

City of SeaTac

Regular Council Meeting Minutes

January 22, 2019
6:00 PM

City Hall
Council Chambers

CALL TO ORDER: Mayor Erin Sitterley called the SeaTac City Council Regular Meeting to order at 6:00 p.m.

COUNCIL PRESENT: Mayor Erin Sitterley, Councilmembers (CMs) Rick Forschler, Joel Wachtel, Peter Kwon, and Stanley Tombs. Excused Absent: Deputy Mayor (DM) Clyde Hill and CM Pam Fernald.

STAFF PRESENT: City Manager Carl Cole, City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Senior Assistant City Attorney Mark Johnsen, Senior Management Analyst Anita Woodmass, Community & Economic Development (CED) Steve Pilcher, Building Services Manager Gary Schenk, Planning Manager Jennifer Kester, Parks, Community Programs and Services (PCPS) Director Lawrence Ellis, Acting Police Chief Jon Mattsen, Special Advisor Joseph Scorcio, Judge Robert Hamilton

FLAG SALUTE: Resident Doug Hill led the Council, audience, and staff in the Pledge of Allegiance.

SWEARING IN:

Swearing in of the newly appointed Councilmember (CM) Stanley Tombs

Judge Hamilton swore-in CM Stanley Tombs. CM Tombs then signed his Oath-of-Office and took his seat at the dais.

PUBLIC COMMENTS: Martin Kendrick, manager of Rose Glen Apartments, representing a group of residents concerned about the direction the City Council is taking regarding the Police Department, spoke regarding crime in the City. He provided examples of crime near the Rose Glen apartments.

The following people spoke in support of, and praised, the City Council: Rebecca Iwai, Chuck D'Arielli, Doug Hill, and JoAnn Hill.

Vicki Lockwood thanked CM Tombs for the hours of dedication and volunteering he has done for the City. She also thanked the Council for appointing CM Tombs. She encouraged everyone to get involved in the City and listed ways to participate.

Roger Kadeg thanked Council for appointing a CM based on his qualifications and thanked CM Tombs for his willingness to serve.

Earl Gipson spoke regarding procedural changes he felt were made due to recent disruptions.

PRESENTATIONS:

Key City Issues and Requests for Direction

City Manager Cole commented on the following items:

- (1) Community Leadership Academy – April 27 and May 4, encouraged people to sign up
- (2) Since LIHI withdrew their proposal for Fire Station 47 property, staff now needs Council direction on how to proceed. Council concurred to refer this subject to the Planning & Economic Development (PED) Committee.
- (3) The Purchase & Sale Agreement (PSA) with Inland Group has been signed and staff has now begun working on the Development Agreement (DA).
- (4) Requested the topic of red light cameras and/or school zone cameras brought forward as a Council Information Request (CIR) be referred to the Public Safety & Justice (PS&J) Committee. Council concurred.
- (5) Requested the topic of an Ad Hoc committee to reach out to Somali community (CIR) be referred to a committee or Town Hall Meeting. Council discussion ensued regarding this conversation shouldn't be about one community group but instead be all-inclusive. Council concurred to refer this topic to the Arts, Culture & Library Advisory Committee (ACLAC). *See City Manager Comments below for change in referral.*

Committee Updates (for items not included on the agenda) and Council Requests to Refer Items to Committees
CM Forschler: Committee assignments will be changing with the addition of CM Tombs; also commented he doesn't think it is value added to attend the Watershed Restoration Ecosystem Forum as a member, however, he would be willing to attend for information purposes only. Council concurred.

PRESENTATIONS (continued):

Committee Updates and Council Requests to Refer Items to Committees (continued):

CM Wachtel: Airport Advisory Committee – update on Commerce Committee, Port of Seattle (POS) Update, January 12 Noise Symposium.

CM Kwon: Transportation & Public Works (T&PW) Committee – all items reviewed are on tonight’s agenda; South County Area Transportation Board (SCATBd) – adopted the 2019 State legislative priorities including the siting of a 2nd regional airport; and went to Olympia last week to discuss Mobile Home Park bill.

Mayor Sitterley: Administration & Finance (A&F) Committee – cryptocurrency, letter to State legislators regarding grant funds for an International Market.

CONSENT AGENDA:

Approval of claims vouchers (check no. 123348 - 123499) in the amount of \$4,046,182.99 for the period ended January 18, 2019.

