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RESOLUTION NO. 02-001

A RESOLUTION of the City Council of the City of SeaTac, Washington approving and authorizing entry into an Interlocal Agreement with the City of Tukwila for Tourism and Marketing Services.

WHEREAS, the City Council passed a Motion, pursuant to Agenda Bill #2087, on November 13, 2001, directing that an appropriation of \$350,000 from the Hotel-Motel Tax Fund 107 be made in the 2002 Annual City Budget for funding projects, activities and ancillary expenses pursuant to a Cooperative Tourism Promotion Plan to be developed between SeaTac and the City of Tukwila; and

WHEREAS, the said appropriation was included in the 2002 Annual City Budget adopted by the Council through Ordinance No. 01-1027; and

WHEREAS, a proposed Interlocal Agreement was prepared and submitted by Tukwila for the purpose of cooperative tourism promotion, which proposal was discussed with representatives of Tukwila by the Hotel-Motel Tax Advisory Committee, together with a number of Councilmembers and City staff on November 14, 2001 and on January 9, 2002; and

WHEREAS, the Council has received the affirmative recommendation of the Hotel-Motel Tax Advisory Committee and finds the proposed Interlocal Agreement and itemization of SeaTac's contribution for the year 2002 to be in the best public interest, to be appropriate for promoting tourism, and to be a proper use of Hotel-Motel Tax revenue; and

WHEREAS, Chapter 39.34 RCW authorizes cities to enter into cooperative interlocal agreements;

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

The Acting City Manager is hereby authorized and directed to enter into the Interlocal Agreement, substantially in the form attached hereto as Exhibit "A", so as to implement a program of cooperative promotion of tourism and marketing by and between the City of SeaTac and the City of Tukwila.

PASSED this 22nd day of January, 2002 and signed in authentication thereof on this 22nd day of January, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-002

A RESOLUTION of the City Council of the City of SeaTac, Washington approving an Amendment to the North SeaTac Park Lease so as to alter the park boundaries and to amend other Lease provisions, and authorizing the City Manager to execute the Amendment and an Agreement for the Development of Certain Port-Owned Properties Adjacent to North SeaTac Park.

WHEREAS, the Port has long owned property within the extended runway center line corridor of the Seattle-Tacoma International Airport, portions of which were used for park and recreational purposes and as site of the Sunset Activity Center, which was in considerable disrepair; and

WHEREAS, King County, the City, and the Port entered into a "Phase II Agreement relating to the development of North SeaTac Park" in addition to the Community Center, which provided for a lease from the Port to the City of approximately 200 additional acres abutting the Community Center property; and

WHEREAS, the contemplated lease was executed between the Port and the City on January 6, 1994; and

WHEREAS, the Interlocal Agreement entered into between the City and the Port on September 4, 1997 provided, at Exhibit C thereof, for amendment of the North SeaTac Park lease to return 50 acres of the leased premises to the Port for economic development and, in exchange therefore, for pursuit of construction and improvements of a multi-use trail on the Westside with a \$1.5 million contribution by the Port; and

WHEREAS, a First Amendment to the lease of January 6, 1994 was executed in October, 2000 for the purpose of releasing to the Port the Sunset Activity Center site, consisting of 10.64 acres of the total 50 acre development parcel; and

WHEREAS, the City has need for a combined Parks and Public Works maintenance facility, has identified an area of 4.22 acres within the North SeaTac Park for such purpose, and the parties are willing to release a total of approximately 55 acres from the Park Lease for the purpose of economic development by the Port and for use of the said portion by the City as a maintenance facility; and

WHEREAS, the City and the Port have agreed that any development on the area deleted from the North SeaTac Park lease shall be subject to a mutually drafted Agreement for the Development of Certain Port-Owned Properties Adjacent to North SeaTac Park, which requires best management practices, landscaping, and construction standards pursuant to the aforesaid 1997 Interlocal Agreement; and

WHEREAS, the City Council finds that entry into a Lease Amendment deleting the aforesaid acreage from the North SeaTac Park, and entry into the Agreement for Development are in the best interest of the City and of the public;

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

A Second Amendment to the Lease of January 6, 1994 is hereby approved and the City Manager is authorized to execute the same on behalf of the City, generally in the form attached to this Resolution as Exhibit A.

An Agreement for the Development of Certain Port-owned Properties Adjacent to North SeaTac Park, generally in the form attached to this Resolution as Exhibit B, is approved and the City Manager is authorized to execute the same on behalf of the City.

The City Manager, and such designees as he may assign, are authorized and directed to continue negotiations with the Port toward implementation of the multi-use trail on the Westside of the City and Airport, and also to continue working with the Port in regard to eventual development of the area deleted from the North SeaTac Park Lease, pursuant to the Interlocal Agreement of September 4, 1997, the Exhibit A Lease Amendment, and the Exhibit B Agreement hereto.

PASSED this 12th day of February, 2002 and signed in authentication thereof on this 12th day of February, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-003

A RESOLUTION of the City Council of the City of SeaTac, Washington expressing strong support for Proposition No. 1, Highline School District No. 401 School Capital Facilities Improvement Bonds in the sum of \$189,500,000.

WHEREAS, the Council has been requested by representatives of the Highline School Board to support Proposition No. 1, Highline School District No. 401 School Capital Facilities Improvement Bonds in the sum of \$189,500,000; and

WHEREAS, in accordance with RCW 42.17.130, notice and invitation to comment was published and posted, and copies were mailed to known proponents and opponents; 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:

The City Council of the City of SeaTac expresses its strong support for Proposition No. 1, Highline School District No. 401 School Capital Facilities Improvement Bonds in the sum of \$189,500,000, which will permit the necessary replacement of eight schools, including Madrona Elementary within the City, as well as additional renovation and improvements to other school buildings and facilities.

The Council further encourages all SeaTac City voters to approve the Proposition at the March 12, 2002 Special Election.

PASSED this 12th day of February, 2002 and signed in authentication thereof on this 12th day of February, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-004

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

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 amended and restated on April 11, 2000 by authority of Resolution No. 00-006; and

WHEREAS, the Council desires to rename the Finance Committee and to eliminate the Economic Development & Regional Issues Committee;

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

1. Section 3(A)(2) of the City Council Administrative Procedures is hereby amended to read as follows:

(2) **Administration and Finance Committee**, which shall consider matters related to administrative and procedural issues, financial issues, human services and contracts/negotiations and will meet at such regular dates and times as may be pre-determined by the Committee. The Chair of this Committee shall issue a status report at the Study Session next following the Committee meeting.

