

City of SeaTac

Regular Council Meeting Minutes

May 10, 2011
6:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Terry Anderson at 6:06 p.m.

COUNCIL PRESENT: Mayor Terry Anderson, Deputy Mayor (DM) Gene Fisher, Councilmembers (CMs) Rick Forschler, Anthony (Tony) Anderson, Ralph Shape, and Mia Gregerson. Excused absence: CM Pam Fernald.

STAFF PRESENT: City Manager Todd Cutts, City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Public Works (PW) Director Tom Gut, PW Maintenance Supervisor Sean Clark, Parks Maintenance Supervisor Roger Chouinard, Parks & Recreation (P&R) Director Kit Ledbetter, Economic Development (ED) Manager Jeff Robinson, Senior Assistant City Attorney Mark Johnsen, Human Resources (HR) Director Anh Hoang, Fire Chief Jim Schneider, and Police Administrative Captain Annette Louie.

FLAG SALUTE: Fire Fighters in attendance led the Council, audience and staff in the Pledge of Allegiance.

PUBLIC COMMENTS: Sandra Bensley stated her appreciation of staff for helping her donate items to non-profit companies.

Joe Van thanked everyone for attending the McMicken Heights Elementary School Grand Opening, and invited everyone to the 1st Annual Spring Carnival May 13, 2011.

Earl Gipson commented on Agenda Bill #3319 (International Association of Fire Fighters [IAFF] Contract), stating that IAFF is a political power house in that they are the most sought after for endorsements for political activity. There is nothing wrong with collective bargaining so long as they don't become bullies by reducing services yet increasing costs.

PRESENTATIONS:

•Introduction of new Employee: Civil Engineer 2 Anatoliy (Toli) Khlevnoy

City Manager Cutts introduced Mr. Khlevnoy.

•Senior Services

Senior Services Transportation Program Director Cindy Zwart thanked the City for supporting the senior services program. She introduced Meals on Wheels Program Director Dale Hoover. Senior Services is the largest non-profit agency serving seniors and their families in Washington State. Senior Services' mission is to promote the emotional, physical, and social well being of older adults.

Ms. Zwart has been the Transportation Program Director for over 20 years, but started out as a volunteer driver. This program is the largest volunteer driver program in the county with over 400 volunteer drivers.

Mr. Hoover reviewed the Meals on Wheels Program which provided 9,005 meals in the SeaTac area in 2010.

DISCUSSION ITEM:

•Summary of \$5,000 - \$35,000 Purchase Requests for the period ended May 6, 2011

City Manager Cutts reviewed request:

<u>Item Description</u>	<u>Department</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>
Mosquito Larvacide Application	PW	\$18,000	\$18,000	\$18,000
	P&R	\$2,000	\$2,000	\$2,000
		\$20,000	\$20,000	\$20,000

Council consensus: Referred to the 05/10/11 RCM Consent Agenda

AGENDA BILL PRESENTATIONS:

Agenda Bill #3327 – A Motion authorizing the City Manager to execute a lease addendum and two-year extension with MoneyTree in the SeaTac Center

Summary: This Motion facilitates the execution of a lease addendum and extension with MoneyTree in the SeaTac Center. MoneyTree's current lease expires in 2014. This lease amendment will extend the term until April 30, 2016. The new lease rate reflects a rate slightly higher than current comparable rents in the local market and includes a 3% escalator over the term of the lease addendum. The proposed rate is a 20% reduction from the current lease rate. MoneyTree had requested a 25% decrease in rent due to current economic circumstances and to better reflect the current market rate for comparable space. The proposed reduction represents a 20% decrease

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3327 (Continued): rather than the 25% initially requested. In exchange for the rent reduction the City will receive a two-year lease extension and the ability to add a redevelopment clause to the option period. There is one five-year option at the then current market rate included in the addendum that can be exercised (or not) by either party. The current lease at Section 20, includes a clause that gives MoneyTree the right to an early termination if “by change in federal, state or local law, rule or regulation or ordinance, it becomes no longer practical to make small loans and/or payday loans as currently allowed by such applicable laws, rules regulations and ordinances.” There have been ten payday loan operations in the area that have recently closed. In the event of the redevelopment of the property the City can void the option with a six-month notice.

The total revenue generated by the five-year term is \$454,928 plus triple net charges. If the current lease rates were continued for the remaining three years of the agreement the revenue generated would equal \$341,034, or \$113,894 less than the proposed lease extension would yield.

ED Manager Robinson introduced The Andover Company Leasing Brokers Connie Boyle and Mike Ewing.

Council consensus: Referred to the 05/10/11 RCM Consent Agenda

Agenda Bill #3323 – A Motion declaring vehicles and miscellaneous equipment to be surplus, approving same to be sold at public auction, and authorizing purchase expenditures

Summary: This Motion requests the authority to surplus two cars, one truck, one SUV, and four pieces of equipment. This Motion also authorizes that the surplus vehicles be sold at auction. Finally, this Motion authorizes the expenditure of \$141,964 to purchase replacement vehicles.

The 2011 Annual Budget includes an appropriation of \$145,552 in the Equipment Rental Fund for 2011 scheduled vehicles and equipment replacements. This fund has accumulated sufficient funds from the user departments over the useful life of the equipment listed below to finance their replacement. The Nissan Leaf will be covered by a New Vehicle Limited Warranty providing: 36-month/36,000-mile basic coverage; 60-month/60,000-mile powertrain and electric vehicle system coverage; and 96-month/100,000-mile lithium-ion battery coverage. The truck will be covered by a 3-year/36,000-mile bumper to bumper and 5-year/60,000-mile powertrain warranties. Listed below are the vehicles and equipment intended to be surplus and replaced:

Equip #	Surplus	Department	Replacement	Replacement Cost
A-12	2000 Ford Taurus sedan	Building	Nissan Leaf (Electric)	\$28,500
A-13	2000 Ford Taurus wagon	Building	None	
B-42	2005 Jeep Liberty	Building	None	
B-26	2001 Dodge Ram ¾ ton pickup	Parks Maintenance	Ford Pick Up	\$28,564
C-11	1998 18' tilt trailer	Parks Maintenance	Tilt trailer	\$8,000
D-28	2004 John Deere mower	Parks Maintenance	11' Wide Area Mower	\$71,000
S-9	2001 Broyhill Fastline sprayer	Parks Maintenance	None	
S-19	1996 Fimco trailer sprayer	Parks Maintenance	Trailer Sprayer	\$5,900
Total				\$141,964

The replacement sedan, which is proposed to be electric, and the truck will be purchased from the state contract, auction, or a “piggy-back” competitive bid. The sedan and truck will be ordered in the color white which is a change from previous purchases in blue.

The salvage value on the books for the surplus vehicles and equipment is \$12,471. However, auctioning this equipment is estimated to bring in between \$19,000 and \$24,000. The requested purchase authorization, \$141,964, is 2.5% below the budget appropriation of \$145,552.

PW Director Gut reviewed the agenda bill summary and introduced PW Maintenance Supervisor Clark and Parks Maintenance Supervisor Chouinard.

CM Shape stated that the Transportation & Public Works (T&PW) Committee recommended this item for approval. He stated that this is the beginning of a new chapter with the purchase of an electric vehicle.

Mr. Gut explained how the equipment rental fund works.

CM Forschler stated that the process to determine whether a vehicle/equipment should be repaired or replaced needs to be more visible. He also suggested the mower be kept as a backup.

Council consensus: Referred to the 05/10/11 RCM Consent Agenda

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3333 - A Motion authorizing the City Manager to execute a service agreement for International Boulevard (IB) emergency subgrade repair

Summary: This Motion authorizes the City Manager to execute an agreement with Uretek USA, Inc. and authorizes expenditures of \$68,630 for the subgrade repair of IB.

Settlement of the pavement is occurring just north of the Washington Memorial Park Cemetery entrance in the southbound lanes of IB. Borings have been done and a void has been discovered under the existing pavement. This has created a dip in the pavement. The potential for further subsidence exists. It is adjacent to an existing retaining wall. The most impacted southbound lane is coned off and closed to traffic.