Approval of payroll vouchers (check no. 54808 - 54824) in the amount of \$97,071.98 for the period ended January 15, 2019

Approval of payroll electronic fund transfer (check no. 96549 - 96689) in the amount of \$368,908.99 for the period ended January 15, 2019.

Approval of payroll wire transfer in the amount of \$52,184.54 for the period ended January 15, 2019.

Approval of Council Meeting Minutes:

Council Budget Workshop 3 meeting held October 19, 2018

Public Safety & Justice Committee meeting held November 8, 2018

Planning & Economic Development Committee meeting held December 3, 2018

Parks & Recreation Committee meeting held December 6, 2018

Administration & Finance Committee meeting held December 13, 2018

Special Council Meeting held January 7, 2019

Regular Council Meeting held January 8, 2019

Special Council Meeting held January 14, 2019

MOVED BY WACHTEL, SECONDED BY KWON TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS (related to Action Items): None.

ACTION ITEMS:

Agenda Bill #5115; A Motion authorizing the City Manager to enter into a professional services contract with CWA Consultants for structural and non-structural plan review services.

Summary: Consultant Services Agreement #18-A053 with CWA Consultants is in need of renewal. The 2018 contract was for an amount not to exceed \$220,000; the line item budget for professional services was increased mid-year to account for an unanticipated influx of major projects that were not planned for during the 2017-18 biennial budget process. Due to the volume of anticipated work in the City (hotels, an office park, townhomes, distribution center, and Sound Transit), and with the third party review requirements established in POS Interlocal Agreement (ILA), the amount that could potentially be needed to cover plan review services in 2019 could reach \$250,000.

The need for this contract is twofold. First, the City does not employ a structural engineer that is capable of performing structural and non-structural plan reviews on buildings. This is due in part to the relatively low volume of work that would keep an individual actively engaged on a full-time basis. Second, per the Port ILA, plan reviews for the random projects that could be selected from the POS Building Department for third party review are to be performed by an outside third-party reviewing entity. CWA Consultants is capable of reviewing projects for both the City and Port.

The decision to use CWA Consultants came after soliciting requests for proposals for the performance of plan review services. All of the other proposals received were considerably higher cost, but comparable in the service level that was desired. CWA Consultants was selected based upon their bid and for their reputation for providing excellent

ACTION ITEMS (continued):

Agenda Bill #5115 (continued): services to jurisdictions that rely on their expertise. The Building Division has had no complaints for services provided to date and recommends extending this contract for another year as a convenience to the City and its customers. Either party is able to end the agreement with ten days written notice.

There has been, and could likely continue to be, a need for an occasional review of a particularly difficult project by a structural engineer where having a review by the consultant becomes necessary. The expense for this service is paid from the plan review fee that is collected for the project and is done at an hourly rate, making it very minimal.

The contract shall not exceed \$250,000. The costs associated with plan review by an outside consultant are charged in full to the permit applicant, collected by the City and remitted to the consultant. Any reviews performed as part of the Port ILA will be paid through the annual \$226,600 minimum payment from the Port for quality assurance and control; as well as oversight and internal administration of Port permitting and inspection activities.

The A&F Committee reviewed this proposal at its January 10, 2019 meeting and recommends approval.

Building Services Manager Schenk reviewed the agenda bill summary.

MOVED BY KWON, SECONDED BY FORSCHLER TO PASS AGENDA BILL #5115.*

CM Kwon reviewed the A&F Committee discussion.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #5124; A Resolution #19-002 authorizing and approving an ICMA Money Purchase Plan for the City Manager.

Summary: Consistent with the City of SeaTac City Manager Employment Agreement with Carl Cole, approved November 27, 2018, this Resolution authorizes the opening of a retirement account through the ICMA Retirement Corporation. City Manager Cole has exercised his statutory right to "not join" the Washington State Public Employees Retirement System, and instead divert the contribution that would otherwise be made to the retirement system on his behalf to the ICMA account. Because these contributions are made at a different rate than those made to the existing ICMA plan for all employees, a new plan must be created separate and distinct from the existing plan.

This Resolution is a housekeeping measure authorizing ICMA Retirement Corporation to create City Manager Cole's retirement account, following the rules in the Adoption Agreement, and authorizes the execution of the Administrative Services Agreement (Declaration of Trust).

Contributions in the amount of approximately \$15,000 have been included as a part of the 2019 budget.

The A&F Committee reviewed and recommended the Resolution for approval by the full Council on January 10, 2019.

Senior Assistant City Attorney Johnsen reviewed the agenda bill summary.

