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RESOLUTION NO. 03-001

A RESOLUTION of the City Council of the City of SeaTac, Washington reappointing the City's agent upon whom statutory notices of claims of damages must be presented.

WHEREAS, RCW 4.96.020(2), as amended by Chapter 119, Section 1, Laws of 2001, requires that the governing body of each governmental entity must appoint an agent upon whom statutory notices of claim of damages must be presented; and

WHEREAS, the statute also requires that the identity of the agent and the address where the agent may be found during normal business hours must be recorded with the County Auditor/Recorder; and

WHEREAS, the City Council previously adopted Resolution No. 01-020 appointing the City Clerk as agent and indicating the address of the previous City Hall; and

WHEREAS, the City Council deems it appropriate to enact a new Resolution reappointing the City Clerk and setting forth the current address of City Hall where the City Clerk may be found;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

Judith L. Cary, as City Clerk, and, in the alternative, Kristina M. Lowrey, Deputy City Clerk are hereby reappointed as the City of SeaTac's agent upon whom statutory notices of claims for damages must be presented pursuant to RCW 4.96.020(2), not less than sixty days prior to commencement of a lawsuit against the City.

The City Clerk is directed to file a certified copy of this Resolution with the King County Recorder to make public record of the above reappointment and of the new address where the said agent may be reached during normal business hours, as follows:

Agent to receive notices of claims for damages:	Judith L. Cary, City Clerk or, in the alternative, Kristina M. Lowrey, Deputy City Clerk
Address during normal City business hours, 8:30 a.m. to 5:00 p.m.:	4800 South 188 th Street SeaTac, WA 98188

PASSED this 28th day of January, 2003 and signed in authentication thereof on this 28th day of January, 2003.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[City's Agent for Claims]

RESOLUTION NO. 03-002

A RESOLUTION of the City Council of the City of SeaTac, Washington declaring a 1993 Suburban surplus and authorizing the purchase of a replacement command vehicle.

WHEREAS, RCW 35A.11.020 vest in the City Council the authority to acquire and dispose of personal property for the common good; and

WHEREAS, it is the policy of the City that Fire Department automobiles be operated in first line service during the first seven years of functional life expectancy, then in reserve status during the next three years of functional life expectancy, and that vehicles of an age beyond functional life expectancy should be disposed of as obsolete and surplus; and

WHEREAS, Fire Equipment Capital Reserve Fund 303 has been established to accumulate money to fund the replacement of Fire Department equipment; and

WHEREAS, the Fire Department's 1993 Chevrolet Suburban which has been utilized as a reserve command vehicle has now aged beyond its functional life expectancy; and

WHEREAS, in accordance with City policy, the Council deems it appropriate and necessary, for the common good, to declare the said vehicle surplus and to authorize its disposal; and

WHEREAS, also in accordance with City policy, it is appropriate and necessary to purchase, through the 303 Fund, a replacement vehicle to be placed in first line service;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

1. That certain 1993 Chevrolet Suburban, being VIN number 1GNGK26KXPJ399377 and bearing license plate number 11890D, is declared surplus to the needs of the City and the City Manager or designee is authorized to dispose of the same by bid, auction, private sale, trade-in, or in any other commercially reasonable manner providing that every reasonable effort be made to obtain fair market value; and
2. The City Manager is authorized to purchase a replacement vehicle from the lowest responsible bidder, Glen Grant Chevrolet, and to cause the vehicle to be fully equipped with all emergency response, communication, and other equipment necessary to a first line command vehicle; and
3. All costs of purchase and equipment shall be charged to the 303 Fund, but not to exceed the budgeted sum therefore.

PASSED this 28th day of February, 2003 and signed in authentication thereof on this 11th day of February, 2003.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Surplus 1993 Suburban and Purchase]

RESOLUTION NO. 03-003

A RESOLUTION of the City Council of the City of SeaTac, Washington approving and authorizing a Collective Bargaining Agreement between the City of SeaTac and the Washington State Council of County and City Employees, American Federation of State, County and Municipal Employees, AFL-CIO, Local 3830, for the years 2003 through 2005.

WHEREAS, the Washington State Council of County and City Employees, American Federation of State, County and Municipal Employees, AFL-CIO, Local 3830, has been certified as the bargaining representative for those City employees within the collective bargaining unit which include "all full-time and regular part-time employees of the City of SeaTac; excluding supervisors, confidential employees and commissioned employees of the police and fire departments"; and

WHEREAS, the City has heretofore entered into collective bargaining agreements with the bargaining representative to cover wages, hours and working conditions for employees of the bargaining unit, the most recent of which terminated on December 31, 2002, and

WHEREAS, the City and the bargaining representative met and negotiated terms regarding a subsequent agreement and came to tentative agreement, subject to ratification by the bargaining unit employees, and approval of the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

1. The 2003-2005 collective bargaining agreement by and between the City of SeaTac and the Washington State Council of County and City Employees, American Federation of State, County and Municipal Employees, AFL-CIO, Local 3830, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby approved, and the City Manager is authorized to execute the same on behalf of the City.

2. That this Resolution shall be in full force and effect upon passage.

PASSED this 11th day of February, 2003 and signed in authentication thereof on this 11th day of February, 2003.

CITY OF SEATAC

Joe Brennan, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

Effective Date: _____

RESOLUTION NO. 03-004

A RESOLUTION of the City Council of the City of SeaTac, Washington authorizing an agreement regarding operation of the Mount Rainier Pool.

WHEREAS, King County has determined it is no longer able to fund the operation of numerous parks and recreation facilities, including the Mount Rainier Pool; and

WHEREAS, the Cities of SeaTac, Des Moines, and Normandy Park, and the Highline School District, have entered into an Interlocal Agreement as the Mount Rainier Pool Contributors (“MRPC”) for funding of continued pool operations by King County through the year 2003; and

WHEREAS, the Northwest Center for the Retarded, a nonprofit corporation, has proposed to accept ownership of the Mount Rainier Pool from King County, to assume the ground lease from the School District, and to undertake continued operation of the Pool; and

WHEREAS, to permit operation of the Pool by the Northwest Center, it is essential that financial contributions be obtained from all possible sources, including the MRPC; and

WHEREAS, the Northwest Center has, accordingly, proposed an Agreement with the MRPC for partial funding of the Pool operations through March 31, 2006, subject to possible extension of that term;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

1. The proposed Agreement between the Northwest Center for the Retarded and the Mount Rainier Pool Contributors concerning the operation of the Mount Rainier Pool, attached hereto as Exhibit “A”, is hereby approved and the City Manager is authorized to execute a final Agreement substantially in the same form on behalf of the City, providing that the City’s contribution shall in no way exceed Twenty Five Thousand Dollars (\$25,000) annually.
2. It is understood and acknowledged that the Agreement is subject to the ability of the Northwest Center for the Retarded to obtain fee ownership of the Mount Rainier Pool and to assume the consent of the Highline School District to assumption of the ground lease now held by King County.
3. The City Manager is further authorized to continue negotiations with the members of the Mount Rainier Pool Contributors toward finalization of each party’s contribution for financing pool operations and in regard to expenses of future closure and demolition.

PASSED this 25th day of March, 2003 and signed in authentication thereof on this 25th day of March, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Mount Rainier Pool Agreement]

RESOLUTION NO. 03-005

A RESOLUTION of the City Council of the City of SeaTac, Washington expressing strong support for Proposition No. 1, Highline School District No. 401 Replacement of Expiring Educational Programs and Operation Levy in the total sum of \$112 million.

