNALD, SECONDED BY SHAPE TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 9:34 P.M.

MOTION CARRIED UNANIMOUSLY.


Terry Anderson, Mayor


Kristina Gregg, City Clerk