MOVED BY KWON, SECONDED BY FORSCHLER TO PASS AGENDA BILL #5124 (RESOLUTION #19-002).*

CM Kwon reviewed the A&F Committee discussion.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #5134; A Resolution #19-003 electing not to comply with the provisions of Revised Code of Washington (RCW) 8.26.035 through 8.26.115 in connection with a program or project not receiving federal financial assistance initiated on or before December 31, 2017.

Summary: When constructing certain Public Works (PW) projects, it may be necessary for the City to acquire real property from adjacent property owners. For example, additional property may be necessary for a road widening project. In these circumstances, the City is required to pay just compensation to the property owner in order to acquire the necessary property.

ACTION ITEMS (continued):

Agenda Bill #5134; Resolution #19-003 (continued):

In 1970, Congress passed the Uniform Act that established minimum standards related to relocation payments for federally funded programs and projects that require the acquisition of real property or displacement of persons from homes, farms, or other businesses. In 1971, the State Legislature adopted legislation in order to comply with the Uniform Act (RCW 8.26). Prior to recent amendments, RCW 8.26 only applied to projects or programs that received federal funding. Payment of these relocation expenses is in addition to the payment of required just compensation.

In 2017, the State Legislature expanded the applicability of Chapter 8.26 RCW to apply not only to federally funded projects, but also those projects that are funded by the State. As a result, the number of projects in which the payment of relocation expenses might be required has increased. Although this change was effective July 23, 2017, the State Legislature added a provision to RCW 8.26.010 (4) that states, "The governing body of any local public agency may elect not to comply with the provisions of RCW 8.26.035 through 8.26.115 in connection with a program or project not receiving federal financial assistance initiated on or before December 31, 2017." This provision was added so that projects that were budgeted and in progress would not be derailed.

This Resolution, if passed, indicates the City Council's election to not comply with the relocation expense requirements set forth in RCW 8.26 for projects commenced on or before December 31, 2017. Passage of this Resolution does not affect the requirement for the City to pay just compensation. The statute does not set forth any criteria or rationale that the City Council must use when making this election, and thus it is simply a policy decision.

The T&PW Committee recommended passage of the proposed Resolution at their January 17, 2019 meeting.

Senior Assistant City Attorney Johnsen reviewed the agenda bill summary.

MOVED BY KWON, SECONDED BY WACHTEL TO PASS AGENDA BILL #5134 (RESOLUTION #19-003).*

CM Kwon reviewed the T&PW Committee recommendation.

*MOTION CARRIED UNANIMOUSLY.

The following two agenda items were reviewed together:

Senior Management Analyst Woodmass reviewed the summaries for Agenda Bills #4943 and #5111.

Special Advisor Scorcio stated the DAs stand-alone. There will be a unified Transit Way Agreement in the future using this Transit Way Agreement as the base line.

Council discussion ensued regarding the agreements.

Agenda Bill #4943; A Resolution #19-004 authorizing the City Manager to execute a Development Agreement (DA) between the City and Sound Transit for the Federal Way Link Extension (FWLE) Project.

Summary: Sound Transit received voter approval through the Sound Transit 2 and 3 (ST2 & ST3) ballot measure to extend light rail service from its current southern terminus at the Angle Lake Station south to Federal Way. Light rail service is recognized as an Essential Public Facility (EPF) per State law and SeaTac's Zoning Code (Title 15). Under State Statute (RCW 36.70B.170 -.210) and SeaTac Municipal Code (SMC) 15.115.030, the City may negotiate and enter into DAs. As was done twice before, for the extension of light rail service from the Tukwila Station to the Airport Station and again to the Angle Lake Station, the proposed DA fulfills the Zoning Code's EPF conditional use permit (CUP) process as the means for the Council to approve the project, grant departures from certain code standards, identify benefits to the City, and establish other terms for development.

The FWLE project will be constructed as a design-build procurement method and light rail service is projected to begin service in 2024. Within SeaTac, the project will involve extending the light rail guideway from the current "tail track" south of South 200th Street beyond the southern City limit adjacent to the west side of Interstate 5 (I-5) at South 216th Street. The project will commence as an elevated guideway, cross over International Boulevard (IB) and transition to at-grade before exiting the SeaTac City limits. No additional stations or other functions are being proposed within SeaTac's City limits. The next station to the south will be near Highline College.