2. Section 3(A)(5) of the City Council Administrative Procedures, creating an Economic Development & Regional Issues Committee, is hereby repealed and deleted.

PASSED this 26th day of February, 2002 and signed in authentication thereof on this 26th day of February, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-005

A RESOLUTION of the City Council of the City of SeaTac, Washington appointing District Court Judges Seitz or Harn to the King County District Court Districting Committee.

WHEREAS, Chapter 3.38 RCW authorizes county-wide District Courts, with multiple divisions and courtrooms, and with separate electoral districts for judges thereof; and

WHEREAS, King County has, by Chapter 2.68 of the King County Code, established such a county-wide District Court with numerous divisions and courthouses, and with appropriate electoral districts, which include the incorporated area of the City of SeaTac within the Southwest Division located in the City of Burien; and

WHEREAS, the King County Council has now convened a statutory District Court Districting Committee to evaluate and recommend cost-saving consolidations of District Court divisions, courthouse facilities, and electoral districts; and

WHEREAS, although the City of SeaTac operates its own Municipal Court and does not contract with the King County District Court for such services, nonetheless, the City must be concerned with the location of courthouse facilities and local electoral districts as these may affect City residents who are cited into the King County District Court as defendants, parties, victims, or witnesses, in infraction, criminal, civil, or small claim matters; and

WHEREAS, the location of these facilities may also affect travel and time of City police officers contracted through the King County Sheriff's Office; and

WHEREAS, the Council is cognizant of its authority, as representative of a City with population three thousand or more, to appoint a member to the District Court Districting Committee; and

WHEREAS, the Council expresses its confidence that either or both Judge Vicki Seitz and Corinna Harn of the Southwest Division of the King County District Court can and will appropriately represent the City of SeaTac in the aforesaid proceedings;

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

1. Judges of the Southwest Division of the King County District Court Vicki Seitz and Corinna Harn, as they may decide in regard to individual representation, are hereby appointed, pursuant to RCW 3.38.010(5), as a member of the District Court Districting Committee to represent the City of SeaTac.
2. The City's representative, identified above, is advised, as a precatory admonishment, that the City of SeaTac has no opposition to cost-saving consolidation of District Court divisions and courthouses, providing that adequate combined facilities in the Kent Regional Justice Center or otherwise can be made available.
3. The City's representative, identified above, is advised, as a precatory admonishment, that the City of SeaTac opposes closure of the Southwest Division Courthouse or change of its electoral districts, by reason that the facility and local appointment of judges is essential to the residents of the City of SeaTac who may be cited into the court as defendants, parties, victims, or witnesses, in any infraction, criminal, civil, or small claim matters and as to the effect of any relocation upon travel and lost time of City police officers contracted through the King County Sheriff's Office.

PASSED this 26th day of February, 2002 and signed in authentication thereof on this 26th day of February, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-006

A RESOLUTION of the City Council of the City of SeaTac, Washington, approving the final plat for the development known as the "Cottages at Angle Lake"

WHEREAS, the City of SeaTac received an application for approval of a proposed plat development within the City SeaTac, to be known as "Cottages at Angle Lake" (Exhibit A); and,

WHEREAS, the Property Owner, Rick Williams, requested preliminary plat approval from the City of SeaTac pursuant to the provisions of the SeaTac Municipal Code and Chapter 58.17 of the Revised Code of Washington; and,

WHEREAS, the preliminary plat was reviewed by the Planning Department and by the City's Hearing Examiner at a public hearing conducted on July 20, 2000 where adjacent property owners and other persons interested in the development were heard, and after which the Hearing Examiner issued his findings of fact, conclusions and decision approving the Cottages at Angle Lake preliminary plat (Exhibit B), which included a requirement for a Tree Retention Plan (Exhibit C), dated the 6th day of August, 2000; and,

WHEREAS, the Hearing Examiner's decision was appealed to the City Council and the City Council affirmed the Hearings Examiner's decision in an open record appeal hearing on December 12, 2000; and,

WHEREAS, the property owner has completed the conditions required by the Hearing Examiner for final plat approval of the Cottages at Angle Lake; and,

WHEREAS, based upon the completion of the conditions for final plat approval, it would be beneficial to the community for the final plat to be approved.

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

1. That the final plat of the Cottages at Angle Lake is approved subject to all conditions of approval of the Hearing Examiner, and pursuant to the requirements of state law and City ordinance (Exhibits A and B).
2. The location of all trees required to be saved, shall be shown on the site plan for the Building Permits for all new homes within the subdivision pursuant to the Tree Retention Plan (Exhibit C) which shall be filed with the final plat.
3. That this Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED this 12th day of March, 2002 and signed in authentication thereof

this 12th day of March, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert McAdams, City Attorney

RESOLUTION NO. 02-007

A RESOLUTION of the City Council of the City of SeaTac, Washington amending Section 4(C) of the City Council Administrative Procedures in regard to Council Workshop meetings.

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 on February 26, 2002 by authority of Resolution No. 02-004; and

WHEREAS, Section 4(C) of the Administrative Procedures provides for a regularly scheduled monthly Council Workshop to informally discuss issues and concerns, but not to take any final action; and

WHEREAS, the Council desires to regularly schedule its Council Workshop meetings on a quarterly, rather than monthly basis, at the 13 Coins Restaurant, and to amend the aforesaid provision of the Administrative Procedures accordingly;

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

Section 4(C) of the City Council Administrative Procedures, as restated on April 11, 2000 through Resolution No. 00-006, as amended on February 26, 2002 through Resolution No. 02-004, is hereby amended to read as follows:

C. Study Session Meetings.

1. The Council shall meet regularly in Study Session on the first and third Tuesday of each month at six p.m. except if at any time any Study Session falls on a holiday, the Council shall meet on the next business day at the same hour. Meetings may be canceled by majority vote of the Council and public notice given. The City Council shall meet at SeaTac City Hall, unless otherwise publicly announced.
2. Study Session Meetings shall be held primarily for the purpose of considering current problems of the City and coordinating the work of individual Committees of the City Council. The Council shall have no power to take any final official action. The Mayor shall set the agenda for the Study Session Meeting.
3. The Council shall meet regularly for an informal Council Workshop on the fourth Wednesday of ~~each~~ the last month of each calendar quarter, commencing June 26, 2002, at six p.m. at a banquet room of the ~~Marriott Hotel SeaTac~~ 13 Coins Restaurant, except if at any time the Workshop falls on a holiday, the Council shall meet on the next business day at the same hour. The Council Workshops shall be held primarily for the purpose of promoting interpersonal relations and discussion of visions, concepts, and issues of more general nature than typically discussed at regular Study Sessions. The Council shall have no power to take any final official action at the Workshops. The Mayor shall set the agenda for the Council Workshop.

