

City of SeaTac
Regular Council Meeting Minutes
Virtual Meeting

April 14, 2020
6:00PM

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 (remotely): Mayor Erin Sitterley, Deputy Mayor (DM) Peter Kwon, Councilmembers (CM) Senayet Negusse, CM Joel Wachtel, CM Clyde Hill, CM Takele Gobena, and CM Pam Fernald.

STAFF PRESENT (remotely): City Manager Carl Cole, City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Senior Assistant City Attorney Mark Johnsen, Information Systems Manager Bart Perman, Police Chief Jon Mattsen, Public Works (PW) Director William Appleton, Community & Economic Development (CED) Director Steve Pilcher

FLAG SALUTE: Mayor Sitterley led the Council, audience, and staff in the Pledge of Allegiance.

AGENDA REVIEW:

- A. Virtual meeting - live streamed on SeaTV and the City's website; conference line to listen to the meeting; City Hall is closed.
- B. Public Comments – no in-person public comments, comments received by email at publiccomment@seatacwa.gov before 4 p.m. the day of a Council meeting will be mentioned by name and subject during the meeting and then posted to the City's website.
- C. Agenda Bill #5440; A Motion ratifying the Mayor's Proclamation issued on April 3, 2020, related to gambling taxes should have been on the consent agenda, however, a Councilmember has a conflict of interest so it is an action item.

PUBLIC COMMENTS:

- The following people submitted public comments related to Agenda Bill #5441: Earl Gipson, Tariku Mesele, Tamirat Alula, Samuel Ramirez, and Roger Kadeg.
- Roger Kadeg also submitted comments related to Agenda Bill #5342 (correct # is 5432).

PRESENTATIONS:

Child Abuse Prevention Month Proclamation

Mayor Sitterley read the proclamation.

Key City Issues and Requests for Direction

City Manager Cole commented on the following items:

- (1) SeaTac City Hall has changed to a Virtual City Hall
- (2) Economic Development (ED) team developed "Stay in. Eat out."
- (3) SeaTac has increased its funding to the food banks and multi-service center Human Services agencies
- (4) April 23 – 4 p.m., Special Transportation & Public Works (T&PW) Committee meeting
- (5) April 23 – Planning & Economic Development (PED) Committee meeting cancelled
- (6) Request for referral to Administration & Finance (A&F) Committee: Consultant contract for Building Needs Assessment including City Hall and the Maintenance Shop. Council concurred.

Council discussion ensued regarding the additional Human Services agencies funding, rent assistance, appreciation to staff for all of the information.

Committee Updates (for items not included on the agenda) and review of proposed Council Information Requests

DM Kwon: April 2 Puget Sound Regional Council (PSRC) meeting – recommend 12 of 16 applications for federal funding; next T&PW Committee meeting – April 23

Mayor Sitterley: A&F Committee meeting items are on tonight's agenda, next meeting is May 14

CONSENT AGENDA:

Approval of claims vouchers (check no. 127656 - 127666) in the amount of \$5,298.29 for the period ended March 30, 2020.

Approval of claims vouchers (check no. 127667 - 127744) in the amount of \$1,232,398.94 for the period ended April 9, 2020.

Approval of payroll vouchers (check no. 55544 - 55555) in the amount of \$72,211.01 for the period ended March 31, 2020.

Approval of payroll electronic fund transfer (check no. 100860 - 101001) in the amount of \$626,438.51 for the period ended March 31, 2020.

Approval of payroll wire transfer in the amount of \$159,310.93 for the period ended March 31, 2020.

**Approval of Council Meeting Minutes:
Regular Council Meeting held March 24, 2020**

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

MOTION CARRIED UNANIMOUSLY.

ACTION ITEMS:

Agenda Bill #5413; An Ordinance #20-1007 authorizing the City Manager to execute a professional services contract with OTAK, Inc. for design services associated with Phase 2 of the South 180th Street Flood Reduction Project, and amending the City's 2019-2020 Biennial Budget.

Summary: The South 180th Street Flood Reduction project was identified in the 2019-2024 Capital Improvement Program as a Surface Water Management Utility project requiring attention, and was marked for investigative analysis as early as June, 2018. Flooding is caused by two private drainage ditches that overflow onto South 180th Street, near the Hunt Club Apartments, requiring vehicles to pass through one to two feet of standing water several times per year after incidents of heavy rainfall.

In July, 2019, the City Council approved Agenda Bill 5236 that authorized a consultant contract with Otak, Inc. in the amount of \$96,650. This contract approved funding for Phase 1, which allowed for investigations into the root cause of the flooding issue and the development of a multi-faceted action plan, complete with several design alternatives backed by hydraulic and stormwater flow analysis. A preferred design alternative was identified and selected. Phase 1 was completed in early February, 2020.

Phase 2, which this agenda item addresses, seeks to act on the investigations and the preferred design alternative identified in Phase 1. Upon approval of this contract, Otak, Inc. will work with Public Works Department staff to acquire the required permits, and produce the design plans, construction specifications, and engineer's estimate to construct the surface water infrastructure. It is estimated that Phase 2 will conclude in the second quarter of 2021, upon which, the City of SeaTac will have contract documents ready for advertisement for construction bids. Construction is anticipated to commence in 2021.

Funding for this project was identified in the 2019-2024 Capital Improvement Program (CIP). At the time of approval, \$250,000 was allocated to this project in the Surface Water Management Utility Fund (#403). Phase 1 of the project design was completed in February, 2020 at a cost of \$86,975, leaving a balance of \$163,025. The cost to complete the design (Phase 2) is \$259,200, which requires that an additional \$96,175 be appropriated to fully fund the design.

It should be noted that the project was awarded a \$125,000 design grant in a competitive grant process through the King County Flood Reduction grant program. This funding is immediately available and will be used to reimburse a portion of the City's design costs.

Due to the coronavirus pandemic, the March 19, 2020, T&PW Committee meeting was canceled and this item was not reviewed. This project was reviewed by T&PW on July 22, 2019, and the Phase 1 scope approved.

PW Director Appleton reviewed the agenda bill summary.

ACTION ITEMS (continued):

Agenda Bill #5413; An Ordinance #20-1007 (continued):

MOVED BY KWON, SECONDED BY GOBENA TO PASS AGENDA BILL #5413 (ORDINANCE #20-1007).*

DM Kwon stated the 2nd phase was not discussed by T&PW Committee due to the pandemic; however, this is something that is needed and funding is available.

Council discussion ensued regarding their support.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #5432; A Resolution #20-003 approving a Multi-family Tax Exemption (MFTE) Agreement and an Easement for Maintenance for Private Improvements in the Public Right-of-Way (ROW) with Polaris at SeaTac, LLC related to the proposed development at the SeaTac Center site.

Summary: The sale of the SeaTac Center is anticipated to close by April 30, 2020, with construction of their residential mixed-use project anticipated to commence shortly thereafter. Their proposed redevelopment project consists of:

- Construction of three mixed-use residential towers built atop two separate garage structures, separated by a new private drive connecting S. 154th Street and S. 152nd Street.
- Creation of approximately 585 residential units.
- Creation of approximately 27,500 square feet of ground level commercial space.
- Construction of a new pedestrian plaza/walkable boulevard.
- Construction of parking in the stand-alone lot adjacent to South 152nd Street.
- Construction of parking between the residential towers and the Pancake Chef property.

The development will be built in two phases. The first phase will be named "Polaris at SeaTac" and will contain 385 residential apartments with a mix consisting of 35 studio apartments, 152 one-bedroom apartments, 105 two-bedroom apartments, and 73 three-bedroom apartments. In addition, approximately 20,000 square feet of ground level commercial space will be constructed in these two towers.

The second phase will be named "Adara at SeaTac" and will result in construction of a third tower located west of the new private drive and adjacent to S. 154th Street. This tower will contain approximately 220 apartments with a proposed mix of 22 studio apartments, 97 one-bedroom apartments, 79 two-bedroom apartments, and 22 three-bedroom apartments. This tower will also contain 7,500 square feet of commercial space.

Inland has applied for a 12-year MFTE that is authorized by RCW 81.14 and SMC 3.85. In order to qualify for the tax exemption, the applicant must commit to renting at least twenty percent (20%) of the multi-family housing units as affordable housing units to low- and moderate-income households. The Polaris project far exceeds this requirement, as all units in these two towers will be rent- and income-restricted to households earning up to 60% of the King County Area Median Income (AMI). For example, a 4-person household renting a three bedroom unit would have a 60% income limit of \$66,420 and the monthly rent limit would be \$1,727.

All requirements set forth in SMC 3.85 have been satisfied, and thus, pursuant to SMC 3.85.070, the City Manager has approved the application. Therefore, the owner must now enter into a contract with the City, approved by the City Council, regarding the terms and conditions of the project under SMC 3.85. Once the contract is approved, the City will issue a conditional certificate of tax exemption that will be good for three years. Once the project is complete, a final certificate of tax exemption will be issued to start the 12-year exemption period. After 12 years, the property will no longer be eligible for this exemption and will be subject to taxation.

Aerial Easement: The proposed Resolution also approves an aerial easement for the Polaris project. This easement is needed for two reasons. First, the building will have canopies as required by the City's land use code. These canopies will hang over the City sidewalk within the ROW. Second, a corner of one of the Polaris towers has a cantilever that hangs over a small portion of the ROW. The proposed easement memorializes the responsibilities of the parties with respect to these design features.

ACTION ITEMS (continued):

Agenda Bill #5432; A Resolution #20-003 (continued):

This was reviewed at the April 9, 2020, A&F Committee and was recommended for approval.

Senior Assistant City Attorney Johnsen reviewed the agenda bill summary and addressed public comments.

Inland Group representative Keith James commented on the 2020 AMI and thanked staff for their efforts during the current pandemic situation.

MOVED BY KWON, SECONDED BY HILL TO PASS AGENDA BILL #5432 (RESOLUTION #20-003).*

Mayor Sitterley presented the A&F Committee review.

Council discussion ensued regarding the project.

Mr. James responded to questions about the number of units.

*MOTION CARRIED WITH GOBENA VOTING NO.

Agenda Bill #5440; A Motion ratifying the Mayor's Proclamation issued on April 3, 2020, related to gambling taxes.

Summary: SMC 2.75.060 provides that the Mayor has the authority "to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council."

The City received a request from Maverick Gaming, owner of the Silver Dollar Casino, requesting an extension of one year to pay their 2020 1st Quarter gambling taxes. After review of the request, a determination was made that an extension shorter than one-year was more appropriate.

The Mayor's Proclamation issued on April 3, 2020, provides that the City Manager is authorized to extend the deadline for payment of 2020 1st Quarter Gambling Taxes until July 31, 2020, provided that the taxpayer files their 2020 1st Quarter City Gambling Tax return with the City no later than the April 30, 2020 due date. The Proclamation also authorizes the City Manager to extend the deadline for payment of 2020 2nd Quarter gambling taxes until October 31, 2020, provided that the taxpayer files their 2020 2nd Quarter City Gambling Tax return with the City no later than the July 31, 2020 due date and that all 2020 1st Quarter gambling taxes have been paid no later than July 31, 2020. There are two establishments that pay gambling taxes to the City (Silver Dollar Casino and Denny's), and this Proclamation applies to both. This Motion ratifies the Mayor's proclamation as required by SMC 2.75.060 (A).

Ratifying the Proclamation will defer the receipt of 1st Quarter gambling taxes by 90 days and 2nd Quarter Gambling Taxes by 90 days. This will not reduce the amount of Gambling Taxes owed.

This was reviewed by the A&F Committee on April 9, 2020, and was recommended for approval. The Committee also recommended that this be placed directly on the Consent Agenda.

City Attorney Mirante Bartolo announced CM Gobena has a conflict of interest and therefore will be abstaining from this item.

Senior Assistant City Attorney Johnsen reviewed the agenda bill summary.

MOVED BY NEGUSSE, SECONDED BY HILL TO PASS AGENDA BILL #5440 (RESOLUTION #20-003).*

Mayor Sitterley reviewed the A&F Committee discussion.

Council discussion ensued regarding their support.

*MOTION CARRIED UNANIMOUSLY, WITH CM GOBENA ABSTAINING.

ACTION ITEMS (continued):

Agenda Bill #5441; A Resolution #20-004 supporting Governor Inslee's moratorium on residential evictions for non-payment of rent, encouraging residential landlords to assist their tenants to the extent practicable, and encouraging tenants to maintain open and honest communication with their landlords during the current COVID-19 outbreak.

Summary: On March 18, 2020, Washington State Governor Jay Inslee issued Proclamation 20-19, imposing a moratorium on certain residential evictions in order to protect public health and safety and prevent such evictions from further endangering those who have been impacted by the COVID-19 emergency. Since the Governor's issuance of Proclamation 20-19, there have been questions whether the City Council should also prohibit evictions and the collection residential landlords from collecting late fees during the COVID-19 emergency. Although other cities in Washington State have taken such action with good intentions, the legal authority for doing so is questionable, as evictions is not an area that is controlled or regulated by the City. However, the City Council may pass a Resolution of support for the Governor's Proclamation. The proposed Resolution indicates such support.

At the April 9, 2020 A&F Committee, CM Negusse proposed ideas around encouraging other actions to protect those tenants who could be at-risk of losing their housing during this COVID-19 pandemic. It was also discussed that CM Negusse would come up with specific language that is now included in the proposed Resolution. Specifically, residential landlords are encouraged, to the extent practicable, to assist tenants affected by the COVID-19 emergency. This could include waiving late fees or coming up with short-term payment plans as agreed upon by the landlord and the tenant. Furthermore, residential tenants are also encouraged to maintain open and honest communication with their landlords during this pandemic and to access and utilize existing assistance communication with their landlords during this pandemic and to access and utilize existing assistance programs with the payment of their rent.

This Resolution was discussed at the April 9, 2020, A&F Committee and was recommended to be referred to the full Council for consideration and potential action.

City Attorney Mirante Bartolo reviewed the agenda bill summary.

MOVED BY GOBENA, SECONDED BY WACHTEL TO PASS AGENDA BILL #5441 (RESOLUTION #20-004).*

Mayor Sitterley reviewed the A&F Committee discussion.

Council discussion ensued regarding the purpose of this Resolution and each CM's opinion. It was clarified that this is not a moratorium and is not enforceable.

*MOTION FAILED WITH WACHTEL, HILL, FERNALD, KWON, AND SITTERLEY VOTING NO, AND NEGUSSE AND GOBENA VOTING YES.

UNFINISHED BUSINESS: None

CITY MANAGER COMMENT: City Manager Cole stated the City has received some guidance at the state level about what can and can't be done in public for Council and committee meetings. This is frustrating, but we are complying with the order. He asked for patience from everyone during this time.

COUNCIL COMMENTS: CM Negusse commented on the following items: (1) Census 2020; and (2) reach out to CMs or City staff if assistance is needed.

CM Wachtel commented on the following items: (1) this is a difficult time, have to believe it will get better; and (2) April 9 A&F Committee meeting where two uninvited people logged into the meeting, he wants to know how this happened.

DM Kwon commented on the current pandemic situation stating these are uncertain times; hang in there. The City of SeaTac website has excellent information related to COVID-19. He urged anyone with challenges to reach out to the City. He stated he has been volunteering to deliver food in SeaTac.

CM Hill stated the City's website is an excellent resource for assistance.

COUNCIL COMMENTS (continued):

CM Gobena commented on the following: (1) disappointment in the vote on Agenda Bill #5441; and (2) COVID-19 - prayers to those who have lost loved ones, challenging time, donate blood, done to food banks, and volunteer. He is available to assist.

CM Fernald commented on COVID-19 – participating as she can by posting a Thank You sign, and bears in windows.

Mayor Sitterley stated we are in this together and consistent messaging needs to be presented by the Council and the City.

EXECUTIVE SESSION: None

ADJOURNED:

MAYOR SITTERLEY ADJOURNED THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:45 PM.


Erin Sitterley, Mayor


Kristina Gregg, City Clerk

CITY OF SEATAC
Child Abuse Prevention Awareness Month

WHEREAS, April is Child Abuse Prevention Awareness Month; and

WHEREAS, nearly 106,500 child abuse or neglect reports were made in the State of Washington in 2018; and

WHEREAS, child abuse prevention is a community responsibility depending on involvement among all people; and

WHEREAS, communities must make efforts to promote programs that strengthen the health and safety of children and their families; and

WHEREAS, child abuse prevention programs succeed when agencies, religious organizations, school, law enforcement agencies, and the business community come together; and

WHEREAS, everyone in the community should make themselves aware of child abuse prevention and assist in making the communities in which they live, safe and healthy places to raise children.

NOW, THEREFORE, I, Erin Sitterley, Mayor of the City of SeaTac, Washington, on behalf of the City Council, do hereby proclaim the month of April as Child Abuse Awareness Month in the City of SeaTac, and urge all citizens to work together to help reduce child abuse and neglect significantly in years to come.

Signed this 14th day of April 2020.


Erin Sitterley, Mayor