ACTION ITEMS (continued):

Agenda Bill #4943; Resolution #19-004 (continued):

The proposed DA will assist Sound Transit by ensuring that certain codes, requirements and development regulations will be vested over the design and construction period of ten years. Additionally, the Agreement allows for certain departures from specific development regulations that are offset by benefits to the City.

Departures: The deviations, departures and considerations being recommended in the proposed DA are listed in Section 8.2 'Departures' and include:

- A departure to landscaping provisions under the elevated guideway and either side of the at-grade track.
- A departure to accept wetland review from a non-pre-qualified provider, without 3rd Party peer review as required by City Code, provided the provider meets City standards. At its December 4, 2018, meeting the T&PW Committee was not comfortable with this departure because they did not want a precedent set. They unanimously recommended maintaining our current review process requirement and not allow this departure.
- A departure allowing Sound Transit to make a \$280,596 fee-in-lieu payment instead of constructing street improvements on South 208th Street. Since these improvements will likely be removed as part of the SR-509 project, the payment can be utilized by the City later after coordinating with WSDOT.

Benefits: The benefits being provided in the DA include:

- Installation of permanent irrigation within City rights-of-way (ROW) (current code requirement is to only provide temporary irrigation);
- Construction fencing installed for more than one year in one location shall incorporate fabric screening (current code requirement is to provide chain link fencing);
- Provisions for community-centric enhancements where the elevated guideway crosses International Boulevard (both north and south ends);
- Roadway improvements listed in Section 3.2 including the installation of pedestrian lighting (current code requirement does not require pedestrian lighting);
- Construction of a monument sign foundation and conduit for a future sign installation.
- Additional landscaping along the guideway where design/construction permits.

Other Key DA Provisions: Additional noteworthy provisions included within the DA include:

- Rectangular "tulip design" columns are to be used for elevated guideway, consistent with the design of the existing facilities within the City. Alternatives may be considered but will require mitigation to offset impacts resulting from an alternative design.
- Sound Transit will work to limit potential for 'hide and ride' parking activity resulting from the guideway.
- Construction haul routes are established, and restoration and mitigation requirements are confirmed.
- Detour routes are established and agreed upon.
- Fee-in-lieu payment for wetland mitigation.
- Sound Transit will submit the following mitigation plans for approval:
- Emergency Response Plan – Specifying procedures during the construction period.
- Transportation Management Plan – Specifying Sound Transit's overall strategy for managing issues related to transportation during construction.
- Maintenance of Traffic Plan – Specifying provisions for safely and adequately maintaining traffic during construction, including vehicular, pedestrian, bicycle and transit traffic.
- Construction Noise and Vibration Mitigation Plan – Specifying means and methods implemented by Sound Transit's Contractor to minimize noise and vibration during construction.
- Construction Outreach and Communication Plan – Specifying requirements for Sound Transit to provide advance notification of construction activities and other actions that are of interest to the community.

Other Project Related Benefits: The FWLE Project will provide additional benefits for the residents and visitors of SeaTac, including:

1. The extension of a regional integrated multi-modal transportation system.
2. Additional capacity for people coming from areas south of the City to use light rail for access to employment and businesses in SeaTac as well as Sea-Tac International Airport.
3. Direct connectivity for people to access Highline Community College and destinations further south.

ACTION ITEMS (continued):

Agenda Bill #4943; Resolution #19-004 (continued):

The proposed DA is the result of many months of negotiations between the City and Sound Transit staff. The City Council has conducted a Public Hearing (PH) as required before acting on the proposed Resolution. A separate Transit Way Agreement will be executed to address on-going operational and maintenance issues associated with the Project.

This Resolution authorizes the City Manager to execute a DA with Sound Transit.

The primary fiscal impact is the cost of City staff time and positions required to review, permit and inspect this project. Sound Transit will pay these costs as provided in the existing City Services Agreement.

The T&PW Committee reviewed a draft DA at its November 15 and December 4, 2018 meetings and recommended it move forward for consideration at a PH on December 11, 2018 and action on January 8, 2019. The Committee also received an update on the Agreement at its December 20, 2018 meeting.

A PH was held on December 11, 2018, where Council referred the Agreement to the January 8, 2019 Regular Council Meeting (RCM) for action. Written public comments were received by City Council prior to, and after the PH. Additionally, during a briefing on the related Transit Way Agreement (Agenda Bill #5111) at its December 20, 2018 T&PW meeting, Council and Committee members raised a number of concerns. These comments address items contained in both the draft DA, the Transit Way Agreement and a draft Maintenance Agreement Letter.

