



Transportation & Public Works Committee Meeting Minutes

February 16, 2023
4:30 PM – 6:00 PM
** Hybrid Meeting **

Members:	Present:	Absent:	Commence: 4:31 PM Adjourn: 5:31 PM
Peter Kwon, Chair	X		
Jake Simpson	X		
Takele Gobena		A	

Other Councilmembers participating:

Staff Coordinators: Will Appleton, Public Works Director; Florendo Cabudol, City Engineer

Other Staff Participating: Brenton Cook, Senior Civil Engineer, Mason Giem, Public Works Program Coordinator; Kamal Mahmoud, Engineering Manager; Gwen Pilo, Finance & Systems Director; Gwen Voelpel, Deputy City Manager; Ingrid Bulpin, Real Property Analyst; Zach Shields, Senior Planner

Public Comment	No public comment was given
1. Approve Prior Meeting's Minutes	Feb 2 Minutes were approved
2. Condemnation Ordinance for STN45 River Ridge Elementary Sidewalk	<p>Discussion/Action</p> <p>Brenton Cook, Senior Civil Engineer, presented a proposed Ordinance regarding the River Ridge Elementary Project to authorize condemnation proceedings on several properties on the project alignment.</p> <p>The importance of this matter involves the following considerations:</p> <ol style="list-style-type: none"> 1. ROW acquisition is essential to ensure the City

- has all the property rights needed to construct, operate and maintain its improvements.
2. To avoid construction delays and allow for a defined path forward to a settlement.
 3. An Ordinance would grant city staff the authority to commence with the filing of a Condemnation Action (if necessary) in Superior Court, against only the properties that have not settled / agreed to the City's offer to purchase needed property rights.

Right-of-way is the legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another. It allows for construction and maintenance of road, curb/gutter, landscaping, sidewalks, bicycle lanes, utilities, lighting, and other types of elements that serve the traveling public.

Obtaining additional right-of-way is necessary when the existing travel corridor is insufficient to fit proposed roadway and pedestrian improvements. Often, existing right-of-way widths were developed based on old, obsolete roadway, and pedestrian design and/or planning standards.

Property acquisitions for capital improvement projects are required when proposed improvements need to be constructed within existing right-of-way that is insufficient in width to support the required infrastructure. The City negotiates purchase of additional right-of-way from adjacent private property owners as needed.

The City offers to purchase property rights following WSDOT's approved right-of-way acquisition procedures adopted by the City, and follows these steps:

- **Identify** property required for project construction.
- **Notify** affected property owners/community outreach.
- Prepare a Determination of Value or have 3rd party **appraisal completed.**
- Present formal written **offer** for the needed property rights.
- Provide information as to their **rights** and **roles.**
- **Negotiate** terms for final settlement.
- Assist with **relocation**, if needed.
- Offer to **reimburse** for evaluation services.
- Pay for all **closing costs** and recording fees.
- Send settlement **payments** to legal owners.

Eminent domain is the power possessed by government agencies to acquire the private property of an

owner without their consent. The government can acquire private lands, with the threat of eminent domain if it is reasonably shown that the needed property will have a Public Use and is Necessary for a public project.

The City can the exercise the power of eminent domain, if a settlement cannot be reached. The government must prove the four elements set forth in the Fifth Amendment of the Constitution. They are as follows; acquisition is of private property, property must be acquired, acquisition must be for public use, and just compensation must be awarded.

To exercise eminent domain, a condemnation ordinance must be passed by the Council for the project.

The Ordinance authorizes the use of eminent domain (if necessary) for outstanding properties to allow for a defined path forward to a settlement and avoiding project delay.

More specifically the ordinance:

- Identifies subject parcels.
- Authorizes the use of eminent domain and proceed with a condemnation action.
- Allows for possession and use of the property in parallel with process.

If no settlement is reached, the Courts will then decide on fair and just compensation.

- Notice of the proposed Ordinance and scheduled action is planned to be sent to identified property owners via certified mail on February 20, 2023.
- Notice of Ordinance will be posted in Seattle Times on February 27, 2023, and March 6, 2023.
- Complete right-of-way and easement acquisitions by May 2023.
- Kent School District will complete design and advertise for construction bids by April / May 2023.
- Kent School District to issue Notice to Proceed with construction by early Summer of 2023.

- The City is responsible for all right-of-way related costs (acquisitions, easements, etc.).

- Staff applied for and received the following grants to offset right-of-way costs:

- \$300,000 WA State Transportation Improvement Board (TIB) Grant

- Kent School District to absorb design and construction related costs for this project.

	<p>Staff is recommending the Committee to approve forwarding Agenda Bill 6159 to Council for review and action at the March 14, 2023, Regular Council Meeting.</p> <p>Process includes public hearing with adoption of this ordinance, prior to council action. Staff is providing a packet for the property owners of what the process will look like.</p> <p>Committee unanimously agreed to move the Ordinance as an action item to the March 14, 2023, Regular Council Meeting with a recommendation to approve.</p>
<p>3. Approval of Solid Waste Contract Consultant</p>	<p>For Consent Agenda</p> <p>Mason Giem, Public Works Program Coordinator, presented this item.</p> <p>The City of SeaTac currently has a solid waste contract with Recology King County that will expire on 5/31/2025 and staff wishes to hire a consultant to help with the procurement of a new comprehensive's garbage, recyclables and compostables services contract.</p> <p>The Consultant will assist the City of SeaTac in three main functions.</p> <ol style="list-style-type: none"> 1. Drafting and producing an RFP for a comprehensive garbage, recyclables and compostables services contract. 2. Responding to questions and evaluations of proposals. 3. Assisting in final contract language development and passage. <p>Forward to Council with a recommendation of approval authorizing the City Manager to enter a contract with Hans Van Dusen for Solid Waste Contract Consulting and amend the budget to provide \$45,000 for that purpose.</p> <p>Committee raised a question asking as to why we need to write a new contract and why can't we use language from an existing contract?</p> <p>Staff responded stating that there are ongoing changes in the solid waste world and the City would want someone who is knowledgeable of those changes so that we can get the best rates and service with a new solid waste contract.</p> <p>Committee unanimously agreed to move the contract to a Regular Council Meeting with recommendation to approve.</p>

<p>4. Streetlighting Funding Request</p>	<p>For Consent Agenda</p> <p>Florendo Cabudol, City Engineer presented the streetlight funding request about replacing seven existing streetlights upcoming Polaris Development.</p> <p>At the time the Polaris Development was approved for construction, the City had not yet adopted street lighting standards and an associated policy; therefore, the frontage improvements that will be constructed by Polaris do not include upgrading existing lights to our current standard. Rather, the developer will reuse existing streetlight poles. The existing poles while functional do not promote the look and feel that the City desires to see developed in this area. Consequently, prior to the street frontage being completed, staff are exploring an opportunity with the developer that would have the City procure up to seven (7) new streetlights for the developer to use in lieu of existing lighting and install at their cost.</p> <p>Any street lights that are provided by the City would be City owned and operated following their installation. The estimated cost for procurement of 7 new lights is \$70,000, which was not contemplated in the current budget. Therefore, a budget amendment will be required to allow for acquisition of the lights should we reach agreement with the developer.</p> <p>Staff proposes amending the 2023/2024 biennial budget to increase the available funding within the Street Fund (102) by \$70,000, thereby allowing for the purchase of the subject streetlight poles for installation along the frontages (S 154th St and International Blvd.) of the Polaris site.</p> <p>Committee unanimously agreed to proceed with preparing a funding request and budget amendment for action at a future Regular Council Meeting with a recommendation to approve.</p>
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<p>5. Department Updates</p>	<p>Florendo Cabudol, City Engineer, presented update items for the Committee.</p> <ul style="list-style-type: none"> • The 34th Ave S. Pedestrian Project S. 160th to S. 166th is nearing homestretch and staff is addressing the concern regarding the retaining wall. • The airport station project is at 90% of the design submittal and staff will be reaching out to residents for right of way acquisitions. • Design for the 2023 over lay project at 24th Ave. S and Des Moines Memorial Drive is underway. The City is aware of any Port related and WSDOT related projects on 518 and the City will be managing traffic in the summer. • The Miller Creek Daylighting project to start construction as well in the spring. • There is an RFQ for a consultant for the S 204th Street, 32nd Ave S to 34th Ave S, streets project near Madrona Elementary. <p>Committee raised a question regarding the white and yellow turtles at South 188th St. between I-5 and International Blvd. stating that when its dark and wet it's hard to see the lanes. Is it possible to repaint some of the lines? Could this be repainted this summer?</p> <p>Staff responded saying that Public Works are moving away from raised pavement markers and will be going forward with painting lines. The City works with King County roads to paint within the City of SeaTac as they have the equipment. Staff is aware of the request and concern and would start painting in the early summer for annual program. If this is required sooner the City requires 3 days of dry weather to paint.</p>
<p>6. Adjourn</p>	<p>Meeting adjourned at 5:31 PM.</p>