PASSED this 14th day of May, 2002 and signed in authentication thereof on this 14th day of May, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-008

A RESOLUTION of the City Council of the City of SeaTac, Washington approving an Interlocal Agreement with Yakima County for the housing of inmates in the Yakima County Jail and an Interlocal Agreement with other cities so contracting with Yakima County in order to establish mutual and respective rights and obligations, and authorizing the City Manager to execute the said Interlocal Agreements.

WHEREAS, SeaTac, and a number of other cities, currently contract with Yakima County on an annual basis for housing of inmates in the County's jail facilities, and also contract with the City of Renton for temporary custody of inmates pending transportation to Yakima County; and

WHEREAS, by contract, King County also provides cities with jail services but at rates substantially greater than those offered by Yakima County and the King County Executive has advised of a desire to renegotiate a jail services contract providing for "full cost recovery"; and

WHEREAS, the proposed Interlocal Agreement between a number of cities, including SeaTac, and Yakima County would, upon completion of additional jail facilities, provide for transportation to and from Yakima County, guaranteed jail capacity, appropriate custody, care, and treatment of inmates, and continuity of service through at least the year 2009; and

WHEREAS, the proposed Interlocal Agreement by and between the cities, including SeaTac, contracting with Yakima County would appropriately set forth the duties and responsibilities among the cities in regard to use and allocation of jail capacity, as to apportionment of charges by Yakima County, and as to termination and all other terms and conditions of the Agreement with Yakima County; and

WHEREAS, SeaTac is authorized to enter into the proposed Interlocal Agreements pursuant to the Interlocal Cooperation Act (Chapter 39.34 RCW) and the City and County Jails Act (Chapter 70.48 RCW); and

WHEREAS, the City Council finds that long-term correctional services contracting is a responsible intergovernmental opportunity that resolves serious economic and public safety hardships for all parties and, accordingly, entry into the proposed Interlocal Agreements is in the best public interest;

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

The Interlocal Agreement with Yakima County for the housing of inmates in the Yakima County Jail, generally in the form attached hereto as Exhibit "A", and the Interlocal Agreement with other cities so contracting with Yakima County, generally in the form attached hereto as Exhibit "B" are hereby approved and the City Manager is authorized to execute both Interlocal Agreements on behalf of the City.

PASSED this 28th day of May, 2002 and signed in authentication thereof on this 28th day of May, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-009

A RESOLUTION of the City Council of the City of SeaTac, Washington fixing the time for a public hearing and for Council action on a petition by property owner Saxon SeaTac Enterprises, LLC to vacate that portion of the south fifteen feet of South 188th Street generally between F-Line Stations 50+05.14 and 51+98.07.

WHEREAS, a petition for right-of-way vacation has been received, signed by Saxon SeaTac Enterprises, LLC the sole owner of property abutting the south fifteen feet of South 188th Street generally between F-Line Stations 50+05.14 and 51+98.07, within the City; and

WHEREAS, SMC 11.05.090 adopts the road vacation procedures of Chapter 35.79 RCW; and

WHEREAS, RCW 35.79.010 requires that, upon receipt of any petition signed by more than two-thirds of the owners of abutting property, a public hearing and date for Council action must be fixed by resolution not less than twenty (20) days nor more than sixty (60) days after adoption of the said resolution; and

WHEREAS, the Council finds that the public hearing and consideration of final Council action should be fixed at the time of the Regular Council Meeting of July 23, 2002; and

WHEREAS, RCW 35.79.020 requires that notice of the hearing be posted in three public places and on the street sought to be vacated;

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

1. The time for a public hearing on the petition of property owner Saxon SeaTac Enterprises, LLC to vacate that portion of the south fifteen feet of South 188th Street generally between F-Line Stations 50+05.14 and 51+98.07 is hereby fixed to commence at 6:00 P.M. on Tuesday, July 23, 2002, or as soon thereafter as the hearing may be held, at the Council Chambers, SeaTac City Hall, 17900 International Blvd., Suite 401, SeaTac, Washington 98188.
2. Petitioner shall, at its expense, prepare a notice board generally as provided at SMC 16.07.010, but adapted to give notice of the petition for vacation and of the public hearing, and shall post the same on the right-of-way to be vacated, under direction and supervision of the Department of Public Works.
3. The City Clerk shall cause notice of the petition for vacation and of the public hearing to be posted in three public places, pursuant to City procedures.
4. Following the public hearing, the City Council shall consider the petition and public comments and shall take such final action in regard to the requested vacation as may be deemed appropriate. The Council reserves the right to deny the requested vacation, or to grant the vacation by Ordinance subject to such reserved or new easements and/or monetary compensation up to the statutory maximum, as may be deemed appropriate.

PASSED this 25th day of June, 2002 and signed in authentication thereof on this 25th day of June, 2002.

CITY OF SEATAC

Kathy Gehring-Water, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-010

A RESOLUTION of the City Council of the City of SeaTac, Washington consenting to change of control and internal restructuring of parent entities of TCI Cablevision of Washington, Inc. as holder of the City Cablevision Franchise.

WHEREAS, TCI Cablevision of Washington, Inc. the cable franchise holder ("Franchisee") of Ordinance No. 96-1003, a non-exclusive franchise to operate a cablevision system, issued by the City of SeaTac ("Franchise Authority") is an indirect subsidiary of AT&T Corporation. ("AT&T"), which intends a merger with Comcast Corporation to create a new company to be known as AT&T Comcast Corporation ("AT&T Comcast") and AT&T ; and

WHEREAS, the Franchisee will be controlled, at the highest level, by AT&T Comcast but will continue to operate the cable television system and will continue to hold and be responsible for performance of the cable franchise; and

WHEREAS, Franchisee and AT&T Comcast have requested that the City, as Franchise Authority, consent to the merger and resultant change in ultimate control of Franchisee in accordance with the requirements of the cable franchise and have filed an FCC Form 394 "Transfer Application" with the City requesting such consent; and

WHEREAS, the City, as Franchise Authority, has reviewed the Transfer Application, followed all required procedures in order to consider and act upon the Transfer Application, and the City Council finds consent to the merger and transfer to be appropriate;

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

The City, as Franchise Authority, hereby consents to the transactions described above and in the FCC Form 394 Transfer Application, in accordance with the terms of the cable franchise of Ordinance No. 96-1003 and applicable law.