Repair work is needed on an emergency basis to stabilize the subgrade, eliminate any risks to the retaining wall, and reopen the lane. The scope of repair work would include stabilizing approximately 4-5 feet of roadway subgrade to raise the pavement to its original grade. The proposed repair method is Deep Polyurethane Injection technology. Uretek USA, Inc. is the only vendor in the region with the capability to perform this technique. Traditional open-cut trench repair would be a more costly alternative and would require closure of multiple lanes and a possible complete southbound closure and detour. Polyurethane injection is a patented procedure that has been successfully used on Washington State Department of Transportation (WSDOT) projects in the region.

The pavement dip was caused by a subsurface void, making the source difficult to identify. The storm drains have been checked with closed circuit television cameras revealing no cracks or leaks. The irrigation system in the median is operating properly. After the repair, PWs will continue to monitor this location for any further settlement issues. It is possible that additional repair work may be necessary in the future.

The 2011 budget includes \$149,900 for Contract Road Maintenance.

Expenditure Authorization:

Agreement Amount (including tax)	\$ 62,415
Contingency (10%)	\$ 6,242
Total	\$ 68,657

PW Director Gut reviewed the agenda bill summary.

DM Fisher stated that the Administration & Finance (A&F) Committee recommended this item for approval.

Upon a question posed by CM Shape, Mr. Gut stated that the left lane of the southbound IB was closed a week or two ago. If this item is approved tonight, it is expected that this project will begin no later than May 30 and will take one to two days to repair.

Council consensus: Referred to the 05/10/11 RCM Consent Agenda

Agenda Bill #3315 – An Ordinance creating a new Section 8.05.700 of the SeaTac Municipal Code (SMC) related to Crimes and Offenses

Summary: This Ordinance adopts several sections of the Revised Code of Washington (RCW) so that these offenses can be prosecuted in SeaTac Municipal Court.

The SeaTac Municipal Court has jurisdiction over the prosecution of misdemeanor and gross misdemeanor criminal offenses that occur within the City limits. Recently, the Washington State Court of Appeals ruled that in order for a Municipal Court to have jurisdiction over a crime specified under State law, the municipality needs to adopt the statute by reference.

The Legal and Police Departments reviewed SMC Chapter 8.05 and found several State statutes that have not been adopted. This Ordinance creates a new SMC Section 8.05.700 to adopt these RCW's. These statutes include specific criminal offenses as well as related sections such as definitions and statutory defenses. There are a total of 52 RCW sections listed in the Ordinance. The adopted crimes include: cyberstalking, communication with a minor for immoral purposes, trafficking of food stamps, interfering with service animals, interfering with reporting of domestic violence, crimes related to criminal mistreatment and abandonment of dependent persons, unlawful discharge of a laser, possession of another's identification, making false or misleading statements to a public servant, supplying tobacco to a minor, applying tattoo to a minor, crimes related to violation of protection orders, violation of alcohol server permits, unlawful possession of legend drugs, and crimes related to vulnerable adults.

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3315 (Continued): At the April 12, 2011 Public Safety & Justice (PS&J) Committee meeting, the committee was advised that the Legal and Police Departments were in the process of thoroughly revising the City's criminal code. A thorough revision is still being planned but will take longer than anticipated. It is recommended that this Ordinance be adopted as a temporary measure so that these additional crimes can be prosecuted in our Municipal Court. The Legal and Police Departments will continue to work together to complete the comprehensive revision of the criminal code, which should be finished and ready for Council consideration this summer.

Senior Assistant City Attorney Johnsen reviewed the agenda bill summary.

Council consensus: Referred to the 05/10/11 RCM Consent Agenda

Agenda Bill #3319 – A Resolution authorizing the execution of the 2010-2012 collective bargaining agreement with the International Association of Fire Fighters (IAFF), Local #2919

Summary: The current labor agreement between the City of SeaTac and the IAFF Local #2919, representing all non-exempt, uniformed Fire Fighters and Fire Department officers of the City of SeaTac Fire Department, expired on December 31, 2009. City and Union representatives have been negotiating a successor agreement since October, 2009. The parties reached a tentative agreement during the mediation process in September, 2010. The Union membership ratified the tentative agreement in March, 2011.

For 2010, the total fiscal impact for the tentative agreement is estimated at \$63,207 for wage and leave benefit increases and \$81,732 for health insurance premium increases. For 2011, the incremental fiscal impact is estimated at \$62,115 for wage and leave benefit increases and \$84,567 for health insurance premium increases. For 2012, members of the bargaining unit will receive 90% of the Consumer Price Index – Washington (CPI-W) (Seattle/Tacoma/Bremerton, June 2010 to June 2011 index) in addition to one additional Kelly-shift off.

The 2010 and 2011 fiscal impact of the tentative agreement was included in the City's 2011 budget per Council's direction. If the tentative agreement is approved, the 2012 cost impact will be included in the 2012 budget during the City's annual budget development process.

HR Director Hoang reviewed the agenda bill summary.

City Attorney Mirante Bartolo stated that this item was set over at the April 26, 2011 Regular Council Meeting (RCM). Since then, a private meeting was held with Mayor T. Anderson and CMs Forschler and Fernald.

CM Forschler stated that CM Fernald was disappointed to not be in attendance tonight to vote on this item. If this item is voted down tonight, it would probably cost the City more money in the long run. He stated that this contract needs to be approved, but the City needs to research options to make it a better situation for the residents, City and the Fire Fighters.

Council consensus: Referred to the 05/10/11 RCM Consent Agenda

Agenda Bill #3328 – A Motion accepting the Riverton Heights Public Engagement Final Report and directing staff to develop a Request for Proposal (RFP)/Request for Qualifications (RFQ) to hire a consultant to refine plans for the Riverton Heights Site

Summary: This Motion accepts the Riverton Heights Public Engagement Project's final report, titled "A community-owned vision for Riverton Heights Property." This Motion also directs staff to develop an RFP/RFQ to hire an architect or developer to take the next step in the design process toward implementing the community's preferred concept plan for the Riverton Heights site.

Background – Site: The Riverton Heights site is a City-owned, 8 acre parcel located near the South 154th Street light rail station. The property was acquired from the Highline School District (HSD) in 2007 with the intent that a portion (approximately 1.5 – 3 acres) would be used to accommodate a replacement fire station/training facility. Until that plan becomes a reality (approximately 6+ years) the parcel is available to serve community needs.

After acquiring the site, the City cleared the property and conducted soil tests, which indicate the land is in good condition for a variety of public uses. Given the property's location in a residential neighborhood, the community is utilizing the site as an informal park and pedestrian path between South 148th and 150th Streets. Additionally, Park Pilots fly remote-controlled model airplanes and the neighboring mosque pays the City to park vehicles during Friday services.

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3328 (Continued):

Background – Council Direction: The Riverton Heights Public Engagement Project was built on several key milestones:

- In November 2009 the Land Use and Parks (LUP) Committee directed staff to develop a proposal for engaging the community to identify desired uses for the site.
- In February 2010 the LUP Committee directed staff to identify a consultant to facilitate community engagement and to apply for project funding through the King Conservation District.
- In April 2010 City Council approved accepting a \$25,000 grant from the King Conservation District to fund the project and hiring Pomegranate Center to facilitate this project.
- In June 2010 City Council established a 24-member Steering Group representing a broad range of stakeholders including CMs, residents, businesses, the faith community, service organizations, community groups, seniors, youth, various cultural/ethnic groups and current site users, to reflect the makeup of the Riverton Heights community.

Background – Project Goal: The goal of the Riverton Heights project was to convene a community process that:

- Is directed by a steering group that reflects the community's makeup
- Engages the community and builds agreement for future uses
- Develops a basic site plan for uses so that the site is inviting to all community members

Final Report: The final report highlights major project outcomes. A key outcome is the preferred conceptual site plan, that captures the community's in-put. The western section (A) is reserved for a future fire facility, the mid section (B) will explore feasibility for a mixed use/housing development and the eastern section (C) will be developed as a park. Once the community identified these main uses for the site, they focused on identifying amenities for a future park, including: shelters, benches, gateways, plants, pathways, open playspace, a frog pond, monument, baseball diamond, basketball court, model airplane landing strip, children's play area and parking.

Another key outcome was a high level of community engagement. Over a six month period in 2010, over 100 community members volunteered more than 500 hours participating in five steering group meetings, four community meetings and an open house. This high level of participation can be largely attributed to the Steering Group's leadership in promoting the meetings.

A third key outcome is that this project was a positive experience for most participants. Before and after surveys found that:

- 75% of project participants feel more confident in their ability to make changes in their neighborhood.
- 63% of participants believe everyone's ideas were taken into consideration.
- 61% of participants had a conversation with a new person in their neighborhood.

Proposed Next Steps: Through discussions with the CMs who participated on the Steering Group and the LUP Committee, the following strategy and next steps have been identified to move forward on implementing the community-based plan for Riverton Heights:

- Implement in phases - Given the current economy, the project will need to be implemented in phases.
- Get started now - There is a strong commitment to move forward on implementing phase 1 of the park project to honor the community's investment of time in the process.
- Apply funding from the \$100,000 allocated to this project in the 2011 Capital Improvement Program (CIP) budget to hire an architect or developer to take the next step toward implementing the community's preferred concept plan for the Riverton Heights site by: (1) confirming where the preferred uses should go, and (2) developing a detailed park plan that allows for phased implementation.

Request for Council Actions: Based upon these proposed next steps, staff seeks City Council's action to:

- Accept the final project report.
- Direct staff to develop an RFP/RFQ to hire an architect or developer to confirm where the major uses should be located on the site and to create a detailed park plan. If the City moves forward on an RFP/RFQ, staff would bring back proposals for review by the LUP Committee. The City Council would approve any contracts before expenditures are made.

Developing an RFP/RFQ would utilize staff time and would not have a direct fiscal impact.

Program Manager Lowry introduced King Conservation District Executive Director Sara Hemphill and Grant Program Manager Jessica Saavedra. Ms. Lowry reviewed the agenda bill summary.

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3328 (Continued): DM Fisher stated that the City didn't find out until yesterday that the Port of Seattle (POS) is seriously considering developing the "L" shaped property into a freight campus. The City and residents went through this process without knowing the Ports plans for the "L" shaped property. He stated that he is hesitant to hire consultants when the City doesn't know what the port will do.

Ms. Lowry stated that if Council directs staff to develop an RFQ, staff would develop a scope that would be given to consultants. After receiving proposals, the City could then analyze the costs. The proposals would then be brought to the LUP Committee. Council would then approve a contract before any money is spent. This would be a research effort to see what resources are available. The consideration of the "L" shape property would be included.

Council discussion ensued regarding the POS's intentions for the "L" shaped property. City Manager Cutts clarified that the POS conducted a study to look at what the anticipated air cargo capacity would need to be in the coming years in order to serve the needs of the POS. They did take a look at what surrounding properties were available for redevelopment and the "L" shaped property did come to the top of the list.

CM Shape clarified that a contract for a consultant would cost an estimated \$10,000, leaving the balance for construction.

Some CMs requested that this agenda bill be split into two: (1) accepting the Riverton Heights Public Engagement Final Report; and (2) directing staff to develop a RFP/RFQ to hire a consultant to refine plans for the Riverton Heights Site.

Ms. Lowry stated that there was a lot of participation from the local residents with input of how to use the property. The fact that the "L" shaped property potentially develops into a more intensive use might heighten the communities desire for a more peaceful uses that buffer them from it. If the City decides to depart from the uses chosen by the public the City may want to close the loop and propose some public process to incorporate the residents input with the new information.

CM Gregerson also commented that she would like additional wording suggested for Council consideration for the report to broaden the potential uses for the land.

Ms. Lowry suggested that the additional wording could be included at the end of report.

SUSPENSION OF THE RULES:

MOVED BY FISHER, SECONDED BY FORSCHLER TO SUSPEND THE RULES TO BRING FORWARD COUNCIL ACTION RELATED TO AGENDA BILL #3328.

MOTION CARRIED WITH SHAPE VOTING NO.

MOVED BY A. ANDERSON, SECONDED BY FORSCHLER TO PASS AGENDA BILL #3328.

MOTION FAILED WITH SHAPE VOTING YES.

Council consensus: Subject matter referred to the June 2011 Council Retreat

CONSENT AGENDA:

- **Approval of claims vouchers** (check nos. 93691 – 94003) in the amount of \$405,742.03 for the period ended May 5, 2011.
- **Approval of payroll vouchers** (check nos. 49692 – 49732) in the amount of \$391,029.85 for the period ended April 30, 2011.
- **Approval of payroll electronic fund transfers** (check nos. 68126 - 68302) in the amount of \$330,488.96 for the period ended April 30, 2011.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$65,551.17 for the period ended April 30, 2011.
- **Summary of \$5,000 - \$35,000 Purchase Requests** for the period ended May 6, 2011.

Approval of Council Meeting Minutes:

- **Land Use and Parks Committee Meeting** held April 26, 2011.
- **Regular Council Meeting** held April 26, 2011.

CONSENT AGENDA (Continued):

Agenda Items reviewed under Agenda Bill Presentations recommended for placement on this Consent Agenda:

Agenda Bill #3327; Motion authorizing the City Manager to execute a lease addendum and two-year extension with MoneyTree in the SeaTac Center

Agenda Bill #3323; Motion declaring vehicles and miscellaneous equipment to be surplus, approving same to be sold at public auction, and authorizing purchase expenditures

Agenda Bill #3333; Motion authorizing the City Manager to execute a service agreement for International Boulevard (IB) emergency subgrade repair

Agenda Bill #3315; Ordinance #11-1008 creating a new Section 8.05.700 of the SeaTac Municipal Code (SMC) related to Crimes and Offenses

Agenda Bill #3319; Resolution #11-001 authorizing the execution of the 2010-2012 collective bargaining agreement with the International Association of Fire Fighters (IAFF), Local #2919

MOVED BY FISHER, SECONDED BY GREGERSON TO ACCEPT THE CONSENT AGENDA AS PRESENTED.*

PUBLIC COMMENTS (related to the Consent Agenda): Earl Gipson, regarding Agenda Bill #3328 (Riverton Heights) stated his disappointment with the POS, but he doesn't feel that the report should be changed. It was done by the community and that should be respected.

*MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS (related to the Unfinished Business): There were no public comments.

UNFINISHED BUSINESS: There was no Unfinished Business.

NEW BUSINESS: There was no New Business.

CITY MANAGER'S COMMENTS: City Manager Cutts commented on the following: (1) May 14, 9 a.m., Backyard Wildlife Festival at the Tukwila Community Center; and (2) May 24, 2 p.m. – dedication of bus shelter mural at bus shelter in front of City Hall.

COUNCIL COMMENTS: CM Forschler stated that there is a lake within the North SeaTac Park (NSTP) called Tub Lake. Sundews grow there. The property is owned by the Port, but it would make a good amenity to have a trail to the lake.

CM Shape stated that he attended a performance of the Northwest Symphony Orchestra which the City supports. He complimented Anthony Spain for creating a tremendous program.

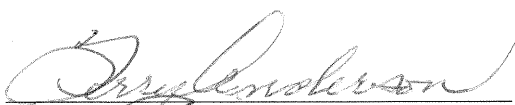
CM Gregerson commented on the following: (1) May 25 – Community Center for Education Results (CCER) is hosting their second meeting; (2) attended the New Futures breakfast where Human Services (HS) Manager Colleen Brandt-Schluter requested donations; (3) attended the recent pancake breakfast at the mobile home park; (4) requested staff brief her prior to the community Healthy Highline Community Coalition (HHCC) meetings as to the City's participation; (5) complete safe streets concept – the City is doing a lot of great work on this; (6) King County (KC) Metro's strategic plan is moving forward. She is attending the Public Issues Committee (PIC) meeting May 11 where conversations will be held regarding south KC versus east KC; and (7) Mayor and staff greeted the Bhutanese community.

Mayor T. Anderson commented on the Bhutanese community meeting.

ADJOURNED:

MOVED BY GREGERSON, SECONDED BY A. ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:11 P.M.

MOTION CARRIED UNANIMOUSLY.


Terry Anderson, Mayor


Kristina Gregg, City Clerk