

City of SeaTac

Regular Council Meeting Minutes

Virtual Meeting

July 28, 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, Stanley Tombs, Clyde Hill, Takele Gobena, and 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, Acting Community & Economic Development (CED) Director Jennifer Kester, Senior Planner Kate Kaehny, Public Works Director William Appleton, City Engineer Florendo Cabudol, Civil Engineer 1 Brenton Cook

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

AGENDA REVIEW:

- A. Virtual Meeting: live streamed on SeaTV Government Access Comcast Channel 21 and the City's website; conference line to listen to the meeting at 206.973.4555; and no one will be able to physically attend this meeting.
- B. Public Comments: no in-person public comments; public comments received at publiccomment@seatacwa.gov before 4 p.m. today will be mentioned by name and subject and then posted to the City's website.
- C. An Executive Session has been added to consider the minimum price at which real estate will be offered for sale or lease.

PUBLIC COMMENTS: Earl Gipson – Agenda Bill #5513 (administrative policy for resolving restrictive covenants deferring construction as they are identified)

PRESENTATIONS:

Introduction of Promoted Employee: Building Services Manager Mary Kate McGee
City Manager Cole introduced Ms. McGee.

Key City Issues and Requests for Direction

City Manager Cole commented on the following items:

- (1) Requested referral of National Flood Plain Insurance regulation changes to the Transportation & Public Works (T&PW) Committee. Council concurred.
- (2) Special Administration & Finance (A&F) Committee meeting is scheduled for July 30, 2020
- (3) August 7 – 2-4 p.m.; Census event and mask giveaway
- (4) Grant Application - \$2 million grant the Transportation Improvement Board (TIB) for completing the 34th Avenue South project

Council discussion ensued regarding grants

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

CM Tombs: Special Planning & Economic Development (PED) Committee Meeting – Small Businesses Grant Program

CM Fernald: Sidewalk Advisory Committee meeting – new member introduced, reviewed standards handbook

DM Kwon: T&PW Committee meeting – professional services contract for pedestrian improvements; Highline Forum – MOV-UP and related studies, temporary noise monitors, South King County Fund, StART Committee

CM Hill: Parks & Recreation (P&R) Committee meeting – Parks & Recreation Open Space (PROS) Plan, next meeting scheduled for August 6, 2020; Sound Cities Association (SCA) Joint Recommendations Committee (JRC) scheduled to meet July 30, 2020

PRESENTATIONS (continued):

Committee Updates and review of proposed Council Information Requests (continued):

Mayor Sitterley: Special Administration & Finance (A&F) Committee meeting scheduled for July 30, 2020.

CONSENT AGENDA:

Approval of claims vouchers (check no. 128316 - 128436) in the amount of \$413,800.93 for the period ended July 23, 2020.

Approval of payroll vouchers (check no. 55614 - 55625) in the amount of \$10,613.19 for the period ended July 15, 2020.

Approval of payroll electronic fund transfer (check no. 101846 - 101990) in the amount of \$426,057.39 for the period ended July 15, 2020.

Approval of payroll wire transfer in the amount of \$168,740.14 for the period ended July 15, 2020.

Approval of Council Meeting Minutes:

Administration & Finance Committee meeting held June 11, 2020

Parks & Recreation Committee meeting held July 2, 2020

Transportation & Public Works Committee meeting held July 2, 2020

Macro Budget Workshop held July 10, 2020

Regular Council Meeting held July 14, 2020

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

MOTION CARRIED UNANIMOUSLY.

ACTION ITEMS:

Agenda Bill #5505; A Resolution #20-009 initiating amendments to the Comprehensive Plan (CP) related to the Parks, Recreation and Open Space (PROS) Plan and associated policies as allowed through the "Off-Year Exception" process in the official CP amendment procedures.

Summary: In 2019, the PCPS Department started a project to update the PROS Plan. The plan was last updated in 2008. The PROS Plan is a policy and financial tool utilized by PCPS to help prioritize park and recreation projects, as well as to guide programmatic decisions. In addition to bringing the PROS Plan project and budget assumptions up-to-date, an updated PROS Plan will ensure grant funding eligibility with the State of Washington Recreation and Conservation Office (RCO). RCO grants require that PROS Plans are updated every six years.

Because the PROS Plan is part of the CP (it serves as the background report for the PROS Element), any changes to the PROS Plan must be made through the CP amendment process. While the City's regular CP amendment process is a biennial process taking place in odd-numbered years, the official CP Amendment procedures allow for exceptions to be made. City Council, through a full Council decision, can initiate proposals during even-numbered years as an "Off-Year Exception," if there is an identified need for the proposed amendments, and necessary resources available to accomplish the work. If City Council chooses to take action to initiate the PROS Plan and related policy amendments, PCPS will lead the Council's review of the proposals. Additionally, the official CP amendment procedures require the following steps to occur:

1. Public Participation (per SMC 16A.25.030). Planning staff shall establish and broadly disseminate information regarding the CP amendment process.
2. Staff Analysis and Recommendation. Planning staff shall analyze and evaluate proposals according to the Final Docket criteria, and prepare a report which includes this evaluation and a recommendation on each proposal.
3. Review and Approval Process (per SMC 2.25.030). Planning staff shall ensure that the Planning Commission (PC) holds at least one public hearing (PH) before adopting any elements, amendments, extensions or additions to the CP.

The PED Committee reviewed the proposal at its June 25, 2020 meeting, and recommended passage of the Resolution. The PC was briefed on the proposed Resolution at its July 7, 2020 meeting.

Senior Planner Kaehny reviewed the agenda bill summary. Acting CED Director Kester was present to answer questions.

ACTION ITEMS (continued):

Agenda Bill #5505; Resolution #20-009 (continued):

MOVED BY HILL, SECONDED BY KWON TO PASS AGENDA BILL #5505 (RESOLUTION #20-009).*

Council discussion ensued regarding the PED review and process.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #5488; A Motion authorizing the City Manager to execute a professional services contract with the BlueLine Group for design of the 2021 Overlay Project.

Summary: This Motion will approve BlueLine Group to design the overlay pavement preservation project slated for construction in 2021. The 2021 Overlay Project consists of two separate sites separated by approximately two miles: South 188th Street from International Boulevard (IB) to Des Moines Memorial Drive (DMMD); and the intersection of Military Road South, South 164th Street, and 42nd Avenue South. In general, the project includes a 2- to 4-inch grind and overlay although pavement conditions in some areas may require full-depth removal and replacement.

The South 188th Street project will resurface approximately 5,200 lineal feet of pavement along the South 188th Street corridor between IB and DMMD South, including the intersection. The Military Road South, South 164th Street, and 42nd Avenue South intersection site is a five-way intersection in the McMicken Heights neighborhood that will be resurfaced. The east leg of the intersection, South 164th Street, is located within City of Tukwila limits and will require coordination with Tukwila staff.

With this project, the City will also address Americans with Disabilities Act (ADA) deficiencies at these sites. Existing pedestrian facilities will be repaired or replaced to remove barriers identified in the City's ADA Transition Plan. In addition, traffic signal improvements will be implemented at the Military Road South intersection. Storm water quality features will also be implemented where feasible along South 188th Street.

A consultant selection process was conducted in accordance with RCW Chapter 39.80. Three consultants were solicited from the Municipal Research and Services Center (MRSC) Consultant Roster based on their qualifications. A selection committee comprised of four staff members interviewed each consultant team and scored each presentation. The BlueLine Group was selected as the most highly qualified firm to design the project.

The project will be designed in 2020 and 2021. This project will be paid for by Street and Surface Water Management (for storm drainage-related costs only) funds as part of the Annual Street Overlays & Preservation Program. The anticipated advertisement date for construction is June 2021.

The fiscal impact of this design contract is \$336,700. There are allocated funds in the 2020 budget to cover the design cost for this year. Funds will need to be allocated in the 2021-2022 Biennium Budget to complete the design and construct the project.

On July 16, 2020, the Transportation and Public Works (T&PW) Committee voted to forward this item with a recommendation to Council to carry the Motion

Civil Engineer 1 Cook reviewed the agenda bill summary.

MOVED BY KWON, SECONDED BY GOBENA TO PASS AGENDA BILL #5488.*

Council discussion ensued regarding committee review and the project.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #5513; A Motion authorizing the City Manager or designee to establish an administrative policy for resolving restrictive covenants deferring construction as they are identified.

Summary: City code currently allows for required improvements associated with development to be deferred through the use of restrictive covenants. Those covenants encumber the property until the improvements are constructed. They are not impacted by a change in ownership. Today, a developer is able to subdivide a property into

ACTION ITEMS (continued):

Agenda Bill #5513 (continued): multiple lots, defer the required improvements associated with the subdivision, sell the lots, and obligate each of the owners of the individual lots to build the improvements in the future. Ideally, the owners of the lots are aware of the restrictive covenant at the time of purchase and the City, as part of the permit process, makes sure that the improvements are constructed at the appropriate time. Unfortunately, that has not always been the case.

As part of the development of capital projects, the PW Engineering Division is discovering properties within the city that have been developed for single-family homes and have restrictive covenants deferring construction improvements that have not been fulfilled. These discoveries are made during the real estate review and acquisition phase of capital project design. The result is that homeowners, who may or may not be aware of the covenant, could face a significant financial obligation when a PW capital project comes through their neighborhood. Cases that have been found to date are from the early 1990's.

The use of restrictive covenants to defer construction allows the developer to pass along a requirement and creates the potential for an unwelcome surprise for property owners. For this reason, the new right-of-way (ROW) standards that are in the adoption process remove this vehicle for the deferral of improvements and replace it with bonding requirements. While the development process moving forward will therefore be much "cleaner," the City still needs to address those cases where old covenants are uncovered in capital project areas. To accomplish this, it is proposed that an administrative policy be developed and administered by the City Manager. The policy will be designed to ensure that the interests of both the City and the property owner are met while minimizing the financial hardship that would be caused if the covenant were acted on without consideration of unique circumstances. It is not expected that many of these situations will arise as we build out our transportation infrastructure; however, an administrative approach for dealing with these situations will ensure timely and fair/equitable resolution. Policy language has been drafted to provide Council a general idea of how the administration intends to handle this matter.

There is no impact to the City's operational budget. However, capital projects may benefit from avoided costs as the City negotiates extinguishment of deferred improvement covenants with property owners.

This topic was reviewed by the T&PW committee on July 16, 2020. The committee recommended forwarding Option 1 to Council for approval.

PW Director Appleton reviewed the agenda bill summary and citizen comment.

MOVED BY KWON, SECONDED BY FERNALD TO PASS AGENDA BILL #5513.*

Council discussion ensued regarding the policy.

Council consensus: Unanimous consent to refer this item to the next Regular Council Meeting as an action item. Council was asked to send any questions to City Manager Cole.

UNFINISHED BUSINESS: None

COUNCIL COMMENTS: CM Negusse commented on the following items: 2020 Census, Youth Leaders meeting held today, August primary election

CM Tombs stated that 58 law enforcement officers were injured over the weekend.

DM Kwon stated COVID-19 infection rates in SeaTac are still increasing. He also commented on the census.

CM Hill commented on ways to unify people within the City, including parks, PROS plan, and Art Attack.

CM Gobena reminded small businesses of the grant opportunity through the city and commented on the census.

CM Fernald requested a debrief on today's meeting with the youth.

COUNCIL COMMENTS (continued): Mayor Sitterley commented on the following: (1) cooling centers can't be opened due to COVID-19; and (2) two concurrent meteor showers occurring tonight about 1 a.m.

RECESSED: Mayor Sitterley recessed the meeting to an Executive Session to consider the minimum price at which real estate will be offered for sale or lease at 8:09 p.m. until 8:18 p.m. No action will be taken after the Executive Session.

EXECUTIVE SESSION: To consider the minimum price at which real estate will be offered for sale or lease RCW 42.30.110(1)(c)

City Clerk Gregg announced Council requested an additional 10 minutes at 8:18 p.m.

RECONVENED: Mayor Sitterley reconvened the meeting at 8:24 p.m.

ADJOURNED:

MAYOR SITTERLEY ADJOURNED THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:24 PM.


Erin Sitterley, Mayor


Kristina Gregg, City Clerk