PASSED this 25th day of June, 2002 and signed in authentication thereof on this 25th day of June, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-011

A RESOLUTION of the City Council of the City of SeaTac,
Washington, adopting a Ten-Year Transportation Improvement
Program for the years 2003-2012.

WHEREAS, pursuant to RCW 35.77.010, cities are required to adopt a Six-Year Comprehensive Street Program including a program for arterial street construction; and

WHEREAS, the Growth Management Act, Chapter 36.70A RCW, similarly requires adoption by the City of a Ten-Year Transportation Improvement Plan (TIP) including planned arterial street construction; and

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

WHEREAS, the City Council finds that prioritized and up-dated road and street capital improvement projects are essential to proper planning and the improvement of transportation within the City;

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
2003-2012, a copy of which is attached hereto marked as
Exhibit "A" and incorporated by this reference, is hereby adopted.

PASSED this 25th day of June, 2002 and signed in authentication thereof on this 25th day of June, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-012

A RESOLUTION of the City Council of the City of SeaTac, Washington, authorizing acceptance of Federal Highway Administration NHS/STP grant monies for construction of the South 188th Street Overlay from International Boulevard to 46th Avenue South and authorizing the City Manager to execute the agreement and related documents.

WHEREAS, that section of South 188th Street from Interstate 5 to International Boulevard is designated as a National Highway System (NHS) route; and

WHEREAS, the City is eligible to receive a Surface Transportation Program (STP) grant in connection therewith; and

WHEREAS, it would be appropriate to formally approve acceptance of the grant and, at the same time, authorize the City Manager to negotiate, enter into and execute, on the City's behalf, a grant agreement with WSDOT and authorize execution of appropriate and related documents.

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

1. That the STP(N) grant, in the amount of \$130,270 to which the City would add an additional \$467,500 as matching funds, for the construction of the South 188th Street Overlay from International Boulevard to 46th Avenue South, be, and the same hereby is, approved for acceptance by the City, and that the City Manager is authorized to negotiate, enter into and execute, on the City's behalf in accordance with the grant, an agreement for such grant funds with WSDOT, and the City Manager or his designee is identified and designated as the authorized representative of the City, authorized to execute appropriate documents in connection with said grant.
2. That this Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED this 9th day of July, 2002 and signed in authentication thereof on this 9th day of July, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-013

A RESOLUTION of the City Council of the City of SeaTac, Washington revising the City's Schedule of Fees in accordance with increased passport fees, amendment of building, sign, and other construction permit fees, and certain increases in King County business license fees.

WHEREAS, the United States Department of State has increased passport fees and those increases should be reflected in the City's Schedule of Fees; and

WHEREAS, the Council has, by Ordinance, revised the building, sign, and other construction permit fees of Title 13 of the SeaTac Municipal Code; and

WHEREAS, King County has increased certain business license fees which are generally followed by the City;

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 as to the following items only:

Passport application execution fee ~~\$15.00~~ \$30.00

In addition, fees payable to "Passport Services" are charged on a pass-through Basis as set by the United States

Department of State.

Junk shop license Annual ~~\$200.00~~ \$300.00

Junk wagon license Annual ~~\$24.00~~ \$40.00

Building permits: SeaTac Municipal Code

Title 13, Appendix A, copy attached.

Sign permits: SeaTac Municipal Code

Title 13, Appendix B, copy attached.

Plumbing permits (SMC13.09.030):

~~For issuance of each permit \$ 15~~

~~For supplemental permits \$ 5~~

Single Family Dwellings

New Single Family Dwelling \$150

~~Less than 3,000 square feet \$135~~

~~Over 3,000 square feet \$160~~

Additions and Remodels to Single Family Dwellings

Adding one to five fixtures \$ 35

Adding six to ten fixtures \$ 55

Over ten fixtures \$135

Multi-Family and Commercial

Valuation Fee

\$ 250 or less \$ ~~30~~ 45

251 – 1,001 \$ ~~30~~ 45 plus 4% of cost over ~~25~~40

1,001 – 5,000 \$ ~~60~~ 75 plus 1.5% of cost over 1,0040

5,001 – 50,000 \$ ~~120~~ 135 plus 1.4% of cost of 5,0040

50,001 – 250,000 \$ ~~750~~ 765 plus 1% of cost over 50,0040

250,000 – 1,000,000 \$~~2,750~~ 2,765 plus .8% of cost over 50,0040

1,000,001 and up \$~~8,750~~ 8,765 plus .4% of cost over 1,000,0040

Permit costs include the normal plan review associated with the application.

~~Plan review for revisions or modifications \$ 50.00 per hour~~

Inspection or plan review not specified elsewhere \$75 per hour

Miscellaneous:

Removal of fuel storage tank (FST), \$250

Other than residential or farm, less

Than 1,100 gallons. Additional tanks

Inspected at same time: \$100 each.

-

-

Permit for demolition of a building

500 square feet or less \$ 50

More than 500 square feet \$150

Reroofing single family residence \$45

PASSED this 23rd day of July, 2002 and signed in authentication thereof on this 23rd day of July, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-014

A RESOLUTION of the City Council of the City of SeaTac, Washington expressing Council support for State Referendum 51 financing transportation improvements through transportation taxes and fees, and encouraging voter approval at the November 5, 2002, General Election.

WHEREAS, by Chapter 202, Laws of 2002, the Legislature has mandated accountability and efficiency by the Department of Transportation so that taxpayers will know that their tax dollars are being well spent to deliver critically needed transportation projects; and

WHEREAS, Referendum 51 will be on the General Election ballot of November 5, 2002 to provide financing of those critical transportation projects by license fees, gasoline tax, and sales tax; and

WHEREAS, in the past 20 years, two million more vehicles have been added to our roads and the amount of freight and goods traveling throughout the state has doubled; and

WHEREAS, the ability to move people and goods on our transportation system is essential to the livability and economic vitality of our state; and

WHEREAS, there have been no increases in the state gas tax since 1991 to provide funding for transportation improvements and we have suffered a reduction of 21% in overall state funding for transportation projects as a result of initiatives; and

WHEREAS, the unfunded need for transportation improvements in the state has grown to \$150 billion dollars over the next twenty years as determined by the Governor's Blue Ribbon Commission on Transportation; and

WHEREAS, a well-functioning transportation system is essential to retaining and attracting the companies that provide economic viability and family-wage jobs to this City, the region, and the State of Washington; and

WHEREAS, R-51 will provide money for every city and county to help fix potholes, repair dangerous road conditions and improve the safety of our citizens; and

WHEREAS, R-51 will require that audits be conducted to ensure all R-51 revenues are spent properly and projects are delivered on-time and on-budget; and

WHEREAS, funding from Referendum 51 will contribute to necessary transportation improvements that will provide significant mobility and economic benefits for the citizens, employers and visitors of the City of SeaTac;

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

The City Council of the City of SeaTac hereby declares its support for State Referendum 51 financing critical transportation improvements through transportation taxes and fees, and encourages approval by the voters at the November 5, 2002 State General Election.