WHEREAS, the Council has been requested by representatives of the Highline School Board and the group Highline Citizens for Schools, to support Proposition No. 1, Highline School District No. 401 Replacement of Expiring Educational Programs and Operation Levy; and

WHEREAS, in accordance with RCW 42.17.130, notice and invitation to comment was provided; and

WHEREAS, public statements and comments were received by the Council; and

WHEREAS, the Council finds that an expression of strong support for the Proposition is appropriate;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY

RESOLVES as follows:

1. The City Council of the City of SeaTac expresses its strong support for Proposition No. 1, Highline School District No. 401 Replacement of Expiring Educational Programs and Operation Levy.
2. Proposition No. 1 will authorize a tax levy to be made annually for four years: commencing in 2003 for collection in 2004 on all of the taxable property within the District of \$26,500,000, the estimated dollar rate of tax levy required to produce such an amount being \$2.69 per \$1,000 of assessed value; in 2004 for collection in 2005 of \$27,300,000, estimated at \$2.73 per \$1,000 of assessed value; and in 2006 for collection 2007 of \$29,550,000, estimated at \$2.85 per \$1,000 of assessed value.
3. The proceeds of the levies will be used to maintain current funding levels and support for educational programs and operation, including instruction, safety, materials and facility maintenance and operations.
4. The Council further encourages all SeaTac City voters to approve the Proposition at the April 22, 2003 Special Election.

PASSED this 1st day of April, 2003 and signed in authentication thereof on this 1st day of April, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[HighlineEducationalProgramslevy]

RESOLUTION NO. 03-006

A RESOLUTION of the City Council of the City of SeaTac, Washington confirming the re-appointment of the Municipal Court Judge and authorizing extension of the Professional Services Contract.

WHEREAS, RCW 35A.13.080 (2) requires the City Manager to appoint a Judge of the SeaTac Municipal Court, subject to confirmation by the Council, to a four year term; and

WHEREAS, Paul J. Codd was appointed and confirmed as Municipal Court Judge, for four-year terms in 1991, 1995, and 1999 and has served admirably in that capacity; and

WHEREAS, Judge Codd has agreed to serve at least two years of another four-year term on the same terms and conditions as his prior appointment and Professional Services Contract; and

WHEREAS, the City Manager has submitted, for confirmation by the Council, the re-appointment of Paul J. Codd, attorney at law, as Municipal Court Judge to the term January 1, 2003 to December 31, 2006, with the understanding that Judge Codd may retire at the end of 2004 and that it would then be necessary to appoint another Judge for the remainder of the term; and

WHEREAS, the Council finds that confirmation of the aforesaid appointment is entirely appropriate and in the best interest of the City, the Municipal Court, and the public;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

1. The appointment by the City Manager of Paul J. Codd, attorney at law, as Municipal Court Judge is hereby confirmed, retroactively, to the judicial term January 1, 2003 through December 31, 2006.
2. The City Manager is hereby authorized on behalf of the City to extend the Professional Services Contract with Paul J. Codd, attorney at law, for service as the Municipal Court Judge during the first two years of the aforesaid term, at such hourly rate as may be budgeted and agreed.

PASSED this 13th day of May, 2003 and signed in authentication thereof on this 13th day of May, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Judge.reappoint]

RESOLUTION NO. 03-007

A RESOLUTION of the City Council of the City of SeaTac, Washington approving an Interlocal Agreement providing for a Jail Advisory Group and authorizing the City Manager to continue negotiations and to execute a final Agreement.

WHEREAS, SeaTac, and a large number of other cities, currently contract with King County and Yakima County for housing of inmates in the jail facilities of the two Counties; and

WHEREAS, the existing jail services agreements and an Interlocal Agreement between all of the cities requires establishment of a Jail Advisory Group (JAG); and

WHEREAS, the Council finds that entry into an Interlocal Agreement for establishment of the JAG is in the public interest;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

The establishment of a Jail Advisory Group (JAG), generally as set forth in the draft Interlocal Agreement (ILA) attached hereto as Exhibit "A", is hereby approved and the City Manager is authorized to continue negotiations and to enter into a final form ILA on behalf of the City when negotiations are completed and other member cities are willing to enter into the final ILA.

PASSED this 13th day of May, 2003 and signed in authentication thereof on this 13th day of May, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 03-008_____

A RESOLUTION of the City Council of the City of SeaTac, Washington authorizing an Interlocal Agreement with other King County jurisdictions to provide law enforcement mutual aid and mobilization.

WHEREAS, state legislation has now been enacted to provide policy and organizational structure for large-scale mobilization of law enforcement resources through creation of the Washington State Law Enforcement Mobilization Plan; and

WHEREAS, an Interlocal Agreement has been proposed to implement the purposes of the state legislation by providing for mutual aid law enforcement services among King County, cities and towns within King County, and the University of Washington Police Department; and

WHEREAS, the Interlocal Agreement and the State Law Enforcement Mobilization Plan have been endorsed by the King County Police Chief's Association and the Washington Association of Sheriffs and Police Chiefs; and

WHEREAS, the Council finds that entry into the proposed Interlocal Agreement is in the public interest to ensure police services in times of need and, particularly, to support homeland security;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

The Interlocal Cooperative Agreement to provide law enforcement mutual aid and mobilization, generally in the form attached hereto as Exhibit "A", is hereby approved and the City Manager is authorized to execute the same on behalf of the City.

PASSED this 27th day of May, 2003 and signed in authentication thereof on this 27th day of May, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Law enforcement mutual aid IIA]

RESOLUTION NO. 03-009

A RESOLUTION of the City Council of the City of SeaTac, Washington authorizing entry into Amendment 2 to the Interlocal Agreement establishing the Washington City and County Pipeline Safety Consortium.

WHEREAS, by Resolution No. 00-016, adopted on June 27, 2000, the City joined with other cities and Clark and Thurston Counties to form the Washington City and County Pipeline Safety Consortium by means of an Interlocal Agreement; and

WHEREAS, the Interlocal Agreement and Consortium were to continue for an initial period of two years with the possibility of one-year renewals if approved by agreement of the members; and

WHEREAS, the Consortium has obtained notable results and is recognized by state and federal agencies as a voice for community interest and involvement in pipeline safety; and

WHEREAS, a one-year renewal, to June 5, 2003, was approved September 24, 2002; and

WHEREAS, a second renewal to December 31, 2004, will not result in any expense to the City; and

WHEREAS, the Council finds that a renewal of the Interlocal Agreement and continued membership in the Consortium is in the best public interest;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

The City Manager is hereby authorized and directed to enter into Amendment 2, substantially in the form attached hereto as Exhibit "A", to the Interlocal Agreement establishing the Washington City and County Pipeline Safety Consortium.

PASSED this 10th day of June, 2003 and signed in authentication thereof on this 10th day of June, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Pipeline Safety Consortium Amendment 2]

RESOLUTION NO. 03-010

A RESOLUTION of the City Council of the City of SeaTac, Washington amending Section 10 of the City Council Administrative Procedures in regard to Council requests for information.

WHEREAS, RCW 35A.13.170 and 35A.12.120 require that the Council shall determine its own rules and order of business and may also establish rules for the conduct of meetings and the maintenance of order; and

WHEREAS, in conformance with those statutes, the Council has previously adopted administrative policies and procedures, which were most recently restated on April 11, 2000 by authority of Resolution No. 00-006, as subsequently amended by authority of Resolutions No. 02-004 and No. 02-007; and

WHEREAS, the Council desires to clarify the procedure for Councilmember requests for information from the City Manager or City staff;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

Section 10 of the City Council Administrative Procedures, as restated by Resolution No. 00-006, and as amended by Resolutions No. 02-004 and No. 02-007, are hereby amended to read as follows:

Section 10. Council Relations With Staff

- (A) There will be mutual respect from both staff and Councilmembers of their respective roles and responsibilities when, and if, expressing criticism in a public meeting. City staff acknowledges the Council as policy makers and the Councilmembers acknowledge staff as administering the Council's policies.
- (~~E~~B) ~~Neither~~ ~~the~~ ~~Mayor~~ ~~or~~ ~~nor~~ any Councilmember shall ~~not~~ direct the City Manager to initiate any action or prepare any report that is ~~significant~~ major in nature, or initiate any major project or study without the approval of a majority of the Council.
- (~~B~~C) All requests for significant information, statistics, interpretations, or answers to questions from a Councilmember shall be directed to the City Manager by means of a hardcopy or electronic version (e-mail) of the Council Information Request. The City Manager shall reply by acknowledging receipt and by providing an estimated time or date for substantive response. The City Manager shall forward the request to the appropriate Department Director for written or electronic response.
- (~~E~~D) All written ~~informational~~ material accumulated and/or prepared in response to an requested by individual Councilmember shall be ~~submitted~~ provided by the City Manager, to all Councilmembers.
- (~~E~~) All requests for minor information, statistics, interpretations, or answers to questions may be directed to the City Manager or directly to involved staff. It is understood that staff receiving such requests are required to advise their supervisor and/or Department Director of any request for the purpose of assuring integrity of the chain of command and chain of communication to the City Manager.
- (~~E~~F) Councilmembers shall not attempt to coerce or influence staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the

granting of City licenses or permits.

(~~D~~G) The Council shall not attempt to change or interfere with the operating rules and practices of any City department.

(H) The following definitions shall apply to this Section:

- (1) "Major" information, statistics, interpretations, or answers to questions means any effort which is reasonably estimated to entail eight hours or more of staff time.
- (2) "Minor" information, statistics, interpretations, or answers to questions means any effort which is reasonably estimated to entail only an immediate response or less than one hour of staff time.
- (3) "Significant" information, statistics, interpretations, or answers to questions means any effort which is reasonably estimated to entail one hour or more, but less than eight hours, of staff time.

PASSED this 10th day of June, 2003 and signed in authentication thereof on this 10th day of June, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[CouncilAdmin.Procedure.Section10.Amd]

RESOLUTION NO. 03-011

A RESOLUTION of the City Council of the City of SeaTac, Washington adopting a Ten-Year Transportation Improvement Program for the years 2004-2013.

WHEREAS, pursuant to RCW 35.77.010, cities are required to adopt a six-year comprehensive Transportation Improvement Program (TIP); and

WHEREAS, the Growth Management Act, at RCW 36.70A.070(6), similarly requires adoption by the City of a comprehensive plan transportation element, including a ten-year forecast of system and capacity needs and a plan of financing; and

WHEREAS, the City Council conducted a public hearing pursuant to state law, to hear and receive public comment on the City's TIP; and

WHEREAS, the City Council finds that prioritized and regularly up-dated road and street maintenance and capital improvement projects are essential to growth management, financial planning, and assurance of a comprehensive and coordinated transportation system;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

The Ten-Year Transportation Improvement Program (TIP) for the years 2004-2013, a copy of which is attached hereto, marked as Exhibit "A", and incorporated by this reference, is hereby adopted.

PASSED this 24th day of June, 2003 and signed in authentication thereof this 24th day of June, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Ten-Year TIP 2004-2013]

RESOLUTION NO. 03-012

A RESOLUTION of the City Council of the City of SeaTac, Washington authorizing the City Manager to enter into an Intergovernmental Land Transfer Agreement and to accept the deed for Grandview Park from King County; authorizing the City Manager to enter into a Park Use Agreement with Serve Our Dog Areas (S.O.D.A.) to operate an off-leash dog area at the Park; and authorizing the City Manager to enter into a Funding Agreement among the South County Task Force Cities and King County.

WHEREAS, the City Council has been unwilling to accept the deed and ownership of Grandview Park from King County due to the fact that use of the park would not be financially self-sustaining; and

WHEREAS, Serve Our Dog Areas (S.O.D.A.), a Washington nonprofit corporation and Section 501(c)(3) federal charitable organization has offered to operate the Park, at its expense, as an off-leash dog area; and

WHEREAS, S.O.D.A. has proven its ability to economically operate an off-leash dog area in the Marymoor Park within the City of Bellevue; and

WHEREAS, the Council finds that there exists a need for an off-leash dog area in South King County which would benefit residents of the City and residents of the surrounding region;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

1. The City Manager is hereby authorized to enter into an Intergovernmental Land Transfer Agreement between King County and the City of SeaTac, generally in the form of the draft attached hereto as Exhibit A, to effect transfer of ownership of Grandview Park from King County to the City; and
2. The City Manager is authorized to enter into a Park Use Agreement with Serve Our Dog Areas (S.O.D.A.), a Washington nonprofit corporation and Section 501(c)(3) federal charitable organization, generally in the form of the Park Use Agreement attached hereto as Exhibit B, for the purpose of establishing and maintaining an off-leash dog area within Grandview Park for benefit of the public; and
3. The City Manager is authorized to extend the Park Use Agreement or to enter into a new Agreement, for a longer period of time, if operations of the Park as an off-leash dog area are financially self-sustaining and if the Park is well utilized as an off-leash dog area; and
4. The City Manager is authorized to continue negotiations and to enter into an Agreement for funding and related purposes with the eight South County Task Force Cities and King County, providing that the maximum expenditure by the City shall be \$1,275.

PASSED this 7th day of July, 2003 and signed in authentication thereof on this 7th day of July, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Serve Our Dog Areas (S.O.D.A.) Agreement]

RESOLUTION NO. 03-013

A RESOLUTION of the City Council of the City of SeaTac, Washington amending the City Council Administrative Procedures in regard to Executive Sessions.

WHEREAS, RCW 35A.13.170 and 35A.12.120 require that the Council shall determine its own rules and order of business and may also establish rules for the conduct of meetings and the maintenance of order; and

WHEREAS, in conformance with those statutes, the Council has previously adopted administrative policies and procedures, which were most recently restated on April 11, 2000 by authority of Resolution No. 00-006, as subsequently amended by Resolutions No. 02-004, No. 02-007, and No. 03-010; and

WHEREAS, the Council finds it advisable to provide a detailed procedure for scheduling and conducting Executive Sessions within Council meetings to ensure compliance with the Open Public Meetings Act;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

1. Section 4(G) of the City Council Administrative Procedures is hereby amended to read as follows:

(G) **Executive Sessions.** The City Council may hold an Executive Session during a Regular Meeting, Study Session Meeting, or Special Meeting to consider certain matters as set forth in RCW 42.30.110, or as otherwise permitted by law.

2. Section 5(A)(9) of the City Council Administrative Procedures is hereby amended to read as follows:

(9) **Public Hearings.**

(a) The following procedure shall apply to quasi-judicial Public Hearings:

- The Hearings Examiner or City Manager, or designee, will present a summary of the subject matter and any findings and will respond to Council questions.
- The proponent spokesperson shall speak first and be allowed twenty minutes. Council may ask questions.
- The opponent spokesperson shall be allowed twenty minutes for presentation and Council may ask questions.
- Each side shall then be allowed five minutes for rebuttal.
- After each proponent and opponent has used his or her speaking time, Council may ask further questions of the speakers, who may respond.
- The Mayor may exercise a change in the procedures, but said decision may be overruled by a majority vote of the City Council.

(b) At Public Hearings required by City, State, or Federal law or as Council may direct,

where a general audience is in attendance to present input or arguments for or against a public issue:

- The City Manager or designee shall present the issue to the Council and respond to questions.
- A person may speak for five minutes. No one may speak for a second time until everyone who wishes to speak has had an opportunity to speak.
- After the speaker has used the allotted time, Councilmembers may ask questions of the speaker and the speaker may respond, but may not engage in further debate. As a general rule, the Council will not respond to requests by the speakers for information, but staff shall respond as soon as possible and shall advise the Council.
- The public comments will then be closed but councilmanic discussion may ensue if the Council so desires. In the alternative, the Council may recess to deliberate and determine findings of fact, if appropriate, and to reach a final decision which may be announced immediately following such deliberations or at a subsequent date.

3. Section 5(A)(15) of the City Council Administrative Procedures is hereby amended to read as follows:

(15) Executive Session, if scheduled or called. However, an Executive Session may be scheduled or called at any time if deemed by the Mayor or by action of the Council to be appropriate at some point in time other than at the end of the meeting. The procedure for conduct of an Executive Session is set forth at Section 12 of these Administrative Procedures.

4. Section 5(C) of the City Council Administrative Procedures is hereby amended to read as follows:

(C) The agenda for any Study Session shall be as follows:

Study Sessions are to consider the issues described in Section 4(C)(2) of the Procedures. The format will include Section 5(A), Paragraphs (1)(2)(3)(6)(7)(10)(11)(12)(13)(14)(15) and (16), as appropriate.

Applicable provisions of Section 7 shall govern conduct of Study Sessions.

5. A new Section 12 is hereby added to the City Council Administrative Procedures, to read as follows:

Section 12. Executive Sessions

(A) It is acknowledged that the Open Public Meetings Act (OPMA) of Chapter 42.30 RCW is a mandate that the “people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know”. Any action taken in violation of the OPMA is subject to being declared by the courts to be “null and void”. Participating Councilmembers may be personally liable for fines, and the City may be subject to payment of court costs and attorney’s fees. Accordingly, Executive Sessions of the Council shall be used only when allowed by law and when confidentiality is deemed necessary.

(B) The scheduling, notification, announcing, and conduct of an Executive Session during a Council meeting, as permitted by Section 4(G) of these Administrative Procedures and applicable law, shall conform to the OPMA and shall comply with this Section.

(C) Whenever possible, an Executive Session shall be noted on the Council meeting agenda provided and posted pursuant to Section 5 of these Administrative Procedures. If deemed

necessary by the Mayor or by action of the Council, an Executive Session may be called and added to the agenda during a Council meeting. If an Executive Session is to be held during a Special Meeting, every effort shall be made to set forth the intent to hold an Executive Session on the notice of the Special Meeting as required by law.

(D) Certain Council deliberations, discussions, considerations, reviews, evaluations, and final actions (“actions” as defined by the OPMA) are, by law, exempt from all provisions of the OPMA. Examples include the following: Proceedings concerned with business, occupation, or professional licenses and related disciplinary proceedings; deliberations following an appeal or other quasi-judicial matter; and collective bargaining strategy, positions, and proposals, as well as union grievance procedures and mediation. Nonetheless, the provisions of this Section 12 may be used to recess a Council meeting to such an exempt proceeding just as if it were an Executive Session.

(E) In addition to topics exempt from the OPMA, as described in Subsection (D), above, the OPMA permits discussion and consideration (but not “final action”) in an Executive Session closed to the general public for certain, limited, purposes. These limited purposes are summarized on Exhibit “A” to these Administrative Procedures, which is generally an extract from MRSC Report No. 39.

(F) In event an Executive Session is necessary for any of the allowed purposes, the agenda, if possible, shall list the fact of the Executive Session and its purpose. Immediately prior to recessing to an Executive Session, the Mayor shall publicly announce the purpose of the Executive Session, generally in the following language, and shall state the estimated time of return of the Council to the open public meeting:

- To consider the selection of a site or acquisition of real estate.
- To consider the minimum price at which real estate will be offered for sale or lease.
- To review negotiations on the performance of publicly bid contracts.
- To evaluate complaints or charges against a public officer or employee.
- To evaluate the qualifications of an applicant for public employment.
- To review the performance of a public employee.
- To evaluate the qualifications of a candidate or candidates for appointment to elective office.
- To discuss with legal counsel matters relating to enforcement actions.
- To discuss with legal counsel pending or potential litigation involving the City.

(G) Typically, the City Manager and City Attorney will attend Executive Sessions to assist the Council. Otherwise, however, attendance shall be limited to staff members and others whose input is necessary to the purpose of the Executive Session.

(H) No voting or other final action shall be taken during an Executive Session, except that consensus may be reached if confidentiality of such consensus is essential to the purpose of the Executive Session.

(I) In event an Executive Session is not completed by the estimated time for return to the open public meeting, the Mayor, a Councilmember, or a staff member shall return to the open public meeting and shall announce that the Executive Session shall be extended to a stated time. Such an announcement shall not, however, be necessary if no members of the public remain in attendance at the open public meeting.

(J) In event the Executive Session is concluded before the time that was stated for return to the open public meeting, the Council shall not reconvene in open session until the stated time. Such a

waiting period shall not, however, be necessary if no members of the public remain in attendance at the open public meeting.

EXHIBIT A

TO THE SEATAC CITY COUNCIL ADMINISTRATIVE PROCEDURES

What are the allowed purposes for holding an executive session?

An executive session may be held only for one or more of the purposes identified in RCW 42.30.110(1). The purposes addressed below are those which have application to cities and counties. A governing body of a city or county may meet in executive session for the following reasons:

- **To consider matters affecting national security [RCW 42.30.110(1)(a)].**
As a result of the September 11, 2001 attack on America and passage of the Homeland Security Act, this purpose may now be utilized at the local level.
- **To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price; [RCW 42.30.110(1)(b)].**

This provision has two elements:

- the governing body must be considering either purchasing or leasing real property; and
- public knowledge of the governing body's consideration would likely cause an increase in the price of the real property.

The consideration of the purchase of real property under this provision can involve condemnation of the property, including the amount of compensation to be offered for the property. [*Port of Seattle v. Rio*, 16 Wn. App. 718 (1977)]

Since this provision recognizes that the process of purchasing or leasing real property or selecting real property to purchase or lease may justify an executive session, it implies that the governing body may need to reach some consensus in closed session as to the price to be offered or the particular property to be selected. The purpose of allowing this type of consideration in an executive session would be defeated by requiring a vote in open session to select the property or to decide how much to pay for the property, where public knowledge of these matters would likely increase its price.

- **To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public; [RCW 42.30.110(1)(c)].**

This subsection, the reverse of the previous one, also has two elements:

- the governing body must be considering the minimum price at which real property belonging to the city or county will be offered for sale or lease; and
- public knowledge of the governing body's consideration will likely cause a decrease in the price of the property.

The requirement here of taking final action selling or leasing the property in open session may seem unnecessary, since all final actions must be taken in a meeting open to the public. However, its probable purpose is to indicate that, although the decision to sell or lease the property must be made in open session, the governing body may decide in executive session the minimum price at which it will do so. A contrary interpretation would defeat the purpose of this subsection.

If there would be no likelihood of a change in price if these real property matters are considered in open

session, then a governing body should not meet in executive session to consider them.

- **To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs; [RCW 42.30.110(1)(d)].**

This subsection indicates that when a city or county and a contractor performing a publicly bid contract are negotiating over contract performance, the governing body may "review" those negotiations in executive session if public knowledge of the review would likely cause an increase in contract costs. MRSC is not aware of an executive session being held under this provision. It is not clear what circumstances would result in a city or county governing body meeting in executive session under this provision.

However, this exception could well be used to consider potential change orders, requests for equitable adjustment, or delay damages.

- **To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge; [RCW 42.30.110(1)(f)].**

For purposes of meeting in executive session under this provision, a "charge" or "complaint" must have been brought against a city or county officer or employee. The complaint or charge could come from within the city or county or from the public, and it need not be a formal charge or complaint. The bringing of the complaint or charge triggers the opportunity of the officer or employee to request that the discussion be held in open session.

As a general rule, city governing bodies that are subject to the Act do not deal with individual personnel matters. [The civil service commission is an obvious exception. It, however, addresses personnel actions taken against a covered officer or employee, and it does so in the context of a formal hearing]. For example, the city council should not be involved in individual personnel decisions, as these are within the purview of the administrative branch under the authority of the mayor or city manager. [An exception is where the council, in a council-manager city, may be considering a complaint or charge against the city manager]. This provision for holding an executive session should not be used as a justification for becoming involved in personnel matters which a governing body may have no authority to address.

- **To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public; [RCW 42.30.110(1)(g)].**

There are two different purposes under this provision for which a governing body may meet in executive session. For both purposes, the references to "public employment" and to "public employee" include within their scope public offices and public officials. This means that a governing body may evaluate in executive sessions persons who apply for appointive office positions, such as city manager, as well as those who apply for employee positions. [The courts have, for various purposes, distinguished between a public "office" and a public "employment." See, e.g., *Oceanographic Comm'n v. O'Brien*, 74 Wn.2d 904, 910-12 (1968); *State ex rel. Hamblen v. Yelle*, 29 Wn.2d 68, 79- 80 (1947); *State ex rel. Brown v. Blew*, 20 Wn.2d 47, 50-52 (1944). A test used to distinguish between the two is set out in *Blew*, 20 Wn.2d at 51].

The first purpose involves evaluating the qualifications of applicants for public employment. This could include personal interviews with an applicant, discussions concerning an applicant's qualifications for a position, and discussions concerning salaries, wages, and other conditions of employment personal to the applicant. As with the previous executive session provision, this purpose is not one that generally will have application to a governing body in a city, because city governing bodies do not, as a general rule, have any hiring authority. [One obvious exception is the city council in a council-manager city, who hires the city manager. RCW 35A.13.010; RCW 35.18.010].

This authority to "evaluate" applicants in closed session allows a governing body to discuss the qualifications of applicants, not to choose which one to hire (to the extent the governing body has any hiring authority). However, since this subsection expressly mandates that "final action hiring" an applicant for employment be taken in open session, the implication is that a governing body may take something less than final action in executive session to eliminate applicants or to choose applicants for further consideration.

The second part of this provision concerns reviewing the performance of a public employee. Typically this is done where the governing body is considering a promotion or a salary or wage increase for an individual employee or where it may be considering disciplinary action. [As with hiring, a city council has little or no authority regarding discipline of public officers or employees. Again, an exception would be a city manager over which the council has removal authority. RCW 35A.13.130; 35.18.120].

The result of a governing body's closed session review of the performance of an employee may be that the body will take some action either beneficial or adverse to the officer or employee. That action, whether raising a salary of or disciplining an officer or employee, must be made in open session.

Any discussion involving salaries, wages, or conditions of employment to be "generally applied" in the city or county must take place in open session. However, discussions that involve collective bargaining negotiations or strategies are not subject to the Open Public Meetings Act and may be held in closed session without being subject to the procedural requirements for an executive session. [See RCW 42.30.140(4)].

- **To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public; [RCW 42.30.110(1)(h)] .**

This provision applies to a city or county legislative body only when it is filling a vacant elective position. Under this provision, the legislative body may meet in executive session to evaluate the qualifications of applicants for the vacant position. However, any interviews with the candidates must be held in open session. As with all other appointments, the vote to fill the position must also be in open session.

- **To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. [RCW 42.30.110(1)(i)].**

Three basic requirements must be met before this provision can be used by a governing body to meet in closed session: [This provision for holding an executive session is based on the legislative recognition that the attorney-client privilege between a public agency governing body and its legal counsel can co-exist with the Open Public Meetings Act. However, that privilege is not necessarily as broad as it may be between a private party and legal counsel].

- The city or prosecuting attorney or special legal counsel representing the city or county governing body must attend the executive session to discuss the enforcement action or the litigation or potential litigation (presence of an attorney without such discussion is not sufficient);
- The discussion with legal counsel must concern either an enforcement action or litigation or potential litigation to which the city or county, a governing body, or one of its members is or is likely to become a party;
- The potential litigation must be specifically threatened, or be reasonably believed to be likely; or
- The potential litigation, or legal risk, is applicable to a proposed action or current practice; and
- Public knowledge of the discussion would likely result in adverse legal or financial consequence to the city or county.

The probability of adverse consequence to the city or county. It is probable that public knowledge of most governing body discussions of existing litigation would result in adverse legal or financial consequence to the city or county. Knowledge by one party of the communications between the opposing party and its attorney concerning a lawsuit will almost certainly give the former an advantage over the latter. The same probably can

be said of most discussions that qualify as involving potential litigation.

Again, no final action in executive session. The purpose of this executive session provision is to allow the governing body to discuss litigation or enforcement matters with legal counsel; the governing body is not authorized to take final action regarding such matters in an executive session. Nevertheless, a governing body will likely need to make certain strategic decisions in executive session to advance the litigation or enforcement action, while protecting the secrecy of such decisions. For example, a county council can probably take an informal vote or reach a consensus in executive session to authorize the county prosecuting attorney to settle a case for no higher than a certain amount. However, it is clear that the council's vote to give final approval to a settlement agreement must occur in an open meeting.

PASSED this 8th day of July, 2003 and signed in authentication thereof on this 8th day of July, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Ad-ProRes4&5.060403]

RESOLUTION NO. 03-014

A RESOLUTION of the City Council of the City of SeaTac, Washington appointing an agent and alternative agent to whom statutory notices of claim must be presented, and rescinding prior Resolutions No. 01-020 and No. 03-001.

WHEREAS, RCW 4.96.020(2) requires that the governing body of each governmental entity appoint an agent to whom notices of claim must be presented; and

WHEREAS, the statute also requires that the identity of the agent and the address where he or she may be reached during normal business hours must be recorded with the County Auditor/Recorder; and

WHEREAS, prior Resolution No. 01-020 appointed Judith L. Cary, City Clerk as the agent and, in the alternative, Kristina M. Lowrey, Deputy City Clerk and provided the address of the previous City Hall; and

WHEREAS, prior Resolution No. 03-001 corrected the address due to occupancy of the New City Hall; and

WHEREAS, it is appropriate that the agent and alternative agent be reappointed using their position titles rather than individual names and that the current address of City Hall be provided;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

1. The City Clerk is hereby appointed as the City of SeaTac's agent, and the Deputy City Clerk is hereby appointed as the alternate agent, pursuant to RCW 4.96.020(2), upon whom notices of claim for injury or damages must be presented not less than sixty days prior to commencement of a lawsuit.
2. Resolution No. 01-020 adopted on July 10, 2001 and Resolution No. 03-001 adopted on January 28, 2003 are hereby rescinded.
3. The City Clerk is directed to file a certified copy of this Resolution with the King County Recorder to make public record of the above appointment and the following identification:

Agent to receive notices of claim:	City Clerk or, in the alternative, Deputy City Clerk
Address during normal City business hours, 8:30 a.m. to 5:00 p.m.:	4800 South 188 th Street SeaTac, WA 98188

PASSED this 8th day of July, 2003 and signed in authentication thereof on this 8th day of July, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[City's Agent for Claims.Amndmt]

RESOLUTION NO. 03-015

A RESOLUTION of the City Council of the City of SeaTac, Washington adding a new Section 13 to the City Council Administrative Procedures in regard to Councilmember travel expenses and reimbursements, and amending Article III, Section (1)(B) of the Travel Policies, Regulations and Procedures to prohibit reimbursement for alcoholic beverage expenses.

WHEREAS, RCW 35A.13.170 and 35A.12.120 require that the Council shall determine its own rules and order of business and may also establish rules for the conduct of meetings and the maintenance of order; and

WHEREAS, in conformance with those statutes, the Council has previously adopted administrative policies and procedures, which were most recently restated on April 11, 2000 by authority of Resolution No. 00-006, and as amended by subsequent resolutions; and

WHEREAS, the Administrative Procedures do not provide for Councilmember expenses incurred when traveling and attending conferences or meetings for the purpose of City business, although the City of SeaTac Travel Policies, Regulations, and Procedures do apply to Councilmembers; and

WHEREAS, the Council desires to provide for budgeting and monitoring of Councilmember travel expenses and reimbursements within the City Council Administrative Procedures; and

WHEREAS, the Council desires to amend the City of SeaTac Travel Policies, Regulations and Procedures to prohibit any reimbursement for alcoholic beverage expenses;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

1. A new Section 13 is hereby added to the City Council Administrative Procedures, to read as follows:

Section 13. Councilmember Travel Expenses and Reimbursement

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(A) In matters of travel incident to attending conferences and meetings for City business and in incurring costs related thereto, Councilmembers shall comply with the current edition of the City of SeaTac Travel Policies, Regulations, and Procedures as well as the provisions of this Section 13 to the Council Administrative Procedures.

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(B) The City Manager's Office shall annually prepare a draft budget for the City Council to include compensation and benefits for all Councilmembers, as well as operating costs anticipated during the budget year. Each Councilmember shall prepare and submit to the City Manager's Office a summary of travel expenses to be included in the draft budget. The draft budget for the City Council shall be subject to the same input, review, and approval process as other City departmental budgets.

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(C) The Finance Department shall provide a quarterly summary of actual Council expenditures reported by each Councilmember. This summary will be used to assist the Council in monitoring the status of actual expenditures in comparison to the budgeted expenditures. In the event a Councilmember is about to exceed his or her estimated and budgeted travel expenses, advance approval shall be obtained from the full Council.

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(D) The City Manager shall sign approvals of Councilmember expenditures and travel reimbursements for the sole purpose of authorizing the Finance Department to process such payment or reimbursement requests.

2. Article III, Section (1)(B) of the City of SeaTac Travel Policies, Regulations and Procedures is hereby amended to read as follows:

Reimbursement for City officials or City employee's alcoholic beverage expenses is prohibited;
~~unless approved by the City Council or City Manager.~~

PASSED this 8th day of July, 2003 and signed in authentication thereof on this 8th day of July, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[[AdminProc.NewSection13](#)]

RESOLUTION NO. 03-016

A RESOLUTION of the City Council of the City of SeaTac, Washington, approving and ratifying the amendments to the countywide planning policies under the Growth Management Act

WHEREAS, pursuant to the requirements of the Washington State Growth Management Act, and specifically section 36.70A.210 of the Revised Code of Washington, in the fall of 1991, representatives of King County, the City of Seattle and the Suburban Cities of King County began meeting as the Growth Management Planning Council for King County, to develop and make recommendations for countywide planning polices; and,

WHEREAS, in July, 1992, the King County Council adopted the countywide planning polices recommended to it by the Growth Management Planning Council, recognizing that additional polices would need to be developed to address issues not dealt with in the initial polices (with the initial polices being referred to as Phase I and the additional issues to be dealt with in a contemplated Phase II) and,

WHEREAS, included among the issues to be addressed in the second phase of the countywide polices were designation of urban centers for purposes of pursuing a Regional Transit Plan, affordable housing, economic development, rural character, preparation of detailed fiscal analysis of the countywide planning polices, and completion of a draft and final environment impact statement; and,

WHEREAS, since the adoption of the first phase of the countywide planning polices, the Growth Management Planning Council developed recommended amendments to the adopted countywide planning polices; and,

WHEREAS, review of the proposed Phase II polices was made by the metropolitan King County government, with recommendations and proposed amendments thereto being developed and incorporated in the ordinance amending the countywide planning polices, identified as Ordinance No. 11446 of the Metropolitan King County Council; and,

WHEREAS, recent amendments to RCW 36.70A.215 require evaluation and reporting to the State of data and analysis of planned and actual housing density and employment growth and of resulting land capacity in jurisdictions within King County (“Buildable Lands”); and,

WHEREAS, on February 22, 1999 the King County Council adopted Ordinance No. 13415 amending the countywide planning polices for consistency with the requirements of RCW 36.70A.215, and RCW 36.70A; and,

WHEREAS, in January of 2002 the Washington Office of Financial Management (OFM) issued new 20-year population growth projections to the year 2022; and,

WHEREAS, on May 19, 2003 the King County Council adopted Ordinances No. 14652 (Exhibit A), 14653 (Exhibit B), 14654 (Exhibit C), 14655 (Exhibit D), and 14656 (Exhibit E), which amended sections of the countywide

planning policies; including adopting the distribution of the OFM 20-year growth projection to King County Cities and unincorporated areas; and,

WHEREAS, King County Ordinances No. 14654, 14655 and 14656 amended sections of the countywide planning policies that do not affect the City of SeaTac; and,

WHEREAS, in order to be effective, the amended countywide planning policies must be ratified by at least 30 percent of the City and County governments representing 70 percent of the population of King County, and August 19, 2003 has been set as the deadline for approval or disapproval by various jurisdiction within King County; and,

WHEREAS, based upon the guidelines set forth for adoption and ratification of the countywide planning policies, failure by a city to ratify the policies or affirmatively disapprove the policies by August 19, 2003 will be deemed ratification and approval by the city; and,

WHEREAS, because of the consistent role and participation that the City Council has played in the Suburban Cities Association and the Growth Management Planning Council development of the countywide planning policies, the Council finds it appropriate to affirmatively ratify and approve the countywide planning policy amendments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

1. The City Council hereby approves and ratifies the countywide planning policies as amended and set forth in Metropolitan King County Council Ordinances No. 14652, 14653, 14654, 14655, and 14656, copies of which are attached hereto, marked as Exhibit "A," Exhibit "B," Exhibit "C," Exhibit "D," and Exhibit "E" respectively, and incorporated herein by this reference.
2. This Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED this 12th day of July, 2003 and signed in authentication thereof this 12th day of July, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

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RESOLUTION NO. 03-017

A RESOLUTION of the City Council of the City of SeaTac, Washington, adopting findings of fact pursuant to RCW 35A.63.220 and RCW 36.70A.390 in support of Interim Development Standards for Wireless Telecommunications Facilities (WTFs).

WHEREAS, in order to permit time to research issues related to wireless facilities, the City Council enacted Ordinance No. 03-1021 on June 24, 2003 which adopted Interim Development Standards regulating WTFs; and

WHEREAS, the City Council has determined that the previous development regulations were not sufficient to ensure that WTF projects would be consistent with, and implement, the City's Comprehensive Plan, and to ensure compatibility with surrounding development over the years; and

WHEREAS, in order to protect the City's aesthetic character for the public good, and to ensure compatibility with adjacent land uses, development standards should be established to reflect the evolving wireless telecommunication technology; and

WHEREAS, the Comprehensive Plan supports implementing standards to minimize adverse aesthetic impacts from utility facilities (Policy 5.3B); and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 allow adoption of an interim zoning ordinance for a period of up to six months, subject to a public hearing within sixty (60) days of the adoption of such an interim zoning ordinance and further subject to findings of fact in justification of the interim zoning ordinance; and

WHEREAS, the City Council held a public hearing after notice, to consider comments of any interested persons or entities;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

1. Findings of Fact. The City Council hereby makes the following findings of fact in justification of the Interim Development Standards for WTFs of Ordinance No. 03-1021:

A. In 1994 the City of SeaTac adopted a Comprehensive Plan to direct development into the most appropriate land use zones and has annually updated the Plan.

B. The adopted Comprehensive Plan includes the following policies and strategies for protecting the City's aesthetic character:

Policy 1.2A: "Preserve the residential character of single-family residential neighborhoods, whenever possible."

Strategy 1.2A: "The Zoning Code's list of 'permitted' and 'conditional' uses shall be reviewed on a regular basis to ensure that these uses continue to be appropriate within their applicable zones."

Policy 2.1A: “Use City programs to support the physical and social stability of established residential neighborhoods.”

Policy 5.3 B: “Ensure that utility facilities are designed in such a manner as to reasonably minimize adverse aesthetic impacts on surrounding land uses.”

Strategy 5.3B: “Develop zoning guidelines that specify appropriate siting and design criteria for utility infrastructure.”

Policy 7.7A: “Coordinate economic vitality with urban design and other ‘curb appeal’ comprehensive plan goals and policies to attract new business and to encourage existing businesses to expand.”

Strategy 7.7A: “Revise zoning standards and land use policies for consistency with goals for economic development.”

Policy 7.7B: “Identify and enhance natural and man-made amenities that provide strategic importance for economic vitality. Determine what can be done to enhance and market both natural and man-made amenities to maintain and improve economic vitality.”

Strategy 7.7B: “Revise zoning standards and land use policies to enhance and market both man-made and natural amenities to maintain and improve economic vitality.”

Policy 7.7C: “Identify and implement strategies that will enhance the livability of residential neighborhoods within the City such as neighborhood cleanups, sidewalks, street signs, signage, code enforcement, etc.”

C. Existing development regulations and design standards governing wireless telecommunication facilities are not sufficient to protect the public interest regarding the City’s aesthetic character.

D. In order to safeguard the public interest regarding aesthetic character, to protect the public welfare, and to ensure compatibility with adjacent land uses, interim development standards should be established for the public good.

E. The City is likely to receive a number of permit applications to site WTFs which would be vested under existing regulations and result in facilities incompatible with surrounding development.

F. The Interim Standards will allow time for City staff and the Planning Commission to research and formulate permanent development standards that reflect input from industry representatives and the public.

G. The Interim Develop Standards will not have any preclusive effect and will not unreasonably discriminate against functionality equivalent services.

2. The Interim Development Standards for WTFs adopted by Ordinance No. 03-1021 shall continue in effect for the period of six months from the effective date of the said Ordinance.

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PASSED this 12th day of August, 2003 and signed in authentication thereof on this 12th day of _____

August , 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

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RESOLUTION NO. 03-018

A RESOLUTION of the City Council of the City of SeaTac, Washington, authorizing entry into an Amended and Restated Development Agreement between the City and Equitable Capital Group, Inc. / South 200th Street Station, LLC.

WHEREAS, RCW 36.70B.170 through .200 and SMC 15.05.057 authorize the City to enter into Development Agreements with persons or entities having ownership or control of real property within the City; and

WHEREAS, Equitable Capital Group, Inc., a Washington corporation and South 200th Street Station, LLC are the entities having ownership of certain real property located to the southwest of the intersection of South 200th Street and 28th Avenue South, within the City; and

WHEREAS, pursuant to Council Resolution, the City and Equitable Capital Group entered into a Development Agreement, filed on October 30, 2001 under King County Recorder's No. 20011030000030, relating to the said real property which is more particularly described in the Amended and Restated Development Agreement; and

WHEREAS, South 200th Street Station, LLC was inadvertently not named in the original Development Agreement and neither the legal description of the real property or the tax parcel numbers were included in filing the Development Agreement with the King County Recorder; and

WHEREAS, the owners have requested an Amended and Restated Development Agreement by reason of the aforesaid omissions as well as changed circumstances, and representatives of the owners and the City have conducted negotiations toward such an amendment and restatement; and

WHEREAS, notice was published pursuant to SMC 16.07.030, and the Council has held a public hearing; and

WHEREAS, the Council finds that the proposed changes satisfy the criteria of SMC 15.22.055 and remain generally consistent with current City development regulations and that the departures therefrom provided by the Amended and Restated Development Agreement are offset by benefits to be received by the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY

RESOLVES as follows:

1. The City Manager is authorized to execute, on behalf of the City an Amended and Restated Development Agreement with Equitable Capital Group, Inc. and South 200th Street Station, LLC, generally in the form attached to this Resolution as Exhibit A.
2. The City Clerk shall cause the fully executed document to be filed with the King County Recorder and to cause the prior filing under Recorder's No. 20011030000030 to be released.

PASSED this 12th day of August, 2003 and signed in authentication thereof on this 12th day of ____

August, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Equitable D.A. Amendment]

RESOLUTION NO. 03-019

A RESOLUTION of the City Council of the City of SeaTac, Washington authorizing substitution of a new Interlocal Agreement (ILA) for the original ILA establishing the Des Moines Memorial Drive Advisory Committee and to execute subsequent ILA amendments.

WHEREAS, Des Moines Memorial Drive was established as a World War I war memorial in 1921 and runs through the cities of Burien, Des Moines and SeaTac, as well as King County; and

WHEREAS, Normandy Park, due to its proximity, has expressed a desire to join the other jurisdictions in cooperating on the restoration of the drive; and

WHEREAS, the parties believe that Des Moines Memorial Drive is an important part of Washington State's history; and

WHEREAS, each party while fully responsible for planning, designing and maintaining the right-of-way and improvement along the drive in their respective jurisdictions, may benefit by cooperating in the design, maintenance, landscape and commemorative standards and cooperative grant applications; and

WHEREAS, the parties believe that a cooperative effort is the most effective method of meeting the goals stated herein; and

WHEREAS, on May 24, 2000, the cities of Burien, Des Moines, Normandy Park, and SeaTac, and King County established an Interlocal Agreement to collaboratively preserve and promote the history of Des Moines Memorial Drive; and

WHEREAS, since the Interlocal Agreement was enacted on May 24, 2000, the Des Moines Memorial Drive Advisory Committee has recommended some amendments to the Interlocal Agreement; and

WHEREAS, based upon the recommendations of the Des Moines Memorial Drive Advisory Committee, the participating agencies have determined that a new Interlocal Agreement should be substituted for the original Interlocal Agreement of May 24, 2000; and

WHEREAS, the parties are authorized to enter into the Interlocal Agreement by the Interlocal Cooperation Act of Chapter 39.34 RCW;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

A substitute Interlocal Agreement concerning Des Moines Memorial Drive and the Advisory Committee, generally in the form attached hereto as Exhibit "A", is hereby approved and the City Manager is authorized to execute the final form Interlocal Agreement on behalf of the City of SeaTac and to execute subsequent amendments to the Interlocal Agreement as may be recommended by the Des Moines Memorial Drive Advisory Committee providing, however, that any such amendments involving

a fiscal impact shall be first approved by the City Council.

PASSED this 9th day of September, 2003 and signed in authentication thereof on this 9th day of September, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[DMMD Advisory Committee ILA]

RESOLUTION NO. 03-020

A RESOLUTION of the City Council of the City of SeaTac, Washington authorizing and establishing a third option Deferred Compensation Plan for eligible City employees and elected officials.

WHEREAS, the City Council has previously authorized two Deferred Compensation Plans for eligible City employees and elected officials through the ICMA Retirement Corporation and the State of Washington Committee for Deferred Compensation; and

WHEREAS, the International Association of Fire Fighters Local No. 2919 has requested that one additional Deferred Compensation Plan be offered to eligible City employees and elected officials; and

WHEREAS, City management has considered the above request and recommends the establishment of a third Deferred Compensation Plan to be made available to eligible employees and elected officials pursuant to Section 457 of the Internal Revenue Code; and

WHEREAS, the International Association of Fire Fighters Local No. 2919 has selected the IAFF Financial Corporation Deferred Compensation Plan, administered by Nationwide Retirement Solutions, as a third option for eligible City employees and elected officials to voluntarily set aside and invest portions of their current income to meet future financial requirements and supplement their retirement; and

WHEREAS, by adoption of the Nationwide Retirement Solutions Program, all regulatory, operational, administrative and fiduciary responsibilities are hereby assumed by Nationwide on behalf of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

The City adopts the Nationwide Retirement Solutions Plan as a third Deferred Compensation option for eligible City employees and elected officials, and authorizes the City Manager to execute, on behalf of the City, such agreements and contracts as are necessary to implement the program.

PASSED this 9th day of September, 2003 and signed in authentication thereof on this 9th day of September, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Deferred Compensation Plan]

RESOLUTION NO. 03-021

A RESOLUTION of the City Council of the City of SeaTac, Washington amending Resolution No. 90-155 relating to the Law Enforcement Officers' and Firefighters' Plan I Disability Board.

WHEREAS, the Law Enforcement Officers' and Firefighters' (LEOFF) Disability Board was established, pursuant to Chapter 41.26 RCW by Resolution No. 90-155, passed by the City Council on December 11, 1990; and

WHEREAS, it was not possible to provide for membership of a law enforcement officer elected by such officers "employed by or retired from the City", by reason that the City does not maintain its own police department; and

WHEREAS, by reason of the foregoing fact, Resolution No. 90-155 provided for two active or retired firefighters as members of the Disability Board; and

WHEREAS, the Disability Board has, since its creation, required that one firefighter member be from the LEOFF Plan I membership and that one be from the Plan II membership; and

WHEREAS, the State Legislature amended RCW 41.26.110, effective July 27, 2003, to provide that the electors of firefighter and police membership on the Board must be limited to Plan I members, active or retired; and

WHEREAS, the Council finds that Resolution No. 90-155 should be amended to comply with practice of the Disability Board and with current law, except as amended by the lack of law enforcement officers directly employed by the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

Resolution No. 90-155 is hereby amended to read as follows:

RESOLVED, that a City Firefighters' Disability Board is hereby established to approve or disapprove claims for disability and medical expenses made by Plan I LEOFF Firefighters, to consist of the following members: two (2) members of the City Council to be appointed by the Mayor; ~~two (2)~~ one (1) active or retired LEOFF Plan I firefighters elected by the LEOFF Plan I firefighters employed by or retired from the City; one (1) active or retired LEOFF Plan II firefighter elected by the LEOFF Plan I firefighters; and one (1) member from the public at large who resides within the City to be appointed by the other four members of the Disability Board. In event no LEOFF Plan I active or retired firefighter is willing or able to serve, then any active or retired firefighter employed or previously employed by the City may be so elected regardless of retirement plan membership.

PASSED this 9th day of September, 2003 and signed in authentication thereof on this 9th day of September, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk
Approved as to Form:

City Attorney

[LEOFF Plan I Amendment]

RESOLUTION NO. 03-022

A RESOLUTION of the City Council of the City of SeaTac, Washington revising the City's Schedule of Fees to add a fee for a Site Plan Review Permit.

WHEREAS, the Council has, by Ordinance No. 03-1020, adopted a new Title 16A SeaTac Municipal Code which establishes a new Site Plan Review Permit; and

WHEREAS, it is appropriate that a fee be established, on a sliding scale, for the new permit;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY

RESOLVES as follows:

The City Schedule of License Fees, Permit Fees, and Other Fees and Charges for City Services is hereby amended by addition of the following fee:

PLANNING AND COMMUNITY DEVELOPMENT:

Site Plan Review Permit

a.	\$0 to \$25,000	\$175
b.	\$25,001 to \$100,000	\$250
c.	\$100,001 to \$500,000	\$400
d.	\$500,001 +	\$550

PASSED this 23rd day of September, 2003 and signed in authentication thereof on this 23rd day of September, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Site Plan Review Permit Fees]

RESOLUTION NO. 03-023

A RESOLUTION of the City Council of the City of SeaTac, Washington authorizing the City Manager to negotiate agreements with the Port of Seattle, City of Burien, and/or the City of Seattle to manage or relocate the Seike Memorial Japanese Garden.

WHEREAS, the Seike Memorial Japanese Garden, located at the former Des Moines Way Nursery, holds a special place in Pacific Northwest history and constitutes a beautiful piece of living art; and

WHEREAS, the Port of Seattle, in connection with its third runway project, has purchased and closed the Des Moines Way Nursery, including the Garden; and

WHEREAS, a number of options exist for preservation of the Garden, at its current site or at relocation sites; and

WHEREAS, the Council deems it appropriate, and in the public interest, to authorize the City Manager to explore and negotiate the best means of preserving the Garden;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

Preservation of the Seike Memorial Japanese Garden, in totality or in regard to its many artistic and cultural elements, at the existing site or at relocation sites is highly desirable.

Accordingly, the City Manager is authorized to negotiate and enter into any appropriate agreement or agreements with the Port of Seattle, the City of Burien, and/or the City of Seattle to provide for management of the Garden in its present location or to provide for relocation of the Garden, or its various elements, to new locations.

The City Manager is authorized to provide for and expend up to \$20,000 in one-time capital costs, less the City of Burien's contribution of \$5,000 per year for four years, and up to \$10,000 in annual operating costs, should it be possible to maintain and manage the Garden at its current site. Any agreement which would involve a fiscal impact to the City beyond those sums shall be subject to prior Council approval.

PASSED this 23rd day of September, 2003 and signed in authentication thereof on this 23rd day of September, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Seike Memorial Japanese Garden]

RESOLUTION NO. 03-024

A RESOLUTION of the City Council of the City of SeaTac, Washington approving an Interlocal Agreement with King County for the Regional Affordable Housing Program.

WHEREAS, in 2002 the State Legislature recognized that housing affordability has become a significant problem for a large portion of society in many parts of the State of Washington and, therefore, provided for additional funding resources for housing projects affordable to extremely low-income people and people with developmental disabilities; and

WHEREAS, King County obtains funding resources for those purposes through a surcharge on instruments recorded by the King County Recorder; and

WHEREAS, funds so obtained and retained by King County must be used by the County and its cities for housing projects that are affordable to very low-income households at or below 50% of the area median income; and

WHEREAS, the City Council finds that it is mutually beneficial and desirable to enter into an Interlocal Agreement with King County to administer the available affordable housing funds;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

The Interlocal Agreement for use of local low-income housing funds is approved, generally in the form attached hereto as Exhibit "A", and the City Manager is authorized to enter into the Interlocal Agreement on behalf of the City.

PASSED this 14th day of October, 2003 and signed in authentication thereof on this 14th day of October, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Regional Affordable Housing Program]

RESOLUTION NO. 03-025

A RESOLUTION of the City Council of the City of SeaTac, Washington to accept and approve the City of SeaTac's designated portion of the Regional Hazard Mitigation Plan upon approval by the Federal Emergency Management Agency (FEMA).

WHEREAS, the City is vulnerable to the human and economic costs of natural, technological and societal disasters; and

WHEREAS, the City recognizes the importance of reducing or eliminating those vulnerabilities for the overall good and welfare of the community; and

WHEREAS, the City has been an active participant in the Regional Hazard Mitigation Plan of King County Task Force, which has established a comprehensive, coordinated planning process to eliminate or decrease these vulnerabilities; and

WHEREAS, the City's representatives and staff have identified, justified and prioritized a number of proposed projects and programs needed to mitigate the vulnerabilities of the City to the impacts of future disasters; and

WHEREAS, these proposed projects and programs have been incorporated into the initial edition of the Regional Mitigation Plan that has been prepared and issued for consideration and implementation by the communities of King County;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

1. The City Council hereby proposes to accept and approve of its designated portion of the Regional Hazard Mitigation Plan, upon approval by FEMA.
2. The agency personnel of the City are requested and instructed to pursue available funding opportunities for implementation of the proposals designated therein.
3. The City will, upon receipt of such funding or other necessary resources, seek to implement the proposals contained in its section of the strategy.
4. The City will continue to participate in the updating and expansion of the Regional Hazard Mitigation Plan in the years ahead.
5. The City will further seek to encourage the businesses, industries and community groups operating within and/or for the benefit of the City to also participate in the updating and expansion of the Regional Hazard Mitigation Plan in the years ahead.

PASSED this 12th day of November, 2003 and signed in authentication thereof on this 12th day of November, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante, Acting City Attorney

[Regional Hazard Mitigation Plan]

RESOLUTION NO. 03-027

A RESOLUTION of the City Council of the City of SeaTac, Washington, extending the Interim Development Standards for Wireless Telecommunications Facilities (WTFs).

WHEREAS, in order to permit time to research issues related to wireless facilities, the City Council enacted Ordinance No. 03-1021 on June 24, 2003 which adopted Interim Development Standards regulating WTFs; and

WHEREAS, findings of fact were adopted in support of the interim standards under Resolution 03-017; and

WHEREAS, the City Council has determined that it is in the City's interest to obtain consultant input on the proposed standards; and

WHEREAS, the process of hiring such consultant has resulted in a revised schedule for considering final standards; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 allow renewal of an interim zoning ordinance for a period of up to six months pursuant to a public hearing and findings of fact supporting thze need for the extension of the standards; and

WHEREAS, a public hearing was held on November 12, 2003 to consider the public benefit of continuing such standards for an additional 6 months; and

WHEREAS, the City Council hereby adopts by this reference, as findings of fact, each and every recital of Ordinance No. 03-1021 and of Resolution No. 03-017;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

The Interim Development Standards for WTFs adopted by Ordinance No. 03-1021, which currently expire on December 24, 2003, shall continue in effect for an additional six month period until June 24, 2004, to permit time for consultant input and for formal consideration of the standards, with any necessary additions or revisions, as permanent standards.

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PASSED this 12th day of November, 2003 and signed in authentication thereof on this 12th day of November, 2003.

CITY OF SEATAC

Joe Brennan, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

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Original effective date: June 24, 2003.

Effective period: 6 months

Expiration: December 24, 2003

Proposed extension: 6 months

From Passage of resolution on November 11 = May 11; Must adopt by April 11; must adopt by = March 16 and 23

6 month extension from December 24 = June 24 = must adopt by May 24 = May 4 and May 11

= 6 weeks.

Or..... Do this in December on December

RESOLUTION NO. 03-028

A RESOLUTION of the City Council of the City of SeaTac, Washington, ordering the cancellation of outstanding municipal checks.

WHEREAS, RCW 39.56.040 requires municipal checks not presented one year of their issue date be cancelled by passage of a resolution; and

WHEREAS, the Washington State Auditor's Office noted during their 2002 audit of the City's financial records that the City had a number of outstanding municipal checks over one year old that should be cancelled; and

WHEREAS, the City Finance Department has made all reasonable attempts to resolve these outstanding municipal checks; and

WHEREAS, the City Council of the City of SeaTac wishes to cancel all outstanding municipal checks issued prior to November 30, 2002;

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

The SeaTac City Council declares the cancellation of municipal checks as detailed in Exhibit A.

PASSED this 2nd day of December, 2003, and signed in authentication thereof on this 2nd day of December, 2003.

CITY OF SEATAC

Don DeHan, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney