

City of SeaTac

Regular Council Meeting Minutes

Virtual Meeting

October 13, 2020
6:00PM

Virtual Meeting

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, Deputy City Manager Gwen Voelpel, Senior Assistant City Attorney Mark Johnsen, Information Systems (IS) Manager Bart Perman, Government Relations & Communications Manager Kyle Moore, Parks, Community Programs and Services Director Lawrence Ellis, Senior Management Analyst Tim Ramsaur, Community & Economic Development (CED) Director Evan Maxim, Parks Projects & Operations Manager Michael Fitzpatrick, Public Works (PW) Director William Appleton, Finance & Systems Director Gwen Pilo,

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: remote oral and written public comments; speakers who signed-up prior to 4 p.m. today will be able to provide three minutes of comments; 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. In the event that today's storm happens to disrupt this meeting, staff will continue to attempt to get the meeting running again. Please be patient. In the event that the live broadcast no longer works, the call-in line is available.

PUBLIC COMMENTS:

Remote Public Comments: Ruba requested the City cut budget for the King County (KC) Sheriff's Office and reallocate funding to other areas

Written Public Comments: Karen Ellis – Unlawful Camping Ordinance

PRESENTATIONS:

Seattle Storm Championship Day Proclamation.

CM Hill read the proclamation and Storm Co-Owner Lisa Brummel stated her appreciation of the recognition.

Police Department program updates, policies and statistics.

Chief Mattsen presented the department goals. He provided an update on the following: National Incident-Based Reporting System (NIBRS), SeaTac Crime Statistics – the increases appear to be related to the COVID lockdown, Impact of Quality Inn, Criminal Investigation Unit (CIU) and Street Crimes Unit (SCU), BERK Police Services Study Recommendation #9 – Increase department expertise and resources for handling increasing social and behavioral health issues, future undertakings in Police Department, and department vacancies – currently at 7 vacancies.

Council discussion ensued regarding crime statistics increases, motorcycle cops, appreciation of the police department, law enforcement academy, recruitment, and over policing.

Key City Issues and Requests for Direction

City Manager Cole commented on the following items:

- (1) requested non-arterial lighting in areas of the City without streetlights be referred to the Transportation & Public Works (T&PW) Committee. Council concurred.
- (2) requested lodging tax streetscape plan be referred to the Planning & Economic Development (PED). Council concurred.
- (3) requested Sound Transit surplus property purchase be referred to the PED Committee. Council concurred.
- (4) requested Building Codes/Fire Codes be referred to the PED Committee in November. Council concurred.

PRESENTATIONS (continued):

Key City Issues and Requests for Direction (continued):

- (5) Small Business Grant – received enough applications to spend the money
- (6) Grant application and acceptance: Aging & Disability Grant - \$2,000 for senior technology support
- (7) Grant application: KC Coronavirus Relief Fund – COVID Site Mitigation Grant Application - \$6,000. The Grant Acceptance is on tonight’s consent agenda.
- (8) House Bill (HB) 1590 – raising sales tax
- (9) October 16 – 4 p.m., Virtual Budget Workshop 4, may not need additional workshops
- (10) October 15 - T&PW Committee and Sidewalk Advisory Committee meetings
- (11) October 24, Recycling Event at the North SeaTac Park (NSP) North Parking Lot

Council discussion ensued regarding the Small Business Grant.

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

DM Kwon: T&PW Committee – right-of-way (ROW), next meeting October 15

CM Tombs: Highline Forum – Puget Sound Regional Council (PSRC) Aviation Baseline Study and the South KC Fund; PED Committee – Housing Action Plan, School Resilience to Air Pollution, Economic Development (ED) Value Capture Financing, Small Business Grant

CM Fernald: Public Safety and Justice (PS&J) Committee – overview of Community Services Officers (CSOs); Sidewalk Advisory Committee (SAC) scheduled for October 15

CM Hill: P&R Committee – property acquisition at Des Moines Creek Park, holiday bazaar cancelled, services being provided to the senior community, Fred Geraldson stepped down from the Senior Citizens Advisory Committee, Veteran’s Memorial, Valley Ridge Entry Way improvements, North SeaTac Soccer Fields; Community Services Advisory Committee (CSAC) – completed recommendations for a few of the Human Services categories and will wrap up all categories soon; Arts, Culture & Library Advisory Committee (ACLAC) – meeting October 14

Mayor Sitterley: A&F Committee: Audit entrance, SSRTA budget, Legislative Agenda, next meeting November 12; interviewed applicants today for filling most Citizen Advisory Committee vacancies

CONSENT AGENDA:

Approval of claims vouchers (check no. 128806 - 128917) in the amount of \$2,397,895.06 for the period ended October 8, 2020. (Check #128804 - 128805 were replacement checks)

Approval of payroll vouchers (check no. 55658 - 55669) in the amount of \$66,071.01 for the period ended September 30, 2020.

Approval of payroll electronic fund transfer (check no. 102559 - 102704) in the amount of \$620,160.54 for the period ended September 30, 2020.

Approval of payroll wire transfer in the amount of \$155,380.36 for the period ended September 30, 2020.

Approval of Summary of Grant Acceptance for the King County Coronavirus Relief Fund - \$60,000.

Approval of Council Meeting Minutes:

Transportation & Public Works Committee meeting held September 3, 2020

Parks & Recreation Committee meeting held September 3, 2020

Regular Council Meeting held September 22, 2020

The following item was reviewed at the September 10, 2020 Administration & Finance Committee Meeting and recommended for placement on this Consent Agenda:

Agenda Bill #5553; A Resolution #20-012 finalizing the 2020 unclaimed property reporting to the State of Washington.

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

MOTION CARRIED UNANIMOUSLY.

ACTION ITEMS:

Agenda Bill #5409; An Ordinance #20-1018 regarding Camping and Storage of Personal Property on Public Property.

Summary: In 2019, the City Manager and the Police Department discussed options to address unlawful camping in the City of SeaTac, often associated with vagrant, nuisance, and criminal activity, which poses significant health and safety concerns for the residents, businesses, and tourists within the community.

Currently, there is a provision in the Parks Code (SMC 2.45) that prohibits camping in City parks except in designated areas. The police also identified other areas in the City where camping occurred, yet there weren't any code provisions to specifically address this. It was determined it would be in the best interest of the residents, businesses, and tourists to adopt an Ordinance prohibiting unlawful camping and storage of personal property on public property in the City. However, in order to do so, the enforcement provisions of the proposed ordinance must be in compliance with the 9th Circuit Court of Appeals ruling in *Martin v. Boise*.

In *Martin v. Boise*, the Court ruled that law enforcement shall not cite homeless individuals, reasoning it would be tantamount to criminalizing homelessness. The Court ruled it violated the Eighth Amendment of the U.S. Constitution insofar as it imposed criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter was available to them. It is important to note in the *Martin* case, the Ordinance was not challenged in its entirety, nor did the Court invalidate the Ordinance in its entirety. The issue in that case was solely with respect to the enforcement provisions. The Court ruled that in certain situations, law enforcement must inquire of individuals whether they are homeless, in which case, law enforcement must offer available shelter. In summary, *Martin* makes it unconstitutional to enforce an ordinance only if (1) the ordinance prohibits camping, lying, sitting, and other such activities in all public spaces at all times; and (2) the ordinance is enforced in all public spaces and at all times-even when no shelter has an available overnight space.

This Ordinance provides the following:

- Adds a new Chapter 8.25 to the SeaTac Municipal Code (SMC) related to Unlawful Camping and Storage of Personal Property on public property.
- Amends SMC 2.45 of the Parks Code so that the penalty and enforcement provisions are consistent with SMC 8.25.
- Penalty for violation of the ordinance is a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or both.
- The maximum fine imposed for a first conviction is \$100.00.
- The Court is explicitly authorized to impose a requirement to perform community service in lieu of paying a fine.
- Prohibits camping and storage of personal property in any park, on any street, and on any improved or unimproved publicly owned area.

ENFORCEMENT:

- May be enforced at all times at Angle Lake Park, Angle Lake Trail, City Hall, and on any street 1000 (east or west) of International Boulevard (IB).
- In all other locations, the enforcement provisions must comply with the ruling in *Martin v. Boise*.

SHELTERS:

The SeaTac Police Department has been conducting research and making contacts with particular shelters in order to determine whether the City would be able to contract with them for shelter space for homeless individuals. This would enable law enforcement to offer shelter to homeless individuals when necessary.

In the event Council adopts this Ordinance as proposed, it would only be enforceable as to streets 1,000 feet east or west of International Boulevard, Angle Lake Park, Angle Lake Trail, and City Hall. It would not be enforceable on any other public place until the contracts for shelters are fully executed and in full effect.

It is anticipated that there will be costs associated with contracting for shelter space, but these costs have not been determined.

ACTION ITEMS (continued):

Agenda Bill #5409; An Ordinance #20-1018 (continued):

This was before the PS&J Committee on 6/13/2019, 5/15/2020, and 5/28/2020. Shortly after the 5/28/2020 PS&J Committee meeting, a member requested third party legal review to determine whether the proposed ordinance complies with *Martin v. Boise*. The Committee Chair also submitted a Council Information Request (CIR) requesting that this item go before the full Council for discussion and consideration because the Committee was unable to reach a consensus. At the July 14, 2020 Regular Council Meeting (RCM), the City Manager requested that this item be referred to a future Council meeting.

City Attorney Mirante Bartolo and Police Chief Mattsen reviewed the agenda bill summary.

Parks Projects & Operations Manager Fitzpatrick reviewed the process used to clean up an area in the City, including a grant that was utilized.

MOVED BY FERNALD, SECONDED BY HILL TO PASS AGENDA BILL #5409 (ORDINANCE #20-1018).*

Council discussion ensued regarding the committee review, grant used to clean up the park, *Martin vs. Boise*, how to enforce this Ordinance, lack of shelters in the City, definition of available overnight shelter, third party review.

City Manager Cole stated there are many differences of opinion, but no question of legality.

*MOTION CARRIED WITH GOBENA AND NEGUSSE VOTING NO.

Agenda Bill #5537; A Resolution #20-013 authorizing the City Manager to execute a property exchange agreement and associated quitclaim deeds with the Washington Department of Transportation (WSDOT) to complete the 4(f) mitigation for impacts to Des Moines Creek Park due to construction of the SR-509 extension project (Puget Sound Gateway Program).

Summary: In November 2000, the City Council approved a WSDOT Section 4(f) mitigation proposal to replace Des Moines Creek Park property lost to the SR-509 extension project with equal acreage adjacent to the Des Moines Creek Park. Section 4(f) refers to the original section within the U.S. Department of Transportation (USDOT) Act of 1966 that provides for consideration of park and recreation lands, wildlife and waterfowl refuges, and historic sites during transportation project development. This action allowed WSDOT to proceed with formalizing the property transaction for approval. At the time, KC agreed that it would honor whatever agreement the City made with WSDOT regarding mitigation of the SR-509 extension project, even though Des Moines Creek Park had not been transferred to the City.

In October 2002, the City entered into a Letter of Understanding (LOU) with WSDOT that provided further detail regarding the proposed terms of the Section 4(f) mitigation. Following the execution of this document, activity on this matter ceased due to funding issues. In 2015, the SR-509 extension project was funded as part of the Puget Sound Gateway Program. As a result, it is necessary to complete this property exchange between WSDOT and the City.

The City and WSDOT have re-engaged on this topic and have finalized the property exchange documents. The proposed Exchange Agreement provides that the City will deed 205,584 square feet (approximately 4.72 acres) of property to WSDOT, and WSDOT will deed 205,625 square feet (approximately 4.72 acres) of property to WSDOT, and WSDOT will deed 205,625 square feet (approximately 4.72 acres) of property to the City. The location of the respective property is shown on the Property Exchange Map and further described in the quitclaim deeds. Since the WSDOT project will preserve the existing Des Moines Creek Park trailhead and associated trail facilities, compensation for the replacement of these facilities as described in the November 2000 agreement is no longer necessary.

Both the PCPS and the PW Departments have reviewed and approved the proposed property exchange after ensuring that current and future operations of Des Moines Creek Park and right-of-way (ROW) in this area will not be adversely impacted. Additionally, the subject property exchange was found to align well with future plans for additional property acquisition by the City and future relocation of the Des Moines Creek Park Trailhead.

This Resolution authorizes the City Manager to execute the Exchange Agreement and any other documents necessary to effectuate the agreement.

ACTION ITEMS (continued):

Agenda Bill #5537; Resolution #20-013 (continued):

This was presented to the T&PW Committee on August 20, 2020. The Committee recommended approval.

PW Director Appleton reviewed the agenda bill summary.

MOVED BY KWON, SECONDED BY FERNALD TO PASS AGENDA BILL #5537 (RESOLUTION #20-013).*

Council discussion ensued regarding the committee review. This item was also reviewed by the Parks & Recreation (P&R) Committee.

*MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS: None

COUNCIL COMMENTS:

CM Negusse commented on the following: stay safe, Census extended, ballots and voting

CM Tombs gave his regards to residents who experienced violent crimes last week.

DM Kwon commented on the following items: SeaTac is officially on Nextdoor, volunteers for committees are needed, and mail theft is on the rise.

CM Hill stated CSAC Chair Judy Williams and he worked with Highline School District (HSD) Board Members Scott Logan and Joe Van to bring back school backpacks for kids to go home with food. The program has increased to 7 days per week for all school children under 18 and through entire school year. He also commented on the Halloween Decorating Contest.

CM Gobena reminded everyone that October 12 was Indigenous Peoples Day. He also encouraged everyone to vote.

CM Fernald commented on a Facebook post from a fellow CM which states the City is cutting services during the next biennium, which is not true. No services are being proposed to be cut. She also stated long time SeaTac resident and volunteer John Thompson passed away October 12, 2020.

Mayor Sitterley shared a story about the Thompsons. She also commented on the budget stating staff has done a great job to develop a budget which does not cut services.

EXECUTIVE SESSION: None

ADJOURNED:

MAYOR SITTERLEY ADJOURNED THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:54 PM.


Erin Sitterley, Mayor


Kristina Gregg, City Clerk