The DA is also being recommended to the City Council by the CED Director as required by SMC 15.115.030(D).

MOVED BY FORSCHLER, SECONDED BY WACHTEL TO PASS AGENDA BILL #4943 (RESOLUTION #19-004).

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #5111; A Resolution #19-005 authorizing the City Manager to enter into a Transit Way Agreement with Sound Transit for the Federal Way Link Extension (FWLE).

Summary: Sound Transit received voter approval through the Sound Transit 2 and 3 (ST2 & ST3) ballot measure to extend light rail service from its current southern terminus at the Angle Lake Station south to Federal Way. The "Agreement Between the City of SeaTac and Sound Transit for Grant of Non-Exclusive Use of the Light-Rail Transit Way as Related to the FWLE Light Rail is commonly referred to as the 'Transit Way Agreement'. This Transit Way Agreement should be read in conjunction with the "FWLE DA between the City of SeaTac and Sound Transit" (Agenda Bill #4943). The Transit Way Agreement addresses: (1) coordination and notification of work to be conducted within the ROW; (2) permit requirements; (3) maintenance of Sound Transit facilities, including prompt repair; and (4) legalities such as liability/indemnification, insurance, and dispute resolution.

This Transit Way Agreement is in effect for the operational life of the Light Rail System and grants Sound Transit a non-exclusive use of certain portions of City ROW. It establishes the framework and responsibilities for how the agencies will interact regarding Sound Transit's use of the city-owned public ROW within this portion of the SeaTac transit system. Specifically, the Transit Way Agreement allows for Light Rail Transit infrastructure "to be constructed, operated, maintained, and owned upon, above, beneath and along the Light Rail Transit Way in accordance with the terms and conditions of the Agreement." The Transit Way Agreement is required part of a submittal by Sound Transit to the Federal Transit Administration for funding.

Sound Transit will continue to pay directly for City staff time and positions required to review, permit and inspect construction of the project in accordance with the previously approved City Services agreement. Sound Transit will pay all required permit application fees.

The T&PW Committee reviewed an evolving draft Transit Way Agreement at its meetings on November 15, December 4, and December 20, 2018. Following the December 20 meeting, the Committee moved the Agreement forward without recommendation to the January 8, 2019 Council meeting for consideration.

ACTION ITEMS (continued):

Agenda Bill #5111; Resolution #19-005 (continued):

The City received public comments prior to, and after the December 11, 2018 PH for the related DA (Agenda Bill #4943). Additionally, Council and Committee members raised a number of concerns at its December 20, 2018 T&PW meeting. These comments address items contained in both the draft DA, the Transit Way Agreement and a draft Maintenance Agreement Letter. Additionally, The City and Sound Transit have entered into a Letter of Agreement to consolidate the three governing Transit Way Agreements that exist for the 'Airport Station' project, the 'Angle Lake Station' project and this FWLE project.

MOVED BY KWON, SECONDED BY FORSCHLER TO PASS AGENDA BILL #5111 (RESOLUTION #19-005).

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS (related to Unfinished Business): None

UNFINISHED BUSINESS: None

NEW BUSINESS: None

CITY MANAGER'S COMMENTS: City Manager Cole commented on the following:

- (1) Requested the earlier referral of an ad hoc committee to reach out to Somali community (CIR) be instead referred to the Community Services Advisory Committee (CSAC). Council concurred;
- (2) January 23 - Highline Forum,
- (3) February 6 - Emergency Preparedness Event
- (4) Airport Advisory Committee - Due to Presidents Day Holiday, February 18 meeting has been cancelled and a special meeting will be held February 11, 2019.

COUNCIL COMMENTS: CM Forschler requested an article be provided in either the City Manager Weekly Update (CMWU) or the SeaTac Quarterly Magazine clarifying the increase in number of police officers in the City.

CM Wachtel requested police department meet with the Rose Glen Apartment complex to discuss options, and make a connection Mr. Cole stated Police is already making the connection tonight.

CMs Kwon and Tombs encouraged everyone to get involved in the City.

Mayor Sitterley commented on the following: (1) welcomed CM Tombs, (2) January 8 – spent an evening with the Fire Explorers, and (3) wished CM Wachtel a happy birthday.

EXECUTIVE SESSION: None.

ADJOURNED:

MAYOR SITTERLEY ADJOURNED THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:41 P.M.


Erin Sitterley, Mayor


Kristina Gregg, City Clerk