

City of SeaTac

Regular Council Meeting Minutes

September 27, 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 6:05 p.m.

COUNCIL PRESENT: Mayor Terry Anderson, Deputy Mayor (DM) Gene Fisher, 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, Community and Economic Development (CED) Director Cindy Baker, Public Works (PW) Director Tom Gut, Economic Development (ED) Manager Jeff Robinson, Police Chief Jim Graddon, and Fire Chief Jim Schneider.

FLAG SALUTE: Sandra Cook-Bensley led the Council, audience and staff in the Pledge of Allegiance.

PUBLIC COMMENTS: Aileen Fisher, representing two groups, spoke regarding accusations made by Othman Heibe at the September 13 meeting against DM Fisher, stating that she wrote the email and not DM Fisher. She also read emails to/from CM Gregerson received as part of a public records request stating that CMs and employees are using City time and equipment to write these emails which is in violation of Revised Code of Washington (RCW) 42.52.180.

Stephen Walsh requested Council consider forming a diversity committee.

Doris Cassan stated taking property from private owners is a form of corruption. In order to keep the country great, we need to stop having corruption seep into government.

Anthony Spain, Northwest Symphony Orchestra (NWSO) Music Director, requested \$5,000 funding for the NWSO for 2012.

Cheryl Forbes requested Council either enforce the no left turn from 4 - 7 p.m. sign from South 178th Street to 51st Avenue South or remove the sign as people turn left anyway.

PRESENTATIONS:

•Council confirmation of Mayoral re-appointments of Harlan Feinstein and Cheryl Forbes to the Library Advisory Committee

MOVED BY FISHER, SECONDED BY GREGERSON TO RE-APPOINT HARLAN FEINSTEIN AND CHERYL FORBES TO THE LIBRARY ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Mayor T. Anderson read the certificate and presented it to Cheryl Forbes. Mr. Feinstein was not in attendance and his certificate will be mailed to him.

Ms. Forbes stated that the Valley View Library Book Sale is Saturday, October 1.

•Refugee Women's Alliance

Program Director Amina Ahmed detailed the programs provided by the Alliance. She thanked the City for providing funding to make services available.

PUBLIC HEARING (PH):

•Adopting findings of fact in support of Interim Ordinance #11-1015 relating to the Medical Cannabis Dispensaries and Collective Gardens

Mayor T. Anderson opened the PH at 6:50 p.m.

City Attorney Mirante Bartolo reviewed the summary for Agenda Bill #3362 below. She also stated that new legislation will be introduced during the next legislative session. The City did receive one application yesterday for a license from Evan Matsumoto.

Ken Estes and Evan Matsumoto spoke in favor of Collective Gardens.

Armondo Blake spoke against allowing medical dispensaries in SeaTac because laws aren't clear.

City Attorney Mirante Bartolo clarified that if the City allows dispensaries, it would be against federal and state law.

PH (Continued):

CM A. Anderson clarified that tonight's discussion is not about the validity of medical marijuana, but whether the City should allow dispensaries which are not legal right now. The laws are so unclear that it is not time to move forward with this issue.

DM Fisher stated his agreement with CM A. Anderson and questioned how the City would get around the federal law even if the state approves it.

Mr. Matsumoto clarified that his application is for a collective garden, not a dispensary. City Manager Cutts stated that collective gardens weren't vetoed by the Governor, but are still illegal by federal law.

Ms. Mirante Bartolo stated that the current moratorium addresses both collective gardens and dispensaries.

Mayor T. Anderson closed the PH at 7:15 p.m.

NEW BUSINESS:

Agenda Bill #3362; Resolution #11-007 adopting findings of fact in support of Interim Ordinance #11-1015 relating to the Medical Cannabis Dispensaries and Collective Gardens

Summary: Due to the current state of medical marijuana laws in Washington State, the Council determined that a moratorium on the establishment of Medical Cannabis Dispensaries and Collective Gardens was appropriate, and therefore adopted Interim Ordinance #11-1015 on August 9, 2011. This Ordinance also created definitions of Medical Cannabis Dispensaries and Collective Gardens as those terms were not defined in State Law. Since this was an Interim Ordinance that established a moratorium, State law requires that a PH be held within sixty days and findings of fact must be adopted justifying the Interim Ordinance and moratorium. This Resolution adopts these findings of fact.

Ordinance #11-1015 is currently valid through February 1, 2012 and can be extended for an additional six months after another PH and adoption of findings of fact supporting the extension.

MOVED BY SHAPE, SECONDED BY GREGERSON TO PASS RESOLUTION #11-007.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION ITEMS:

•Summary of \$5,000 - \$35,000 Purchase Requests for the period ended September 21, 2011

City Manager Cutts reviewed the purchases requests:

<u>Item Description</u>	<u>Department</u>	<u>Amended Budget</u>	<u>Estimate</u>
Highline Historical Program Support	Non-Departmental	\$5,000	\$5,000
Consulting Assistance for Market & Feasibility Study: Multi-Sports Facility (L.E.C.)	CED	\$30,000	\$30,000
Annual Traffic Count Services	PW	\$50,000	\$24,635

Mayor T. Anderson requested the Highline Historical Program Support item be moved to Unfinished Business.

Council consensus: Referred to the 09/27/11 RCM Consent Agenda with removal of the Highline Historical Program Support

•Summary of \$5,000 - \$35,000 Grant Acceptance Requests for the period ended September 21, 2011

City Manager Cutts reviewed the request:

<u>Item Description</u>	<u>Department</u>	<u>Amended Budget</u>	<u>Estimate</u>
Justice Assistance Grant (JAG)	Police	\$18,988	\$18,988

Council consensus: Referred to the 09/27/11 RCM Consent Agenda

AGENDA BILL PRESENTATIONS:

This item was moved forward on the agenda.

Agenda Bill #3364 – A Motion authorizing the City Manager to enter into a lease extension with Islamuddin and Rabia Wardack, doing business as Pacific Highway Chiropractor, in the SeaTac Center

Summary: Pacific Highway Chiropractor has been a tenant in the SeaTac Center since October 2006 with an initial five-year term. The new lease will begin at the current monthly rate of \$3,387.25 plus triple net charges and will increase by 3% annually over the five-year term. The total rent revenue generated by the initial five-year term

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3364 (Continued): is approximately \$215,800 exclusive of triple net charges. The Andover Company will receive compensation in the amount of \$8,632, or 4% of the gross lease revenues for their services. The tenant is not requesting any improvements to the space. The total projected revenue for the five-year lease is estimated at \$292,880 including triple net charges.

ED Manager Robinson reviewed the agenda bill summary.

Council consensus: Referred to the 09/27/11 RCM Consent Agenda

Agenda Bill #3363 – A Motion authorizing the City Manager to execute a fourteen-month extension with the Andover Company to provide property leasing and representation at the SeaTac Center

Summary: This Motion allows for the continuance of full-service commercial brokerage and leasing services at the SeaTac Center by the Andover Company. The Andover Company is compensated through a percentage of the value of the lease for their services. Services include, but are not limited to: Property Tours, Transaction Facilitation, Marketing Coordination and Development of Marketing Materials, Market Analysis, Project Coordination, and Administrative Support.

Andover was initially selected after an analysis of costs, services, and the hands-on experience of the leasing agents with the SeaTac Center property and current tenants. The offices of the company are also in the closest proximity to the SeaTac Center and the lead brokers have a list of prospective interested tenants retained from their prior work with Collier's International which previously represented the prior owners of the property.

The projected and estimated operating budget for the property can accommodate this necessary expense, without any impact to the City's General Fund. The actual cost of the service is dependent upon the lease rate and terms and is based on a percentage thereof.

ED Manager Robinson reviewed the agenda bill summary.

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

Council consensus: Referred to the 09/27/11 RCM Consent Agenda

CONSENT AGENDA:

- **Approval of claims vouchers** (check nos. 95425 – 95601) in the amount of \$1,689,484.50 for the period ended September 20, 2011.
- **Approval of payroll vouchers** (check nos. 50080 – 50115) in the amount of \$181,719.17 for the period ended September 15, 2011.
- **Approval of payroll electronic fund transfers** (check nos. 69745 - 69924) in the amount of \$350,918.18 for the period ended September 15, 2011.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$70,276.98 for the period ended September 15, 2011.
- **Summary of \$5,000 - \$35,000 Purchase Requests** for the period ended September 23, 2011.
- **Summary of \$5,000 - \$35,000 Grant Acceptance Requests** for the period ended September 21, 2011.

Approval of Council Meeting Minutes:

- **Administration and Finance Committee Meeting** held September 13, 2011.
- **Public Safety and Justice Committee Meeting** held September 13, 2011.
- **Regular Council Meeting** held September 13, 2011.

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

Agenda Bill #3364; Motion authorizing the City Manager to enter into a lease extension with Islamuddin and Rabia Wardack, doing business as Pacific Highway Chiropractor, in the SeaTac Center

Agenda Bill #3363; Motion authorizing the City Manager to execute a fourteen-month extension with the Andover Company to provide property leasing and representation at the SeaTac Center

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

PUBLIC COMMENTS (related to the Consent Agenda): There were no public comments.

*MOTION CARRIED UNANIMOUSLY.

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

UNFINISHED BUSINESS:

● **\$5,000 - \$35,000 Purchase Requests for the period ended September 21, 2011**

<u>Item Description</u>	<u>Department</u>	<u>Amended Budget</u>	<u>Estimate</u>
Highline Historical Program Support	Non-Departmental	\$5,000	\$5,000

City Attorney Mirante Bartolo stated that Mayor T. Anderson was abstaining from voting on this item because she is the Highline Historical Society President.

MOVED BY SHAPE, SECONDED BY A. ANDERSON TO APPROVE THE HIGHLINE HISTORICAL PROGRAM SUPPORT.

MOTION PASSED WITH T. ANDERSON ABSTAINING.

MOTION NEW BUSINESS: There was no New Business.

CITY MANAGER'S COMMENTS: City Manager Cutts commented on the following: (1) September 28 – 1:30 p.m., South 138th Street sidewalk ribbon cutting; (2) October 1 – 9 a.m., Fall Special Recycling event; (3) October 3 – 7, Photography Exhibit; (4) October 7 – 9 a.m., Budget Workshop 1; (5) October 14 – 9 a.m., Budget Workshop 2; (6) October 15 – 9 a.m., Budget Workshop 3; and (7) October 11 – 4 p.m., CED open house.

COUNCIL COMMENTS: CM Gregerson congratulated the Maintenance Division for becoming EnviroStars certified with three stars. She asked Council to place an item on the next agenda regarding Initiative 1183 so she could take the Council's position to the next Suburban Cities Association (SCA) Public Issues Committee (PIC). Council discussion ensued with Mayor T. Anderson agreeing to place it on the next Council Meeting agenda.

CM A. Anderson stated his frustration with the various public disclosure requests that are costing the City time and money.

CM Fernald commented on the following: (1) South 138th Street sidewalk ribbon cutting, and (2) met the South Korean President.


DM Fisher stated his opinion that Othman Heibe could be a positive asset to the City and offered to meet with Mr. Heibe to discuss ways to better improve the City.

Mayor T. Anderson commented on the following: (1) she also met the South Korean President; and (2) she recently received a phone call from a resident that can't pay his heating or light bill. Mr. Cutts stated that he would forward the information on to the Human Services Coordinator.

ADJOURNED:

MOVED BY A. ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:52 P.M.

MOTION CARRIED UNANIMOUSLY.



Terry Anderson, Mayor



Kristina Gregg, City Clerk