

City of SeaTac

Special Council Study Session Minutes Synopsis

November 26, 2012 (Monday)
4:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Special Council Study Session (SCSS) was called to order by Mayor Anthony (Tony) Anderson at 4:00 p.m.

COUNCIL PRESENT: Mayor Anthony (Tony) Anderson, Deputy Mayor (DM) Mia Gregerson, Councilmembers (CMs) Barry Ladenburg, Rick Forschler, Terry Anderson, Dave Bush, and Pam Fernald.

STAFF PRESENT: City Manager Todd Cutts, City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Assistant City Manager (ACM) Gwen Voelpel, Acting Community & Economic Development (CED) Director Gary Schenk, Human Services (HS) Manager Colleen Brandt-Schluter, Human Resources (HR) Director Anh Hoang, Municipal Court Judge Elizabeth Cordi-Bejarano, Municipal Court Administrator Paulette Revoir, Finance & Systems Director Aaron Antin, Senior Planner Al Torrico, Senior Planner Kate Kaehny, Associate Planner Anita Woodmass, Police Chief Jim Graddon, City Engineer Susan Sanderson, Economic Development (ED) Manager Jeff Robinson, Public Works (PW) Director Tom Gut, Senior Assistant City Attorney Mark Johnsen, and Assistant Fire Chief Brian Wiwel.

Agenda Bill #3478 – An Ordinance amending Ordinance #12-1014 related to the creation of 2.5 Full Time Equivalent (FTE) positions for the purpose of providing expedited Sound Transit project review

Summary: The City Council adopted Ordinance #12-1014 which created 2.5 FTE positions in order to facilitate expedited review of the Sound Transit project. The costs of the positions are being paid by Sound Transit.

The Ordinance created the positions of Civil Engineer 2 (1.0 FTE), Senior Planner (1.0 FTE) and Administrative Assistant 2 (0.5 FTE). It has been determined that expedited project review would be better facilitated by modifying the newly created positions by increasing the Civil Engineer 2 to 2.0 FTE's, reducing the Senior Planner position from 1.0 FTE to 0.5 FTE, and eliminating the additional 0.5 FTE Administrative Assistant 2. This Ordinance makes this change. Costs for these positions will continue to be paid by Sound Transit pursuant to the terms of the Development Agreement (DA).

Acting CED Director Schenk reviewed the agenda bill summary.

Council discussion ensued regarding these positions.

Council consensus: Refer this to the 12/11/12 RCM Consent Agenda

Agenda Bill #3467 – A Motion authorizing the City Manager to enter into contracts with the selected Human Services (HS) agencies for funding in 2013 and 2014

Summary: These contracts are recommended by the Human Services Advisory Committee (HSAC), for funding programs at the annual levels totaling \$471,690. Contracts with agencies will cover the 2013 and 2014 calendar years consistent with the adopted 2013-2014 Biennial Budget that was passed by Council on November 13, 2012.

Every two years the SeaTac releases a Request for Application from HS agencies to receive funding from the City's General Fund (GF) to provide direct services to SeaTac residents. This year the City received 43 eligible applications requesting a total of \$537,907. Based on the Committee's Results Based Accountability Process which is used to prioritize these applications, the Committee recommends a funding package that:

- Increases funding for 20 contracted programs that have demonstrated an increased demand for services and exceeded performance goals for the last 4 years
- Maintains funding for 11 contracted programs that are meeting their performance goals and demonstrate continued demand for service
- Funds 6 new requests to fill a gap in services

This recommendation is based on the adopted 2013-2014 budget that allocates \$471,690/year which is 1½% of the GF budget allocated for HS programs.

HS Manager Brandt-Schluter and HSAC Vice Chair Joe Van reviewed the agenda bill summary and explained the process the HSAC goes through to make these recommendations.

Council discussion ensued regarding the funding and the specific agencies being funded.

Council consensus: Refer this to the 12/11/12 RCM Consent Agenda

Agenda Bill #3476 – A Resolution authorizing the execution of a one-year extension of the 2010-2012 collective bargaining agreement (CBA) between the City of SeaTac and the International Association of Fire Fighters (IAFF), Local #2919

Summary: The current CBA between the City and the IAFF, Local #2919, representing Fire Fighters, Fire Captains and Fire Battalion Chiefs of the City of SeaTac is due to expire on December 31, 2012. City and Union representatives have been negotiating a one-year extension to the current CBA since September, 2012, and reached a tentative agreement on October 24, 2012. The Union membership ratified this tentative agreement on November 9, 2012. The City Manager is seeking Council's approval of the one-year extension of the CBA as negotiated and tentatively agreed to between the City and the Union.

By adopting this Resolution, the City Council is authorizing a one year extension of the 2010-2012 CBA from January 1, 2013 through December 31, 2013, and is also authorizing the following: members of the bargaining unit will receive a Cost of Living Adjustment (COLA) equal to two point seven percent (2.7%) effective January 1, 2013, receive an additional \$75 per month contribution into each employee's Medical Expense Reimbursement Plan (MERP) Benefit Trust effective January 1, 2013, and receive a one-time pay back of the wages they deferred in 2010 and 2011 to assist the City when the City experienced financial difficulties. In return, bargaining unit members will increase their own contribution towards medical insurance premiums for themselves and their family member(s) enrolled in the City's Regence HealthFirst Plan by approximately 1% of the total monthly premium effective January 1, 2013. A Memorandum of Understanding (MOU) between the parties has been drafted.

For 2013, the total fiscal impact for the tentative agreement is estimated at \$291,228 for wages and benefits.

HR Director Hoang provided a revised MOU and reviewed the agenda bill summary.

Council consensus: Refer this to the 12/11/12 RCM Consent Agenda

Agenda Bill #3458 – A Motion authorizing the City Manager to enter into a Professional Services Contract with Stewart MacNichols and Harmell Inc. P.S. for public defense services

Summary: The United States Constitution and the Constitution of the State of Washington require that indigent defendants charged with a crime for which a jail penalty may be imposed are entitled to legal representation by a public defender. The City has contracted with Stewart MacNichols and Harmell for public defender Services since 2007. Judge Elizabeth Bejarano would like to continue contracting with the law firm of Stewart MacNichols and Harmell, Inc. P.S. to serve as the City's Public Defender.

The proposed contract has a two year term, with the option to extend the contract up to one additional two year term upon mutual agreement. The cost of public defense has increased since the prior contract term due to the Washington Supreme Court's adoption of public defense standards which limit the number of cases a public defender can handle during a calendar year. The proposed contract takes into consideration these new standards.

In addition, the City previously contracted with a separate law firm to handle daily video court hearings at the South Correctional Entity (SCORE) jail facility for in-custody defendants. It is proposed that Stewart MacNichols and Harmell begin to handle these cases commencing January 1, 2013. This should improve efficiency as more cases will be able to be addressed on the video calendar, thus reducing the number of transports. This in turn will reduce the amount of time police officers are transporting in-custody defendants to and from Court, and should lead to a reduction in the City's daily population.

The contract with Stewart MacNichols and Harmell Inc. P.S. specifies that the City will pay the following for public defense services: \$230 per appointment for all phases of representation except for jury trials in 2013. This cost will increase to \$250 per appointment in 2014; \$500 for each jury trial; \$750 for each appeal to Superior Court; \$300 per arraignment calendar; \$250 per bench trial that does not occur on a regularly scheduled court day, and \$300 per half-day or \$580 per full day court calendar that does not occur on a regularly scheduled court day.

ACM Voelpel reviewed the agenda bill summary. Municipal Court Administrator Revoir and Judge Bejarano answered questions from the Council regarding the contract and the services.

Council consensus: Refer this to the 12/11/12 RCM Consent Agenda

Agenda Bill #3459 – A Motion authorizing the City Manager to sign an Interlocal Agreement (ILA) between the City of Tukwila and SeaTac Municipal Court for probation services

Summary: SeaTac Municipal Court's current ILA with the Tukwila Municipal Court to provide Probation Services for SeaTac Municipal Court offenders expires December 31, 2012. The Court is requesting the ILA be

Agenda Bill #3459 (Continued): extended for an additional two years, through December 31, 2014. Tukwila Municipal Court Probation (Tukwila Probation) currently monitors 108 offenders that are on probation with SeaTac Municipal Court. Tukwila Probation helps offenders succeed by providing resources and guidance, provides the court with accurate and timely reports, holds offenders accountable for their behavior, and assesses offenders so that supervision can be provided at the appropriate classification level. In addition to providing both Active and Monitored offender supervision, Tukwila Probation offers Jail Alternative programs that include Day Reporting, Electronic Home Monitoring, Work Crew, and Community Service options.

2013 and 2014 Probation Services expenses and revenue were adopted by the City Council on November 13, 2012. Under Revised Code of Washington (RCW) 10.64.120 and Administrative Rules for Courts of Limited Jurisdiction (ARLJ) 11.3 all revenues raised from probationers paying the assessment for probation services shall be used to fund probation programs. Revenue received from probation fee payments in 2013 and 2014 is projected to cover probation and jail alternative services expenses.

Municipal Court Administrator Revoir reviewed the agenda bill summary.

Council discussion ensued regarding the services provided.

Council consensus: Refer this to the 12/11/12 RCM Consent Agenda

PRESENTATIONS:

●2011 Audit Exit Conference

Finance & Systems Director Antin introduced Audit Supervisor Evans Anglin and Audit Lead Loraine Nitta.

Mr. Anglin reviewed the results of the 2011 financial audit of the City's records. He summarized the scope of the audit, noting the City received no audit findings, no management letters, and essentially was a "clean" audit. There were some exit items, and typically since these are minor issues they would not be part of the presentation of an exit conference, and only mentioned if Council had particular questions about them. Mr. Anglin continued on to mention one particular exit item on the timing of financial reporting, and made a generic recommendation on this issue. He mentioned that he tends not to make more specific recommendations, such as the City needs to hire five more people, because he realizes that just may not be practical, and the Council knows what would be better for the City than what he would be able to specifically recommend from his position. The auditor's feeling is that this late preparation issue was due to a resource issue and the task of putting these statements together is becoming more and more difficult, is a very involved effort, and meeting the required timeline will become even more difficult with the new Governmental Accounting Standards Board (GASB) regulations that have been released.

The Federal Grant Compliance Audit also had no findings.

Council discussion ensued regarding questions they had for the auditor and thanked him for the report.

●Medical Marijuana Briefing

Senior Planner Torrico stated that when Council passed the moratorium, they requested staff come back with a briefing as to what other cities are doing. Many cities are implementing moratoriums. Some cities stated that if it's not in their codes, then it's not allowed. Other cities have adopted RCWs related to Collective Gardens. Marijuana is still illegal under Federal Law. He recommended the City add the following code: This title does not allow any use which is in violation of any local, state, or federal laws, regulations, codes, and/or Ordinances. He requested Council direction on the approach.

Council and staff discussion ensued regarding the initiatives related to medical and recreational use of marijuana. Mr. Torrico clarified that this change will remove the moratorium.

Council consensus: Refer this to the December 4, 2012 Planning Commission (PC) Meeting, December 12, 2012 CSS, and January 8, 2013 Regular Council Meeting (RCM).

●Proposed City Center Park-and-Fly Code Amendments

Senior Planner Kaehny stated that there are five steps required for code adoption: (1) Finalize Code (current phase); (2) Public Hearing (PH); (3) PC Recommendation; (4) CSS with an agenda bill, and (5) Council action.

Ms. Kaehny recapped the main elements of the proposed code: base stalls, bonus program, and additional requirements – ground floor commercial space, and building design standards.

She showed a map depicting where future garages might be located. There are currently five existing surface park-and-fly lots on International Boulevard (IB).

PRESENTATIONS (Continued):

Proposed City Center Park-and-Fly Code Amendments (Continued): Council direction was given at the November 13, 2012 CSS to maintain the City Center road standards for park-and-fly developments.

Ms. Kaehny reviewed alternative park-and-fly code scenarios.

Associate Planner Woodmass presented a table showing base stall and commercial bonus scenarios, as requested at the last CSS.

Ms. Kaehny reviewed all bonus program elements – right-of-way (ROW), open space, hotel/motel (H/M) unit, water feature/public art, and commercial/service/residential space.

Ms. Kaehny asked Council if they would like to: (1) revise the Ad Hoc Committee's (AHC's) base stall number (1,000) and commercial bonus ratio (1 stall/25 square feet of commercial); (2) maintain the AHC's recommendations but add base stall and commercial bonus alternatives for consideration at a PH; and/or (3) take more time and look at additional revisions and code scenarios prior to a PH.

Council discussion ensued on the process the AHC used to determine the base stall number of 1,000.

PC Chair Daryl Tapio stated that the PC recommendation is to move forward with the PH and support the AHC recommendation.

City Manager Cutts stated that the next steps will be for staff to present an agenda bill at the December 11, 2012 CSS for discussion, and January 8, 2013 RCM for action.

ADJOURNED: Mayor A. Anderson adjourned the SCSS at 5:58 p.m.