PASSED this 10th day of September, 2002 and signed in authentication thereof on this 10th day of September, 2002.

CITY OF SEATAC

Joe Brennan, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

Referendum 51

RESOLUTION NO. 02-015

A RESOLUTION of the City Council of the City of SeaTac, Washington authorizing entry into Amendment 1 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, will not result in any expense to the City; and

WHEREAS, the Council finds that a one-year 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 1, substantially in the form attached hereto as Exhibit "A", to the Interlocal Agreement establishing the Washington City and County Pipeline Safety Consortium.

PASSED this 24th day of September, 2002 and signed in authentication thereof on this 24th day of September, 2002.

CITY OF SEATAC

Joe Brennan, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Pipeline Safety Consortium Amendment 1]

RESOLUTION NO. 02-016

A RESOLUTION of the City Council of the City of SeaTac, Washington expressing Council opposition to Initiative 776, which concerns state and local government charges on motor vehicles, and encouraging voter rejection at the November 5, 2002 General Election.

WHEREAS, Initiatives I-695 (replacing the motor vehicle excise tax with a \$30 fee for license tabs and requiring a vote on any tax or fee increase) and I-722 (refunding any tax increase passed in anticipation of I-695, correcting I-695's inadvertent repeal of the exemption of motor vehicles from personal property tax, and restricting real property tax increases) were declared unconstitutional and without effect; and

WHEREAS, the State Legislature, responding to the will of the people in passing the initiatives, replaced the basic motor vehicle excise tax and the special excise tax to fund public transit systems with a \$30 fee for license tabs; and

WHEREAS, I-776 fails to acknowledge the legislative changes and is thus partly of no effect, but, if passed, will have only the following results:

1. License tabs of light trucks with weights of 4,000, 6,000 and 8,000 pounds will be reduced to \$30 from the current fee of \$37, \$44 and \$55, respectively;
2. Repeal of the additional license tab fee of \$15 approved by voters (including those of King County) for transportation purposes;
3. Elimination of the authority for voter-approved local motor vehicle excise tax for high capacity transit, including the voter-approved 0.3% of motor vehicle value for Sound Transit's commuter rail, express bus, and light rail projects; and

WHEREAS, the intent of the Initiative to permit a state-wide vote on a local tax which the voters of King County, and three other counties, imposed upon themselves, raises a serious constitutional question, just as have previous initiatives; and

WHEREAS, the Initiative's "policies and procedures" statement that this "measure provides a strong directive to all taxing districts to obtain voter approval before imposing taxes, fees and surcharges on motor vehicles" is not a directive at all and has no place in an initiative intended to constitute legislation by the people; and

WHEREAS, the purported repeal of the local tax for public transit projects (RCW 35.58.273) is without any effect inasmuch as the tax has been repealed by the State Legislature; and

WHEREAS, language of the Initiative stating that the people expect transit agencies to retire bonds using reserve funds, sale of property or equipment, or new voter-approved taxes, is also without legislative effect, being only an "encouragement", and is not appropriate to legislation enacted by the people; and

WHEREAS, potential impairment of issued bonds, and the promised stream of revenue for repayment, if such should occur by passage of I-776, would likely be unconstitutional; and

WHEREAS, the additional license tab fee of \$15 approved by King County voters is shared with cities, and its repeal by I-776 would result in a loss well in excess of \$200,000 per year for City of SeaTac transportation purposes; and

WHEREAS, the City Council finds that passage of Initiative I-776 would result in minimal tax relief to the people, would raise serious constitutional questions, and would result in a loss of funding for SeaTac transportation projects in the approximate amount of \$1.5 million over the next six years;

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

The City Council of the City of SeaTac hereby declares its opposition to Initiative 776, which concerns state and local government charges on motor vehicles, and encourages rejection by the voters at the November 5, 2002 State General Election.

PASSED this 24th day of September, 2002 and signed in authentication thereof on this 24th day of September, 2002.

CITY OF SEATAC

Joe Brennan, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Initiative 776]

RESOLUTION NO. 02-017

A RESOLUTION of the City Council of the City of SeaTac, Washington authorizing an increase to the Interfund Loan amount for the construction of the Police Department area at the new City Hall.

WHEREAS, the City Council has previously authorized a temporary loan from the City's Port ILA Fund to the Municipal Facilities Fund for the acquisition of the Valley Ridge Corporate Center until long term financing can be secured for the City Hall project; and

WHEREAS, the City Council has amended the 2002 Budget for the New City Hall project in the Municipal Facilities CIP Fund for the construction of the Police Department area at the new City Hall; and

WHEREAS, funds are available in the Port of Seattle ILA Fund to provide a temporary loan to allow for the Police Department remodel;

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

That the Finance and Systems Director is authorized to make an additional interfund loan from the Port of Seattle ILA Fund to the Municipal Facilities CIP Fund in the amount necessary to complete the construction of the Police Department area at the new City Hall. This loan shall be repaid, with interest, after bond financing related to the new City Hall project is obtained. The interest rate on the loan shall fluctuate monthly, equal to the interest rate earned by the City on funds deposited at the Local Government Investment Pool.

PASSED this 22nd day of October, 2002 and signed in authentication thereof on this 22nd day of October, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-018

A RESOLUTION of the City Council of the City of SeaTac, Washington approving an Interlocal Agreement with King County for Jail Services and authorizing the City Manager to execute the said Interlocal Agreement.

WHEREAS, SeaTac, and a number of other cities, have entered into an Interlocal Agreement (ILA) with Yakima County for housing of inmates in that County's jail facilities, and also contract with the City of Renton for temporary custody of inmates pending transportation to Yakima County; and

WHEREAS, by contract, King County also provides cities with jail services when use of the Yakima County facility is unavailable or impractical; and

WHEREAS, a proposed Interlocal Agreement has been negotiated on behalf of a number of cities, including SeaTac, and King County to provide for jail capacity, appropriate custody, care, and treatment of inmates, and transition out of County jail services by the year 2012; and

WHEREAS, SeaTac is authorized to enter into the proposed Interlocal Agreement pursuant to the Interlocal Cooperation Act (Chapter 39.34 RCW) and the City and County Jails Act (Chapter 70.48 RCW); and

WHEREAS, the City Council finds that correctional services contracting is a responsible intergovernmental opportunity that resolves serious economic and public safety hardships for all parties and, accordingly, entry into the proposed Interlocal Agreement is in the best public interest;

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

The Interlocal Agreement with King County for jail services in the form attached hereto as Exhibit "A", is hereby approved and the City Manager is authorized to execute the Interlocal Agreement on behalf of the City.

PASSED this 22nd day of October, 2002 and signed in authentication thereof on this 22nd day of October, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[King County Jail ILA]

RESOLUTION NO. 02-019

A RESOLUTION of the City Council of the City of SeaTac, Washington declaring certain real properties purchased by the City for the 28th/24th Avenue South Arterial Project to be surplus, providing for appraisals, and providing for disposal of real properties.

WHEREAS, the City Council previously adopted Ordinance No. 97-1017 which created Local Improvement District No. 1 for a road improvement therein and within the City, which was assigned City Project No. ST012 and identified as the 28th/24th Avenue South Arterial Project; and

WHEREAS, the Council also adopted Ordinance No. 99-1019, as amended by Ordinance No. 00-1005, for the purpose of exercising the power of eminent domain so as to acquire certain lands and properties necessary as right-of-way for the construction and operation of the Project; and

WHEREAS, the majority of land acquisitions consisted only of a strip or partial taking; and

WHEREAS, it was necessary to effect a total taking of five parcels, identified as Project Parcels 211, 308, 309, 310, and 311, because the area necessary for the right-of-way consisted of a significant portion of each parcel including the structures thereon; and

WHEREAS, the area of the aforesaid parcels which was not necessary for the right-of-way now constitutes excess property which the Council now finds to be surplus to any public use or necessity at the present time or in the foreseeable future; and

WHEREAS, the City Council is granted the power to dispose of real property for the common benefit by RCW 35A.11.010; and

WHEREAS, the Council finds, as a fact, that disposal of the aforesaid real property would be for the common benefit of returning the surplus parcels to the private sector and tax rolls and eliminating the maintenance responsibilities of the City for property excess to its needs;

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

1. Project Parcel 211, legally described on Exhibit "A" which is incorporated herein by this reference, and Project Parcels 308, 309, 310, and 311, legally described on Exhibit "B" which is incorporated herein by this reference, are hereby declared surplus to the needs of the City at the current time and within the foreseeable future and that disposal thereof will be for the common benefit.
2. The City Manager is hereby authorized and directed to cause an appraisal of the said parcels to be prepared for the purpose of establishing fair market value.
3. The City Manager is further authorized and directed to advertise the said parcels for disposal and to negotiate terms thereof at the best offer at or above the appraised fair market value.
4. All expenses shall be paid from, and all proceeds shall be returned to the City's 307-Transportation CIP Fund.

PASSED this 12th day of November, 2002 and signed in authentication thereof on this 12th day of November, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[28th/24th Ave. Surplus]

RESOLUTION NO. 02-020

A RESOLUTION of the City Council of the City of SeaTac, Washington approving and authorizing the 2001 through 2003 collective bargaining agreement between the City of SeaTac and the International Association of Fire Fighters, Local #2919.

WHEREAS, the International Association of Fire Fighters, Local #2919 has been certified as the bargaining representative for the non-exempt, uniformed fire fighters and fire department officers of the City of SeaTac; and

WHEREAS, the City has previously entered into collective bargaining agreements with the International Association of Fire Fighters, Local #2919 to govern wages, hours and working conditions for the covered employees; and

WHEREAS, the term of the most current collective bargaining agreement provided for a term expiring at the end of 2000; and

WHEREAS, the City and the bargaining representative met and negotiated regarding a successor agreement; and

WHEREAS, certain issues were certified to interest arbitration, pursuant to RCW 41.56.450, and an arbitration decision has been issued; and

WHEREAS, the City and the bargaining representative have negotiated a successor agreement, to be retroactively effective from 2001 through 2003, which incorporates agreed provisions and terms of the arbitration decision;

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

The collective bargaining agreement for 2001 through 2003 by and between the City of SeaTac and the International Association of Fire Fighters, Local #2919, a copy of which is attached hereto as Exhibit "A" and is incorporated herein by this reference, is hereby approved, and the City Manager and Mayor are authorized to execute the same on behalf of the City, following ratification by members of the union.

PASSED this 26th day of November, 2002 and signed in authentication thereof on this 26th day of November, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[IAFF 2001 - 2003]

RESOLUTION NO. 02-021

A RESOLUTION of the City Council of the City of SeaTac, Washington, authorizing acceptance of a Demonstration Housing Project grant and authorizing the City Manager to execute a contract and related documents for expenditure of grant funds.

WHEREAS, the Washington State Department of Community, Trade and Economic Development (CTED) created a grant program to encourage the development of a housing pilot project that would meet certain criteria for innovative design; and

WHEREAS, such criteria include the following:

- **Good design** that enhances the character of an existing neighborhood;
- Extensive **public participation**, especially with surrounding property owners, to ensure community support for the housing development;
- **Smaller units** with amenities;
- A **minimum density** of 7 dwelling units per acre (which equals an average of 6,223 square feet per dwelling);
- **Mixed-income** housing (some, but not all, units should be affordable to low-income families);
- **Innovative land use/zoning** provisions and a streamlined permitting process;
- Served with **existing infrastructure** (such as roads and public sewer/water);
- Location within an **urban growth area**; and

WHEREAS, the City's Comprehensive Plan promotes many of the concepts to be explored by the demonstration housing project, including good design, public participation, and innovative landuse/zoning provisions; and

WHEREAS, the City of SeaTac responded to the Request for Qualifications (RFQ) for the grant jointly with Threshold Housing and the Housing Partnership, nonprofit organizations experienced in developing innovative housing products such as cottage housing; and

WHEREAS, the City, along with Threshold Housing and the Housing Partnership were chosen to receive grant funds from CTED in the amount of \$99,500 for the purpose of the demonstration housing project; and

WHEREAS, the attached scope of work outlines the City's proposed allocation of such funds;

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

The grant is approved for acceptance, according to the scope of work, substantially in the form of Exhibit (A) and the City Manager is authorized and directed to enter into a contract and related documents for the expenditure of such grant funds.

PASSED this 26th day of November, 2002 and signed in authentication thereof on this 26th day of November, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: _____]

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RESOLUTION NO. 02-022

A RESOLUTION of the City Council of the City of SeaTac, Washington adopting findings of fact in support of, and continuing, the moratorium on construction of fences along the front yard of residential properties fronting on principal arterials.

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 permit the City Council to adopt moratoria relating to planning, zoning, and development regulations, subject to a public hearing within sixty (60) days of the date of adoption of any such moratorium, and further subject to findings of fact justifying the moratorium at either the time of adoption or following conclusion of the public hearing; and

WHEREAS, the Council is concerned that existing development regulations and construction standards may not be sufficient to ensure that construction of certain presently permitted fences will be consistent with the City's Comprehensive Plan, will promote reasonable safety and privacy, and will be compatible with other structures within the neighborhood; and

WHEREAS, it is desired that, within residential zones, no fences be constructed along the frontage of any principal arterial street until the Council has time to research and study the situation and, as appropriate, to formulate amendments to present regulations concerning such fences; and

WHEREAS, the Council passed a Motion on November 12, 2002 imposing such a moratorium for the period of six months, or less if final regulations could be earlier adopted; and

WHEREAS, pursuant to the aforesaid statutes, notice was published, a public hearing was held, and opportunity was provided for public participation and comment;

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

1. The City Council hereby finds and adopts the following Findings of Fact in support of the moratorium imposed by the Council Motion passed on November 12, 2002, and in support of continuation of the said moratorium:

(a) Policy 1.2A of the SeaTac Comprehensive Plan requires preservation of the residential character of single-family residential neighborhoods, whenever possible, inasmuch as residential neighborhoods are important components of the community and should be protected from negative impacts of conflicting or inappropriate nearby land uses;

(b) Policy 1.2C of the SeaTac Comprehensive Plan requires that residential development in the urban center be designed and scaled in a manner that is compatible with single-family neighborhoods in order to allow a harmonious transition into surrounding single-family neighborhoods;

(c) Policy 2.1A of the SeaTac Municipal Code requires support of the physical and social stability of established residential neighborhoods through policies and codes which regulate land use and physical improvements so as to enhance the physical and social qualities of existing neighborhoods;

(d) International Boulevard, South 188th Street and South 200th Street are designated principal arterials, as shown on Map 3.1 of the SeaTac Comprehensive Code;

(e) The Community Image Element of the Comprehensive Plan is intended to strengthen civic pride and identity of neighborhoods through form and appearance;

(f) As a result of citizens' correspondence and comments, the Planning Commission and staff of the Department of Planning and Community Development considered certain amendments to SMC 15.13.080 in regard to residential fence standards at a planning commission meeting of September 9, 2002 and then conducted a public hearing on the same subject at the planning commission meeting of September 16, 2002;

(g) The Planning Commission and staff of the Planning Department then proposed amendments at the City Council Study Session of September 17, 2002, to include changing the minimum distance of the space between the top of a fence to the bottom of its trellis or lattice from six inches to ten inches, (ii) allowing a clear panel between the top of the fence and the bottom of the trellis or lattice, subject to City approval, and (iii) requiring completion of fence construction within six months after start of construction;

(h) During the Council discussion of the three proposed amendments to fence regulations, recent construction of a six-foot high fence on South 200th Street (a principal arterial) was characterized as overly high and aesthetically unpleasing, and displeasure was also expressed as to the overall height of fences, particularly those six feet high, when constructed on top of a retaining wall or bulkhead;

(i) As a result, the Council directed that the fence amendments be returned, without action, to the Planning Commission for additional study and recommendations in regard to the Council's concerns;

(j) An exception to the usual four-foot height of front fences has been permitted for residential properties fronting on a principal arterial since adoption of the original Zoning Ordinance No. 92-1041, on October 27, 1992, to improve privacy and to reduce noise from heavy traffic on such arterials;

(k) Ordinance No. 92-1041, as codified at SMC 15.12.080E limited all residential fences to four feet in height within the front yard area of the lot, but permitted six feet in height along all side and rear property boundaries;

(l) However, the Ordinance provided for an exception, originally codified at SMC 15.13.090C, so as to allow single family and multi-family buildings to have six foot high fences when fronting an arterial street, providing that sight distance requirements for vehicle drivers be maintained;

(m) Subsequently, on May 12, 1998, the Council enacted Ordinance No. 98-1017 which added exceptions to the fence height regulations (at SMC 15.13.080F1c,d, and e), so as to allow "stepping" on sloping grades and for a maximum nine and one half (9.5) foot total height from grade for fences built upon bulkheads or retaining walls as well as adding a provision for trellises or lattice panels no more than twelve inches in height on top of fences;

(n) Following the aforesaid Council Study Session, the Land Use & Planning (LUP) Committee met on September 19, 2002 and discussed the fence regulations, including the 9.5 foot maximum height when fences are erected on top of bulkheads or retaining walls, and also an issue regarding whether address numbers should be required on fences, and referred the issue to a future planning commission meeting;

(o) The Planning Commission accepted the referral, considered the matters at the Planning Commission meeting of October 7, 2002, and made four recommendations to the Council;

(p) The four recommendations of the Planning Commission were that (i) fences on major arterials should remain at six feet to ensure privacy and reduction of noise from the adjacent principal arterial, (ii) fences on principal arterials should be stained, (iii) fences should be subject to design standards, and (iv) the City should reimburse property owners for the added expense of any design standards imposed;

(q) The LUP Committee then considered the fence amendments at its meeting of October 10, 2002 and, following discussion, recommended that no additional changes be made to the originally proposed amendatory ordinance and referred the matter back to a future Council Meeting;

(r) Notwithstanding the referral to the Council, the Planning Commission received a presentation, at its meeting of October 21, 2002, by Planning Department staff in regard to the fence issues and recommendations of the LUP Committee, but was unable to then embark upon further study or accumulation of additional information on behalf of the Council, or to publish notice or otherwise provide for public participation (pursuant to RCW 36.70A.035, .130, and .140) or public hearing as to the newly proposed amendments to fence regulations not considered at the Planning Commission's public hearing of September 16, 2002;

(s) Review and study of the fence regulation amendments was scheduled to be brought back to the Council at its Study Session of November 19, 2002 and Regular Council Meeting of November 26, 2002;

(t) However, the matter was accelerated to the Regular Council Meeting of November 12, 2002, together with the Minutes of the October 7, 2002 Planning Commission meeting and the LUP Committee meeting of October 10, 2002;

(u) The Council was unable to arrive at a consensus as to the proposed amendatory ordinance and, as a result, imposed a moratorium by Council Motion, to prohibit construction of new fences along the front yard of residential properties which front principal arterial streets, so as to provide time for further study and information to permit the Council to reach consensus and take final action; and

(v) Based upon the foregoing, the public interest, health, safety, and welfare would be benefited by maintaining *status quo* for the reasonable time necessary to study and evaluate alternatives in regard to fence construction and appearance standards and to enact appropriate development regulations.

2. City staff and the Planning Commission are hereby directed to conduct such further research and studies as may be deemed appropriate to determine whether regulations applicable to fences on the front yard of residential properties fronting on arterial streets should be amended as to particular conditions and restrictions.

3. The Council shall, as soon as reasonably possible, review the aforesaid research and studies, and such further information as may be provided by the Planning Commission, staff, residents, or individual Councilmembers and shall then either reinstate the existing regulations or amend the regulations as deemed appropriate.

4. Pending final determination of the Council as to the aforesaid fence regulations, the moratorium imposed by Council Motion on November 12, 2002 shall continue in effect, but for a period no longer than six months from the date of the said Motion, and construction of fences along the front yard of residential properties fronting on principal arterials shall be prohibited.

5. The City Manager is directed to cause notice of the moratorium to be published in the City's official newspaper.

PASSED this 10th day of December, 2002 and signed in authentication thereof on this 10th day of December, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

RESOLUTION NO. 02-023

A RESOLUTION of the City Council of the City of SeaTac, Washington approving the Interlocal Agreement for Mount Rainier Pool Subsidy Funding and authorizing the City Manager to enter into the Agreement on behalf of the City.

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

WHEREAS, the City and a number of other cities desire to contribute funds to permit continued operation of the Pool through 2003; and

WHEREAS, the City and a number of other cities desire to find a long-term solution for the continued operation of the Pool;

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

The Interlocal Agreement, attached hereto as Exhibit "A" is hereby approved and the City Manager is authorized to execute a final Interlocal Agreement in substantially the same form on behalf of the City.

PASSED this 10th day of December, 2002 and signed in authentication thereof on this 10th day of December, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Mount Rainier Interlocal Agreement]

RESOLUTION NO. 02-024

A RESOLUTION of the City Council of the City of SeaTac, Washington approving a Mount Rainier Pool Operation Agreement and authorizing the City Manager to enter into the Agreement on behalf of the City.

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

WHEREAS, the City and a number of other cities desire to oversee continued operation of the Pool through 2003; and

WHEREAS, the City and a number of other cities desire to find a long-term solution for the continued operation of the Pool;

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

The Pool Operation Agreement, attached hereto as Exhibit "A" is hereby approved and the City Manager is authorized to execute a final Pool Operation Agreement in substantially the same form on behalf of the City.

PASSED this 10th day of December, 2002 and signed in authentication thereof on this 10th day of December, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Mount Rainier Operation Agreement]

RESOLUTION NO. 02-025

A RESOLUTION of the City Council of the City of SeaTac, Washington revising the City's Schedule of Fees to add a fee for Zoning Code interpretations and to allow waiver of certain SEPA review fees.

WHEREAS, the many zoning code interpretation requests received during the year result in significant staff time and a \$100 user fee would reasonably offset these expenses; and

WHEREAS, expansion of a single-family residence or construction of an accessory structure within 200 feet of the ordinary high water mark of waters of the state, such as Angle Lake, requires SEPA review as well as a shoreline exemption permit; and

WHEREAS, SEPA review, and a SEPA review fee, would not be imposed except for application of the Shoreline Management Act, with a separate fee; and

WHEREAS, it is deemed appropriate to waive the \$500 SEPA review fee inasmuch as staff time is compensated by the required Shoreline exemption fee;

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 as to the following items only, under "Planning and Community Development" at current page 8:

Special Home Occupation Permit (Review & Hearing) 200.00

Zoning Compliance Letter 200.00

Zoning Code Interpretation 100.00

Conditional Use Permits (CUP)

a. Administrative 1,503.00

b. With public hearing 2,500.00

c. Manufactured Home UL Zone 300.00

Variances

a. Administrative 400.00

b. With public hearing 1,000.00

Unclassified Use Permit

a. Base fee 2,236.00

b. Per acre 292.00

c. Maximum 18,513.00

Shoreline Exemption 150.00

Shoreline Substantial Development Permit

a. Up to \$10,000 350.00

b. \$10,001 to \$100,000 1,100.00

c. \$100,001 to 500,000 3,000.00

d. \$500,001 to 1,000,000 5,000.00

e. \$1,000,001 + 8,000.00

SEPA Review

a. \$0 to \$250,000 500.00

b. \$251,000 to \$500,000 700.00

c. \$500,001 to \$1,000,000 1,200.00

d. \$1,000,001 + 1,700.00

The fee is waived as to the following

Projects:

- o The expansion of a single-family residence landward from the shoreline of Angle Lake.
- o The construction of an accessory structure landward of a single-family residence.

Sign Permit Review 100.00

Inspections and reviews not otherwise covered Standard hourly rate

Temporary Use Fee 60.00

PASSED this 10th day of December, 2002 and signed in authentication thereof on this 10th day of December, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Zoning Code Fee Schedule]

RESOLUTION NO. 02-026

A RESOLUTION of the City Council of the City of SeaTac, Washington confirming the City's Manager's reappointment of the City Hearing Examiner for an additional term, and authorizing the execution of a personal services contract for Hearing Examiner services.

WHEREAS, Section 1.20.030 of the SeaTac Municipal Code provides for appointment of the Hearing Examiner by the City Manager, subject to confirmation by the Council, to serve for a term of two years; and

WHEREAS, Mr. Irv Berteig was originally appointed and confirmed as City Hearing Examiner on June 5, 1990 and has continued to serve in that office to the present time; and

WHEREAS, Mr. Berteig's appointment was last extended for an additional two year period by Resolution No. 00-018, which expired August 13, 2002;

WHEREAS, a personal services contract was last executed for hearing examiner services with Irv Berteig in 1992, and warrants updating,

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

1. The appointment by the City Manager of Mr. Irv Berteig to the position of City Hearing Examiner is hereby confirmed for an additional term from August 13, 2002 to August 13, 2004, and the jurisdiction of Mr. Berteig to perform all previous official acts, hearings, and decisions are confirmed and ratified in all respects.

2. The City Manager is authorized to enter into a new personal services contract, or an extension of the existing personal services contract, with Irv Berteig for Hearing Examiner services.

PASSED this 10th day of December , 2002, and signed in authentication thereof on this 10th day of December, 2002.

CITY OF SEATAC

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney