



City of SeaTac

Regular Council Meeting Agenda

September 13, 2011
6:00 PM

City Hall
Council Chambers

CALL TO ORDER:
ROLL CALL:
FLAG SALUTE:

PUBLIC COMMENTS (at the beginning of the meeting): (Speakers must sign up prior to the meeting. Individual comments shall be limited to three minutes. A representative speaking for a group of four or more persons in attendance shall be limited to ten minutes. When recognized by the Mayor or his designee, walk to the podium, state and spell your name, and give your address [optional] for the record.)

1. PRESENTATIONS:

- **Introduction of new City Employees: Court Administrator Paulette Revoir / Planning Manager Barbara Nelson (5 minutes)**
By: City Manager Todd Cutts
- **Mayors' Day of Concern for the Hungry Proclamation (5 minutes)**
By: Mayor Terry Anderson
- **Multi-Service Center (5 minutes)**
By: Housing Program Director Manuela Ginnett

2. DISCUSSION ITEMS:

- **Summary of \$5,000 - \$35,000 Purchase Requests for the period ended September 9, 2011 (5 minutes)**
By: City Manager Todd Cutts
- **Summary of \$5,000 - \$35,000 Grant Acceptance Requests for the period ended September 9, 2011 (5 minutes)**
By: City Manager Todd Cutts
- **Summary of Donations \$500 or Greater for the period ended September 9, 2011 (5 minutes)**
By: City Manager Todd Cutts

AGENDA BILL PRESENTATIONS:

3. **Agenda Bill #3361 – A Motion authorizing the City Manager to execute a six-month contract with The Andover Company for the purpose of providing property leasing and representation for the tenant space on the second floor of City Hall (5 minutes)**
By: Facilities Manager Pat Patterson
4. **Agenda Bill #3353 – An Ordinance adopting a City Council Reimbursement Policy (5 minutes)**
By: City Attorney Mary Mirante Bartolo

5. CONSENT AGENDA:

- **Approval of claims vouchers** (check nos. 95095 – 95263) in the amount of \$1,426,235.86 for the period ended August 19, 2011.
- **Approval of claims vouchers** (check nos. 95264 – 95424) in the amount of \$1,048,779.32 for the period ended September 8, 2011.
- **Approval of payroll vouchers** (check nos. 49992 – 50033) in the amount of \$183,730.98 for the period ended August 15, 2011.
- **Approval of payroll electronic fund transfers** (check nos. 69381 - 69559) in the amount of \$349,330.41 for the period ended August 15, 2011.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$69,697.10 for the period ended August 15, 2011.

5. CONSENT AGENDA (Continued):

- **Approval of payroll vouchers** (check nos. 50034 – 50079) in the amount of \$410,962.05 for the period ended August 31, 2011.
- **Approval of payroll electronic fund transfers** (check nos. 69560 - 69744) in the amount of \$348,259.64 for the period ended August 31, 2011.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$70,844.68 for the period ended August 31, 2011.
- **Summary of \$5,000 - \$35,000 Purchase Requests** for the period ended September 9, 2011.
- **Summary of \$5,000 - \$35,000 Grant Acceptance Requests** for the period ended September 9, 2011.
- **Summary of Donation \$500 or Greater** for the period ended September 9, 2011.

Approval of Council Meeting Minutes:

- **Transportation and Public Works Committee Meeting** held April 26, 2011.
- **Joint Council / Planning Commission Workshop** held July 26, 2011.
- **Council Workshop** held August 9, 2011.
- **Transportation and Public Works Committee Meeting** held July 26, 2011.
- **Administration and Finance Committee Meeting** held August 9, 2011.
- **Public Safety and Justice Committee Meeting** held August 9, 2011.
- **Regular Council Meeting** held August 9, 2011.

Agenda Items reviewed under Agenda Bill Presentations will be considered for placement on this Consent Agenda. *Please refer to the items in the Council packet, if necessary.*

PUBLIC COMMENTS (related to the Consent Agenda): (Individual comments shall be limited to one minute and group comments shall be limited to three minutes.)

PUBLIC COMMENTS (related to the following Unfinished Business): (Individual comments shall be limited to two minutes. Group comments shall be limited to five minutes.)

UNFINISHED BUSINESS:

NEW BUSINESS:

CITY MANAGER'S COMMENTS:

COUNCIL COMMENTS:

EXECUTIVE SESSION:

ADJOURN:

1. PRESENTATIONS:

● **Introduction of new City Employees: Court Administrator Paulette Revoir / Planning Manager Barbara Nelson (5 minutes)**

By: City Manager Todd Cutts

● **Mayors' Day of Concern for the Hungry Proclamation (5 minutes)**

By: Mayor Terry Anderson

● **Multi-Service Center (5 minutes)**

By: Housing Program Director Manuela Ginnett

SUMMARY OF PURCHASE REQUESTS \$5,000-\$35,000

For September 13, 2011 - Regular Council Meeting

Period ended September 9, 2011

<u>Item Description</u>	<u>Department</u>	<u>BARS Number</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>	<u>Additional Information</u>
Puget Sound Regional Council Membership Dues	Non-Departmental	001.000.99.519.90.49.054	\$10,300	\$10,300	\$10,407	7/1/11 - 6/30/12 PSRC Membership Dues
Fire Apparatus 121 Parts inc. Rear Springs and Complete Front Brake Replacement	Fire	001.000.09.522.20.31.007		\$30,000	\$8,788	No charge for 101.3 hrs. labor - \$8,788 is for parts only.
Remove / Replace Carpet in SeaTac Ctr. Common Areas	CED	108.000.12.594.58.62.012		\$17,250	\$18,000	Bids from \$16,750 - \$18,672
Tech. Review of Sound Transit Noise & Vibration Study	City Manager	106.000.03.547.10.41.000		\$0	\$14,470	Will be absorbed by reductions elsewhere.

Note: Expenditures over budget amount will be absorbed by reductions in other line items.

SUMMARY OF GRANT ACCEPTANCE APPROVAL \$5,000-\$35,000

For September 13, 2011 - Regular Council Meeting

Period ended September 9, 2011

<u>Item Description</u>	<u>Department</u>	<u>BARS Number</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>	<u>Additional Information</u>
Emergency Management Performance Grant (EMPG)	Fire	001.333.97.04.000		\$5,890	\$5,890	Reimbursement for Emergency Management expenditures

SUMMARY OF DONATIONS \$500 OR GREATER

For September 13 - Regular Council Meeting

Period ended September 9, 2011

<u>Donor Name</u>	<u>Description</u>	<u>Amount</u>
24-Hour Fitness	1 - Flex Performance 4 stage gym 1 - Hammer Strength seated shrug 1 - Hammer Strength ISO pull down machine 1 - Hammer Strength ISO shoulder press 1 - Hammer Strength ISO lateral High row 1 - Hammer Strength ISO incline press 4 - Life fitness 95-- HR treadmills 1 - Flex Fitness leg press, 2 - Body master incline sit-up bench, 1 - Life fitness 9500 HR stationary bike 2 - weight stands.	\$21,500 (Estimated)

The above fitness equipment was donated by 24-Hour Fitness. They gym was relocating and decided not to take some of the original equipment so they made a donation to the City of SeaTac Fire Department. The equipment was used to equipment the exercise room at Station 46. The above equipment if purchased new would be valued at approximately \$50,000. The estimated used value at time of donation was \$18-25,000

SeaTac City Council
REQUEST FOR COUNCIL ACTION

Department Prepared by: Parks

Agenda Bill #: 3361

TITLE: A Motion authorizing the City Manager to execute a six-month contract with The Andover Company for the purpose of providing property leasing and representation for the tenant space on the second floor of City Hall.

August 15, 2011	
__Ordinance __Resolution <u>X</u> Motion __Info. Only __Other	
Date Council Action Requested: <u>RCM 9/13/11</u>	
Ord/Res Exhibits: _____	
Review Dates: <u>A&F 8/09/11</u>	
Prepared By: <u>Pat Patterson/Facilities Manager</u>	
Director: <u>Kie Fun</u>	City Attorney: <u>Mary Miranti Bartolo</u>
Finance: <u>Joe P. ...</u>	BARS #: <u>108.362.50.00.000</u>
City Manager: <u>Todd Cate</u>	Applicable Fund Name: <u>Building Management Fund</u>

MR
10/11

SUMMARY:

This Motion will allow the City Manager to enter into a contract with the Andover Company, Inc, to provide the listing and leasing services for the tenant space(s) on the second floor of City Hall.

DISCUSSION / ANALYSIS / ISSUES: There is currently about 5700 square feet of vacant space to rent on the second floor of City Hall. The City currently employs the Andover Company in the same capacity for the SeaTac Center property. They would advertise the space and actively solicit possible tenants to lease that space. In return, the Andover Company would receive a 5% commission on the entire value of any lease agreement, the minimum term being 3 years. The listing agent would not be entitled to any further commission should there be an option to renew in that lease agreement. If the Andover Company actively solicits the existing tenant to renew, they are entitled to 4% of the total value of the lease renewal up to 10 years and then another 2.5% on any lease renewal they successfully negotiate after year 10 for years 11-20.

Previous listing agents have charged as much as 10% for the same services.

RECOMMENDATION(S):

It is recommended that the City Council allow the City Manager to execute a contract.

FISCAL IMPACT:

At current market rates, the second floor space should rent for \$17.00 per sqft or more. If the Andover Company is successful in renting the entire space and, depending upon the terms of the lease, they would collect a commission not to exceed 5% of the value of the lease if there is a renewal clause. So for example, on a 3 year lease at \$17.00/sqft per year, they would receive \$14,535.00 of the total \$290,700 value of the lease. The commission rates are listed on the signature page of the attached listing agreement.

ALTERNATIVE(S):

- 1) Do not contract to list the space and attempt to do it in- house.

ATTACHMENT(S):

Lease Listing Agreement



The Andover Company, Inc.
415 Baker Boulevard, Suite 200
Tukwila, WA 98188
Phone: (206) 244-0770
Fax: (206) 246-9229

© Commercial Brokers
Association 2011
ALL RIGHTS RESERVED



CBA Form XL
Exclusive Lease
Rev. 1/2011
Page 1 of 4

EXCLUSIVE LEASE LISTING AGREEMENT

CBA Text Disclaimer: Text deleted by licensee indicated by strike. New text inserted by licensee indicated by small capital letters.

This Agreement is made by and between The City of SeaTac ("Owner") and The Andover Company ("Firm"). Owner hereby grants to Firm the exclusive and irrevocable right to lease and to receipt for deposit in connection therewith Owner's commercial real estate legally described as set forth on attached Exhibit A and commonly described as 4800 South 188th Street, City of SeaTac, King County, Washington (the "Property").

1. **DURATION OF AGREEMENT.** This Agreement shall commence on September 14, 2011 and shall expire at 11:59 p.m. on March 31, 2012.

2. **PRICE AND TERMS.** Owner agrees to list the Property at a lease price of \$17.00 per SF and shall consider offers that include the following terms:

Term of Lease: Minimum 3 year lease

Terms: 1 month free rent for each year of lease

3. **DEFINITIONS.** As used in this Agreement, (a) "CBA" shall mean the Commercial Brokers Association; (b) "lease" shall mean lease, sublease, sell, or enter into a contract to lease, sublease, or sell the Property; and (c) "lessee" shall include sublessees, if applicable. The phrases "this Agreement" and "during the term hereof" include extensions or renewals of this Agreement.

4. **AGENCY / DUAL AGENCY.** Owner authorizes Firm to appoint Connie Boyle and Mike Ewing of The Andover Company, Inc. as Owner's Listing Broker. This Agreement creates an agency relationship with Listing Broker and any of Firm's brokers who supervise Listing Broker's performance as Owner's agent ("Supervising Broker"). No other brokers affiliated with Firm are agents of Owner, except to the extent that Firm, in its discretion, appoints other brokers to act on Owner's behalf as and when needed.

If the Property is leased to a tenant represented by one of Firm's brokers other than Listing Broker ("Tenant's Broker"), Owner consents to any Supervising Broker who also supervises Tenant's Broker acting as a dual agent. If the Property is leased to a tenant who Listing Broker also represents, Owner consents to Listing Broker and Supervising Broker acting as dual agents. Owner has received from Listing Broker the pamphlet entitled "The Law of Real Estate Agency."

If any of Firm's brokers act as a dual agent, Firm shall be entitled to the entire commission payable under this Agreement plus any additional compensation Firm may have negotiated with the tenant.

5. **PROPERTY OWNERSHIP AND INFORMATION.** Owner warrants that Owner has the right to lease the Property on the terms set forth in this Agreement, and that the Property is free and clear of any encumbrances which would interfere therewith. Owner also warrants that the information on the Property Information pages of this Agreement is correct. Owner understands that Firm and other members of CBA will make representations to prospective lessees based solely on the property information in this Agreement and agrees to indemnify and hold Firm and other members of CBA harmless in the event the foregoing warranties are incorrect. Owner acknowledges receipt of a copy of this Agreement, with the Property Information pages of this Agreement fully completed.

6. **COMMISSION.** Firm shall be entitled to a commission if: (a) Firm leases or procures a lessee on the terms of this Agreement, or on other terms acceptable to Owner; (b) Owner leases the Property directly or indirectly or through any person or entity other than Firm during the term of this Agreement; (c) Owner leases the Property within six months after the expiration or sooner termination of this Agreement to a person or entity that submitted an offer to purchase or lease the Property during the term of this Agreement or that appears on any registration list provided by Firm pursuant to this Agreement or an "Affiliate" of such a person or entity that submitted an offer or that appears on the registration list; (d) the Property is made unleaseable by Owner's voluntary act; or (e) Owner cancels this Agreement, or otherwise prevents Firm from leasing the Property. The commission shall be calculated as follows: Per commission agreement attached.



THE ANDOVER COMPANY, INC.
415 BAKER BOULEVARD,
SUITE 200
TUKWILA, WA 98188
PHONE: (206) 244-0770
FAX: (206) 246-9229

© Commercial Brokers
Association 2011
ALL RIGHTS RESERVED



CBA Form XL
Exclusive Lease
Rev. 1/2011
Page 2 of 4

EXCLUSIVE LEASE LISTING AGREEMENT
(CONTINUED)

Firm shall submit any registration list to Owner within 15 days after the expiration or sooner termination of this Agreement and shall only include on the registration list persons or entities to whose attention the Property was brought through the signs, advertising or other action of Firm, or who received information secured directly or indirectly from or through Firm during the term of this Agreement. Owner shall provide the registration list to any other brokers that assist the Owner with this Property. "Affiliate" means, with respect to any person or entity that submitted an offer during the term of this Agreement or that appears on the registration list, a person or entity which has more than a 10% ownership or voting interest in such an entity or any entity in which more than 10% of the ownership or voting interests are owned or controlled by such a person or entity.

7. **FIRM/MULTIPLE LISTING.** Firm shall cause this listing to be published by CBA for distribution to all CBA members through CBA's listing distribution systems. Firm shall cooperate with all other members of CBA in working toward the lease of the Property. Owner understands and agrees that all property information contained in this Agreement or otherwise given to CBA becomes the property of CBA, is not confidential, and will be given to third parties, including prospective lessees, other cooperating members of CBA who do not represent the Owner and, in some instances, may represent the lessee and other parties granted access to CBA's listing systems. Owner agrees that Firm may record this Agreement. Regardless of whether a cooperating member is the firm of the lessee, the Owner, neither or both, the member shall be entitled to receive the selling office's share of the commission as designated by the listing office. IT IS UNDERSTOOD THAT CBA IS NOT A PARTY TO THIS AGREEMENT, AND ITS SOLE FUNCTION IS TO FURNISH THE DESCRIPTIVE INFORMATION SET FORTH IN THIS LISTING TO ITS MEMBERS, WITHOUT VERIFICATION AND WITHOUT ASSUMING ANY RESPONSIBILITY FOR SUCH INFORMATION OR IN RESPECT TO THIS AGREEMENT.
8. **ATTORNEY'S FEES.** In the event either party employs an attorney to enforce any terms of this Agreement and is successful, the other party agrees to pay a reasonable attorney's fee and any costs and expenses incurred. In the event of trial, venue shall be in the county in which the Property is located, and the amount of the attorney's fee shall be as fixed by the court.
9. **ADDITIONAL TERMS.** In addition to the Property Information pages of this Agreement and Exhibit A (legal description), the following amendments or addenda (which are also attached hereto) are part of this Agreement:
N/A.



THE ANDOVER COMPANY, INC.
415 BAKER BOULEVARD,
SUITE 200
TUKWILA, WA 98188
PHONE: (206) 244-0770
FAX: (206) 246-9229

© Commercial Brokers
Association 2011
ALL RIGHTS RESERVED



CBA Form XL
Exclusive Lease
Rev. 1/2011
Page 3 of 4

EXCLUSIVE LEASE LISTING AGREEMENT
(CONTINUED)

OWNER

Owner/Authorized Signature

Name: _____
Title _____
Date _____

Owner/Authorized Signature

Name: _____
Title _____
Date _____

FIRM

_____, Firm (Company)
(Office)

By _____
(Authorized Representative)

Date: _____



THE ANDOVER COMPANY, INC.
 415 BAKER BOULEVARD,
 SUITE 200
 TUKWILA, WA 98188
 PHONE: (206) 244-0770
 FAX: (206) 246-9229

© Commercial Brokers
 Association 2011
 ALL RIGHTS RESERVED



CBA Form XL
 Exclusive Lease
 Rev. 1/2011
 Page 4 of 4

**EXCLUSIVE LEASE LISTING AGREEMENT
 (CONTINUED)**

EXHIBIT A

(Legal Description)

THIS EXHIBIT A (Legal Description) dated June 16, 1992, is attached to and made part of Lease for space in the IBM Building at Sea-Tac, executed concurrently herewith by SEKOTAC, INC., a Washington corporation, as Landlord, and Guardsmark, Inc. a Delaware corporation, as Tenant for the IBM Building. The legal description for the Land is:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID SUBDIVISION WITH THE "C"-LINE SURVEY OF PRIMARY STATE HIGHWAY NO. 1, SOUTH 188TH INTERCHANGE;

THENCE NORTH 0°00'00" WEST ALONG THE SAID NORTH LINE A DISTANCE OF 72.40 FEET;

THENCE SOUTH 2°04'00" WEST A DISTANCE OF 246.90 FEET TO A POINT DISTANT 90.0 FEET NORTHEASTERLY WHEN MEASURED RADially FROM THE "F"-LINE SURVEY OF SAID PRIMARY STATE HIGHWAY NO. 1;

THENCE SOUTHEASTERLY PARALLEL WITH SAID "F"-LINE ALONG THE ARC OF A CURVE TO THE RIGHT THE CENTER OF WHICH BEARS SOUTH 47°18'40" WEST SAID CURVE HAVING A RADIUS OF 490.00 FEET THROUGH A CENTRAL ANGLE OF 17°45'20" A DISTANCE OF 151.85 FEET TO A POINT OF TANGENT OPPOSITE "F"-LINE STA. 54+44.96;

THENCE SOUTH 24°56'00" EAST CONTINUING PARALLEL WITH SAID "F"-LINE A DISTANCE OF 215.04 FEET TO A POINT OPPOSITE AND PERPENDICULAR TO "F"-LINE STA. 56+60;

THENCE NORTH 85°53'18" EAST A DISTANCE OF 73.72 FEET TO A POINT DISTANT 60.0 FEET NORTHWESTERLY WHEN MEASURED PARALLEL WITH AND PERPENDICULAR TO THE "MR"-LINE SURVEY OF SAID PRIMARY STATE HIGHWAY NO. 1 AT STA. 173+20.00;

THENCE NORTH 68°10'00" EAST PARALLEL WITH SAID "MR"-LINE A DISTANCE OF 158.30 FEET TO A POINT OF CURVE OPPOSITE "MR"-LINE STA 174+78.30;

THENCE CONTINUING PARALLEL WITH SAID "MR"-LINE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 340.00 FEET THROUGH A CENTRAL ANGLE OF 49°03'51" A DISTANCE OF 291.15 FEET TO A POINT OF COMPOUND CURVATURE OPPOSITE "MR"-LINE STA. 178+20.85;

THENCE CONTINUING ON A CURVE TO THE LEFT HAVING A RADIUS OF 894.93 FEET, THROUGH A CENTRAL ANGLE OF 0°03'10", AN ARC LENGTH OF 0.83 FEET TO A POINT DISTANT 85.00 FEET SOUTHERLY WHEN MEASURED PARALLEL WITH AND PERPENDICULAR TO SAID NORTH LINE OF SAID SUBDIVISION;

THENCE NORTH 87°56'00" WEST PARALLEL WITH SAID NORTH LINE A DISTANCE OF 229.02 FEET;

THENCE NORTH 73°25'37" WEST A DISTANCE OF 119.77 FEET TO THE TRUE POINT OF BEGINNING.

SITUATED IN THE COUNTY OF KING, STATE OF WASHINGTON.

**SCHEDULE OF LEASE COMMISSIONS
COMMERCIAL PROPERTIES**

1. **Rates:** Commissions shall be calculated at the following rates:

Year 1 – 5	5%
Year 6 – 10	4%
Year 11 – 20	2.5%

2. **Payment of Lease Commissions:**

Commission shall be due and payable as follows: one-half (1/2) upon Lease execution and one-half (1/2) upon tenant business opening to the public.

3. **Term of More Than Twenty Years**

If a Lease Term is in excess of twenty (20) years then the commission shall be calculated only upon the rental to be paid for the first twenty (20) years of the Term of the Lease or for only the primary Term of the Lease, whichever is shorter.

4. **Cooperating Broker:**

Should there be a Cooperating Broker involved in the transaction, The Andover Company, Inc. ("Broker") agrees to pay Cooperating Broker a portion of the fee earned and paid to Broker by Owner. Such portion shall be commensurate with the level of work performed by the Cooperating Broker, but not more than fifty percent (50%) of the fee earned and paid.

5. **City of SeaTac:**

Should the City of SeaTac procure a Tenant and refer to The Andover Company for lease negotiations, then the fee paid to The Andover Company shall be:

Year 1 – 5	4%
Year 6 – 10	2.5%
Year 11 – 20	1.5%

6. **Renewals and expansions:** Commissions on renewals of existing leases with existing Tenants and expansion of square footage for existing Tenants shall be calculated at 4% of the gross lease amount for the term of the renewal or expansion.

This undersigned Owner hereby acknowledges receipt of a copy of this Schedule and further agrees that it shall be binding upon the heirs, successors and assigns of the undersigned. The term Owner when used herein shall be deemed to mean the owner of the property, a Tenant under a ground lease, and any Tenant desiring to affect subleases.

THE RATE OF COMMISSION SET FORTH IN THIS SCHEDULE IS NOT SET BY ANY LAW OR GOVERNMENT ENTITY OR BOARD OF REAL ESTATE BROKERS. IN CONTRACTING TO EMPLOY THE ANDOVER COMPANY, INC., THE OWNER IS FREE TO NEGOTIATE THE RATE OF COMMISSION.

ACCEPTED THIS ____ OF _____, 201__

By: _____
Owner

By: _____
Owner

The Andover Company

By: _____
Connie Boyle, CCIM
Vice President

By: _____
Mike Ewing
Sr. Vice President

By: _____

SeaTac City Council
REQUEST FOR COUNCIL ACTION

Department Prepared by: Legal

Agenda Bill #: 3353

TITLE: An Ordinance adopting a Council Reimbursement Policy.

September 7, 2011

<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Info. Only <input type="checkbox"/> Other	
Date Council Action Requested: <u>RCM 09/13/2011</u>	
Ord/Res Exhibits: <u>Exhibit A—Council Reimbursement Policy</u>	
Review Dates: <u>A&F 06/14/2011, 07/12/2011, 09/13/2011; RCM 08/09/2011</u>	
Prepared By: <u>Mark S. Johnsen, Senior Assistant City Attorney</u>	
Director: <u><i>Mark S. Johnsen for MMB</i></u>	City Attorney: <u><i>Mark S. Johnsen Sr Asst City Atty</i></u>
Finance: <u><i>Joseph Pope</i></u>	BARS #: <u>Various</u>
City Manager: <u><i>Todd Curtis</i></u>	Applicable Fund Name: <u>General Fund</u>

mk
12/14

SUMMARY: The proposed Ordinance adopts a Council Reimbursement Policy. This Ordinance was originally presented to the Council for consideration on August 9, 2011. However, consideration was postponed to the September 13, 2011 Council meeting.

DISCUSSION / ANALYSIS / ISSUES: The State Auditor provided the City with a Management Letter as part of the 2009 audit. This Management Letter stated that the City did not have adequate policies and procedures over certain expenditures to ensure that they are for valid public purposes. The State Auditor specifically addressed three separate areas pertaining to City Council expenses. These areas included cellular phones, internet service charges, and meals expenses when a Councilmember is not in travel status. A copy of the Management Letter is attached to this Agenda Bill as Attachment #1.

At the June 14, 2011 A&F committee meeting, Staff was requested to provide a draft reimbursement policy in the June 24, 2011 Council mail. The Committee requested a proposed policy that minimized the need for Councilmembers to submit reimbursement requests by providing for an allowance in lieu of reimbursement. Additionally, the Committee requested that Staff propose a suggested amount for an allowance that could be justified if questioned. Staff provided this information to the City Council as directed. Staff was also directed to bring the draft policy to the July 12, 2011 A&F committee meeting for final review prior to placing the item on the Council agenda.

The proposed policy provides for *either* a City provided cellular phone or an allowance equal to the amount paid for a city provided cell phone. Staff is aware that some Councilmembers do not want a City-issued phone as this would require them to carry multiple phones. Thus, the proposed policy provides the most flexibility while ensuring that the City does not “overpay” for cellular service by capping the allowance to the cost of a City-provided phone, which is currently \$55.53 per month.

Second, the policy provides for an allowance of up to \$75.00 to cover Councilmember expenses *including* internet access. Currently, the City pays for five Councilmembers’ internet access. The cost for these five Councilmembers averages approximately \$54.00 per month. Some Councilmembers also expressed interest in receiving reimbursement for miscellaneous expenses incurred while serving as a Councilmember. Taking into account the cost of high speed internet, it appears that a total allowance of up to \$75.00 is reasonable.

When this Ordinance was originally presented to the Council in August, the proposed effective date was September 1, 2011. Since that date has already passed, the proposed Ordinance's effective date has been revised to October 1, 2011.

RECOMMENDATION(S): It is recommended that the proposed Ordinance be adopted.

FISCAL IMPACT: If all seven Councilmembers receive the maximum reimbursement amount, the fiscal impact will be \$913.71 per month based upon the City's current cost for a City-provided cellular phone. This amount can be absorbed in existing budget through the remainder of 2011. Reimbursements in future years would require the Council to appropriate funds for these expenditures.

ALTERNATIVE(S): 1) Amend the proposed policy prior to adopting the Ordinance.

ATTACHMENTS: 1) Management Letter from the State Auditor's Office.

ORDINANCE NO. _____

AN ORDINANCE of the City Council of the City of SeaTac,
Washington adopting a Council Reimbursement Policy.

WHEREAS, RCW 35A.13.040 provides in relevant part that Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance; and

WHEREAS, the City Council wants to ensure compliance with applicable State laws regarding the reimbursement of Councilmember expenses;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC,
WASHINGTON, DO ORDAIN as follows:**

Section 1. The Council Reimbursement Policy, which is attached as Exhibit A, is hereby adopted.

Section 2. This Ordinance shall not be codified.

Section 3. This Ordinance shall be in full force and effect October 1, 2011.

ADOPTED this _____ day of _____, 2011, and signed in authentication thereof on this _____ day of _____, 2011.

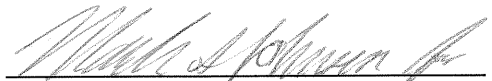
CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[Council Reimbursement Policy]

City Council Reimbursement Policy

Statutory Authority: RCW 35A.13.040 provides in relevant part, “Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance.”

Policy Intent: The purpose of this policy is to address the City’s reimbursement of Councilmember expenses. Furthermore, it is recognized that providing for an allowance can be less expensive than submitting receipts for actual expenses if one takes into account the cost of City Staff time to process reimbursement requests. Therefore, it is the intent of this policy to provide a per diem for the Councilmember expenses (paid monthly) that are not covered in the City’s Travel Policies, Regulations, and Procedures, with the exception of cellular phone charges which is outlined below.

Cellular Phones.

Cellular phones are an important and necessary tool in the performance of Councilmember duties. Payment for Councilmember cellular phone use will only be allowed in accordance with this Policy.

It is preferred that a City-provided cellular device be used for City business. The reason for this is because a City-issued cell phone allows for standardization of equipment, the enforcement of security policies, and the consistent review of billing statements and compliance with Public Records Act and State Archivist requirements. However, a personal cellular device may be used in lieu of a City provided cellular phone at the discretion of the Councilmember.

A Councilmember may elect one of the following options as set forth below:

Option A--City provided cellular phone service. The Councilmember will be provided cellular phone service on the City’s cellular phone plan, which includes data plan access (Smartphone) if requested by the Councilmember. Cellular phones provided will be the same phones provided to other City employees. The Councilmember will also be provided one cellular phone case and one hands-free (Bluetooth) device. All equipment issued by the City will remain property of the City and the Councilmember will be responsible for protecting the equipment from loss or theft.

Councilmembers are not required to reimburse the City for *de minimis* personal calls as set forth in the City’s “USE OF CITY PROVIDED CELLULAR TELEPHONE POLICY” as doing so would require overly burdensome recordkeeping that would outweigh the costs recovered for personal calls. However, the use of City cellular phones *shall not be used for any purpose prohibited by law (for example, campaign purposes).*

Option B--Privately obtained cellular phone service. The Councilmember may utilize a personal cellular phone. In the event that a Councilmember utilizes their personal cellular phone service in lieu of City provided cellular phone service, the Councilmember will be entitled to receive a cellular phone allowance up to the cost paid by the City for phone service as provided

“ EXHIBIT A ”

in Option A. Appropriate payroll taxes on the allowance amount will be withheld, and the amount of the allowance will be included on the year-end W-2.

If a Councilmember selects *Option B*, they will be solely responsible for the purchase and maintenance of any cellular phone equipment and charges, including accessories (including but not limited to hands-free devices), and paying any associated charges. The City will not provide technical support for personal cell phones, except for limited support for data communication with the City's network for those authorized to have the ability to do so.

Internet and Miscellaneous Expenses

Members of the City Council rely on access to Internet communications and network-based electronic information resources to carry out the basic functions needed to support the City's business. This access is often needed at a Councilmember's home. Councilmembers can make significant contributions to City business and the City's mission outside normal business hours while conducting their Councilmember duties at home. These contributions are dependent on ubiquitous, reliable, and often high-speed Internet access. Members of the City Council also incur various expenses pertaining to their official duties.

Councilmembers may receive an allowance up to \$75.00 per month to cover the cost of home high-speed internet and miscellaneous expenses. Appropriate payroll taxes on the allowance amount will be withheld, and the amount of the allowance will be included on the year-end W-2.

Management Letter

City of SeaTac

January 1, 2009 through December 31, 2009

The City of SeaTac does not have adequate policies and procedures over expenditures to ensure they are for valid public purposes.

In 2009, the City budgeted \$237,051 for costs related to the operation of the City Council. We identified a lack of adequate policies and procedures over expenditures to ensure they are for a valid purpose, specifically in the following areas:

Cell phone use: The City has a policy that governs employees' cell phone use. However, the policy does not set guidelines or limits for allowable costs for cell phone services and/or cell phone accessories that employees may request for reimbursement. The City provided cell phones to most councilmembers. We identified \$2,118 in cell phone expenses for one councilmember for fiscal year 2009. The average annual cell phone cost for the remaining councilmembers was \$549 per member.

We also identified costs incurred for cell phone accessories, a Bluetooth device and a Blackberry cover, for which a councilmember requested reimbursement.

Meal reimbursements: The City lacks a policy that authorizes paid meals for meetings that occur when employees and officials are not in travel status. We identified six reimbursements totaling \$145 for meals at local restaurants; none included documentation to support the public purpose for the meetings. In two instances, the receipts were not itemized.

Home internet service: The City paid for home internet service for all councilmembers, totaling \$3,825 in 2009. The City lacks a policy that governs the practice of reimbursing councilmembers for home internet service.

Conclusion

Without policies and procedures in place for these expenditures and reimbursements, it is not possible to determine if these expenditures are allowable or have a valid public purpose.

We recommend that the City establish policies and procedures to provide guidelines for the allowable costs associated with cell phone use, cell phone equipment reimbursements, meal reimbursements for local meetings and home internet service reimbursements.

ATTACHMENT #1

**PAYROLL/CLAIMS VOUCHERS WERE SENT
ELECTRONICALLY TO THE CITY COUNCIL
A HARD COPY OF THE VOUCHERS
CAN BE VIEWED IN THE CITY CLERK'S OFFICE**

SUMMARY OF PURCHASE REQUESTS \$5,000-\$35,000

For September 13, 2011 - Regular Council Meeting

Period ended September 9, 2011

<u>Item Description</u>	<u>Department</u>	<u>BARS Number</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>	<u>Additional Information</u>
Puget Sound Regional Council Membership Dues	Non-Departmental	001.000.99.519.90.49.054	\$10,300	\$10,300	\$10,407	7/1/11 - 6/30/12 PSRC Membership Dues
Fire Apparatus 121 Parts inc. Rear Springs and Complete Front Brake Replacement	Fire	001.000.09.522.20.31.007		\$30,000	\$8,788	No charge for 101.3 hrs. labor - \$8,788 is for parts only.
Remove / Replace Carpet in SeaTac Ctr. Common Areas	CED	108.000.12.594.58.62.012		\$17,250	\$18,000	Bids from \$16,750 - \$18,672
Tech. Review of Sound Transit Noise & Vibration Study	City Manager	106.000.03.547.10.41.000		\$0	\$14,470	Will be absorbed by reductions elsewhere.

Note: Expenditures over budget amount will be absorbed by reductions in other line items.

SUMMARY OF GRANT ACCEPTANCE APPROVAL \$5,000-\$35,000

For September 13, 2011 - Regular Council Meeting

Period ended September 9, 2011

<u>Item Description</u>	<u>Department</u>	<u>BARS Number</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>	<u>Additional Information</u>
Emergency Management Performance Grant (EMPG)	Fire	001.333.97.04.000		\$5,890	\$5,890	Reimbursement for Emergency Management expenditures

SUMMARY OF DONATIONS \$500 OR GREATER
For September 13 - Regular Council Meeting
Period ended September 9, 2011

<u>Donor Name</u>	<u>Description</u>	<u>Amount</u>
24-Hour Fitness	1 - Flex Performance 4 stage gym 1 - Hammer Strength seated shrug 1 - Hammer Strength ISO pull down machine 1 - Hammer Strength ISO shoulder press 1 - Hammer Strength ISO lateral High row 1 - Hammer Strength ISO incline press 4 - Life fitness 95-- HR treadmills 1 - Flex Fitness leg press, 2 - Body master incline sit-up bench, 1 - Life fitness 9500 HR stationary bike 2 - weight stands.	\$21,500 (Estimated)

The above fitness equipment was donated by 24-Hour Fitness. They gym was relocating and decided not to take some of the original equipment so they made a donation to the City of SeaTac Fire Department. The equipment was used to equipment the exercise room at Station 46. The above equipment if purchased new would be valued at approximately \$50,000. The estimated used value at time of donation was \$18-25,000



Transportation and Public Works Committee Meeting

April 26, 2011

4:00 PM/Airport Conference Room - 345

<u>Present:</u>	<u>Present:</u>	<u>Absent:</u>	<u>Commence:</u>	<u>Adjourn:</u>
Ralph Shape, Chair	X		4:00pm	5:04pm
Mia Gregerson	X			
Rick Forschler	X			

Other Councilmembers present: Pam Fernald
Staff Coordinator: Tom Gut, Public Works Director

AB #	Topic	Disposition
3323	1. Motion declaring vehicles and miscellaneous equipment to be surplus, approving same to be sold at public auction, and approving replacement purchases	<input checked="" type="checkbox"/> Informational Update <input type="checkbox"/> Recommended for: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Referred to 5/10/11 RCM
	<p><i>Comments: A proposal to surplus and purchase vehicles and equipment was presented as approved in the 2011 Budget with an exception. The proposal adds surplus two vehicles without replacement due to elimination of various staff positions. All proposed replacements meet the criteria approved the Committee with one exception. Although there currently is no sedan in the fleet that satisfies the replacement criteria, it is proposed to replace the oldest sedan with an electric vehicle. An electric vehicle purchase at this time would contribute to promoting the City's leadership in alternative fuel technologies. A public or private charging station would need to be installed for this vehicle. Delaying the replacement of vehicles was discussed. Repair costs for these vehicles would probably increase.</i></p>	
AB #	Topic	Disposition
	2. Continued discussion of electric vehicle charging station installation at City Hall	<input checked="" type="checkbox"/> Informational Update <input checked="" type="checkbox"/> Recommended for: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Referred to 5/24/11 T&PW and 6/14/11 RCM
	<p><i>Comments: A regional exhibit was distributed showing the location of proposed Level 2 Electric Vehicle Charging Stations throughout King County. Installing a charging station at SeaTac City hall would provide convenient access to traffic on the I-5 Corridor. Two vendors are available to install the charging station, Charge Northwest and Ecotality. The City of Redmond has a station and they are providing the service at no charge initially to promote the technology. The station would serve two vehicles at a time and a full charge takes four hours.</i></p>	

AB #	Topic	Disposition
	3. Discussion of King County Solid Waste	<input checked="" type="checkbox"/> Informational Update <input type="checkbox"/> Recommended for: <input type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Referred 5/24/11 T&PW presentation by King County Solid Waste staff
	<p>Comments: <i>A presentation was made on the King County Solid Waste System. All solid waste generated within King County, except Seattle, is processed by King County. Allied Waste Services has a franchise with the City for solid waste, including recyclables, collection. Allied Waste Services pays a tipping fee to King County. SeaTac is a member of the Municipal Solid Waste Management Association Committee (MSWMAC). Cedar Hills is the only remaining solid waste landfill in King County. Construction of expanded facilities at Cedar Hills would extend the expected closure date to 2024. The current improvements to the Bow Lake Recycling and Transfer Station were presented. King County also provides services to the City including recycling grants and assistance with illegal dumping.</i></p> <p><i>King County is proposing a tipping fee increase from \$95 to \$108 per ton. It is anticipated the fee increase would translate to an increase of \$0.76 per month to residential customers. The ILAs between King County and 37 cities expired in 2028. Staff will be working with King County to adopt a new ILA between October, 2011 and March, 2012.</i></p>	
AB #	Topic	Disposition
	4. Introduction to upcoming Transportation Improvement Plan (TIP) process	<input checked="" type="checkbox"/> Informational Update <input type="checkbox"/> Recommended for: <input type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Referred to 5/24/11 T&PW
	<p>Comments: <i>An introduction to the 2012-2021 Transportation Improvement Program (TIP) was presented. The 28th/24th Extension was proposed to be added to the TIP beginning in 2012. This project would extend new roadway, sidewalks and bike lanes south from S 202nd to S 208th Street. The project completes the corridor and provides an alternative to International Boulevard for access to the Sound Transit Station at S 200th Street. Options were discussed for the location of the 2012 sidewalk project. Staff asked for Council input on the TIP which would then be included in the 5/24/11 presentation to the T&PW Committee.</i></p>	

City of SeaTac

Joint City Council / Planning Commission

Workshop Minutes Synopsis

July 26, 2011
5:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council/Planning Commission Workshop was called to order by Mayor Terry Anderson at 5:08 p.m.

COUNCIL PRESENT: Mayor Terry Anderson, Deputy Mayor (DM) Gene Fisher, Councilmembers (CMs) Rick Forschler, Ralph Shape, Anthony (Tony) Anderson, Pam Fernald and Mia Gregerson (*arrived at 5:12 p.m.*).

PLANNING COMMISSION (PC) PRESENT: Vice Chair Roxie Chapin, Members Barry Ladenburg, and Tom Dantzer. Absent: Chair Daryl Tapio.

STAFF PRESENT: City Manager Todd Cutts, Senior Assistant City Attorney Mark Johnsen, City Clerk Kristina Gregg, Community & Economic Development (CED) Director Cindy Baker, Senior Planner Kate Kaehny, Associate Planner Anita Woodmass, Economic Development (ED) Manager Jeff Robinson, and Acting Principal Planner Al Torrico.

DISCUSSION ITEM:

•City Center Park and Fly Code Update

Senior Planner Kaehny highlighted revisions to the Park-and-Fly Code Review and Adoption Process: September 6 - new tentative date for the Joint Council / PC Public Hearing (PH), and September 20 – PC recommendation.

CM Gregerson arrived at this point in the meeting.

She stated that September 27 is the earliest date for Council review and action if the state grants expedited code review. Alternate dates are October 11 and 25.

Ms. Kaehny recapped the July 12 Workshop Topics. The AHC is proposing two different parking models for consideration which Ms. Kaehny detailed – Model 1: similar to existing program, and Model 2: form based program. The AHC is requesting that Council and PC select a model and development standards.

Council, PC and staff discussed the models, building types, and number of stalls allowed.

Associate Planner Woodmass provided an overview of the proposed Park-and-Fly Development Standards: (1) Site Design / Layout, (2) Commercial / Retail Building Design, (3) Parking Structure Design; and (4) Bonus Program (Model 1 only).

Site Design/Layout

The AHC agreed to maintain existing code for building orientation, pedestrian circulation, landscaping, and streetscape design.

The AHC proposed changes to the following:

- Public Open Space – 5% of site (instead of 10% of site) plus design standards;
- Building Lot Coverage – Model 1-75% (current code), Model 2-split vote for 75% (current code) or 80% (requires Council decision);
- Vehicle Circulation – remove standard (if developer constructs a street, must be per specific City Center code requirements), and Citywide Title 11 Road Standards will apply; and
- Parking Structure per Development Site – Model 1 – only 1 parking structure per development site, but lots can be subdivided to create more sites (current code doesn't allow for subdividing), and Model 2 – more than 1 parking structure per development site.

Commercial Building Design

The AHC agreed to maintain existing code for Transparency (windows), Weather Protection, Building Height, Vertical Façade Changes: Non Street Facing, and Horizontal Façade Changes: Non Street Facing.

The AHC proposed changes to the following:

- Façade Treatment up to Second Story (new standard) – Ground Floor: Comply with ground floor requirements for commercial space, windows, and weather protection and Second Floor: building façade to have appearance of commercial/office building or unique high quality architectural treatment;
- Commercial Space Depth (ground floor) – 30 feet (ft.) minimum (current code: 20 ft. minimum);

DISCUSSION ITEM (Continued):
City Center Park and Fly Code Update (Continued):

Commercial Building Design (Continued):

- Commercial Ceiling Height (ground floor) – remove standard and have no requirement (current code: 10 ft.);
- Vertical Façade Change: Street facing – required every 40 ft. (current code: required every 80 ft.);
- Horizontal Façade Change: Street facing – remove the 150 ft. requirement. Building must have differentiated base, middle and top;
- Architectural Focal Points (new standard) – required on any building façade that can be seen from public view; and
- Architectural Focal Points on Corners – focal point is required but more choices available for developer to satisfy this requirement.

Parking Design Standards

The AHC agreed to maintain existing code for Roofline Variation, Pedestrian Building Entrances, and Parking Entrances.

The AHC proposed the following changes:

- Building Materials (new standard) - materials must be high quality, durable and a combination of brick, wood, stone, and textured concrete;
- Prohibited Screening Materials (new standard) - prohibited materials listed including: mirror glass, corrugated fiberglass, and chain link fencing;
- Screening: Upper Floors – retain code but remove option for planter boxes;
- Screening: Ground Floor – retain code but remove glass window display cases option and allow transparent or opaque glazing;
- Blank Walls – remove standard as it is covered by other sections of the code; and
- Crime Prevention Through Environmental Design (CPTED) – maintain current code with four additional new standards (requested by Police Department).

Bonus Program – Applies to Model 1 Only

The AHC agreed to maintain existing code for Water Feature/Public Art.

The AHC proposed changes to the numerical values as follows:

- Right-of-Way (ROW) Bonus – 1 stall per 100 square feet (sq. ft.) of ROW per City Center Plan (currently 1 stall per 150 sq. ft.);
- Public Open Space Bonus – 1 stall per 100 sq. ft. of Open Space (currently 1 stall per 150 sq. ft.);
- Commercial/Service/Residential Space Bonus – 1 stall per 25 sq. ft. of space (currently 1 stall per 250 sq. ft.); and
- Hotel/Motel Unit Bonus – 1 stall per hotel/motel unit (currently .5 stall per unit).

Discussion ensued regarding the bonus program

ADJOURNED:

Mayor T. Anderson adjourned the Council Workshop at 5:52 p.m.

City of SeaTac

Council Workshop Minutes Synopsis

August 9, 2011
5:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Workshop was called to order by Mayor Terry Anderson at 5:04 p.m.

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

STAFF PRESENT: City Manager Todd Cutts, City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Program Manager Soraya Lowry, Economic Development (ED) Manager Jeff Robinson, Senior Assistant City Attorney Mark Johnsen, and Acting Principal Planner Al Torrico.

DISCUSSION ITEM:

•South Link Extension Project Update

Sound Transit Interim Project Director Ron Lewis introduced Perkins+Will Design Principal Martin Nielsen, Project Manager Mark Johnson, and Manager of Architecture and Art Debora Ashland.

Mr. Lewis stated that on July 28, the Sound Transit Board adopted the accelerated schedule.

The next public meeting is scheduled for October 5 at SeaTac City Hall.

Mr. Lewis provided an overview of the project alignment, facilities and key stakeholders. He stated that the guideway alignment has been revised to optimize light rail operations.

Sound Transit has an ongoing effort on community outreach to local residents and businesses.

Mr. Johnson reviewed some of the design elements of the project, including the guideway, station, bicycle and pedestrian facilities, and a traffic plan that makes access to and from the station easy and direct.

Mr. Neilson detailed the station and platform elements, including parking garage/supplemental parking on Dantzler property, 60% of platform covered with a roof, 6,000 square feet (sq. ft.) of potential retail, landscaping the station theme of Environment in Motion, and views.

Mr. Lewis detailed the parking plans. It is expected that the parking demand will be the greatest starting in 2016 and until light rail is extended to Federal Way. Supplemental surface parking is being proposed for the interim period until light rail extends south.

Council discussion ensued regarding this project.

Mr. Lewis stated that Sound Transit will continue moving this project forward with a good momentum (including issuing a notification of procurement for this design-build project and Request for Proposals [RFP] for a design-build team, and continuing to work with the City of SeaTac on permitting).

PUBLIC COMMENTS: Doris Cassan stated that while this project will be paid for in part by grants, this is still tax payers' money. She explained that property has been taken from business owners for this project and it is disrespectful for riders to ride without paying. There is no way of checking that all riders have paid.

Ms. Ashland stated that now that the board adopted the expedited schedule, staff will be moving forward to hire additional artists.

ADJOURNED:

Mayor T. Anderson adjourned the Council Workshop at 5:48 p.m.



Transportation and Public Works Committee Meeting

July 26, 2011

4:00 PM/Airport Conference Room - 345

Present:

Ralph Shape, Chair
Mia Gregerson
Rick Forschler

Present:

X
X
X

Absent:

Commence:

4:00 PM

Adjourn:

5:00 PM

Other Councilmembers present: Pam Fernald
Staff Coordinator: Tom Gut, Public Works Director

AB #	Topic	Disposition
	1. Discussion and consideration of changing LUP and T&PW Committees' meeting times	<input checked="" type="checkbox"/> Informational Update <input type="checkbox"/> Recommended for: <input type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Referred to staff to prepare Ordinance for 9/13/11 RCM
	<i>Comments: City Manager presented an option to change T&PW Committee meeting time to 2:30 PM and LUP Committee to 4:00pm. The decision was made to schedule T&PW from 2:30PM to 3:30PM and LUP from 3:30PM to 5:00PM on the fourth Tuesday of every month. This schedule change will be presented to full council as an Ordinance at the September 13 Regular Council Meeting.</i>	
3357	2. Amendment to "Allied Waste Services of Kent" contract	<input checked="" type="checkbox"/> Informational Update <input checked="" type="checkbox"/> Recommended for: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Referred to 8/9/11 RCM
	<i>Comments: The City has an existing contract with Allied Waste Services of Kent. This amendment would add materials to the list of acceptable recyclables; offer smaller cart sizes for yard waste that allows food organics for recycle. There would be a smaller charge for the smaller yard waste containers and no other fee increases will occur. Staff will also recommend these changes to neighboring cities.</i>	

	3. Update on Seattle City Light's Strategic Plan	<input checked="" type="checkbox"/> Informational Update <input type="checkbox"/> Recommended for: <input type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input type="checkbox"/> Referred to
	<p>Comments: <i>The core elements of Seattle City Light's strategic plan were presented. The plan focuses on serving customers, attracting and retaining a high performance workforce, maintaining assets, and excellent service to municipalities. The plan will be presented to the Seattle City Council for approval. Council requested similar information on Puget Sound Energy.</i></p>	
3356	4. Motion authorizing the City Manager to accept grant funding from Washington State Department of Transportation (WSDOT) to support Commute Trip Reduction, and authorizing the City Manager to execute an agreement with King County Metro Transit (Metro) to implement the City's Commute Trip Reduction program	<input checked="" type="checkbox"/> Informational Update <input checked="" type="checkbox"/> Recommended for: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Referred to 8/9/11 RCM
	<p>Comments: <i>The WSDOT grant would enable the City to continue to manage it's current Commute Trip Reduction program, involving 16 CTR-affected employer sites including City Hall. The majority of the grant funds are used to hire King County Metro to manage its program responsibilities with the other employer sites. The City has entered into similar agreements since 1993.</i></p>	
	5. Briefing on the Governor's "Connecting Washington Task Force"	<input checked="" type="checkbox"/> Informational Update <input checked="" type="checkbox"/> Recommended for: <input type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Referred to staff to apply for FMSIB grant
	<p>Comments: <i>The Governor has formed a Task Force with the mission of identifying a sustainable revenue source for maintenance and preservation of transportation infrastructure. There are two opportunities for SeaTac to benefit from this task force's efforts, 1) pavement overlay funding and 2) funding for the SR509 project in addition to tolling. In addition, the Freight Mobility Strategic Investment Board has put out a call for projects for grant funding. The Committee approved applying for grant funds for 28th/24th Street extension project.</i></p>	

	<p>6. Update on Comcast Franchise negotiation</p>	<p><input checked="" type="checkbox"/> Informational Update <input type="checkbox"/> Recommended for: <input type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Referred to staff to prepare Ordinance for 9/13/11 RCM</p>
<p>Comments: <i>Negotiations are in progress with Comcast on a renewed franchise agreement. Some elements will be addressed by Ordinance rather than in the franchise agreement. A request was made of the City to file for certification to regulate basic cable service rates. If we meet minimum qualifications and are certified, staff time would be needed to monitor basic service rates. Premium cable services would not fall under our management.</i></p>		
	<p>7. Cancellation of August T&PW Committee meeting</p>	<p><input checked="" type="checkbox"/> Informational Update <input type="checkbox"/> Recommended for: <input type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input type="checkbox"/> Referred to</p>
<p>Comments: <i>The Committee agreed to cancel the August T&PW Meeting.</i></p>		



Administration and Finance Committee Minutes

Tuesday, August 9, 2011
3:00 PM
Council Chambers

Members:	Present:	Absent:	Commence:	3:04 p.m.
			Adjourn:	3:32 p.m.
Gene Fisher, Chair	X			
Tony Anderson	X			
Rick Forschler	X	(arrived at 3:11 p.m.)		

Other Councilmembers Present: Mayor Terry Anderson, Councilmember Ralph Shape

Staff Coordinator: Brenda Rolph, Assistant Finance Director

<p>1. Health Reimbursement Agreement Forfeiture Account – Anh Hoang</p>	<p><input checked="" type="checkbox"/> Informational Update <input type="checkbox"/> Recommended for: <input type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input type="checkbox"/> Referred to _____</p> <p>Human Resources Director Hoang answered the question asked by Council about what happens to the balance in a participant's VEBA account if they die. She stated that the balance would go to the surviving dependent (spouse or qualified child as defined by IRS regulations). If there are no dependents, the balance would be returned to the City and be split equally between the other participating members. A possible option could be that in the event there was money forfeited due to no eligible dependents, the City would use the balance to pay for future VEBA premiums instead of drawing from City funds. The Committee did not support the option of utilizing a participant death forfeiture account.</p> <p>The question was asked about whether the money currently contributed into the VEBA could instead be contributed into a retirement plan or the City's available health plan. Human Resources Director Hoang stated that contributing to a retirement plan would be considered compensation. Enrolling in a health plan would be considered a benefit. The VEBA plan is an "all or nothing" participation. The City's current health plan is a majority participation. She stated that any change would need a majority vote and action would need to be taken before new Councilmembers are elected.</p>
---	---

<p>2. PVRB Request for Finance Director – Todd Cutts</p>	<p><input type="checkbox"/> Informational Update <input checked="" type="checkbox"/> Recommended for: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input type="checkbox"/> Referred to _____.</p> <p>City Manager Todd Cutts recommended that the recently vacated Finance Director position be filled with an Interim Finance Director (IFD). The new Finance Director, William Thomas, resigned to accept a post with his previous employer leaving the position unfilled. As this position is critical to the fiscal operations of the City, hiring an IFD would be a stop gap measure to get through the budget.</p> <p>The IFD would be a permanent employee for a term of six months, the probation period of a new employee. The City would advertise for the position in December.</p>
<p>3. Contract – The Andover Company – Pat Patterson</p>	<p><input type="checkbox"/> Informational Update <input checked="" type="checkbox"/> Recommended for: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Referred to <u>9/13/11 RCM</u>.</p> <p>Facilities Manager Pat Patterson introduced Connie Boyle from the Andover Company (listing agent with SeaTac Center). The recommendation is to secure leasing services from the Andover Company for the available space on the second floor. The 5,700 sq. ft. space has been open since April, 2011. The terms would be for a minimum of three years at \$17/per sq. ft.</p> <p>A question was asked about the commission. Andover would get 5% commission on the value of the lease for the full term. If the lease has a renewal clause attached, Andover gets no further commissions. If they solicit and secure a renewal from an existing tenant, they are entitled to 4% of the additional lease term value.</p> <p>Facilities Manager Pat Patterson will be bringing an agenda bill forward at the next Council meeting.</p>
<p>4. Parks & Recreation</p>	<p><input type="checkbox"/> Informational Update <input checked="" type="checkbox"/> Recommended for:</p>

<p>Scholarships Funds Transfer – Colleen Brandt-Schluter and Brian Tomisser</p>	<p><input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input type="checkbox"/> Referred to _____</p> <p>Recreation Supervisor Brian Tomisser requested a transfer of \$15,000 from the Human Services Reserve to go to the Parks & Recreation Scholarship program. They have seen more demand due to the economy. Approximately \$21,000 has been spent so far, and it is estimated that all of it will be spent by Labor Day. Colleen Brandt-Schluter has consulted her advisory board, and they are in support of the transfer. A question was asked if these funds were part of the 1 1/2% Human Services allocation in the budget. City Manager Cutts responded that there is \$40,000 in Human Services Reserves (a two year cycle) in the budget. The request is to use \$15,000 of that reserve.</p>
<p>5. City Councilmembers and City Manager Future Travel Authorizations and Completed Travel Approval of City Credit Card Payments and Personal Reimbursements – Brenda Rolph</p>	<p><input type="checkbox"/> Informational Update <input checked="" type="checkbox"/> Recommended for: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input type="checkbox"/> Referred to _____</p> <p>Copies of travel authorizations for the following NLC conferences were submitted for consideration:</p> <p>NLC – PSCPB Steering Committee Meeting, Ridgeland, MS. Sept. 7-10, 2011 (cost \$1,650) – Deputy Mayor Fisher.</p> <p>NLC – Transportation Infrastructure & Services Committee Meeting, New Orleans, LA, Sept. 8-10, 2011 (cost \$778) - Councilmember Tony Anderson.</p> <p>NLC – Conference, Phoenix AZ, Nov. 8-12, 2011 (cost \$2,401/each) – Councilmembers Shape, Tony Anderson, and Deputy Mayor Fisher.</p>
<p>6. Next Meeting</p>	<p>September 13, 2011</p>



Public Safety and Justice Committee Minutes

Tuesday, August 9, 2011
4:00 PM
Council Chambers

Members:	Present:	Absent:	Commence: 4:02pm
			Adjourn: 4:50pm
Tony Anderson, Chair	X		
Pam Fernald	X		
Gene Fisher	X		

Other Councilmembers Present: Terry Anderson, Ralph Shape, Rick Forschler

Staff Coordinator: Fire Chief Jim Schneider and Police Chief Jim Graddon

<p>1. Medical Marijuana Dispensary & Collective Garden Moratorium - Mary Mirante-Bartolo</p>	<p><u>X</u> Informational Update <u>X</u> Recommended for: <u>X</u> Approval ___ Approval with modifications ___ Denial <u>X</u> Referred to <u>08-09-11 RCM.</u> <i>City Attorney Mary Mirante-Bartolo reported on the proposed Interim Ordinance to adopt a moratorium on the establishment of "Medical Cannabis Dispensaries" and "Collective Gardens" in the City of SeaTac. The proposed Ordinance also defines medical cannabis dispensaries and collective gardens, establishes a date for a public hearing on the moratorium, and declares an emergency so the proposed Interim Ordinance can be effective immediately upon adoption. At present, State Law regarding medical cannabis is in conflict with Federal Law. The Engrossed Second Substitute Senate Bill 5073 (E2SSB 5073) passed the State Legislature on April 22, 2011, and was partially approved by the Governor. The Governor vetoed all of the sections dealing with the state licensing of production and licensed dispensaries of medical marijuana. E2SSB 5073 provides that cities may adopt and enforce zoning regulations, business license requirements and business taxes for collective gardens. This puts cities and staff in direct conflict with Federal Law. The proposed Interim Ordinance establishes a moratorium that gives the City time to review how other jurisdictions are dealing with this issue and determine what, if any, specific zoning and/or development regulations should apply to collective gardens. Issaquah, Maple Valley, Kirkland, Sammamish, North Bend, Kent & Edmonds have adopted similar moratoriums. The Interim</i></p>
--	---

	<p><i>Ordinance also establishes a moratorium for medical cannabis dispensaries to allow for a thorough review of regulations. RCW 36.70A.390 authorized cities to impose moratoria to maintain the status quo while considering impending zoning, land use or similar regulations. The moratorium may be adopted without holding a public hearing, however, a hearing shall be held within sixty (60) days of its adoption. The committee recommended approval of the Interim Ordinance.</i></p>
<p>2. 2011 Interlocal Agreement Between the City of SeaTac & Kent Fire Department RFA - 2nd Qtr Update - Jim Schneider</p>	<p><input checked="" type="checkbox"/> Informational Update <input type="checkbox"/> Recommended for: <input type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input type="checkbox"/> Referred to _____.</p> <p><i>Fire Chief Jim Schneider distributed a handout to the committee providing an update for the second quarter of 2011 on the Interlocal Agreement between the City of SeaTac and the Kent Fire Department RFA. The handout detailed highlights of services performed under the ILA during the second quarter for Chief Administrative Services, Emergency Management Services, Fire Prevention Services, Fire Investigation Service, and Training Services through the Training Consortium. Chief Schneider reported that the Blue Card Incident Command Training is almost complete (99.9%). When the training is complete, SeaTac Fire will have met the requirements identified by Labor & Industries to satisfy the citation that they received from L&I in 2010.</i></p>
<p>3. Fire Monthly Statistics for July & Public Education Events for August - Jim Schneider</p>	<p><input checked="" type="checkbox"/> Informational Update <input type="checkbox"/> Recommended for: <input type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input type="checkbox"/> Referred to _____.</p> <p><i>Fire Chief Jim Schneider distributed a handout detailing Fire Department statistics for July and Public Education Events that are scheduled for August. EMS calls represented 59.9% of the total calls for service in the month of July. Chief Schneider reported that the EMPG (Emergency Management Performance Grant) grant that SeaTac Fire had applied for had been approved. Some of the money from the EMPG grant will be used to pay for the VISTA employee that is scheduled to come on board on September 2.</i></p>

<p>4. Military Surplus Equipment - Annette Louie</p>	<p><input checked="" type="checkbox"/> Informational Update <input checked="" type="checkbox"/> Recommended for: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input type="checkbox"/> Referred to _____.</p> <p><i>Captain Annette Louie reported on a program that is offered by the Federal Government (Defense Logistics Agency) that would enable the SeaTac Police Department to obtain demilitarized property (ballistic helmets, gear pouches, night vision, etc.) at no cost. The program requires an annual fee of \$400 in order to participate, however, once the \$400 is paid, all of the equipment received for the rest of the year would be free. Some equipment would have to be inventoried and tracked while in use. Other equipment could be used for one year and then discarded or considered surplus. The available equipment is offered via a website. Other local law enforcement agencies are already participating in this program. The committee approved going forward with the application process.</i></p>
<p>5. South King County Gang Activity - Jim Graddon</p>	<p><input checked="" type="checkbox"/> Informational Update <input type="checkbox"/> Recommended for: <input type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input type="checkbox"/> Referred to _____.</p> <p><i>Police Chief Jim Graddon provided the committee with information on recent gang activity in the South King County area. In response to the shooting that occurred at an auto show in Kent, the Police Chiefs have put together a collaboration of South King County Agencies to provide resources to work on that incident and some of the regional gang related issues. Efforts will be placed on intelligence gathering and focused arrests. SeaTac Police will assign one undercover detective to participate in this program on a short-term basis. SeaTac Police has some funding specifically identified for gang training and officers continue to receive training in anti-gang interdiction processes. SeaTac Police also offers the G.R.E.A.T. (Gang Resistance Education and Awareness Training) program at Chinook Middle School and has begun an anti-graffiti campaign to bring awareness to citizens and property owners about different types of graffiti (tagging and gang-related) and provide resources to them if they are victims of graffiti.</i></p>

6. Police Crime Statistics - Jim Graddon	<p><input checked="" type="checkbox"/> Informational Update <input type="checkbox"/> Recommended for: <input type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input type="checkbox"/> Referred to _____.</p> <p><i>Police Chief Jim Graddon distributed copies of crime statistics for the month of July. The statistics reflected an increase in auto theft and robberies. Chief Graddon reported that the SeaTac Police had made recent arrests of three subjects who were identified and may be involved in some of these crimes.</i></p>
7. Next Meeting	September 13, 2011

City of SeaTac

Regular Council Meeting Minutes

August 9, 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 (*left at 8:33 p.m.*), Councilmembers (CMs) Rick Forschler, Anthony (Tony) Anderson, Ralph Shape, Pam Fernald, and Mia Gregerson.

STAFF PRESENT: City Manager Todd Cutts, City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Administrative Assistant III Amber Russ, Administrative Captain Annette Louie, Human Resources (HR) Director Anh Hoang, Public Works (PW) Director Tom Gut, Human Services (HS) Manager Colleen Brandt-Schluter, Fire Marshall Jon Napier, Community and Economic Development (CED) Director Cindy Baker, Senior Assistant City Attorney Mark Johnsen, Police Chief Jim Graddon, and Fire Chief Jim Schneider.

FLAG SALUTE: King County (KC) Districting Committee Member Sally Nelson led the Council, audience and staff in the Pledge of Allegiance.

PUBLIC COMMENTS: Nathanael Engen requested sidewalks on South 180th Street, behind the Marriott Hotel due to kids and employees walking on the well traveled vehicle road.

Wendy Morgan, representing a group, spoke against the change in form of government.

Leonard Luna, regarding an e-mail incident that occurred in April 2011, requested CM Gregerson be reprimanded for it and that she resign.

Earl Gipson, representing a group, spoke in support of Agenda Bill #3347.

Barry Ladenburg spoke against the change of form of government.

Vicki Lockwood spoke in favor of the change of form of government.

PRESENTATIONS:

•Introduction of New Employee: Administrative Assistant III Amber Russ

City Manager Cutts introduced Ms. Russ.

•Council confirmation of Mayoral appointments/re-appointments of Jeffrey Bauknecht, Caroline Curtis, Vickie Molzer, Cathy Heiberg and Frank Welton to the Hotel/Motel (H/M) Tax Advisory Committee and John Glover to the Library Advisory Committee

MOVED BY SHAPE, SECONDED BY GREGERSON TO APPROVE THE APPOINTMENT OF JEFFREY BAUCKNECHT, CAROLINE CURTIS, VICKIE MOZLER, CATHY HEIBERG AND FRANK WELTON TO THE HOTEL/MOTEL TAX ADVISORY COMMITTEE AND JOHN GLOVER TO THE LIBRARY ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Mayor T. Anderson presented the certificates to Mr. Baucknecht, Ms. Curtis, and Ms. Mozler. Ms. Heiberg, Mr. Welton, and Mr. Glover were not in attendance. Their certificates will be mailed to them.

•County, State Legislative and Congressional Redistricting Efforts

KC Districting Committee Member Sally Nelson gave an overview of the KC Districting Committee. The committee has two requirements: (1) complete the task on time (January 2012) – committee is ahead of schedule and hopes to be completed with requirements by October; and (2) stay within budget – committee is well below the budget. The committee has four members from across the nine county region and were selected by the KC Council. All four members of the committee volunteer because they have a passion about being sure everyone is equally represented.

The committee is tasked with redrawing the nine County districts. SeaTac is in the 5th District. Every 10 years law requires this to be done based on the federal census to be sure that each district has an equal representation of population. The target population per KC district for 2011 is 214,500. The committee has full authority to decide how the maps will be drawn.

PRESENTATIONS (Continued):

County, State Legislative and Congressional Redistricting Efforts (Continued): The committee is required to look at the following: compact, contiguous, recognized sometimes by manmade or natural boundaries, and preserve as much as possible existing community interests. Four draft maps have been provided for public comment. District 5 must shrink by 658 while other districts need to shrink by 11,600 and 30,000.

She encouraged the SeaTac City Council to discuss this issue at a future meeting and then contact the committee with the preferred map.

Washington State Redistricting Commission Outreach Coordinator Genevieve O'Sullivan stated that the commission deals not only with the state census numbers but also the national census numbers because it dictates where the 435 house seats go in congress. In 2011, Washington will gain a 10th seat. The ideal size for a congressional district is 672,000. SeaTac is currently in Districts 7 and 9.

For Legislative redistricting, the ideal number is 137,235.5. There will be a lot of movement across the state. Every district will need to adjust accordingly. She encouraged the City to keep an eye on the potential changes for both congressional and legislative districts in order to provide feedback.

Ms. O'Sullivan stated that the process was designed by citizens who felt the legislature was having trouble getting the maps done. In order so that the commission does not have a tie vote, three of the four members have to agree. This requires everyone to work together.

She stated that the timeline is as follows: May through August – public forums, August 15 – third party plans due, mid-September – draft plans released, November 1 – goal for completion of commissioners' congressional and legislative plans, January 1 - constitutional deadline, and February 10 - deadline for legislative amendments.

Suggested boundaries will be accepted until August 15.

She stated that the commission and status can be followed: website - www.redistricting.wa.gov, facebook, twitter, or listserv.

● **New Futures**

Executive Director Mario Paredes thanked the City for the opportunity to serve the community. New Futures has provided support services for children and families for the last 18 years. The main goal is to support refugees, immigrants and low income families to succeed in school and to become more active members of the society. New Futures advocates for clients and empowers clients to become successful in their lives.

Mr. Paredes introduced Windsor Heights Site Manager Kate Elias.

Ms. Elias detailed services provided at the Windsor Heights facility: after school programs for children in 1st through 12th grades, early learning programs for children ages 3 and 4, family advocacy, and providing a space that is safe, creative and empowering for the community.

New Futures Program Participant Angelica Granados explained how New Futures has touched her life.

● **State Legislative Session Update**

City of SeaTac's State Lobbyist Joe Daniels stated that the session went basically as predicted.

Mr. Daniels highlighted SeaTac specific issues:

- SR 509 - phase 2 funding removed from budget in favor of a public-private partnership (P3) feasibility study which would examine the possibilities of developing a P3 approach;
- Tourism promotion/lodging taxes - several bills introduced. The one that finally passed originally only allowed non-profit agencies to be eligible to compete for future tourism promotion funds. An amendment allowed "local public and non-profit" agencies to compete for these funds.

Next session will be more of the same; June revenue forecast was down, September forecast will be down, another order of executive cuts, and there could be another special session mostly focusing on fiscal issues.

Council discussion ensued regarding the bills addressed during the legislative session.

City Manager Cutts stated that the Council will be considering the next legislative session agenda for SeaTac issues in next couple of months.

PRESENTATIONS (Continued):

•Police Explorer Post 2052 Introductions

Administrative Captain Louie thanked Council for supporting the explorer program which was implemented this year. She introduced Sergeant Ted Boe who manages the explorer program.

Sergeant Boe stated that the primary goal of the program is challenging youth to become responsible citizens of their communities and the nation. The Explorers are taught life skills as well as law enforcement skills.

He introduced Community Service Officer (CSO) Mechee Burnett, Officers Hansen Sue and Ryan Abbott, and volunteer Robert Kahrig. He introduced the explorers in attendance: Sai Asuemu, Chad Bare, Youssouph Diallo, Rolando Hernandez, Unai Elisara, Cody Hansen, Juan C Rodriguez, Alejandra Rojas, and Antonio Zacarias.

Explorer Asuemu thanked Council for this opportunity.

•Council Consideration of Mayoral re-appointments of Harlan Feinstein and Cheryl Forbes to the Library Advisory Committee (Scheduled for Council Confirmation at the September 13, 2011 Regular Council Meeting [RCM])

Mayor T. Anderson announced her selection of Mr. Feinstein and Ms. Forbes to be re-appointed to the Library Advisory Committee at the September 13, 2011 RCM.

Council consensus: Referred to the 09/13/11 RCM for Confirmation of Appointment

DISCUSSION ITEMS:

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

City Manager Cutts reviewed the requests:

<u>Item Description</u>	<u>Department</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>
Civil Service Promotional Exam	Fire / HR	\$6,500	\$6,500	\$6,800
		\$1,381	\$1,381	\$2,000
		\$63,000	\$63,000	\$4,800

Council consensus: Referred to the 08/09/11 RCM Consent Agenda

•Summary of \$5,000 - \$35,000 Grant Acceptance Requests for the period ended August 5, 2011

City Manager Cutts reviewed the requests:

<u>Item Description</u>	<u>Department</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>
Coordination Prevention Grant	PW	\$29,219	\$29,219	\$29,219
Local Hazardous Waste Management Program Grant	PW	\$10,991	\$10,991	\$10,991

Council consensus: Referred to the 08/09/11 RCM Consent Agenda

AGENDA BILL PRESENTATIONS:

Agenda Bill #3347 – A Resolution calling for an election on the proposition of whether the City’s present Council-Manager plan of government should be abandoned and the Mayor-Council plan of government be adopted

Summary: A petition to abandon the existing Council-Manager form of government and adopt a Mayor-Council form of government was submitted to KC Department of Elections on June 15, 2011. Pursuant to State law, the petition must be signed by registered voters in a number equal to not less than ten percent of the votes cast at the last general municipal election. The number of votes cast at the last general election was 4,459. Therefore, there must be at least 446 signatures to file a sufficient petition. On June 28, 2011 the Elections Director determined the petition to be sufficient. Pursuant to Revised Code of Washington (RCW) 35A.06.050, the proposal for a change of the plan of government must be voted upon at the next general municipal election. The next general municipal election is scheduled for November 8, 2011. This Resolution includes the language of the ballot proposition, as certified by the City Attorney, pursuant to law, which is limited to no more than 75 words.

Following adoption of the Resolution, a certified copy shall be transmitted by the City Clerk to the KC Department of Elections for review as to legality by the Office of the Prosecuting Attorney, and for placement upon the ballot of the general election.

In the event the voters approve the change of plan of government, all incumbent CMs will retain their seats for the balance of their terms of office and the Council will be required to call for a special election of the Mayor.

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3347 (Continued): Since Council positions will be on the general election ballot, the addition of the subject proposition will not add any election costs.

City Attorney Mirante Bartolo reviewed the agenda bill summary.

Council consensus: Referred to the 08/09/11 RCM Consent Agenda

Agenda Bill #3358 – A Motion authorizing the City Manager to sign an Interlocal Cooperation Agreement for the Regional Affordable Housing Program (RAHP)

Summary: This Motion allows the City of SeaTac to participate in an Interlocal Agreement (ILA) in which KC would administer a regional fund to support the affordable housing initiative in KC. The agreement and administrative guidelines of the RAHP Interlocal spell out how funds from document recording surcharge are to be used to support affordable housing throughout KC. The agreement between the City and the County must be reviewed and authorized by Council and Administration for the years 2012-2014. SeaTac is already participating in the current agreement.

In 2002, the State Legislature created a surcharge on the document recording fee to support affordable housing projects at the state and local level. The County is allowed to keep 5% of this surcharge to cover the cost of collection and administration. Of the remainder, 40% is remitted to the State and 60% is retained by the County for use in the Housing Opportunity fund. These dollars are allocated to affordable income housing projects pursuant to the ILA between KC and suburban cities.

The Joint Recommendations Committee (JRC) is an inter-jurisdictional body that provides specific funding recommendations and advice on guidelines and procedures for KC and its consortia city partners on a wide range of housing and community development issues. The JRC was created through the interlocal cooperation agreements that formed the KC Community Development Block Grant (CDBG) Consortium, the KC HOME Investment Partnerships (HOME) Consortium and the KC RAHP Consortium, and is now codified in the KC Code in Title 24, Chapter 24.13.

SeaTac's participation in the planning process for the RAHP dollars, through the ILA, allows SeaTac to appoint a staff person to participate in the Interjurisdictional Advisory Group (IAG) and gives the opportunity to influence the use of county, state and federal dollars for affordable housing and community development purposes. HS Manager Colleen Brandt-Schluter has served in this capacity reviewing projects from the South KC (SKC) subregion and working with the County Housing and Community Development staff to make funding recommendations to the Interjurisdictional JRC. The IAG reviews not only RAHP dollars, but the federal CDBG Funds. It is those CDBG funds which SeaTac applies to annually to run the Minor Home Repair program.

HS Manager Brandt-Schluter reviewed the agenda bill summary.

CM Gregerson stated that the Land Use & Parks (LUP) Committee recommended this item for approval.

Council consensus: Referred to the 08/09/11 RCM Consent Agenda

Agenda Bill #3351 – An Ordinance adopting a new Section 13.150.270 related to enhanced 911 systems

Summary: An Enhanced 911 system provides the location, call back number and selective routing features for someone who has called 9-1-1. Private telephone systems may not always interface with the Enhanced 9-1-1 system. Private telephone systems that are not compliant with the Enhanced 9-1-1 system will cause a delay to emergency responders and prevent the dispatch center from calling back in the case of a hang-up.

RCW 38.52.505 provides that the State establishes rules on minimum information requirements of automatic location identification for the purpose of enhanced 911 emergency service. If the City wants to enforce these rules, they need to be adopted into the SeaTac Municipal Code (SMC).

This Ordinance creates a new Section 13.150.270 that adopts relevant sections of the Washington Administrative Code (WAC) pertaining to enhanced 911 systems. This Ordinance was also presented to the H/M Tax Advisory Committee for feedback. The committee wanted to ensure that the Ordinance ensured that the City and the property owners would work collaboratively to find a solution should a violation occur. This Ordinance was modified to reflect the committee's feedback to allow for the use of a correction agreement to address any needed corrections/modifications of the system.

Fire Marshall Napier reviewed the agenda bill summary.

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3351 (Continued): CM A. Anderson stated that the Public Safety & Justice (PS&J) Committee recommended this item for approval.

Council consensus: Referred to the 08/09/11 RCM Consent Agenda

Agenda Bill #3360 – An Interim Ordinance adopting a Moratorium on the establishment of Medical Dispensaries and Collective Gardens; defining “Medical Cannabis Dispensaries” and Collective Gardens;” providing for a public hearing (PH), declaring an emergency; and establishing an effective date

Summary: State Law regarding medical cannabis is in conflict with Federal Law. The partially vetoed version of Engrossed Second Substitute Senate Bill 5073 (E2SSB 5073) transfers many of the Governor’s concerns to cities.

E2SSB 5073 passed the State Legislature on April 22, 2011 and was partially approved by the Governor on April 29, 2011. The Governor vetoed all of the sections dealing with the state licensing of production and licensed dispensaries of medical marijuana. The portions of the bill not vetoed by the Governor amend the original Initiative 692 passed by voters in 1998. The sections of E2SSB 5073 that were approved by the Governor became effective on July 22, 2011 and will be incorporated into RCW 69.51A, the chapter dealing with medical use of marijuana. These provisions include Protection for Health Care Professionals, Protection for Qualifying Patients and Designated Providers, and Collective Gardens.

The Governor’s rationale for vetoing a majority of E2SSB 5073 was based upon an advisory letter she received from the U.S Department of Justice. This letter was solicited by the Governor wherein she sought guidance concerning the practical effect of legislation being considered by the State Legislature concerning medical marijuana. The U.S. Attorney’s letter advised the Governor that substantial portions of the medical marijuana bill was in direct conflict with the Federal Controlled Substances Act (CSA) and that State employees who conducted activities mandated by the Washington legislative proposals would not be immune from liability under the CSA.

E2SSB 5073 provides that cities may adopt and enforce zoning regulations, business license requirements and business taxes for collective gardens. This puts cities and their staff in direct conflict with Federal Law. Essentially, City staff is put in the same position that State employees would have been in, had the Governor not vetoed significant portions of the legislation.

This Interim Ordinance establishes a moratorium that gives the City time to review how other jurisdictions are dealing with this issue and determine what, if any, specific zoning and/or development regulations should apply to collective gardens. Even though the Governor vetoed the sections of E2SSB 5073 that pertained to medical cannabis dispensaries, this Interim Ordinance also establishes a moratorium for medical cannabis dispensaries. Although staff believes that medical cannabis dispensaries are illegal as a result of the Governor’s veto, there is enough confusion on this issue that it is prudent to include dispensaries in the moratorium. Adopting a moratorium pertaining to dispensaries allows thorough review to determine if any regulation is appropriate.

RCW 36.70A.390 authorizes cities to impose moratoria to maintain the status quo while considering impending zoning, land use or similar regulations. The moratorium may be adopted without holding a PH. However, a PH on the moratorium shall be held within 60 days of its adoption. The Council may maintain, modify or terminate the moratorium after the PH. Such action shall include findings of fact justifying the Council’s action if findings were not adopted before the PH. A moratorium cannot be in effect for longer than six months unless it is renewed. A PH is held and findings of fact are made prior to each renewal. This Interim Ordinance would be in effect until February 1, 2012, which is just shy of the six-month limit.

Finally, the Interim Ordinance contains findings and a declaration of an emergency to allow the Ordinance to take effect immediately upon passage. Without such a declaration of an emergency, the Ordinance would not become effective until five days after passage and publication (which is approximately 10 days after Council action).

Alternatives include the following:

(1) Do not adopt a moratorium. Because there are no current specific zoning regulations in place, it is possible that these uses may be allowed under the City’s current code. Any code determination by the City could be appealed and possibly overturned by the Hearing Examiner and potentially the Courts through a Land Use Petition Appeal (LUPA). Any permit applications and uses could be vested, and thus subsequent adherence to regulations would be difficult to achieve. In addition, if the City does not adopt a moratorium and the City receives land use or license applications pertaining to dispensaries or collective gardens, Staff decisions could conflict with Federal law.

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3360 (Continued): If the City Council desires certainty as to the zoning of medical cannabis dispensaries and collective gardens, a moratorium would allow in-depth review of the issue so that these uses can be properly zoned. In addition, a moratorium would allow the City Council to adopt any development regulations that would be appropriate for these uses.

(2) Postpone adoption of a moratorium until a later date. This would allow time for applications to be submitted that could vest prior to the adoption of a moratorium at a later date. Similar to alternative #1 above, subsequent regulation of these uses would be difficult to achieve.

(3) Adopt interim regulations until permanent regulations can be adopted. This is not recommended at this time because more analysis needs to be done in order to provide the City Council with the necessary information so that an informed decision can be made. However, the Council can provide direction to the City Manager to bring forward Interim Regulations in September, and the Council can consider those regulations in conjunction with the PH on the moratorium.

(4) Adopting permanent regulations at this time. This is not an option as there has not been the required public process under the Growth Management Act (GMA).

City Attorney Mirante Bartolo and CED Director Baker reviewed the agenda bill summary.

CM Forschler and DM Fisher spoke in favor of the moratorium.

CM A. Anderson stated that the PS&J Committee recommended this item for approval.

PUBLIC COMMENT (related to Agenda Bill #3360): Michael Kovacs spoke in favor of Agenda Bill #3360.

Council consensus: Referred to the 08/09/11 RCM Consent Agenda

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3353 – An Ordinance adopting a City Council Reimbursement Policy

Summary: The State Auditor provided the City with a Management Letter as part of the 2009 audit. This Management Letter stated that the City did not have adequate policies and procedures over certain expenditures to ensure that they are for valid public purposes. The State Auditor specifically addressed three separate areas pertaining to City Council expenses. These areas included cellular phones, internet service charges, and meals expenses when a Councilmember is not in travel status.

At the June 14, 2011 Administration & Finance (A&F) committee meeting, staff was requested to provide a draft reimbursement policy in the June 24 Council mail. The Committee requested a proposed policy that minimized the need for CMs to submit reimbursement requests by providing for an allowance in lieu of reimbursement. Additionally, the Committee requested that staff propose a suggested amount for an allowance that could be justified if questioned. Staff provided this information to Council. Staff was also directed to bring the draft policy to the July 12, 2011 A&F committee meeting for final review prior to placing the item on the Council agenda.

The proposed policy provides for either a City provided cellular phone or an allowance equal to the amount paid for a City provided cell phone. Staff is aware that some CMs do not want a City-issued phone as this would require them to carry multiple phones. Thus, the proposed policy provides the most flexibility while ensuring that the City does not overpay for cellular service by capping the allowance to the cost of a City-provided phone, which is currently \$55.53 per month.

Second, the policy provides for an allowance of up to \$75 to cover CM expenses including internet access. Currently, the City pays for five CMs internet access. The cost for these five CMs averages approximately \$54 per month. Some CMs also expressed interest in receiving reimbursement for miscellaneous expenses incurred while serving as a CM. Taking into account the cost of high speed internet, it appears that a total allowance of up to \$75 is reasonable.

This Ordinance will be effective September 1, 2011.

If all seven CMs receive the maximum reimbursement amount, the fiscal impact will be \$913.71 per month based upon the City's current cost for a City-provided cellular phone. This amount can be absorbed in existing budget through the remainder of 2011. Reimbursements in future years would require the Council to appropriate funds for these expenditures.

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3353 (Continued): Senior Assistant City Attorney Johnsen reviewed the agenda bill summary.

Council discussion ensued regarding this item.

CM Shape requested this item be discussed under Unfinished Business.

Council consensus: Referred to the 08/09/11 RCM Unfinished Business

Agenda Bill #3359 – A Resolution modifying the meeting times of Council Committees and repealing Resolution #10-005

Summary: By Resolution #10-005, the City Council established the schedule and start times for the meetings of Council Committees. The new schedule changes the time of LUP and Transportation & Public Works (T&PW) Committees pursuant to direction from the two committees. Under the new schedule, the T&PW Committee will meet on the fourth Tuesday of each month at 2:30 p.m. The LUP Committee will meet on the fourth Tuesday of each month at 3:30 p.m. The times for A&F and PS&J will remain the same.

Senior Assistant City Attorney Johnsen reviewed the agenda bill summary.

CM Shape stated that the T&PW and LUP Committees recommended this item for approval.

Council consensus: Referred to the 08/09/11 RCM Consent Agenda

Agenda Bill #3356 – A Motion authorizing the City Manager to accept grant funding from Washington State Department of Transportation (WSDOT) to support Commute Trip Reduction (CTR) and authorizing the City Manager to execute an agreement with King County Metro Transit (Metro) to implement the City's CTR program

Summary: The City of SeaTac is eligible to receive \$56,494 in grant funding through WSDOT, to continue implementation of the City's CTR program for a two-year period from July 1, 2011 to June 30, 2013. In addition, the City will enter into a \$47,474 agreement with Metro to implement the City's CTR plan with affected employers in the City.

The grant provides \$28,247 per year to the City or \$56,494 for the two-year period to continue plans and programs to reduce Vehicle Miles Traveled (VMT) and Single Occupancy Vehicle (SOV) commute trips and thereby reduce vehicle-related air pollution, traffic congestion and energy use. Further, the City must oversee the CTR programs of 16 area employer sites, and can achieve cost efficiencies and administrative consistency by contracting with Metro to implement the citywide program. The City and Metro have entered into similar agreements since 1993.

PW Director Gut reviewed the agenda bill summary.

CM Shape stated that the T&PW Committee recommended this item for approval.

Council consensus: Referred to the 08/09/11 RCM Consent Agenda

Agenda Bill #3357 – A Motion Authorizing the City Manager to execute a contract amendment with Allied Waste Services

Summary: The City and Rabanco Limited d/b/a Allied Waste Services of Kent entered into a contract for Comprehensive Garbage, Recyclables and Yard Debris Collection in March 2004, effective June 1, 2004. The contract is in effect until May 31, 2014.

Food scraps were added to the residential organics curbside collection in October, 2009. The curbside collection of food scraps is limited to hauler provided 96-gallon yard debris collection containers. This amendment provides two additional yard debris container sizes for residential curbside service, 32-gallon and 64-gallon totes. In addition, the amendment provides for commercial curbside food scraps collection in the 96-gallon yard debris tote. This will allow for increased opportunity and options for organics collection in SeaTac.

Second, recyclable material options have been revised since the 2004 contract. This amendment modifies the Recyclable Collection Materials accepted in SeaTac to include such items as clamshell containers, plastic bags and stretch wrap, clean plastic plant pots and plastic trays, currently not acceptable for residential curbside recycling.

This amendment has no fiscal impact. The additional service would not change the rates charged to customers.

PW Director Gut reviewed the agenda bill summary.

Council consensus: Referred to the 08/09/11 RCM Consent Agenda

CONSENT AGENDA:

- **Approval of claims vouchers** (check nos. 94914 – 95094) in the amount of \$1,970,806.44 for the period ended August 5, 2011.
- **Approval of payroll vouchers** (check nos. 49943 – 49991) in the amount of \$433,451.10 for the period ended July 31, 2011.
- **Approval of payroll electronic fund transfers** (check nos. 69192 - 69380) in the amount of \$415,628.32 for the period ended July 31, 2011.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$84,335.14 for the period ended July 31, 2011.
- **Summary of \$5,000 - \$35,000 Purchase Requests** for the period ended August 5, 2011.
- **Summary of \$5,000 - \$35,000 Grant Acceptance Requests** for the period ended August 5, 2011.

Approval of Council Meeting Minutes:

- **Council Workshop** held May 10, 2011.
- **Land Use and Parks Committee Meeting** held June 28, 2011.
- **Council Workshop** held June 28, 2011.
- **Joint City Council Planning Commission Workshop** held July 12, 2011.
- **Land Use and Parks Committee Meeting** held July 26, 2011.
- **Regular Council Meeting** held July 26, 2011.

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

Agenda Bill #3347; Resolution #11-005 calling for an election on the proposition of whether the City's present Council-Manager plan of government should be abandoned and the Mayor-Council plan of government be adopted

Agenda Bill #3358; Motion authorizing the City Manager to sign an Interlocal Cooperation Agreement for the Regional Affordable Housing Program (RAHP)

Agenda Bill #3351; Ordinance #11-1014 adopting a new Section 13.150.270 related to enhanced 911 systems

Agenda Bill #3360; Interim Ordinance #11-1015 adopting a Moratorium on the establishment of Medical Dispensaries and Collective Gardens; defining "Medical Cannabis Dispensaries" and Collective Gardens;" providing for a public hearing, declaring an emergency; and establishing an effective date

Agenda Bill #3359; Resolution #11-006 modifying the meeting times of Council Committees and repealing Resolution #10-005

Agenda Bill #3356; Motion authorizing the City Manager to accept grant funding from Washington State Department of Transportation (WSDOT) to support Commute Trip Reduction (CTR) and authorizing the City Manager to execute an agreement with King County Metro Transit (Metro) to implement the City's CTR program

Agenda Bill #3357; Motion Authorizing the City Manager to execute a contract amendment with Allied Waste Services

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

PUBLIC COMMENTS (related to the Consent Agenda): Earl Gipson requested Council consider having an open debate on the change of form of government. City Attorney Mirante Bartolo stated her concern with using the Council Chambers for that type of debate.

DM Fisher left at this point in the meeting.

*MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS:

Agenda Bill #3353; Ordinance adopting a City Council Reimbursement Policy

MOVED BY A. ANDERSON, SECONDED BY FORSCHLER TO PASS AGENDA BILL #3353.*

CM Shape stated his opposition to Agenda Bill #3353.

CM Forschler stated that this is a policy to be in compliance with the auditors request.

UNFINISHED BUSINESS (Continued):

Agenda Bill #3353 (Continued): CM A. Anderson stated this is not a pay increase, just another way of handling certain bills.

CM A. Anderson stated that the A&F Committee recommended this item for approval as is.

CM Shape requested this agenda bill be delayed to the next RCM.

CM Gregerson requested this item also be presented at the next A&F Committee meeting to be separated and discussed before going back to Council.

Agenda Bill #3353 was postponed to the September 13, 2011 A&F Committee Meeting and RCM.

NEW BUSINESS: There was no New Business.

CITY MANAGER'S COMMENTS: City Manager Cutts commented on the following: (1) attending the Washington City Manager's Association Conference during the week of August 15 and City Attorney Mary Mirante Bartolo will be Acting City Manager; (2) August 12, 12 – 12:30 p.m., Regional Animal Services of KC one year celebration; (3) August 14, 1 – 3:30 p.m., Highline Botanical Gardens ice Cream Social; (4) August 14, 5 – 6:30 p.m., Music in the Park at Angle Lake Park; (5) August 16 - Senior Citizen Advisory Committee and PC meetings have been cancelled; (6) August 22, 5:30 – 7:30 p.m., South 164th Street Sidewalk Project Open House; (7) August 23 - LUP and T&PW Committee Meetings, and the RCM have been cancelled; and (8) September 5 – Labor Day, City Hall will be closed.

COUNCIL COMMENTS: CM A. Anderson stated that the Police Explorers Program is a great program.

CM Fernald stated that the National Night Out (NNO) was good. She was with Mayor T. Anderson and Police Chief Graddon at Windsor Heights.

ADJOURNED:

MAYOR T. ANDERSON ADJOURNED THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:56 PM.

MOTION CARRIED UNANIMOUSLY.

Terry Anderson, Mayor

Kristina Gregg, City Clerk