



City Council Meeting Minutes Archive

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SEATAC CITY COUNCIL REGULAR MEETING MINUTES

January 13, 2004
Immediately following the Special Study Session

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 7:00 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

FLAG SALUTE: *(A flag ceremony was held at the Special Council Meeting this evening prior to the Special Study Session and this Regular Council Meeting.)*

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Craig Ward, Assistant City Manager; Mary Mirante Bartolo, City Attorney; Judith L. Cary, City Clerk; Mike McCarty, Finance Director; Steve Butler, Planning Director; Jack Dodge, Principal Planner; Scott Somers, Chief of Police Services; and Bob Meyer, Fire Chief.

PUBLIC COMMENTS: Ethel Benham, 3740 South 162nd Street, stated she is the neighborhood Block Watch Captain, and addressed their concern as to the recent attempted break-ins and one specific break-in on their block occurring since mid-November. Police responses to their calls have averaged at a 30 minute wait. She requested better police response. There was another incident at her son's address at South 177th Street and 43rd Avenue South, where his car was broken into and there was no police action taken. Her son found fingerprints on the returned checks and gave them to the police and the suspect was arrested due to her son finding the fingerprints. Mayor Hansen stated Ms. Benham should confer with Chief of Police Services Somers after the meeting.

Kathleen Murray, 3734 South 162nd Street, stated that it was her home that was broken into while she was away. Ms. Murray stated that she feels very unsafe since the break-ins and has installed an alarm system and replaced doors. She stated she has lived here for 17 years with no trouble. Mayor Hansen stated the Police Department prides themselves in their service to the City and requested Chief Somers speak with both women as to these incidents.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$2,428,264.51 for the period ending December 19, 2003.
- **Approval of claims vouchers** in the amount of \$690,510.57 for the period ending December 31, 2003.
- **Approval of employee vouchers** in the amount of \$388,115.22 for the period ending December 19, 2003.
- **Approval of employee vouchers** in the amount of \$568,129.30 for the period ending December 31, 2003.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending December 31, 2003.

Approval of Council Meeting Minutes:

- **Study Session** held July 15, 2003.
- **Joint City Council/Planning Commission Meeting** held November 24, 2003.
- **Study Session** held December 16, 2003.
- **Special Council Meeting** held December 16, 2003.

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

MOTION CARRIED UNANIMOUSLY.

(NOTE: Agenda Bill #2353 – An Ordinance amending the SeaTac Zoning Code to allow “Mobile Refueling Operations” was removed from the Regular Council Meeting Agenda at the prior Special Study Session and sent back to the Land Use and Parks (LUP) Committee for further review.)

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) the first meeting of the Senior Center Study Public Workshop will be held on January 14, in the City Hall Council Chambers at 6:00 p.m. and on January 28, a second workshop of the Senior Center Study will be held at the same location and time; 2) a tour of other Senior Centers was postponed last week due to the snowstorm and has been rescheduled to next Tuesday, January 20, to leave City Hall at 9:00 a.m., visiting four to five sites (Bothell, Kent, Tukwila, Auburn and Lacey) to return to City Hall at 4:00 pm. In conjunction with these tours will be visits to local YMCAs; and 3) Next Monday, January 19 is Martin Luther King, Jr. Day and City Hall will be closed.

COUNCIL COMMENTS: Councilmember Shape stated Tim Iman has recently filed a State initiative claiming to reduce

property taxes by 25 percent. The real meaning of this initiative needs to be publicly stated. The City takes in about 24 percent of the property taxes and this amount will be cut 25 percent, which means that the average property owner will save about \$10. This may be a small amount to the property owner but will be devastating for the City. If this initiative passes, State, County and City services will again be cut due to lack of funding.

Councilmember Brennan thanked everyone who called during his most recent illness. He added that he is over the worst of it now and is proud to say that in spite of his illnesses, he only missed one Council Meeting in 2003.

Mayor Hansen thanked Outgoing Mayor Brennan for his outstanding service to the City during his tenure as Mayor.

Councilmember DeHan thanked outgoing Mayor Brennan for his excellent service and expressed congratulations to the new Mayor and Deputy Mayor and condolences to Deputy Mayor Anderson and her family for the recent loss of her husband, George Anderson.

RECESSED: Mayor Hansen recessed the Regular Council Meeting to an Executive Session on Personnel Issues at 7:17 p.m.

EXECUTIVE SESSION: Personnel Issues

RECONVENED: Mayor Hansen reconvened the Regular Council Meeting at 7:41 p.m.

ADJOURNMENT:

MOVED BY ANSERSON SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:42 P.M.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

**January 13, 2004
6:00 p.m.**

**City Hall
Council Chambers**

CALL TO ORDER: The SeaTac City Council Special Council Meeting was called to order by Mayor Joe Brennan at 6:03 p.m.

COUNCIL PRESENT: Mayor Joe Brennan, Deputy Mayor Don DeHan, Councilmembers Gene Fisher, Terry Anderson, Frank Hansen, and Ralph Shape.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Mike McCarty, Finance Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

ANNOUNCEMENT: Mayor Brennan announced the passing of Councilmember Anderson's husband, George Anderson on January 8 after a lengthy illness. He commended George for his valuable "behind the scene" assistance in the incorporation effort of the City of SeaTac.

FLAG CEREMONY: Boy Scouts of America SeaTac Fire Explorers Post No. 24 performed the Flag Ceremony and Councilmember Anderson led the Council, staff and audience in the Pledge of Allegiance followed by a moment of silence for the passing of her husband, George Anderson.

PUBLIC SWEARING IN:

Public swearing in of Gene Fisher, Terry Anderson, Ralph Shape, and Don DeHan as newly re-elected Councilmembers effective January 1, 2004

SeaTac Municipal Court Judge Paul Codd administered the Oaths of Office to the newly re-elected Councilmembers effective January 1, 2004 through December 31, 2007.

After the swearing in procedure concluded, the newly re-elected Councilmembers signed their Oaths of Office.

COUNCIL ELECTION:

Election of Mayor and Deputy Mayor (Mayor Pro Tem) by the City Council

Mayor Brennan stated that by State law and the Council Administrative Procedures, members of the Council choose a Chairperson, by majority vote, who has the title of Mayor and presides at meetings of the Council and is recognized as the head of the City for ceremonial purposes. The Mayor retains all rights, privileges, and immunities of a member of the City Council.

Mayor Brennan declared the nominations open for Mayor.

Mayor Brennan nominated Councilmember Hansen as Mayor for the City of SeaTac.

Councilmember Fisher nominated Deputy Mayor DeHan for the position of Mayor of the City of SeaTac.

Mayor Brennan declared the nominations closed.

Mayor Brennan called for a voice vote for Councilmember Hansen as Mayor of the City of SeaTac through December 31, 2005.

UPON A VOICE VOTE, BRENNAN HANSEN, ANDERSON AND SHAPE VOTED YES FOR HANSEN AS MAYOR.

Mayor Brennan called for a roll call vote.

UPON A ROLL CALL VOTE, HANSEN WAS UNANIMOUSLY ELECTED MAYOR OF THE CITY OF SEATAC THROUGH DECEMBER 31, 2005.

Outgoing Mayor Brennan declared Councilmember Hansen as Mayor of the City of SeaTac through December 31, 2005. He then turned the Mayor's gavel over to the newly elected Mayor Frank Hansen.

As his first act as Mayor, Mayor Hansen declared the nominations open for Deputy Mayor.

Councilmember Brennan nominated Councilmember Anderson for Deputy Mayor of the City of SeaTac.

Deputy Mayor DeHan nominated Councilmember Gene Fisher for Deputy Mayor of the City of SeaTac.

When there were no further nominations, Mayor Hansen declared the nominations closed.

COUNCIL ELECTION (Continued):

Election of Mayor and Deputy Mayor (Mayor Pro Tem) by the City Council (Continued):

Mayor Hansen called for a voice vote for Anderson as Deputy Mayor for the City of SeaTac through December 31, 2005.

UPON A VOICE VOTE, ANDERSON, BRENNAN, HANSEN AND SHAPE VOTE YES FOR ANDERSON AS DEPUTY MAYOR.

Mayor Hansen requested a roll call vote.

UPON A ROLL CALL VOTE, ANDERSON WAS UNANIMOUSLY ELECTED AS DEPUTY MAYOR OF THE CITY OF SEATAC THROUGH DECEMBER 31, 2005.

Mayor Hansen declared Anderson as Deputy Mayor of the City of SeaTac through December 31, 2005.

ADJOURNMENT:

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ADJOURN THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 6:19 P.M.

MOTION CARRIED UNANIMOUSLY.

RECEPTION:

A reception immediately followed the Special Council Meeting to honor the newly re-elected officials. Following the reception, the scheduled Study Session convened.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

January 27, 2004
6:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Study Session was called to order by Mayor Frank Hansen at 6:03 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Kit Ledbetter, Parks & Recreation Director; Dale Schroeder, Public Works Manager of Major Projects; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Councilmember Brennan led the Council, staff and audience in the Pledge of Allegiance.

PRESENTATION:

·Appreciation Plaque to former City of SeaTac Mayor Joe Brennan

Mayor Hansen presented Councilmember Brennan with a plaque of appreciation for his service as Mayor for the past several months. Councilmember Brennan stated this past 10 months tenure as Mayor was a particularly difficult time for the City with the loss of two Councilmembers, filling those positions and the election of two new Councilmembers and two current Councilmembers. He stated to Mayor Hansen his-belief that the City will be operating smoothly with its excellent new Council. Mayor Hansen expressed the City's appreciation of all the time and effort Councilmember Brennan has given on the Council, particularly with his recent illnesses.

PUBLIC COMMENTS: There were no public comments.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$1,266,032.00 for the period ended January 20, 2004.
- Approval of employee vouchers** in the amount of \$392,999.89 for the period ended January 15, 2004.
- Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended January 16, 2004.

Approval of Council Meeting Minutes:

- Special Council Meeting** held January 13, 2004.
- Special Study Session** held January 13, 2004.
- Regular Council Meeting** held January 13, 2004.

Approval of the following Agenda Items recommended at the January 20, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2395

A Motion authorizing the City Manager to enter into a Service Agreement with the Southwest King County Chamber of Commerce (SWKCC)

Summary: This Motion authorizes entry into a Service Agreement with the SWKCC and provides for payments by the City to the Chamber in the total amount of \$20,000 for the year 2004.

The City has entered into these annual agreements with the SWKCC since 1990 to provide certain services in its ongoing efforts in regard to economic development, image enhancement, support of the hospitality industry, and advertising, for the purpose of promotion of tourism.

Since 2002, Service Agreements with the SWKCC have been funded three quarters: \$15,000 from the Hotel-Motel Tax Fund and \$5,000 from the Non-Departmental General Fund (memberships line item). The reason for the division of funding is based upon the fact that the SWKCC provides services promoting tourism as well as services focused upon business and economic development. The amount approved in the budget for this Service Agreement in 2004 is \$20,000.

Agenda Bill #2399; Ordinance #04-1001

An Ordinance authorizing the expenditure of One Percent of General Fund operating expenditures for Human Services 2004 Contracts and amending the 2004 Budget

Summary: This Ordinance authorizes allocation of \$200,767, the equivalent of one percent of the 2004 General Fund budget, in support of the Human Service programs and amends the 2004 Budget to provide the same funding level as 2003.

CONSENT AGENDA (Continued):

Agenda Bill #2399; Ordinance #04-1001 (Continued): In 2003, Council approved the allocation of one percent of the 2004 General Fund expenditure appropriation to non-profit agencies for the delivery of human services to low and moderate income residents of the City of SeaTac. As directed by Council, the City Manager entered into a contract with each agency that would be in full force and effect for a period commencing on January 1, 2003 and ending December 31, 2004. The contract also stipulated that funding for the second year of the contract is dependent upon the availability of General Fund dollars and the agency's performance of the services identified. The Human Services Advisory Committee has reviewed agency performance measures for 2003 and found them to be either satisfactory or exceeding expectations in numbers of City clients served. The City contracted for a total of 2,785 low and moderate income residents to be served in 2003, at an average cost of \$54 per person. This Ordinance also allocates the same General Fund amounts to the same agencies as occurred in 2003.

The 2004 Budget allocates \$146,600 for Human Service contracts and \$43,677 for the Community Advocate, for a total of \$190,277. To maintain agency funding consistent with 2003 levels and provide for salary and benefits for the Community Advocate, a 2004 Budget amount of \$200,767 is necessary, which is \$10,490 more than has been appropriated in the 2004 Budget. There is a total of \$3,735 in unspent 2003 funds that can be carried forward to assist in funding this shortfall. Staff and the Human Services Advisory Committee recommend a budget amendment to carry over \$3,735 in unspent 2003 funds and appropriate an additional \$6,755 to fund the remaining shortfall amount, for a total of \$10,490.

Agenda Bill #2403

A Motion approving the purchase of a Forklift for use at the new Maintenance Facility

Summary: This Motion authorizes the purchase of one forklift to be used at the new maintenance facility for the purpose of moving palletized supplies and equipment.

The new facility is equipped with a second floor mezzanine and numerous pallet racks throughout the first floor so product can be stored to take advantage of the space available. A forklift will be required for moving supplies to these storage areas. State bid contracts were researched and it was determined that staff was able to obtain a better price through a competitive bid process.

This piece of equipment can be purchased from Hyster Sales Company for \$19,275. The 2004 budgeted amount for this equipment is \$25,200.

Agenda Bill #2401; Ordinance #04-1002

An Ordinance amending the 2004 Annual City Budget and authorizing the acceptance of the recently awarded Federal Emergency Management Agency (FEMA) Grant

Summary: This Ordinance amends the 2004 City Budget and authorizes acceptance of the recent FEMA Grant award of \$136,665 to the SeaTac Fire Department and approves the matching funding contribution of 10 percent.

On December 12, 2003, the City was notified that it was a recipient of a grant from the FEMA in the amount of \$151,850 for use in enhancing the 2002 Fire Act Grant funding for Mobile Data computers, Firefighter Accountability and Safety, and technology in infrastructure such as wireless technology for communication. In December 2003, the Fire Department was notified they received a full funding request for the \$151,850, including the 10 percent matching fund requirement of \$15,185. The City, in order to receive the funding, must approve the matching funding.

MOVED BY ANDERSON, SECONDED BY DEHAN TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2393

A Motion authorizing the City Manager to execute a Contract to employ a Consultant to complete the Westside Non-motorized Corridor Study

Summary: This Motion authorizes a contract with the landscape architectural firm of Susan Black & Associates Landscape Architects to complete the Westside Non-motorized Corridor Study.

NEW BUSINESS (Continued):

Agenda Bill #2393 (Continued): The City sent out approximately 40 Requests for Proposals (RFPs) on the study and received six written proposals from consultants. The interview team of Dale Schroeder, Manager Major Projects; Barbara Rudge, Port of Seattle (POS) Planner; Curt Brees, Parks Operations Supervisor; and Kit Ledbetter, Parks and Recreation Director interviewed four of the consultants on December 15, 2003. The interview team chose Susan Black & Associates Landscape Architects to complete the study.

The 1997 Interlocal Agreement (ILA) obligates the POS to give the City up to \$1.5 million to design and build a bike trail

on the west side of the airport. The POS has agreed to reimburse the City for the Westside Non-motorized Corridor Study costs. This study is needed to plan the best route, construction design details, and collect public input on this project. Council requested staff review the proposed contract and make changes as needed.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 2393.*

Parks & Recreation Director Ledbetter opened the discussion by stating the issue at the January 20 Study Session (SS) was on the contract which he deferred to the City Attorney.

City Attorney Mirante Bartolo stated at the January 20 SS, Councilmember Fisher had two major concerns with the contract: 1) Paragraph 13 – Termination of the Contract. Previously, there was not a termination for cause provision. The contract now states that cause is a failure to perform; and 2) Paragraph 15 – There was no dispute resolution clause. It merely stated if there is a dispute, the parties can go to litigation. Councilmember Fisher's concern was that if they could not negotiate the issue among themselves, would first have to go through arbitration, and then if unresolved, it would go to litigation. That language is now in the contract.

Councilmember Shape inquired as to whether the consultant has seen and agreed to the changes in the contract. Mr. Ledbetter responded that this has been agreed upon by both parties.

Upon a question from Councilmember Brennan inquiring in to whether there is a process for picking an arbitrator, Mrs. Mirante Bartolo stated the contract specifically states in paragraph 15 that if it were to go to arbitration, it would be conducted under the American Arbitration Association Arbitration Rules. The arbitrator may be selected by agreement of the parties involved or through the American Arbitration Association.

*MOTION CARRIED UNANIMOUSLY

Agenda Bill #2400; Ordinance #04-1003

An Ordinance granting the Federal Aviation Administration (FAA), an agency of the Federal Government, a nonexclusive Franchise to construct, maintain, and operate Electrical and Telecommunication Facilities within Public Right-of-Ways (ROW) and Public Properties of the City

Summary: City staff recommends that the FAA be granted a franchise to allow it to install, operate and maintain electrical and telecommunication systems in the City's ROWs. The franchise outlines the rights and responsibilities of both the City and FAA for the installation of facilities and the ongoing operation and maintenance of these facilities.

The FAA has been in the process of expanding its facilities and from time to time needs to construct electrical and telecommunication facilities in the Cities public ROW. The systems are intended to serve FAA facilities on and around the Airport. It is mutually beneficial to both the City and FAA that the two parties enter into this agreement which clearly outlines the role and responsibilities of both parties relating to work in the public ROW.

It is recommended the City's preparation and processing fee of \$500 be waived.

Public Works Manager of Major Projects Dale Schroeder stated this item was discussed in the January 20 Transportation and Public Works (T&PW) Committee Meeting and the following SS. He stated that there were some Council concerns expressed as to why the City would want to do this franchise. He gave a brief overview of the franchise and the current situation with the FAA without a franchise. The FAA has accepted the contract with the City. Within the franchise, there is language concerning the necessity to obtain a ROW permit through the City, the necessity for traffic control plans for the safety of its citizens, inspection fees, standards and restoration standards, City authority to abate if the situation is hazardous to the motoring public, and relocation of the

NEW BUSINESS (Continued):

Agenda Bill #2400; Ordinance #04-1003 (Continued): facilities. For example, if a FAA line was crossing a City's ROW, and a future capital improvement project was to be constructed through that line, and the City could not work around it, the FAA would have to relocate the line at their cost.

Currently, the City does not have a franchise with the FAA. Under the current conditions, if the FFA needs to cross the ROW, they may or may not obtain a permit due to specific factors. This contract insures the City has more leverage and control over the location of the facilities.

Councilmember DeHan concurred with Mr. Schroeder, stating that when this issue came before the T&PW Committee, it was mentioned that the Federal government does not have to obtain City permits; they are the lead authority and have agreed to a franchise. The committee recommended Council approval of this item.

Deputy Mayor Anderson questioned whether the FAA has right of eminent domain. Councilmember Shape stated he has studied this franchise thoroughly and is confident that it is in the best interest of the City to have something in writing rather than nothing.

MOVED BY DEHAN, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 04-1003.*

Councilmember Fisher stated he also had some reservations about the franchise but they have been resolved. He questioned whether the FAA is paying for their permit. Mr. Schroeder replied that the "no fee" applies to other utilities as well. However, if it is a concern of the City, the FAA is willing to pay the fee.

*MOTION CARRIED UNANIMOUSLY.

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) Wednesday, January 28, a second meeting of the Senior Center Study will be held at 6:00 p.m. in the Council Chambers; 2) Thursday, January 29, the Seattle Southside Tourism Networking Summit is being held at the SeaTac Marriott Hotel at 12:00 noon to 2:00 p.m.; 3) the Export Promotion Symposium is being held Wednesday, February 4, 2004 at the Doubletree Hotel at 8:00 a.m.; and 4) reminder that the City's new Maintenance Facility dedication is being held on Tuesday, February 10 at 2:00 p.m. at the site.

CITY COUNCIL COMMENTS: Councilmember Wythe stated he received a call from a citizen who had enough property to short plat to build a second house. However, in the process of obtaining an application, it was discovered that a portion of the property needed to be dedicated to the City for a roadway, and therefore, the citizen could not build the other house on the rest of the land. Mayor Hansen requested this item be sent back to the Land Use and Parks (LUP) Committee for further review.

Councilmember Shape had the following items of business: 1) he also received the staff memo on the subject mentioned by Councilmember Wythe and he agrees with staff's conclusion that there are two possible outcomes for the property owner, neither one very workable but it appears that there is nothing the City can do at this time; and 2) re-emphasized the need for public input at the Senior Center Study Meeting.

RECESSED: Mayor Hansen recessed the Regular Council Meeting to an Executive Session on Personnel Issues at 6:26 p.m.

EXECUTIVE SESSION: Personnel Issues

RECONVENED: Mayor Hansen reconvened the Regular Council Meeting at 6:50 p.m.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY FISHER TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 6:51 P.M.

MOTION CARRIED UNANIMOUSLY.

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Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

February 10, 2004
6:00 p.m.

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Study Session was called to order by Mayor Frank Hansen at 6:02 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, and Joe Brennan. Excused absences: Councilmembers Gene Fisher and Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Craig Ward, Assistant City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Lawrence Ellis, Assistant Parks & Recreation Director; Dale Schroeder, Public Works Manager, Major Projects; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Councilmember Wythe led the Council, staff and audience in the Pledge of Allegiance.

PRESENTATIONS:

·9th Annual Youth Art Contest Winners

Assistant Parks & Recreation Director Lawrence Ellis stated that this contest includes 10th -12th graders from local high schools. The artwork was judged on creativity, originality, and artistic ability. There were 33 entries of which four were selected as winners. All entries were very good. The artworks are on display at the North SeaTac Park Community Center (NSTPCC) until February 19.

Mr. Ellis introduced the four student winners and Mayor Hansen presented the award certificates and congratulated the following youths: Megan Wallin - Seattle Christian High School; Alexis Hickey - Seattle Christian High School; Britannia Sangder - Seattle Christian High School; and Gawon Shin - Christian Faith High School.

Mr. Ellis thanked the Council for their continuous support of the City's Art Program. It is an essential program for the youths to express their artistic value. Mayor Hansen invited everyone to view the artwork of these very talented youths on display at the NSTPCC.

·**Mayoral Re-appointment of Rick Lucas to the Planning Commission (PC)**

MOVED BY BRENNAN, SECONDED BY SHAPE TO CONFIRM THE MAYORAL RE-APPOINTMENT OF RICK LUCAS TO THE PLANNING COMMISSION.

MOTION CARRIED UNANIMOUSLY.

Mayor Frank Hansen stated that Mr. Lucas was unable to attend tonight's meeting in order to receive his Certificate of Appointment but will be rescheduled to receive it. Councilmember Brennan stated that Mr. Lucas has served on this commission since 2000 and is a highly valued member of the community.

PUBLIC COMMENTS: There were no public comments at this time.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$101,733.89 for the period ended January 30, 2004.
- Approval of employee vouchers** in the amount of \$518,191.80 for the period ended January 31, 2004.

Approval of Council Meeting Minutes:

- Study Session** held November 4, 2003.
- Regular Council Meeting** held January 27, 2004.
- Study Session** held February 17, 2004.

Acceptance of Advisory Committee Minutes:

- Planning Commission Meeting** held January 12, 2004 (Commission approved January 26, 2004).
- Senior Citizens Advisory Committee Meeting** held November 25, 2003 (Committee approved January 15, 2004).

Approval of the following Agenda Items recommended at the February 3, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2409; Resolution #04-001

A Resolution approving and authorizing the 2004-2006 Collective Bargaining Agreement between the City of SeaTac and the International Association of Fire Fighters (IAFF) Local 2919

CONSENT AGENDA (Continued):

Agenda Bill #2409; Resolution #04-001 (Continued):

Summary: This Resolution approves and authorizes the 2004-2006 bargaining agreement between the City and the IAFF, Local 2919. The following are the major elements of the agreement:

Wages:

- Effective January 1, 2004, increase of 90 percent of the Consumer Price Index (CPI) plus 1 percent (1.81 percent).
- Effective January 1, 2005, increase of 90 percent of the CPI. (minimum of 2 percent; maximum of 4 percent).
- Effective January 1, 2006, increase of 90 percent of the CPI (minimum of 2 percent; maximum of 4 percent).

Hours Worked (Kelly Days):

- 2004: 9 Kelly Days (increased from the current 6.33 Kelly days)
- 2005: 10 Kelly Days
- 2006: 11 Kelly Days

Kelly Day Scheduling must be agreed upon between the City and Union before September 1, 2004.

Medical Benefits:

- Effective January 1, 2004, Fire Fighters will pay up to a maximum of .5 percent of the top step Fire Fighter salary (approximately \$24.70 per month) towards medical insurance premiums for their dependents.
- Effective January 1, 2005, Fire Fighters will pay up to a maximum of 1 percent of the top step Fire Fighter salary (approximately \$51.58 per month) towards medical insurance premiums for their dependents.
- Effective January 1, 2006, Fire Fighters will pay a maximum of 1.5 percent of the top step Fire Fighter salary (approximately \$80.46 per month) towards medical insurance premiums for their dependents.

A New Holiday Leave Buyback Program will be implemented in 2004:

- This program is designed to reduce the accumulated holiday leave banks of members.

A considerable number of non-financial and language changes have been made from the previous agreement to provide clarification, eliminate ambiguity, reflect actual practices, and comply with labor laws and City policies.

The budget impact for 2004 of the proposed COLA adjustment and additional Kelly days is approximately \$111,000. In addition, the City will buy back holiday leave time over a three-year period. The 2004 cost to buy back holiday hours will be approximately \$97,000. Therefore, the total cost of the agreement in 2004 will be approximately \$208,000. The budget impact on the 2005 and 2006 budget is dependent upon the CPI for the Seattle-Tacoma-Bremerton area over the next two years.

Agenda Bill #2398

A Motion approving the City Manager to enter into the Des Moines Creek Construction Interlocal Agreement (ILA)

Summary: This Motion approves the fourth ILA between SeaTac, Des Moines, King County (KC), the Port of Seattle (POS) and the Washington State Department of Transportation (WSDOT). The ILA specifies the Capital Improvement Plan (CIP), construction management responsibilities of each agency, long-term maintenance and operation and financing of the Des Moines Creek Basin Plan.

The above agencies have been working cooperatively over the last seven years to plan and implement capital improvements within the Des Moines Creek Drainage Basin. The ILA addresses a number of activities jointly agreed upon by the agencies, including: 1) construction of the CIP, 2) project administration and coordination of the CIP, 3) estimated construction costs and funding of the CIP, and 4) estimated long-term maintenance and operation costs and funding. The CIP construction contracts are identified in the ILA and the agency responsible for each contract is:

- | | |
|---|----------------------|
| 1. Construction of a regional detention facility | POS |
| 2. Construction of a high flow by-pass pipeline | City of SeaTac |
| 3. Habitat enhancement and restoration along Des Moines Creek | KC |
| 4. Construction of the Marine View Drive culvert replacement | Des Moines and WSDOT |
| 5. Construction of a low flow augmentation well | KC |

CONSENT AGENDA (Continued):

Agenda Bill #2398 (Continued): While each of the projects will be managed by the agency indicated, overall coordination and management will be by the City of SeaTac reporting to the Des Moines Creek Committee.

In addition, the agreement specifies an ongoing operation, maintenance and replacement program. Costs of that program are shared proportionately by SeaTac, the POS and Des Moines.

The agreement is beneficial to all parties involved. SeaTac and Des Moines benefit from large-scale basin projects

resulting from significant investments by the POS and WSDOT. These projects provide enhanced flow and function in Des Moines Creek and preserve this creek for future generations. Both Cities will also be required to obtain National Pollution Discharge Elimination System (NPDES) permits from the Washington State Department of Ecology (WSDOE) in the near future. These projects will satisfy permitting requirements.

The POS and WSDOT benefit by working collaboratively to mitigate the impacts of mega projects (third runway and SR509) more effectively than if these mitigations were done separately. The POS and the two Cities also benefit because completion of the CIP addresses long term surface water needs in the basin and will mean less onerous impacts and development requirements for individual properties developed within the basin. Finally, KC benefits in terms of enhancing its presence as a regional agency promoting stream protection and enhancement.

The total cost of construction, oversight and management costs plus contingencies for the capital projects is estimated to be \$18,085,961. Individual estimated project costs are shown on attachments 6 through 10 in the ILA. Funding of the CIP is from the following sources: WSDOT - \$ 9,000,000; POS - \$ 9,000,000; City of Des Moines - \$300,000, for a total of \$18,300,000.

SeaTac has contributed approximately \$860,000 toward the costs for the first three ILAs. This amount equals the City's total share of the CIP funding. The CIP construction in this ILA will have no additional fiscal impact to SeaTac.

Long term maintenance and operations including replacement costs are estimated to total \$195,000 per year. These costs are split proportionally between SeaTac (41 percent), POS (41 percent) and Des Moines (18 percent). SeaTac's commitment after completion of the projects will then be approximately \$80,000 per year to be funded from the 406 Surface Water Management Utility Fund. This commitment will begin in 2006.

Agenda Bill #2402

A Motion authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with the Midway Sewer District to incorporate Sanitary Sewer-related Improvements into the International Boulevard (IB) Phase IV Improvements at the expense of the District

Summary: The district has identified the need to construct a new line on IB between South 204th Street and approximately South 208th Street. The proposed work is located within the area of the City's IB Phase IV Improvements. A MOU is necessary to identify the terms by which the district's improvement can be incorporated into the City's Phase IV Project.

The district will be responsible for the design and preparation of their plans and specifications. The district will also inspect their own facilities. The City will be responsible for advertising the project, awarding the contract and inspecting restoration. By incorporating the district's work into the City's project, public inconvenience will be minimized and future pavement excavations will be eliminated.

Under terms of the MOU, the district would reimburse the City for costs incurred.

Agenda Bill #2408

A Motion authorizing the Purchase of a Vehicle and Equipment for 2004

Summary: The 2004 Annual Budget includes a \$203,850 appropriation in the Equipment Rental Fund for 2004 scheduled vehicle and equipment replacements. This fund has accumulated sufficient funds from the user departments over the useful life of the equipment listed below to finance their replacement. All equipment listed below is scheduled replacements of existing equipment and will be purchased within budget limitations:

CONSENT AGENDA (Continued):

Agenda Bill #2408 (Continued):

<u>Department</u>	<u>Description</u>	<u>Cost</u>
Parks & Recreation	Eagle 12,000 lb Equipment Trailer	\$ 4,570.25
Parks & Recreation	Kawasaki 4 x 2 Small Utility Vehicle	\$ 7,610.56
Parks & Recreation	John Deere Utility Tractor with Attachments	\$ 33,666.14
Parks & Recreation	John Deere Ballfield Prep Machine	\$ 9,195.16
Parks & Recreation	John Deere Ballfield Prep Machine	\$ 9,097.51
Parks & Recreation	John Deere Wide Area Mower	\$ 42,523.41
PW Engineering	2004 Ford Taurus SE	<u>\$ 14,185.95</u>
		\$120,848.98

The equipment and vehicle can be purchased through the State of Washington Contract for 2004 as a subscriber to the

State Purchasing Cooperative. The Ford Taurus will be purchased from the State Contract. The tractor, ballfield prep machines and wide-area mower will be purchased from independent dealers at State Contract prices. The equipment trailer will be purchased from the exclusive dealer of this piece of equipment. Three bids were obtained for the purchase of the small utility vehicle that will be purchased from the lowest bidder.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2404

A Motion approving an Addendum to the Joint Transportation Study (JTS) Professional Services Contract for additional work to analyze the transportation and fiscal impacts of Interim South Access Alternatives being proposed by the Port of Seattle (POS)

Summary: The JTS is a comprehensive analysis of transportation modes and issues within the City, the airport and the surrounding area. The study began in 1997 and was ready to be finalized prior to the POS's latest request. In early 2003, the City's CIP and Financial Plan developed as a work element of the JTS, was presented to the POS/City Joint Advisory Committee (JAC). At that time, staff requested direction as the available funding sources were not sufficient to fund the CIP without increased revenues. The JAC direction to staff was to develop a CIP that could be funded with existing revenues. By delaying and postponing \$64 million worth of projects, staff was able to propose a CIP that could be funded without increasing fees. A major element of this CIP was that the South Access Expressway would be built, and it would be paid for by the POS.

Shortly thereafter, the POS advised they could not afford to build the South Access Expressway as is currently proposed in the SR 509 record of decision at this time and was looking at an interim alternative. Further, the POS wants the City to fund the interim alternative. The JTS did not analyze the City's transportation network without a South Access Expressway or with an interim Expressway. The Financial Plan did not consider any contribution on the part of the City toward the funding of the permanent or any interim South Access.

Therefore, the information developed in the JTS is insufficient to address the impacts to the City's arterial network if South Access is not constructed or if an interim South Access is substituted. A new or no South Access alternative will require additional projects be added to the City's CIP to mitigate deficiencies in level of service resulting from this proposal. The cost of the City's CIP will need to be increased by the costs of these projects. Also, the cost of South Access will now need to be included in the City's CIP. As a result of these additional costs, a new Financial Plan will need to be developed. The plan will need to include the cost of new projects resulting from a no South Access alternative. The plan will also need to address interim South Access proposals including any new resulting project costs as well as the cost for the interim South Access plus the \$64 million worth of projects that had previously been postponed or delayed.

Both the POS and the City need additional information to advance or respond to issues raised by the interim South Access proposal. Staffs from both organizations have collaboratively developed scopes of work that will provide needed information without duplication of efforts. Working with the same consulting team, the POS has

NEW BUSINESS (Continued):

Agenda Bill #2404 (Continued): proceeded with modeling the proposed alternatives. The City will take that information and define the additional CIPs needed to mitigate any degradation in level of service. The City will then develop a Financial Plan that will address when the projects need to be built, how much they will cost and how they will be funded.

It is expected this work will begin shortly after receiving Council approval with a draft report available within 60 days. The cost for this additional work is not to exceed \$49,979 and was included in the adopted 2004 budget.

The alternative to this study is to not analyze the transportation and fiscal impact of the POS's proposal to the City. However, without knowing these impacts, the City will not be able to respond knowledgeably to the POS's request.

Public Works Manager, Major Projects Dale Schroeder stated that this agenda bill was discussed at the February 3 Study Session (SS) and at the Transportation and Public Works (T&PW) Committee twice. He gave the above background summary on this topic. In 1997, the POS agreed in principal with the South Access expressway connecting to the proposed extension to the SR 509. They also agreed in principal to pay the cost of constructing the South Access roadway. At that time, SR 509 was scheduled to be funded through Referendum 49, transferring education funds into transportation funding. Also, at that time, air traffic was reaching peak record levels at the airport. A lot has changed since then. The vehicle tab referendum took away the funding for the SR 509 so now a different funding is being investigated for the project. Air travel and the subsequent revenue are down significantly from 1998 and where it was projected to be at this time because of the 9-11 terrorist incident. The POS has now indicated that they do not have the

revenue stream to build the South Access roadway in the near future. Therefore, they have proposed some alternatives. They are researching two interim South Access alternatives and one alternative that would include no South Access being constructed. Not only is the POS asking SeaTac to join with them in evaluating those alternatives, they are asking the City to participate in constructing an alternative.

Mr. Schroeder continued by explaining the reason staff is recommending going forth with the amendment. The original JTS was based on a South Access being built. The City's CIPs were based on this construction. If there is now to be one of the three alternatives, the City does not have a realistic picture of its impact on the long-range CIP. Also, if the POS is asking the City to participate in constructing an interim South Access, the City needs to know what the cost will be, the impacts, and how much of the impacts are created by POS and City traffic activity. The addendum being proposed would give this needed information. Once Council has that information, it will give Council the ability to make a informed decision on whether or not it chooses to participate at all in an interim South Access or how much should the City participate and what is the impact to the City's long range CIP.

Councilmember Brennan stated he wanted this discussion to hear what the City will gain from the study that it is not already known. He feels the project should not cost the City any money as the POS had agreed to do the project. The City suffered as much or more than the POS with 911's impact on air traffic. He feels \$50,000 is a lot of money for information already known: 1) traffic problems as they are today; 2) these studies have been done with the IB and South 188th Street projects; 3) the City never obtained a commitment from the POS that they would not close access at South 188th Street if they take away the South 182nd Street entrance and exit out of the airport; 4) the inflation factor that the POS seems to feel is uniquely theirs; and 5) the POS receives all but one dollar per parked vehicle at the airport. He feels that the City is being asked to pay for a South Access that supports the surrounding Cities and takes the traffic off SeaTac streets and takes revenue away from SeaTac. They committed to pay the whole project. The City does not have to prove anything with a study and the POS should be paying for it, not the City.

Assistant City Manager Craig Ward expressed his understanding in the ILA in that there were a lot of transportation issues, the POS acknowledged that the City has the right to impose a parking tax and agreed to pay their share at one dollar per transaction while the transportation study was working through the many issues. In discussing the financial plan, the issue arose about using the parking tax to fund the South Access Expressway. It became clear that the City had not evaluated the likelihood of South Access not being built. The City's Transportation Plan reflected the construction of South Access. The POS has run the model of the alternatives but did not go into secondary impacts to the City to accommodate the traffic levels and cost of the impacts.

NEW BUSINESS (Continued):

Agenda Bill #2404 (Continued): City Manager Rayburn clarified that the 1997 ILA does not commit the City to pay for any part of South Access.

Mayor Hansen, Chair of the SR 509/South Access Executive Committee, stated he feels there is no statement of financial commitment that the POS would pay in full the project in any of the agreements. In the executive committee meeting, POS Commissioner Gary Grant verbally agreed that the POS would have to pay for the project. However, there was never any legal action by the POS Authority or by this Council. The project in the beginning was \$150 million and it has since developed into a billion dollar project due to the extension of the original route. The Environmental Impact Statement (EIS) and Record of Decision have been completed and the project is ready to go with the State funding it as their number one transportation project and the City should not jeopardize that. On the other hand, the City has always felt that the construction of SR 509 might have to be built in steps due to the size of the project. Alternatives have always been considered possible, as the South Access is a large project. The merit of the project is not in question but it may need to be done in steps. This study is to gain information to make an intelligent decision.

Mr. Schroeder stated that this agenda bill only commits funding the study and the results are to be brought back to Council for consideration of the project.

Lengthy Council and staff discussion ensued as to the need for the study, the need for the City to pay for it and participate in paying for an alternative South Access.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2404.

UPON A ROLL CALL VOTE, THE MOTION FAILED WITH WYTHE, ANDERSON, AND BRENNAN VOTING NO AND SHAPE AND HANSEN VOTING YES.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO RECONSIDER THIS ITEM AT FEBRUARY 24 REGULAR COUNCIL MEETING.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Linda Snider, 18700 36th Avenue South, stated that over the years she has seen where dealing with KC, the City has been asked to pay for or carry the plan for commitments that KC has made and not follow through. The City has worked diligently with Sound Transit and it is ending in Tukwila. The City has worked with the POS on numerous occasions and then when the 9-11 terrorist attack and the downswing in the economic occurred, the City Center Plan came to a halt. The POS has gone ahead with their airport development and has put shops and restaurants in their new terminals, which is what the City had in mind in its City Center Plan. Therefore, it will keep people in the terminal who might not come out of the terminal and shop in SeaTac's proposed City Center. She stated she feels that when the City has dealings with these other entities, perhaps it needs to start seeing that transactions are done more securely so that SeaTac does not end up paying differently than when it went into a project.

CITY MANAGER'S COMMENTS: City Manager Bruce Rayburn had the following items of business: 1) reminded Council that the Wireless Telecommunications Facilities (WTF) survey responses are needed by this next week. The Cityscape consultant would like a three-week timeframe to review and make updated changes to his report. Mr. Rayburn proposed March 30 for the next WTF Workshop; 2) Tukwila Mayor Steven Mullet, inviting SeaTac to join him and other State officials, stakeholders of the Green/Duwamish and Central Puget Sound Watersheds, and US Corp of Engineers in thanking the State's Congressional Delegates for achieving appropriation of the new construction budget for Green/Duwamish habitat restoration projects. Senator Patty Murray and KC Executive Ron Sims will be featured speakers on Thursday, February 19 at 9:00 a.m. at the Tukwila Community Center, speaking on behalf of Water Resource Inventory Area 9 (WRIA 9) of which SeaTac is a member; and 3) a member of the Hotel/Motel (H/M) Committee, Larry Vitagliano, has submitted his resignation due to a change in employment from the Hilton Corporation later this month to join the new Pyramid Hotel Group in Denver, Colorado. He has requested that the H/M replacement be from the Hilton Hotel.

CITY COUNCIL COMMENTS: Mayor Hansen commented on the Dedication of the City's Maintenance Facility, which took place this afternoon on site. He complimented the City Manager and staff, on behalf of the Council, for the achievement of this grand project.

Councilmember Shape echoed Mayor Hansen's comments on the new facility stating it is a facility that is an example of the City's planning for the future.

Councilmember Brennan also concurred with the above comments and added that the facility fits in well with the community and is a real asset to the City. The artwork in the front of the facility is beautiful and was appropriated, under State law, from one percent of the City's budget for artwork at all new City buildings; and 2) he concurred with Ms. Snider's comments regarding funding agreements with other government entities. He referenced past dealings with such agencies and the final outcomes. While the POS is the engine that drives the City's hotel industry, the City cannot let them dictate what the City will do. The City's relations with the POS have been outstanding and the Council needs to keep it that way.

Deputy Mayor Anderson mentioned that Parks & Recreation Director Ledbetter will conduct another tour of the maintenance facility this Friday at 2:00p.m. for those unable to attend the dedication today.

City Manager Rayburn thanked the Council for their support over the past 10 years of the plan and construction of the maintenance facility.

RECESSED: Mayor Frank Hansen recessed the meeting to an Executive Session on Personnel Issues at 7:18 p.m.

EXECUTIVE SESSION: Personnel Issues

RECONVENED: Mayor Hansen reconvened the Regular Council Meeting at 7:58 p.m.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:59 PM.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

February 24, 2004
6:00 p.m.

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 6:06 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Craig Ward, Assistant City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Don Monaghan, Public Works Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Regina Pimnpanichwat, graduate of Tyee High School Academy of Travel and Tourism (AOTT) and Washington State University (WSU), led the Council, staff and audience in the Pledge of Allegiance.

PRESENTATION:

·Tyee High School Academy of Travel and Tourism (AOTT)

Nancy Branom, Tyee High School AOTT Director, updated the Council on the program. She stated she was impressed with the many students and parents attending the evening's Regular Council Meeting (RCM). Ms. Branom added she has been the program's director for four years and that her predecessor, Cathy Ghiglione, was in the audience. Ms. Ghiglione is now in the Seattle School District at Ballard High School and continues to support the AOTT program. The students and parents want the program to continue and appreciate the City's support.

Tyee High School Principal Max Silverman stated his appreciation of being the principal of this fine school, students and staff. With the Council's support, these motivated students have been able to enter into this excellent program with great teachers, scholarships upon graduation, paid internships, and a real vision of their future.

Phyllis Byers, member of the Highline School District Board of Directors and parent of an AOTT student, expressed the district's appreciation of the City's support of this program. Its support is a tribute to the City's good connection with the community and an excellent example of how this community is not letting the youths down. She added that the AOTT program is well known at the University of Washington (UW) for its excellence.

Ms. Pimnpanichwat, 1999 AOTT graduate, stated she did not have any direction until she entered the AOTT program. When the City stepped in and financially supported the program, she was able to get a scholarship, graduate from WSU and now works as the Sales Manager at the Home & Suites Inn.

Paul Eiselstein, AOTT student, stated that seeing Ms. Pimnpanichwat's success is a great inspiration to all of the students, seeing firsthand how the AOTT really does make a difference. With the support of the City and community, the program has opened many doors for students from job shadowing, taking related classes and college prep courses, and furthering their careers.

Cristal Rose, AOTT student, stated that when she joined the AOTT three years ago, she had doubts about the program but once into it, it opened her to more choices than she ever thought she would be able to experience. She became a leader in the AOTT program and even in other school programs. She added that she cannot wait to see how it furthers her as a person.

Councilmember Brennan, Hotel/Motel (H/M) Tax Advisory Committee Chair, which provides funding for the AOTT, stated that he was overwhelmed with gratitude to hear the staff and students' comments and hear their successes. He stated that it was like "sowing the seeds and now seeing the harvest." The AOTT program is probably one of the best government-supported programs he has ever been involved with. It fits so well in the City of SeaTac with its major H/M industry, which supports this program with \$60,000 per year. The State has recognized this program as an excellent endeavor for its youth. He added that the committee is losing one of the best advocates of this program, Larry Vitagliano, former General Manager of the SeaTac Hilton, who is leaving the area for a position in Denver. Hopefully he can start this program in their school system. He added that State Representative Dave Upthegrove is working on starting up a course in civics and if successful, hopefully it will reach SeaTac schools. Attending Council Meetings is one way to learn about civics.

Mayor Hansen, on behalf of the Council, thanked the group for their attendance and presentation.

PUBLIC COMMENTS: Linda Snider, 18700 36th Avenue South, on behalf of the Planning Commission (PC), brought forth a request of an issue discussed at the February 23 Land Use and Parks (LUP) meeting, the potential land development agreement. She requested that the PC be considered to participate in the planning process, and hoped that the Council could discuss this with the PC at their joint meeting on March 30.

Marion Henry, 3208 South 198th Street, presented the financial results of the McMicken Heights Community Benefit for SeaTac Citizen Al Haynes' daughter, which amounted to \$3,000 towards her bone marrow transplant costing \$250,000. Ms. Henry mentioned that his daughter is scheduled to be on a TV program in the near future regarding her illness. She will inform the Council of the airing date and time. Deputy Mayor Anderson stated that she believed another fund-raising event for this cause is being scheduled for March 21.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$354,594.26 for the period ended February 5, 2004.
- **Approval of claims vouchers** in the amount of \$502,082.04 for the period ended February 20, 2004.
- **Approval of employee vouchers** in the amount of \$408,476.77 for the period ended February 15, 2004.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended February 13, 2004.

Approval of Council Meeting Minutes:

- **Study Session** held November 4, 2003.
- **Regular Council Meeting** held February 10, 2004.

Acceptance of Advisory Committee Minutes:

- **Hotel/Motel Tax Advisory Committee Meetings** held November 12, 2003 and January 14, 2004 (Committee approved February 11, 2004).
- **Human Services Advisory Committee Meeting** held August 13, 2003 (Committee approved September 15, 2003).
- **Human Services Advisory Committee Meeting** held September 15, 2003 (Committee approved November 10, 2003).
- **Human Services Advisory Committee Meeting** held November 10, 2003 (Committee approved January 26, 2004).
- **Library Advisory Committee Meeting** held November 4, 2003 (Committee approved February 10, 2004)
- **Planning Commission Meeting** held January 26, 2004 (Commission approved February 9, 2004)

Approval of the following Agenda Items recommended at the February 17, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2411 (*This item was removed from the Consent Agenda and placed under New Business*)

A Motion authorizing the City Manager to enter into Consultant Contracts to implement Phase I of the Business Travel Development Plan

Agenda Bill #2353, Ordinance #04-1004

An Ordinance amending the SeaTac Zoning Code to allow Mobile Refueling Operations

Summary: This Ordinance establishes where mobile refueling operations would be allowed and criteria for their operation. The Ordinance has been revised to take into account Council comments expressed at the January 13 Special Study Session (SSS).

The refueling of commercial vehicles by a mobile vender within commercial/industrial complexes is a growing industry. At large warehousing sites (such as the International Airport Center development), it is more economical to refuel trucks on-site versus taking time to travel to an off-site refueling station. Mobile refueling operations typically occur during the nighttime hours. The Fire Department has the responsibility to issue Fuel Dispensing Permits for mobile refueling operations; however, the Zoning Code does not address these operations. The proposed code amendments would allow the mobile refueling of vehicles in all zoning classifications, but would apply different conditions based on whether this activity would occur in a heavy commercial/industrial zone or in a residential or light commercial zone.

Mobile refueling operations would not include the refueling of vehicles with gasoline or other alternate fuel powered engines.

CONSENT AGENDA (Continued):

Agenda Bill #2353, Ordinance #04-1004 (Continued): Councilmember Fisher requested Agenda Bill No. 2411 be removed from the Consent Agenda and placed under New Business for further Council discussion.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ACCEPT THE CONSENT AGENDA WITH THE REMOVAL OF AGENDA BILL NO. 2411 TO BE PLACED UNDER NEW BUSINESS.

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2404a

A Motion approving an Addendum to the Joint Transportation Study (JTS) Professional Services Contract for additional work to analyze the transportation and fiscal impacts of Interim South Access Alternatives being proposed by the Port of Seattle (POS)

Summary: This Motion was brought before the City Council at the February 10, 2004 RCM. The Motion failed. After the vote, members of the prevailing side made a request for reconsideration. The Motion is being brought back for reconsideration.

The JTS is a comprehensive analysis of transportation modes and issues within the City, the airport and the surrounding area. The study began in 1997 and was ready to be finalized prior to the POS's latest request. In early 2003, the City's Capital Improvement Program (CIP) and Financial Plan developed as a work element of the JTS was presented to the POS/City Joint Advisory Committee (JAC). At that time, staff requested direction, as the available funding sources were not sufficient to fund the CIP without increased revenues. The JAC direction to staff was to develop a CIP that could be funded with existing revenues. By delaying and postponing \$64 million worth of projects, staff was able to propose a CIP that could be funded without increasing fees. A major element of this CIP was that the South Access Expressway would be built, and the POS would pay for it.

Shortly thereafter, the POS advised they could not afford to build the South Access Expressway as is currently proposed in the SR 509 Record of Decision and was looking at an interim alternative. Further, the POS wants the City to participate in funding the interim alternative.

The JTS did not analyze the City's transportation network without a South Access Expressway or with an interim expressway. The financial plan did not consider any contribution on the part of the City toward the funding of the permanent South Access or any Interim South Access. The funding for the construction of South Access by the POS was to be in lieu of traffic mitigation payments to the City which are required based upon increases to traffic volumes resulting from POS expansion.

Therefore, the information developed in the JTS is insufficient to address the impacts to the City's arterial network if South Access is not constructed or if an Interim South Access is substituted. A new or no South Access alternative will require that additional projects be added to the City's CIP to mitigate deficiencies in the level of service resulting from this proposal. The cost of the City's CIP will need to be increased by the costs of these projects. Also, the cost of South Access will now need to be included in the City's CIP for the purpose of analyzing the level of revenue needed to fund it and the other City CIP projects. As a result of these additional costs, a new financial plan will need to be developed to include the cost of new projects resulting from a no South Access alternative. Another plan will need to address Interim South Access proposals including any new resulting project costs as well as the cost for the Interim South Access. All plans will need to include the \$64 million worth of projects that had previously been postponed or delayed.

Both the POS and the City need additional information to advance or respond to issues raised by the Interim South Access proposal. Staffs from both organizations have collaboratively developed scopes of work that will provide needed information without duplicating efforts. Working with the same consulting team, the POS has proceeded with modeling the proposed alternatives. The City will take that information and define the additional CIPs needed to mitigate any degradation in level of service. The City will then develop a financial plan that will address when the projects need to be built, how much they will cost and how they will be funded. The core members of the consultant team are the same as those who performed the traffic modeling capital project definition and financial planning.

NEW BUSINESS (Continued):

Agenda Bill #2404a (Continued): Issues brought fourth during the Council deliberation on at the February 10, 2004 RCM to be clarified include:

Q: Why is the POS not paying for the entire cost of the study since they are requesting the change in the JTS?

A: Section 5.2.3 of the 1997 Interlocal Agreement (ILA) addresses the JTS. It states the City and the POS will share the costs of the JTS. The amendment is proposed as part of the JTS and therefore, a cost sharing approach is also proposed. Further, the ILA speaks to the possibility of an Interim South Access. However, during the early stages of the development of the JTS, the POS indicated they had the funding available to build South Access and it appeared that the funding for SR-509 was secured. Therefore, the project management team did not see a need to waste resources analyzing the impacts and cost of no South Access or an Interim South Access.

Q: How much is the POS paying for their efforts in the proposed analysis?

A: The POS is developing and analyzing alternatives for South Access as part of the Capital Development Plan. It is necessary for them to identify how an Interim South Access to the airport can work. They have provided the following

estimate of expenses for this work:

<u>Consultant</u>	<u>Costs</u>
Howard Needles Tanhoff & Bergman	\$11,274
Parsons Brinkerhoff	\$69,197
MacIsaac	<u>\$ 6,750</u>
Total	\$87,221

Q: Does the POS have a legal commitment to pay for and construct the South Access Expressway? Does the City have a legal commitment to share in the costs?

A: Section 5.1.1 of the ILA references a permanent South Access. The ILA simply states both parties will work cooperatively toward construction of a permanent South Access including funding, lobbying and obtaining State and Federal approval and funding. ILA Section 5.1.2 also references the possibility of constructing an Interim South Access and indicates both parties will work cooperatively in that effort. In essence, the ILA envisioned that the POS and the City would work together collaboratively developing the JTS to answer these questions. The outcome would be decisions on what to construct and how to pay for it.

It is recommended that the Council approve by Motion this Addendum to the JTS for additional level of service and financial analysis needed to understand the magnitude of impacts to the City if the Interim South Access was constructed with significant City funding. The cost for this additional work is not to exceed \$49,979 and was included in the adopted 2004 budget.

Councilmember DeHan, Transportation & Public Works (T&PW) Committee Chair, stated this item came before the committee. The initial ILA included in it a JTS, which was to be jointly funded by the POS and the City. One of the premises on that study was the completion of South Access. The committee looked at impact to City streets and possibly capital improvements and funding alternatives with a completed South Access. The POS had already agreed to pay for the funding at approximately \$60 million to put South Access through from South 188th Street to SR 509. Subsequent to that, the 9-11 Terrorism Incident happened and caused decreased revenue for the POS. Some of their projects had to be modified or cancelled due to the lack of revenue. The POS is now looking at ways of spending less revenue by deferring the full South Access and planning for an interim South Access. The difficulty is that the POS is looking at findings that have already been gathered with the JTS which looked at the impact on the City streets with a completed South Access and base their premise on an interim South Access, using the original figures. It is the belief of the T&PW Committee and staff that an Interim South Access will place considerably more traffic and wait time on City streets. The POS has spent monies to prepare for an Interim South Access and the City is proposing with this particular additional study, that it counteracts the POS's premise that there would be no further impact on City streets. Therefore, the committee recommends that the City spend the \$50,000 to study the impact and not enter into an agreement that could obligate the City for millions of dollars because of a flawed study on what the impact would be.

Council discussion ensued as to the POS wanting an alternate South Access and SeaTac wanting the South Access and whether the City should fund this study in order to obtain information needed, such as, the traffic impact on City streets.

NEW BUSINESS (Continued):

Agenda Bill #2404a (Continued): Councilmember Brennan questioned the possibility of going to arbitration over this issue to which City Attorney Mirante Bartolo stated that there is no obligation in the ILA to fund this roadway but the ILA does have a provision that if the parties do not agree, there is a dispute resolution and that would be arbitration.

Mr. Monaghan stated that as part of the ILA, the parties had agreed that South Access was of significant importance to both the City and the POS, that if SR 509 was not moving forward by 2005, to come to a transportation solution whereby South Access could be extended to I-5.

MAYOR HANSEN MOTIONED FOR A ROLL CALL VOTE ON AGENDA BILL NO. 2404A.

UPON A ROLL CALL VOTE, THE MOTION CARRIED WITH FISHER, ANDERSON, SHAPE, HANSEN, AND DEHAN VOTING YES AND WYTHE AND BRENNAN VOTING NO.

Agenda Bill #2411

A Motion authorizing the City Manager to enter into Consultant Contracts to implement Phase I of the Business Travel Development Plan

Summary: This Motion authorizes the hiring of consultants to conduct a market analysis and a business traveler survey for an amount not to exceed \$93,725, as described in Sections IV and V of the Business Travel Development Plan.

The plan defines a strategy to expand tourism through increased business travel in the City of SeaTac over the next 10 years, represented by the number of paid overnight hotel stays. Since business travelers constitute a dominant segment of

SeaTac's tourism market, the City is pursuing increased business travel as an effective way to expand overall tourism and paid overnight hotel stays. Business travel expansion will be pursued through these objectives: 1) encourage the growth of new and existing businesses that generate in-bound overnight hotel stays; and 2) support local amenities and services to motivate business travelers to extend trips for recreational purposes.

The plan is the result of months of collaboration between the SeaTac Economic Partnership (STEP) and H/M Tax Advisory Committee and is based on years of work by both groups to advance SeaTac's tourism-driven economy, including a marketing study conducted in 2000, an image campaign conducted in 2001-2002, and an economic development consultation conducted in 2003.

STEP and the H/M Committee have recommended that the City contract with consultants to implement Phase 1 of the plan.

The results of the market analysis and business travel survey will be used to implement Phase 2 of the plan, which focuses on developing incentives and enhancement projects that support increased overnight hotel stays by business travelers in SeaTac. During Phase 3, unique marketing strategies will be implemented for targeted businesses and business travelers. Implementation costs for Phases 2 and 3 will be determined as more information becomes available.

It is estimated that implementing Phase 1 of the Business Travel Development Plan would not exceed \$93,720, including a 15 percent contingency.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADOPT AGENDA BILL NO. 2411.*

Councilmember Fisher stated he felt it would be beneficial to make it contingent upon the acceptance of a market analysis assessment from the New Economic Strategic Triangle (NEST) study to avoid the chances of overlapping in consultants' work. He requested this amendment to Agenda Bill No. 2411.

MOVED BY FISHER, SECONDED BY SHAPE TO AMEND AGENDA BILL NO. 2411 TO MAKE IT CONTINGENT ON THE ACCEPTANCE OF THE MARKET ANALYSIS ASSESSMENT BY THE CITY FROM THE NEW ECONOMIC STRATEGIC TRIANGLE (NEST) STUDY PRIOR TO HIRING CONSULTANTS.**

Mr. Ward stated that the NEST project includes an element for a market analysis that is specific to the properties in the NEST study. The Business Tourism Development effort is more global than that. It is a Citywide effort but

NEW BUSINESS (Continued):

Agenda Bill #2411 (Continued): many of the properties in the NEST project are the most developable of all of those in the City, because they are undeveloped at this time. There is some overlap in the two projects. In late December 2003, the City received a draft NEST study and edited it. The City is waiting for the final published product from the NEST project. If there were to be overlaps, it is hoped the NEST Study will be done before a consultant is even hired. The two projects can reinforce one another. If Council agrees, there is a potential for the market analysis to not occur in sync with the City Study and may cause a delay in the startup of this project. NEST is a joint project with many jurisdictions and is being run by the Central Puget Sound Economic Development District. April 18 is the date staff has worked up to have a contract in place for Phase I of this project. Because that report is so emanate, he did not think that there is significant risk of delaying the Business Phase Expansion Project. He felt it would not delay the project but there is a chance it could happen as the City is not in control. He felt it is a reasonable proposal and the risk is very small and in doing this, he sees that there is potential benefit.

**AMENDMENT CARRIED UNANIMOUSLY.

*ORIGINAL MOTION CARRIED UNANIMOUSLY AS AMENDED.

Mr. Ward clarified that tomorrow staff will send notice to the paper of a Request for Proposal (RFP) for this project. Within that RFP, it will be clear that Notice to Proceed will not be given until the NEST Market Analysis is finalized.

PUBLIC COMMENTS: There were not public comments at this time.

CITY MANAGER'S COMMENTS: City Manager Rayburn stated he had no comments.

CITY COUNCIL COMMENTS: Councilmember Fisher mentioned that the Council Retreat on February 21 was probably the least expensive and the most productive of all he has attended.

Councilmember Wythe agreed that the retreat was very productive and some planning issues were brought forth that will need answers. He stated he would be meeting with City Manager Rayburn and Planning Director Steve Butler tomorrow at 4:00 p.m. to discuss some of those issues.

Deputy Mayor Anderson concurred with the retreat remarks.

Councilmember Shape concurred with the retreat remarks. He stated he received a letter from Chief of Police Scott Somers announcing the commencement of the next Citizens' Police Academy on March 10. He asked if there is any way that the Tyee High School students could attend. Chief Somers stated there is a way.

Councilmember Brennan stated that regarding South Access, he would like to make it clear that there is no intention on the part of any of the Councilmembers to fund South Access. He suggested that the Council direct the City's JAC members to inform the POS Commissioners that the City is in no way participating in the funding of South Access. Mayor Hansen stated that the general consensus of the Council agrees with that position.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:04 P.M.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

March 16, 2004
6:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 6:05 p. m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan. Absent: Councilmember Gene Fisher.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Kit Ledbetter, Parks & Recreation Director; Mike McCarty, Finance Director; Don Monaghan, Public Works Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Camp Fire Girls USA, North Hill Angels, led the Council, staff and audience in the Pledge of Allegiance. Mayor Hansen stated that the group were third graders and did a fine job in leading in the Flag Salute.

PRESENTATIONS:

•Proclamation: Absolutely Incredible Kid Day in SeaTac

Mayor Hansen read the proclamation and presented it to the Camp Fire Girls and their Leader, Kelly Ringoen. The document proclaimed March 18, 2004 as Absolutely Incredible Kid Day in SeaTac. Camp Fire USA is asking adults nationwide to take a few minutes and write a letter to a child during this month. Research has shown this simple task can have a lasting and positive impact.

PUBLIC COMMENTS: Tom Dantzler, Equitable Capital Group, presented the City with his fourth check, in the amount of \$108,359, for a total of \$1.5million to be paid in assessment fees against his property in the Public/Private Land Improvement District I (LID) in the south end of SeaTac. He stated that this LID is to create an economic development corridor, a south gateway to the City off of SR 509 in the future, eliminating the noise in impacted areas. Mr. Dantzler displayed an illustration of the development of the light rail station parking garage proposed to build on the South 200th Street property. He added he is pleased to be in partnership with the City on this important regional project.

Mayor Hansen thanked Mr. Dantzler, calling him a true visionary for the City.

Deputy Mayor Anderson complimented Mr. Dantzler on the courteous manner his parking lot staff displays to their customers. Mr. Dantzler expressed his appreciation on hearing the feedback.

Councilmember Brennan stated that Mr. Dantzler worked closely in the incorporation effort. He serves on the City's Hotel/Motel Tax Advisory Committee and has been a longtime member of the City's Planning Commission.

Pat Carter, 3041 South 201st Street, commented on the following: 1) she participated in the seniors' tour of local Senior Centers. She stated that most of the seniors feel the center should be built on South 188th Street. She asked if the YMCA has signed a contract with the City for that property; and what would happen if the YMCA backs out; and 2) she understands the Council is considering having the Study Session (SS) and Regular Council Meeting (RCM) on the same night. She urge Council not to take action on the SS items the same night but instead, carry them over to the next Council Meeting, giving all concerned time to study the issues. She added that if passed the same night, it takes away the citizens' right to discuss the issues.

In view of Mrs. Carter's comments, Mayor Hansen stated he had planned to state under New Business, that Agenda Bill No. 2415, amending the Council Meeting Schedule, has been postponed until April 13 for further evaluation on this proposed bill.

Jon Ancell, 146 29th Avenue South, reiterated (at previous Council Meetings) his feelings, speaking for other seniors as well, concerning a proposed location of the Senior Center. He stated he was unhappy with the South 188th Street property transaction the City offered to the YMCA without public knowledge. A Senior Center was then offered in conjunction with the YMCA on this site. He stated it now seems it is going to be at North SeaTac Park Community Center (NSTPCC) on leased land when the City owns property on South 188th Street, leased to the YMCA. He suggested the City break the contract with the YMCA, even if it costs \$100,000, to allow the Senior Center to be built on that property.

PRESENTATIONS (Continued):

Update on Senior Center Study

Parks & Recreation Director Ledbetter introduced Stan Lotking and Dave Rutherford, consultants and principals of ARS Architects, who gave an overview of the process conducted by their firm along with the Steering Committee examining five sites and narrowing the choices down to two sites. A bus tour was conducted to the five sites along which Deputy Mayor Anderson and Councilmember Shape attended. Two workshops were conducted with the seniors to identify the issues regarding the program and potential location of the center. The process has been fairly comprehensive. The selection process examined carefully as to the options available. The committee selected the following sites: the NSTPCC, McMicken Heights, Valley Ridge, the YMCA property, and the Hughes property. Three sites were eliminated for various reasons, primarily the sites were not large enough to accomplish for a structure and parking. The group then examined the South 188th Street and NSTPCC sites.

Mr. Lotking discussed the South 188th Street site, assuming the structure would be shared with the YMCA. The site capacity analysis was based on a 54,000 square footage (s.f.) YMCA and the Senior Center, based on a 39,000-40,000 s.f. two-story YMCA toward the west and 12,000 s.f. Senior Center toward the middle. The Senior Center would likely be built first with access off 37th Avenue South. Next, the consultants outlined the parking available for both uses for 425-450 spaces, taking into consideration the wetland issues. The design showed 250 spaces with shared connections between the two facilities with separate entrances.

Mr. Rutherford presented the NSTPCC site, followed by the YMCA site, outlining both potential sites' current amenities, including parking. The programs on both facilities are based on being able to share with the adjacent facilities. The difference in the cost of the facilities depends a great deal on the parking and wetland mitigation issues. In the NSTPCC, the parking is on-grade and is estimated at \$1,500 per parking space. The YMCA parking will need some negotiations between the YMCA and the City, which will have some cost impacts. The estimated cost of construction at the NSTPCC site is \$2.4 million, compared to \$3.3 million for the YMCA site. There are options due to the program, since the center is being designed next to buildings that have rooms that can be used by seniors reducing the size of the center by 2,000 to 2,500 s.f. The project cost will increase to \$2.8 million at the NSTPCC versus \$3.9 million at the YMCA site. There are some issues that need to be further discussed, such as staffing. The YMCA development date is unknown so there is a lag time when the senior center would be on site without the benefit of the recreation opportunities the YMCA would offer. The YMCA is more central in the City which is of great interest to the seniors. The NSTPCC land is leased on a long-term basis and likely to be extended for up to 40 years. This site provides greater programming opportunities within the Parks & Recreation Department. Citywide events could occur there as well as other large events.

Councilmember Shape inquired as to the terms of the NSTPCC lease to which Mr. Ledbetter stated that it is 40-year lease with two 20-year lease options. He added that he has contacted Diane Summerhays, Port of Seattle (POS) representative, who stated they have no plans to site another facility on the property. Regarding expansion space, Mr. Rutherford stated that there are two capabilities: 1) expansion toward the northwest of the NSTPCC; and 2) the trees in the courtyard, which if eliminated, would allow for 1,000/1,500 s.f. The parking would have to be reconfigured.

Regarding the parking issue, Councilmember Brennan stated there is property west of the YMCA site that could be considered. The assessed valuation of this property was \$495,000. If the property was reappraised, it would probably be approximately \$700,000. 100 more parking spaces could be built at a reasonable cost vs. a parking structure. The advantages to that property are that it gives more land for green space, picnic area, etc. Mr. Rutherford stated that that property would fit 180-200 parking spaces, which would give the number of surface parking needed for the combined YMCA/Senior Center without building structure parking. That is one option that would reduce parking costs but there would be site acquisition and development costs to be considered.

Deputy Mayor Anderson agreed with Councilmember Brennan's suggestion. The NSTPCC site has the disadvantage of aircraft noise and air pollution. She prefers the South 188th Street site for the Senior Center.

Councilmember Wythe stated that one of the Comprehensive Plan projects is the development of a City Center, a meeting place with more pedestrian traffic. It would seem right that this center be sited as part of the community, not just a structure on a lot. Cities spend millions of dollars to build City Centers and surface parking is something

PRESENTATIONS (Continued):

Update on Senior Center Study (Continued): that is no longer being done in these projects. Land is expensive and structure parking is a more reasonable use of land. The seniors want their center to fit into the community. Mr. Rutherford stated that the consulting team supports that idea.

Councilmember Shape stated that he does not see the savings in considering the property to the west of the YMCA site for surface parking. The NSTPCC site is being used by many of SeaTac's citizens. He sees this facility becoming part of a complex development with the park and its trails and gardens, which would attract tourists.

Councilmember DeHan stated that he has always in the past supported the City having its own Senior Center. The truth is that most Senior Centers are regional and not City-owned and only used by City residents. The NSTPCC activities are greatly populated by people from outside SeaTac. The location does not seem to be much of a problem for people to get to and attend the senior programs. If there is future expansion capability with isolated parking, an opportunity to build a Senior Center at NSTP seems to make sense and cost less. It would seem that it is a viable alternative that should not be lightly dismissed.

Mayor Hansen stated that he feels that this study will help bring the City to a point of being able to establish a Senior Center one day in a methodical and professional way.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$19,719.95 for the period ended February 27, 2004.
- Approval of claims vouchers** in the amount of \$548,014.72 for the period ended March 5, 2004.

Approval of Council Meeting Minutes:

- Joint City Council / Planning Commission Work Session** held January 13, 2004.
- Council Retreat** held February 21, 2004.
- Regular Council Meeting** held February 24, 2004.
- Study Session** held March 2, 2004.

Acceptance of Advisory Committee Minutes:

- Human Services Advisory Committee Meeting** held January 26, 2004 (Committee approved February 23, 2004).
- Planning Commission Meeting** held February 9, 2004 (Commission approved February 23, 2004).
- Planning Commission Meeting** held February 23, 2004 (Commission approved March 8, 2004).
- Senior Citizens Advisory Committee Meetings** held October 16, 2003 and January 15, 2004 (Committee approved February 19, 2004).

Approval of the following Agenda Items recommended at the March 2, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2410

A Motion authorizing the City Manager to execute an Interlocal Agreement (ILA) for Jail Administration Services

Summary: This Motion authorizes entry into an ILA with 39 other Cities to provide the framework for Cities within King County (KC) to work together to manage the KC and Yakima County (YC) Jail Contracts, dispose of property held for jail purposes by the City of Bellevue, and develop a plan to manage the Cities' inmate population after the termination of the KC Jail Contract in 2012.

For the past three years, Cities within KC have discussed how best to provide jail services to City inmates. Most Cities currently have contracts with KC and YC. The YC Contract commits the Cities to deliver a certain number of inmates to satisfy a minimum bed commitment. The KC Contract provides for the creation of a Jail Administration Group among the Cities to respond to any issues regarding administration, implementation or interpretation of the contract. Additionally, the KC Contract provides for a Land Transfer Agreement ownership of the eastside jail site to Bellevue on behalf of all the Cities. The Cities have previously negotiated other ILAs to carry out the jail contracts but they never became effective because not enough Cities signed the agreements. Therefore, for the past several months, the Cities, with the assistance of the Suburban Cities Association (SCA), have drafted this ILA which should address all concerns and areas of responsibility.

CONSENT AGENDA (Continued):

Agenda Bill #2410 (Continued): This ILA clarifies the role of the Cities under both jail contracts, plans for the future (particularly with respect to the Bellevue property), and establishes a payment method for unused beds should the Cities collectively fail to meet their minimum bed commitment with YC. The ILA does not decide the outcomes of future planning efforts, nor does it bind any City to partake in the efforts.

The ILA creates three different committees with specific responsibilities:

- 1) An Oversight Group of Elected Officials – The assembly has one Elected Official from each participating City sits on the Assembly. The Assembly will meet at least once a year to discuss the annual budget, disposition of jail property, a new misdemeanor facility, and any other major policies;
- 2) Administrative Entity – Jail Administration Group (JAG) has a group of six City representatives, one from Seattle, one from Bellevue, and four other contract Cities' representatives chosen by the SCA. The JAG will administer this ILA and other jail-related agreements and will manage the budget; and
- 3) Operations Entity – Jail Operations Group (JOG) has a representative from each City. The JOG will advise the Assembly and JAG on daily operational issues of the jail contracts.

There is annual assessment to each City under this ILA to fund its activities. The assessment is based on City population and usage of the YC Jail. SeaTac's 2004 assessment is \$1,229. Comparatively, Auburn's assessment is \$10,056, Tukwila's is \$1,637, and Des Moines is \$2,622.

Agenda Bill #2414

A Motion authorizing Final Acceptance of the New SeaTac Maintenance Facility

Summary: This Motion authorizes acceptance of completion of the construction of the new combined Parks and Public Works Maintenance Facility. Both site work and building construction were performed under one contract by Commercial Structures, Inc.

The approved total budget for the construction is \$4,217,680.91. Total expended to date: is \$4,216,308.80. Final acceptance will have no fiscal impact beyond payment of retainage as budgeted in the amount of \$162,232.85.

Agenda Bill #2397

A Motion approving the City Manager to enter into a Contract with Action Services, Inc. for the 2004 Storm Drain Cleaning Contract

Summary: This Motion approves the award of a contract with Action Services, Inc. that will provide storm drain cleaning services to the City of SeaTac.

The bids for this project were opened on January 28, 2004. Seven bids were received. This is a one-year contract with a provision that allows for annual extensions for up to a maximum of four additional years. The scope of work is to clean catch basins and drainage lines in the City right-of-way (ROW). This also includes an extension of the contract prices to commercial property owners who sign up to have their systems cleaned by our contractor.

It is recommended that City Council authorize the contract with Action Services, Inc. in an amount not to exceed \$90,000 for the 2004 Storm Drain Cleaning Project. Future annual extensions will be subject to future budget appropriations and satisfactory performance.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2405; Ordinance #04-1005

An Ordinance amending the 2004 Annual City Budget for 2003 Carryovers

Summary: This Ordinance amends the 2004 Annual City Budget to carry over appropriations included in the 2003 budget, but not completed.

Each year, the City Council receives requests to carry over appropriations from the prior year's budget that were not completed due to a variety of reasons. Some carryovers are legally required due to a contractual obligation or grant funding requirement.

NEW BUSINESS (Continued):

Agenda Bill #2405; Ordinance #04-1005 (Continued): This Ordinance will increase the appropriations in the applicable funds, but will have no effect on year-end fund balance for 2004. These expenditures were anticipated to occur in 2003, and the January 1, 2004 fund balance projections were reduced accordingly. Therefore, these amendments simply allow the expenditures to occur in the current fiscal year instead of 2003.

Finance Director McCarty stated this item was discussed at the March 2, 2004 Administration and Finance (A&F) Committee Meeting and the following SS. The only change to this bill since the SS review is in the Surface Water Management (SWM) Construction Fund. The original amount was \$7,000 in carryovers and this revised agenda bill increases that by approximately \$309,000 which includes four projects that were inadvertently left off the original list.

Councilmember Shape, Chair of the A&F Committee stated that the requests were reviewed by the committee and recommended for Council approval.

MOVED BY SHAPE, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 04-1005.

MOTION CARRIED UNANIMOUSLY

Agenda Bill #2407

A Motion declaring City Property Surplus and authorizing its disposal

Summary: The Public Works and Park Maintenance staff recently moved into their new maintenance facility. In the process of moving, staff prepared a list of the equipment and other items recommended for declaration as surplus property. In addition, obsolete and/or inoperable items have been identified by the Fire Department, staff at the NSTPCC, and various departments at City Hall, that are also being recommended for Council declaration as surplus property. A preliminary surplus list was provided to Council at the March 2, 2004 SS. Additional items have been added since then and provided as an attachment to this agenda bill

In disposing of the equipment and other items, staff is considering a number of options. Vehicles will be taken to an auctioneer the City has used in the past that specializes in vehicle sales, and the proceeds will be deposited into the appropriate City Fund. The viability of a small equipment surplus and trade-in program with various vendors is being considered for some of the items. Staff is exploring available options to dispose of the other equipment, including donation to human service agencies serving SeaTac residents. The City plans to hold a public sale in late March, offering remaining items to City residents and employees. Any proceeds from these sales will be deposited into the appropriate Fund. Items that are broken or inoperable and have no salvage value will be disposed of appropriately.

Finance Director McCarty stated that the surplus assets list was reviewed by the A&F Committee on March 2 and to the Council at the SS on that date and due to a number of items which have been added to the original list since that time, it was brought back to Council to review the additions. A public sale is being scheduled for the last week of March. Staff is also exploring human services agencies needs.

Deputy Mayor Anderson questioned the large amount of fire hoses. Fire Chief Meyer stated that the hoses are being stored at the Fire Stations, some for at least 10 years are passed their warranty, waiting for the opportunity to surplus these items. The Fire Academy at North Bend is interested in some of Fire's items. Fire Chief Meyer added that there are currently four recruits at the academy who could use the equipment.

Councilmember Shape, A&F Committee Chair, stated this agenda bill was reviewed by the committee and recommended for Council approval.

Councilmember DeHan requested that in the final listing of fire surplus, all items be described along with their asset numbers. Mayor Hansen stated this request is noted.

MOVED BY DEHAN, SECONDED BY SHAPE TO ACCEPT AGENDA BILL NO. 2407.

MOTION CARRIED UNANIMOUSLY.

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) Monday, March 22, the KC Council will be meeting at 9:30 a.m. to noon at SeaTac City Hall in the Council Chambers. The main topic will be transportation issues in KC. This meeting is one of many the KC Council plans to hold in various South KC jurisdictions; and 2) the long effort that many local jurisdictions and the POS have been working on is the Miller-Walker Creek Basin Plan. The Cities of Burien, Normandy Park and SeaTac, along with the POS and KC, will be hosting a public meeting on this project on Thursday, March 18, at 6:30 p.m. at the Washington State Criminal Justice Training Center on 1st Avenue South in Burien.

COUNCIL COMMENTS: Councilmember Shape stated his disappointment with the removal of Agenda Bill No. 2415 regarding the proposed new Council Meeting schedule. He stated he thought this had been fairly well agreed upon at the Council Retreat.

Councilmember Brennan stated that Larry Vitagliano former General Manager of the SeaTac Double Tree and Hilton Hotels, has accepted a position in Colorado and he recommended Eric Walters, current General Manager of Hilton Inn, to take his position on the H/M Tax Advisory Committee. Council concurred with this recommendation.

Councilmember DeHan requested that Mr. Walters furnish a biography for Council review his qualifications. Secondly, he stated there was a South County Area Transportation Board (SCATBd) meeting this morning and attendees were informed the funding for the South County area from the Regional Transportation Improvement District (RTID) has been reduced with the ballot measure that is going forward in November. The Technical Advisory staff worked on a reduced budget should this measure go through. Public Works Director Don Monaghan represented the City. The staff came up with an alternative that they propose to take back to SCATBd Executive Committee next week.

On behalf of Mayor Hansen and the rest of the City, Councilmember DeHan thanked Mr. Monaghan for his part in working to get this project the full funding in the amount of \$900 million. This is a recognition of the regional importance of that corridor. A lot has to happen now between the City, SCATBd, KC, and the Tri-County agreement to make sure that this RTID funding goes through.

Mayor Hansen expressed his agreement. Secondly, he encouraged everyone to attend the upcoming KC Council Meeting. SeaTac is honored to have them start their community meetings in SeaTac City Hall.

PUBLIC COMMENTS: Joe Dixon, 19211 35th Avenue South, thanked the Mayor for suspending action on Agenda Bill No. 2415 from this evening's voting; and 2) if there is to be a tour for Council on Code Enforcement issues in the City, if possible, he would like to go on the tour.

ADJOURNMENT:

MAYOR HANSEN ADJOURNED THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:17 P.M.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

March 23, 2004
Immediately following the Special Study Session

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Hansen at 7:29 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan and Don DeHan.

ADMINISTRATIVE STAFF PRESENT: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo; City Attorney; Mike McCarty, Finance Director; Kit Ledbetter, Parks & Recreation Director; Pat Patterson, Facilities Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: The Flag Salute was conducted at the Special Study Session (SS).

PUBLIC COMMENTS: Linda Snider, 18700 36th Avenue South, stated that after listening to the presentation at the prior SS by the L&R Investment team and having attended the neighborhood meetings, she feels residents do not want a retail development on International Boulevard (IB) that they cannot access easily. They would prefer a neighborhood-friendly retail setting such as was being proposed in the City Center concept.

Joe Dixon, 19211 35th Avenue South, stated that he noticed Agenda Bill No. 2411, to be voted on in this meeting, references the Council Dinner Workshop. The Council Retreat Minutes Synopsis did not reflect that Council action.

City Attorney Mirante Bartolo stated that this agenda bill has two parts and one is regarding the deletion of the workshop on the quarterly fourth Wednesday of the month. At the February 21, 2004 Council Retreat, in discussing the Council Meetings, the Council consensus was that they did not want the scheduled workshops and to delete them from the Council Procedures.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$653,522.56 for the period ended March 19, 2004.
- **Approval of employee vouchers** in the amount of \$535,151.26 for the period ended February 29, 2004.
- **Approval of employee vouchers** in the amount of \$421,421.77 for the period ended March 15, 2004.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended March 19, 2004.

Approval of the following Agenda Items recommended at the March 23, 2004 Special Study Session for placement on this Consent Agenda:

Agenda Bill #2413

A Motion authorizing the City Manager to extend the Interlocal Agreement (ILA) for Tourism and Marketing Services between City of Tukwila and the City of SeaTac until terminated

Summary: This Motion authorizes the extension of ILA No. 02-A11 with the City of Tukwila for cooperative tourism promotion, provided through Seattle Southside Visitor Services (SSVS), until terminated by either party.

In 2001, SeaTac entered into an ILA with the Tukwila to purchase professional tourism and marketing services for the purpose of increasing awareness of SeaTac as a leisure travel destination. This ILA was established for a three-year term, and is due to expire on February 1, 2005. This Motion is being brought forward at this date in compliance with a requirement in the ILA that, "On or before April 30, 2004, the Cities will determine if this ILA may be continued for another period of three years, or for such time as the parties may then see fit."

The City's Hotel/Motel (H/M) Tax Advisory Committee has reviewed the ILA and recommends that it be extended until terminated. In the committee's opinion, the termination clause is sufficiently liberal as to provide either party ample opportunity to terminate the ILA.

An annual operating budget of \$364,000 was approved for SSVS in 2004. The City Council reviews this program annually as part of the City's regular budget process.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2415; Resolution #04-002

A Resolution amending Resolution No. 91-005 and the City Council Administrative Policies and Procedures setting the time of the Regular Meetings of the City Council and the date and time of the Study Sessions

Summary: On February 21, 2004, the City Council held a retreat where Councilmember DeHan led a discussion on the topic of the dates and times for the Regular Council Meeting (RCM) and the SS. The Council thoroughly discussed this issue and the majority of the Council stated that they desired a change.

Currently, pursuant to Resolution No. 91-005 and the City Council Administrative Procedures, the SS were held on the first and third Tuesday of each month, commencing at 6:00 p.m. The RCM were held on the second and fourth Tuesday of each month, commencing at 6:00 p.m.

This Resolution changes the SS to be held on every second and fourth Tuesday, commencing at 5:00 p.m. The RCM will still be held on every second and fourth Tuesday. However, the RCM will commence at 7:00 p.m. rather than 6:00 p.m. This Resolution will only reduce the number of days per month that the City Council and staff need to attend these meetings. However, the number of meetings per month will remain the same.

Additionally, the Council discussed Section 4(c)(3) of the City Council Administrative Procedures, which provides that an informal Council Workshop will be held on the fourth Wednesday of the last month of each calendar quarter. However, the Council has not attended these workshops for the past two years. Therefore, the Council desires to delete Section 4(c)(3) from the City Council Administrative Procedures.

City Attorney Mary Mirante Bartolo briefed on the above summary.

Councilmember Brennan stated his opposition to this agenda bill. He added that the Council should give the citizens the opportunity for input from citizens, City Council, City Manager and City staff at least on a weekly basis. He feels the proposed Council Meeting schedule will not allow for that weekly input and for the Council to keep their finger on the pulse of the City and to enact the policies of the City.

Councilmember Fisher stated that the exact reason for the proposed meeting schedule is to get more citizen participation. With most households, both adults work and do not want to come to meetings four times a month. The Council Packet with agenda and minutes included are now being display on the City's Web Page and the Council is available by phone or email daily. No meetings are being eliminated. If the proposed schedule does not work out, it can be changed back.

Deputy Mayor Anderson stated her concurrence with Councilmember Brennan. She added that Cities with full-time Mayors use the twice-a-month schedule. All Code Cities, of which SeaTac is, meet four times a month. She does not object to the Council Committee Meeting prior to the SS but disagrees with having the RCM directly following the SS. Council, staff and audience need time to process the business items and this new system does not allow for that. Also, the Citizens' Committees, all volunteers, work hard and their issues and recommendations need to be heard.

Councilmember DeHan stated that when he suggested this proposal, he did use the City of Kent as an example, which has a strong Mayor form of government. However, he feels the business of the legislator is not so much hands-on but to build policy and make laws. There is no reason an item presented at a SS has to go to the following RCM when one of the Council decides an item should be held over for two weeks for more input. He agrees with Councilmember Fisher that there will be more attendance with fewer meeting days. He suggested trying this system for three to six months and if it does not work, the current system could be reinstated.

Councilmember Wythe stated he had issues with the Council Committee Meeting having only one hour to address their agenda items. He agreed that items presented at a SS should be held over to the RCM in two weeks for more review of the issues. However, the proposed schedule would free up time to have the quarterly workshops for informal Council discussion. He added that he feels this agenda bill needs more discussion. As for eliminating the quarterly workshops, since this workshop has not been done in years, it should be eliminated out of the Council Procedures as a requirement. A workshop can be set up at any point if issues need to be discussed informally.

Mayor Hansen stated that the impression that the Council is cutting back on meetings is wrong. The Council will still have to address the same amount of City issues. The proposal is only to enact a different schedule. It is more efficient for the staff. As for the Committee Meetings, the Committee Chair can always schedule a meeting for the length of time the issues require. Ninety percent of the issues are standard or "housekeeping" items that can go right on the Consent Agenda. He feels these items should not necessarily be postponed for two weeks. He would

NEW BUSINESS (Continued):

Agenda Bill #2415; Resolution #04-002 (Continued): like the Council to give the proposed schedule a try and if it does not work, the current schedule can be reinstated. He hopes to increase the efficiency of handling business and cut down some of the staff time now required.

Councilmember Brennan stated his agreement that the approval of the purchase requests items to pay the City's bills cannot be put off. He disagrees that cutting the opportunities for citizen comments in half will encourage more citizen participation.

Councilmember Fisher added that the Council is available anytime by phone, email and in person. The Council Meeting does not allow adequate time for Council/citizen conversations. The proposed schedule will save both money and time for the City.

MOVED BY DEHAN, SECONDED BY SHAPE TO PASS RESOLUTION NO. 04-002.

UPON A ROLL CALL VOTE, MOTION CARRIED WITH FISHER, SHAPE, HANSEN AND DEHAN VOTING YES AND WYTHE, ANDERSON AND BRENNAN VOTING NO.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Rayburn stated that the Joint Council/Planning Commission (PC) Meeting on the Wireless Telecommunication Facilities (WTF) is scheduled for March 30 at 3:30 p.m. followed by continued agenda discussion from 5:00 to 6:00 p.m.

City Attorney Mirante Bartolo inquired as to when the Council desires to commence the new Council Meeting Schedule. City Clerk Cary stated that April 13, 2004 would be an appropriate time to commence the new schedule. Mayor Hansen agreed.

COUNCIL COMMENTS: Councilmember Fisher stated his appreciation for being able to attend the National League of Cities Conference in Washington D.C. as a member of the Public Safety Crime Prevention Policy Board. He was able to bring forth information on vehicle thefts and the leniency in punishment, sending a message that crime pays. He also attended some excellent leadership classes that were of benefit to him as a civic leader.

Upon a request from Mayor Hansen, Councilmember DeHan composed and read a rebuttal to a letter in the Highline Times newspaper which he asked to be read into the record:

March 23, 2004

Dear Mr. Mayor: (Changed to Editor)

Recent inaccurate articles, letters, comments and discussion prompted me to offer the following facts with regard to the completion of South Access:

- The City of SeaTac and the Port of Seattle (POS) have a 1997 agreement that the POS will complete the highway link from SR509 to South 188th Street (South Access).
- The cost of South Access was estimated to be \$60 million in 1998 dollars (approximately \$75 million today).
- The POS and the City of SeaTac partnered to fund a Joint Transportation Study (JTS) to determine the impact of POS traffic on the City of SeaTac surface streets.
- The JTS started with the assumption of a completed South Access.
- The POS is proposing a phased approach to completing South Access.
- The Interim South Access would use the newly completed 24th/28th Avenue South corridor.
- The Washington State Department of Transportation (WSDOT) would accommodate, in the SR509 Project, for the final South Access link to occur at a later date.
- The City of SeaTac believes that some basic assumptions on traffic patterns in the POS proposal may be flawed.
- Therefore, the City of SeaTac authorized the expenditure of \$50,000 to amend the scope of work of the JTS to determine the impact of the interim South Access on the City's surface streets.

In my opinion, comments that the City of SeaTac is a pawn of the POS are absurd, mean-spirited and unfounded.

Sincerely,

Don DeHan, Chair,

City of SeaTac Transportation & Public Works (T&PW) Committee.

Mayor Hansen, on behalf of the Council, thanked Councilmember DeHan for the excellent rebuttal letter.

COUNCIL COMMENTS (Continued): Mayor Hansen gave a report on the South County Area Transportation Board (SCATBd) Meeting of the Technical Advisory Committee held today. The committee made the SR509 recommendations to be sent to the Regional Transportation Improvement District (RTID) Committee: \$9 million for SR509 is still in tact.

Councilmember Shape stated that SCATBd totally removed the \$50 million transit funding. Hopefully the RTID will approve it and it can go to the people for a vote in September. King County (KC) Councilmember Julia Patterson is on the RTID Board and also a member of the SR509 Executive Committee and appreciates the hard work of the local agencies.

Mayor Hansen stated that he, along with Deputy Mayor Anderson, and Councilmembers Brennan and Shape attended the KC Council Meeting held in the SeaTac City Hall Council Chambers on Monday, March 22, 2004. There was a large audience turnout for the meeting. The KC Council and staff were impressed with the SeaTac's new City Hall and its amenities, making their meeting run even smoother than expected. He was proud that they chose SeaTac to have their first South KC Committee Meeting.

Deputy Mayor Anderson added that she was disappointed that the KC Council did not address the fact that there are no cross-valley connectors with METRO Bus System for people who have human services needs in the valley area.

Councilmember Fisher stated that the Public Safety & Justice (PS&J) Committee held its meeting today. Chief Somers gave an excellent overview of Southend Cities' crimes, adding that this is part of a study being conducted on the Police Department. He stated the City owes the taxpayers the right to know all the facts and figures on KC contracted and non-contracted police officers and staff. When the study is completed, it will be reviewed by Council.

ADJOURNMENT:

MOVED BY ANDERSON SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:13 PM.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

April 13, 2004
7:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 7:03 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Chris Wythe, Ralph Shape, and Joe Brennan. Excused absences: Councilmembers Gene Fisher and Don DeHan.

ADMINISTRATIVE STAFF PRESENT: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Julie Elsensohn, Senior Assistant City Attorney; Mike McCarty, Finance Director; Dale Schroeder, Public Works Manager Major Projects; MaryAnn Cromwell, Fire Department Administrative Assistant; Kit Ledbetter, Parks & Recreation Director; Lawrence Ellis, Assistant Parks & Recreation Director; Curt Brees, Parks Operations Supervisor; Pat Patterson, Facilities Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: (*The Flag Salute was performed at the preceding Study Session.*)

PUBLIC COMMENTS: J.B. Freer, 18925 37th Avenue South, reiterated concerns re: 1) speeding on South 188th Street and not stopping at the traffic light; 2) increased vandalism and break-ins in her neighborhood. In talking with her neighbors, they feel there is not enough police presences; 3) high speed of patrol cars responding to calls on South 188th Street; and 4) requested the City do more to keep City property clear of trash and overgrown vegetation. Mayor Hansen stated that staff will address her concerns.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$310,821.39 for the period ended April 5, 2004.
- **Approval of employee vouchers** in the amount of \$604,186.41 for the period ended March 31, 2004.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended April 9, 2004.
- **Approval of Council Meeting Minutes:**
- **Joint City Council / Planning Commission Wireless Telecommunications Facilities Work Session** held March 30, 2004.
- **Joint City Council / Planning Commission Work Session** held March 30, 2004.

Acceptance of Advisory Committee Minutes:

- **Human Services Advisory Committee Meeting** held February 23, 2004 (Committee approved March 15, 2004).
- **Planning Commission Meeting** held March 8, 2004 (Commission approved March 22, 2004).
- **Senior Citizens Advisory Committee Meeting** held February 19, 2004 (Committee approved March 25, 2004).

Approval of the following Agenda Items recommended at the April 13, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2424

A Motion approving the purchase of a new Generator for Fire Station 45

Summary: This Motion approves the purchase of a generator and transfer switch to replace the existing generator, which is over 20 years old and does not function properly. It also has no appropriate transfer switch, which recently caused several circuits in the station to burn out.

The generator is being purchased from Pacific Detroit Diesel under State Contract. The State Contract cost of the generator and transfer switch is \$33,752.60. Negotiating with the supplier has reduced the cost to \$28,397. The total amount is \$33,985.53 with tax and contingency. Anticipated installation costs are approximately \$20,000, making the total installation near \$53,985.53. The amount of \$70,000 for the generator and transfer switch was approved as a decision card in the 2004 budget process.

Agenda Bill #2406; Ordinance #04-1006

An Ordinance amending the 2004 Annual Budget for Salary and Benefit Increases

Summary: This Ordinance amends the 2004 Annual Budget to provide for salary and benefit increases for the International Association of Fire Fighters (IAFF) Local 2919 represented Fire Department employees, pursuant to the 2004-2006 collective bargaining agreement between the City of SeaTac and Local 2919.

When the 2004 Annual Budget was developed in the fall of 2003, salary and benefits were budgeted at 2003 levels for IAFF Local 2919 represented Fire Department employees since a labor contract was not yet in place for 2004. A Resolution approving the collective bargaining contract was passed by the Council on February 10, 2004, and

CONSENT AGENDA (Continued):

Agenda Bill #2406 (Continued): the contract was ratified with IAFF Local 2919. It is appropriate at this time to amend the 2004 Budget to provide appropriation authority in the Fire Department budget for the resulting salary and benefit increases. A contingency amount of \$300,000 was appropriated in the Non-Departmental section of the General Fund in the 2004 Budget to provide for the estimated cost of the settlement. Therefore, this Ordinance transfers appropriations from one department to another and has no impact on the General Fund budget.

The budget impact of the cost of living adjustment (COLA) and additional Kelly days is approximately \$111,000. In addition, the bargaining agreement provides that the City will buy back holiday leave time over a three-year period beginning in 2004. The estimated cost for 2004 is \$97,000. The calculation for holiday hours paid will be determined based on the holiday leave balances as of September 30, 2004. The total cost of the agreement in 2004 is approximately \$208,000. A second Budget Amendment Ordinance to transfer appropriation authority from Non-Departmental to the Fire Department for the actual cost of the holiday leave buy back program will occur later this year. The City is contractually committed to the costs associated with these salary and benefit increases.

Agenda Bill #2420

A Motion authorizing Final Acceptance of the McMicken Heights Elementary Play Yard Improvements Project

Summary: This Motion authorizes acceptance of completion of the McMicken Heights Elementary Play Yard Improvement Project. Improvements included asphalt play court extension, new loop path, installation of a drinking fountain, new access path, installation of basketball hoops, relocation of existing tetherball post, play area preparation, installation of a new backstop, line fence, dugout fences, gates and player benches.

Council awarded the construction contract on November 25, 2003 for the total amount not to exceed \$70,554.30. The construction cost from Wyser Construction is \$70,338.46. The construction project was completed on March 31, 2004. Final acceptance will have no fiscal impact beyond payment of retainage as budgeted.

Agenda Bill #2421

A Motion authorizing Final Acceptance of the Landscape installation at the City Maintenance Facility

Summary: This Motion authorizes acceptance of completion of landscape installation. The work was completed by TruGreen Landcare at the facility. The work included irrigation installation, placement of topsoil and rock, grading and installation of plantings.

The construction contract was awarded on June 24, 2003 in the amount of \$135,863 which included a one percent contingency and sales tax. The total construction cost is \$120,521.41, including all change orders and sales tax. Change orders that resulted in reduced total cost included the use of existing topsoil following a screening/amendment process and the placement of landscape boulders that were on site within the landscape rather than supplying additional boulders. Acceptance starts a one-year period for guarantees and warranties by TruGreen Landcare of the work performed under this contract.

Agenda Bill #2418

A Motion authorizing the City Manager to execute Agreements with the Port of Seattle (POS) and City of Burien to preserve the Seike Japanese Garden

Summary: This Motion authorizes the execution of a License Agreement with the POS and an Agreement with the City of Burien to preserve the Seike Japanese Garden in place throughout 2004 and 2005 pursuant to raising funds to relocate the garden.

Since 2002, the City has actively pursued several options to acquire and relocate the garden in whole or in part to the Highline Botanical Garden. Funding requests have been submitted to the Washington State Legislature that are hoped to be approved in 2005.

In August 2003, the City proposed to the POS and Burien that the City assume responsibility for managing the garden in place. Estimated operating costs are approximately \$10,000 annually. On April 5, 2004, the Burien City Council approved the draft Agreement to contribute \$5,000 per year for up to four years toward the cost of keeping the garden in place.

Following Council direction provided March 23, 2004, modifications were made to the draft License Agreement to limit City liability for hazardous waste contamination, on which the POS has subsequently concurred.

The capital and operating expenses are projected to occur in 2004 and 2005. Potential cumulative liability for plants will be limited to \$100,000. The City would store portable artifacts for safekeeping.

CONSENT AGENDA (Continued):

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS: There were no New Business items.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) the POS is hosting a tour of Concourse A at the Airport on Tuesday, April 20 to commence at 8:00 a.m. with speeches and refreshments and the tour to follow at 8:30 a.m.; 2) There will be a third Annual Homeland Security Workshop for Elected Officials on May 3 at the Marriott Hotel, at 8:30 a.m.; and 3) there was a serious vehicle accident today around 7:00 a.m. on South 173rd Street going west to 32nd Avenue South involving a pickup truck. The driver apparently had a seizure, drove through the fence of the Windsor Heights Apartment complex, crossed the parking lot and crashed into a parked vehicle. Both vehicles ended up penetrating the east wall of the complex. The driver was taken to the hospital. The Fire Department and Building Staff were on the scene most of the day. The two vehicles have been extracted from the building which had to be shored up where the vehicle ran into it. The City offered to assist the five or six units of tenants who were evacuated. However, relocation was provided by the apartment complex manager.

CITY COUNCIL COMMENTS: Councilmember Wythe stated that an outreach meeting was held on April 2 at Darlene and John Thompson's home, with representatives from the Windsor Heights Apartments, the Somali community, some former Councilmembers, and some Burien Councilmembers, discussing ways to improve communication between the City and local residents who do not generally become involved in local politics. Many good ideas were shared. He has scheduled additional meetings with some of the local schools regarding their involvement with community outreach. He invited the Council, staff and public to attend any or all. If interested, he stated to contact Darlene Thompson or him.

Councilmember Anderson stated that at the Joint Council/Planning Commission (PC) Meeting, there were two items not discussed due to the Wireless Telecommunication Facilities (WTF) Meeting running longer than expected. She wondered if Council planned to schedule another meeting to address the items. Mayor Hansen stated that these items need to be addressed and requested the City Manager see that they are taken care of; and 2) she planned to attend the Suburban Cities Association (SCA) dinner meeting tomorrow night (April 14) and wondered if any Council or staff were going.

Councilmember Shape stated that the Position Vacancy Review Board (PVRB) recommended hiring the following: a Civil Engineer I, a Probationary Maintenance Worker and a replacement of the Planning Intern, all funded from non-General Fund money. This was brought to the Administration & Finance (A&F) Committee Meeting, which also recommended the hiring.

ADJOURNMENT:

Mayor Hansen adjourned the Regular Council Meeting at 7:18 p.m.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

April 27, 2004
7:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 7:26 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

Mayor Hansen stated that due to the Study Session's (SS) lengthy items of discussion, the RCM was delayed until 7:26 p.m.

PUBLIC COMMENTS: Joe Dixon, 19211 35th Avenue South, complimented the City Manager on the "City Manager's Weekly Update" on the City's web site. He stated that this is an excellent way for the public to keep apprised of issues in the City. He suggested that the next issue of the SeaTac Report point out this update.

PRESENTATION:

•Library Advisory Committee Annual Report

City Clerk's Office Administrative Assistant II Marcia Rugg, Library Advisory Committee Staff Liaison, introduced Chair Jackie Krutz, stating that Mrs. Krutz has been the Library Advisory Committee Chair for 12 years. Mrs. Krutz addressed the following items: 1) introduced the two newest board members, Peter Kiewit IV and Marion Henry; 2) read the committee's mission statement; 3) King County Library System's (KCLS) circulation is third in the nation; 4) new library to open at Southcenter Mall May 5 or 6. The hours will be the same as the mall hours. Valley View Library's (VVL) Managing Librarian is also in charge of this new library; 5) book sale to be held at the VVL on Saturday, May 22 from 10 a.m. until 4 p.m.; 6) Paul Allen Foundation has given \$50,000 to support the library connection at Southcenter; and 7) the KCLS is giving \$50,000 to encourage children's reading; and the committee will again participate in the International Festival Parade this year.

Upon a question by Deputy Mayor Anderson, Mrs. Krutz stated that there are several sections in the VVL that are bilingual.

Councilmember Shape thanked Mrs. Krutz for her years of service. He questioned whether there are any projects proposed for VVL in the upcoming library bond issue. Mrs. Krutz stated that this new bond does not propose any big projects for VVL, but Bill Potasick, head of the KCLS would like to present the specifics of the bond issue to Council at a future meeting.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$704,374.02 for the period ended April 20, 2004.
- Approval of employee vouchers** in the amount of \$413,625.09 for the period ended April 15, 2004.
- Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended April 23, 2004.

Approval of Council Meeting Minutes:

- Study Session** held April 13, 2004.
- Regular Council Meeting** held April 13, 2004.

Acceptance of Advisory Committee Minutes:

- Planning Commission Meeting** held March 22, 2004 (Commission approved April 19, 2004).

The following Agenda were recommended at the April 27, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2425

A Motion authorizing the City Manager to enter into a Contract with Rabanco LTD, DBA SeaTac Disposal Company for Comprehensive Garbage Recyclables and Yard Debris Collection Services for the City of SeaTac Residences and Businesses

Summary: It is proposed that the City enter into a ten year contract with Rabanco LTD, DBA SeaTac Disposal Company for Comprehensive Garbage, Recyclables and Yard Debris Collection Services for SeaTac residences and businesses. The contract service area would be the incorporated boundaries of SeaTac. Waste Management and Rabanco, who both currently serve the City, will trade territories resulting in a single contractor (Rabanco)

CONSENT AGENDA (Continued):

Agenda Bill #2425 (Continued): providing service within the City. Entering into the contract will also eliminate the Washington Utilities and Transportation Commission (WUTC) control on rates and service provided by the waste haulers within the City.

Since incorporation, the City has been trying to determine how best to assume the responsibilities for regulating solid waste collection services within the City. The primary problem was determining if the WUTC would continue to regulate the waste haulers serving the City during the transition period. Finally, without a resolution to this issue, Council passed an Ordinance on June 25, 2002 granting franchises to both Waste Management and Rabanco. The date of these franchises was retroactive to the date of incorporation. At the time of incorporation, the WUTC certificated hauler was able to continue service within the City for a transition period of an additional five years from the date of incorporation. In June 2002, when the franchises were granted, that time had been increased to seven years.

After the franchises were issued, the staff was still concerned that any attempt by the City to cancel the franchises during or after the five or seven year grace period would lead to litigation. Further, it was unclear if the grace period would be five years starting at the date of incorporation or seven years starting from the actual date the franchises were issued. However, prior to giving notice of termination of the franchise, the haulers inquired if the City would be interested in negotiating a contract with either of them. City staff responded in the affirmative. In order for this to happen, the haulers would need to negotiate an equitable trade of territory among their service territories. This was accomplished and the City entered into negotiations with Rabanco earlier this year.

Staff previously briefed the Council in September 2003 on garbage service issues and was provided direction on what issues should be addressed in a solid waste collection contract. The following is a summary of those issues: 1) rates based upon cost of service; 2) a 25 percent discount provided for low income seniors and disabled residents on residential service except for mini-cans; 3) recycling continuing to be imbedded in the garbage rate for single family and multi-family residential; 4) garbage service mandatory for multi-family residential and commercial businesses 5) single family residence occupants get to choose whether or not to have garbage service; 6) yard debris service available to all customers as an additional service; 7) recycling available to commercial customers as an additional service; 8) rates include an administrative fee for the City to administer the contract; 9) rates are higher than Rabanco's current rates. However, they are less than expected rates to be approved by the WUTC and current Waste Management rates; and 10) contract contains a "No Strike" provision to prevent disruption of service.

If Council chooses to approve the motion to award the contract at the April 27 Regular Council Meeting (RCM), then service governed by the contract would be initiated on June 1, 2004. If the Council chooses to schedule action on the motion at the May 11 RCM, then implementation of service would begin July 1, 2004.

By replacing the WUTC franchise with a contract for waste collection services, City staff will have more direct involvement in responding to waste collection issues and complaints. Therefore, the rate that customers will be charged includes an administrative fee that will be paid to the City by Rabanco on the first of each month. Initially the Contractor will pay the City an administrative fee of \$5,000 a month for a total of \$60,000 per year. This fee will be adjusted annually based upon changes in the Consumer Price Index.

Agenda Bill #2426; Ordinance #04-1007

An Ordinance adopting a New Chapter 7.40 to the SeaTac Municipal Code (SMC), related to Garbage Regulations and proscribing Penalties, and repealing Section 12.15.030 of the SMC relating to Solid Waste

Summary: This Ordinance: 1) creates a new section 7.40 of the SMC related to garbage regulations to provide consistency with the garbage contract with Rabanco LTD, DBA SeaTac Disposal Company; 2) establishes regulations for the disposal of garbage, recyclables, and yard waste, including the prevention of garbage contamination of recyclables and yard debris; 3) regulates the weight and condition of garbage containers, consistent with the terms of the garbage contract; 4) requires multi-family complexes to have garbage service, and establishes minimum service levels for these complexes; 5) provides that that garbage Contractor has exclusive rights to collect garbage in the City; 6) allows Code Enforcement to enforce the proposed regulations through the

CONSENT AGENDA (Continued):

Agenda Bill #2426; Ordinance #04-1007 (Continued): Notice and Order procedures set forth in SMC 1.15; and 7) repeals that section of the SMC which adopts King County Code (KCC) section 10.04 as it is inconsistent with the new regulations and the collection contract.

The City adopted SMC 12.15.030 in 1990, which incorporated by reference KCC 10.04, establishing a solid waste code. The current solid waste code is inadequate and inconsistent with the garbage contract because it does not address issues such as co-mingling of garbage with yard debris and recyclables, and minimum service levels for multi-family complexes. Furthermore, the current code does not specify that the garbage collection company has exclusive rights to collect garbage throughout the City, which is one of the terms of the garbage contract. The City's garbage regulations should be consistent with the terms of the contract.

Agenda Bill #2419

A Motion rejecting the Apparent Low Bid and authorizing the City Manager to execute a Contract with the Lowest Responsible and Responsive Bidder for the International Boulevard (IB) Phase IV Improvement Project (South 200th Street to South 216th Street)

Summary: The project was advertised for bids between March 1 and March 26, 2004. The bid opening was on held March 26 and the Engineer's estimate was \$10,085,021. Four bids were received. Mid Mountain Contractors, Inc., formerly Volker Stevin Pacific, was the apparent low bidder with a total bid of \$9,497,631.85 which was corrected for a \$254,306.30 mathematical error. However, Mid Mountain was found to be not responsible and their bid non-responsive. The next low bid was Gary Merlino Construction Company, Inc. with a total bid of \$9,777,791, three percent below the Engineer's estimate.

CH2M Hill designed the project and prepared the bid documents. The project consists of new curb, gutter, sidewalks, street trees, landscaped median, street illumination, underground utilities, improved storm drainage, upgraded traffic signalization at South 208th Street and a new traffic signal at South 204th Street. The new roadway section will consist of two through lanes each way and a southbound HOV lane. The contract also includes work for the Midway Sewer District and the Washington State Department of Transportation (WSDOT). Approximately 600 feet of new sanitary sewer pipe will be installed in IB just south of South 204th Street to replace a failing line to the east of the IB corridor. The sewer district will reimburse the City for the additional work per the terms of a Memorandum of Understanding (MOU). The profile of IB will be raised a maximum of three feet just north of South 208th Street to facilitate the future SR 509 undercrossing. The WSDOT will reimburse the City per the terms of an Interlocal Agreement (ILA). The contract specifies the work shall be done within two years.

According to the contract specifications, Section 1-02.13, a proposal may be considered irregular and rejected if any of the unit prices are excessively unbalanced to the potential detriment of the City. Mid Mountain's bid for Temporary Pavement was only \$28,885 compared to the average amount of the other bidders of \$331,215. Based on their own assigned cost information, Mid Mountain will not be able to cover its costs to perform this work item. At this significantly low unit bid price, it is expected that the contractor would be reluctant to perform this work in accordance with the specifications that is necessary to maintain through traffic and business access. If the Temporary Pavement item were to significantly under run or over run the bid quantity, the City would be exposed to a re-negotiation of the bid price. Furthermore, if this single bid item was the average of the other three bids, Mid Mountain's total bid would not be the lowest bid.

Section 1-02.14 lists criteria available to deem a contractor not responsible and reject their bid. An unsatisfactory performance record on past City projects is among the criteria. Mid Mountain was the contractor on the IB Phase I Project doing business as Volker Stevin Pacific at that time. During that project, Mid Mountain's performance was below satisfactory. They had disputes with subcontractors, did not place a high priority on traffic control, public and worker safety, were uncooperative in regards to clean up, were inefficient in scheduling crews and materials and did not complete the work on time.

Under the same contract provision, a bidder may be deemed not responsible and their bid rejected if the bidder failed to settle bills for labor or materials on past contracts. On Phase I, a hauling subcontractor had to sue to force Mid Mountain to meet their subcontract obligations.

CONSENT AGENDA (Continued):

Agenda Bill #2419 (Continued): The SMC contains provisions a bidder must meet in order to qualify as the lowest responsible bidder. The bid price, character, integrity, reputation, judgment, efficiency and quality of performance of previous contracts all must be considered. In addition to the Phase I performance problems noted above, Mid Mountain filed suit against the City. Although settled prior to trial for an amount less than demanded by Mid Mountain, the City had to secure outside legal representation and spend costly staff time evaluating Mid Mountain's claims. Other local agencies have rejected Mid Mountain bids as not responsible and non-responsive. The City of Bellevue rejected a Mid Mountain bid in July 2001 due to their dissatisfaction with Mid Mountain's quality of performance on previous contracts. Specifically, problems experienced with Mid Mountain included failure to follow inspection procedures, disregard for environmental stewardship, damage to a gas line and various safety concerns. In May 2002, the City of Burien rejected a Mid Mountain bid on the basis Mid Mountain was found not to be a responsible low bidder.

The lowest responsible and responsive bidder, Gary Merlino Construction, has satisfactorily completed a number of City projects.

Based on failure to meet criteria of the contract provisions and the SMC, it is recommended that Council reject Mid Mountain Contractor's bid because it is not responsible and non-responsive. Furthermore, it is recommended that Council move to authorize the City Manager to execute a contract with Gary Merlino Construction Company, Inc. in the amount of \$9,777,791 for all Bid Schedules A through F and authorize a 10 percent contingency of \$977,779 for a total contract budget of \$10,755,570.

The total construction cost, including construction contract, contingency, material testing, additional inspection time and electric underground conversion is \$11,592,384. The majority of the project is to be funded by a State Transportation Improvement Board (TIB) grant.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED WITH BRENNAN ABSTAINING FROM THE VOTE.

NEW BUSINESS:

•Discussion of Council Meeting Procedures:

Councilmember Brennan stated his objection to passage of SS items going directly on the RCM Consent Agenda on the same night. He stated that there is no reason to have but one meeting, a RCM, as the SS agenda items are the same as the RCM agenda items. He stated that he resents voting on the same issues on the same night. This is not a way to run a government. The issues passed tonight were important and Council was not able to digest them.

Councilmember Fisher stated two issues were not voted on tonight. He questioned why this is not being tried. Upon a question by Councilmember Fisher, City Attorney Mary Mirante Bartolo stated that pursuant to the Revised Code of Washington (RCW), the legal requirement is a minimum of one Council meeting a month. Council has exceeded that regulation. Councilmember Fisher stated that the new schedule does not cut out any meetings, just putting them at a different time.

Councilmember DeHan reiterated Councilmember Fisher's comments as to the two items not passed tonight. He added that the current policy states that it only takes one vote to keep an item off the consent agenda. Any one Councilmember who disagrees with having an item go to the consent agenda can make sure that does not happen just by stating so at the SS. Also, any one Councilmember who does not want an item left on the consent agenda can opt to have it taken off and reconsidered as new business. There is also a Council majority that can actually refer an item to a future SS or RCM or committee. He also added that March 23, prior to the new schedule, there was an issue that came up for the first time at a SS. That issue was passed under the Consent Agenda at the March 23 RCM after being discussed at the March 23 Special SS. He suggested that the new Council schedule be tried and if it does not work, go back to the past schedule.

Councilmember Shape stated that the last two meetings have shown that the new schedule can work, reiterating Councilmember DeHan's comment that one Councilmember can remove an item from the consent agenda.

NEW BUSINESS (Continued):

Discussion of Council Meeting Procedures (Continued): Councilmember Wythe stated that there is a benefit with the new schedule, allowing the Council time to better connect with the community. The Council's intention was not to condense the meetings or enact laws more quickly. He suggested that SS items be sent to the following RCM Consent Agenda in two weeks in order to study the items, but if there is a time sensitive issue, that it be able to go to that same day's RCM.

Councilmember Brennan stated that he will never agree to put anything on the Consent Agenda.

Mayor Hansen stated that this new schedule was passed by Majority. The Council has to follow the RCW and Robert's Rules of Order. He felt the schedule has been working for the last two weeks. He suggested that the new schedule be tried and if it does not work, bring it back for discussion of a change in the schedule.

Councilmember DeHan stated that, for clarification, this item is up for discussion, not reconsideration. So, while a member in the minority cannot bring this issue back up for reconsideration, all Councilmembers can participate in a discussion. Second, in regard to a change in policy, the current policy gives us the widest latitude for either considering an item at the present time or putting it off to some time in the future. He suggested Council try this schedule for a period of time and if it does not work then it can be changed.

Mayor Hansen stated that the City has a request from the Washington Native Plant Society for a proclamation declaring May 24 through 30 as Native Plant Appreciation Week. Council concurred.

CITY MANAGER'S COMMENTS: City Manager Bruce Rayburn had the following items of business: 1) Public Works Director Don Monaghan, after 14 years, is retiring June 30; and 2) Emergency Management Workshop for Elected Officials to be held at the Marriott Hotel Monday, May 3, 2004 from 8:30 to 11 a.m. Some of the senior staff plan to attend. Mayor Hansen asked Councilmember Fisher to attend.

CITY COUNCIL COMMENTS: Councilmember Fisher requested that Chief of Police Services Scott Somers give Council an update on the police as he has done in past years. He stated that the fire stations need to be addressed. They are obsolete. This issue should be put before the public and explain the need for fire protection.

Deputy Mayor Anderson stated that she is sorry to see Mr. Monaghan go. Police Officer Hank Sherwood is also retiring in June. She requested some sort of recognition for Mr. Sherwood.

Councilmember Shape stated that he received a letter regarding petition to sign Tim Eyman's latest initiative. The City needs to be thinking about what we are going to do if it passes and be prepared to pass the message to the citizens about what services they will be giving up if it does pass.

Councilmember Brennan stated that Mr. Monaghan came to us when the City incorporated. He congratulated Mr. Monaghan on 14 wonderful years to the City and its citizens.

Councilmember DeHan stated that during the Transportation & Public Works (T&PW) meeting, Mr. Monaghan brought to them an opportunity for a tour to review some code enforcement items within the City as well as some capital improvement projects and possibly some economic development. He also thanked everyone for the get well greetings while he was in the hospital.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:14 P.M.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

May 11, 2004
7:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 7:01 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Kit Ledbetter, Parks & Recreation Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

PUBLIC COMMENTS: Mauricio Ayon, 3727 South 164th Street, Highline School District (HSD) Latino Community Coordinator, stated there has been an incident that has been happening for a few years until conversations were held with the Latino parents and several immigrant parents of refugees that live in apartment complexes that are located on South 188th Street and 32nd Avenue South. There are approximately 50 Bow Lake Elementary School students who take a pathway through the Pine Ridge Apartment complex to and from school. The complex has shut the door to the students. Now they are taking a detour through the Emanuel Baptist Church in a wooded area with a creek, which is an unsafe trek. The HSD has installed a bus stop for the students. He stated that a meeting of the neighboring residents is needed regarding this situation. In speaking with Councilmember Wythe, he suggested bringing this matter to the Council's attention. He has also spoken to Community Services Officer (CSO) Eloise Kruger as to this matter.

Councilmember DeHan stated this is a topic that has been before the Transportation & Public Works (T&PW) Committee and the Council several times in the past. According to the Department of Ecology (DOE), that storm water/rainwater feeds into the Des Moines Creek. The City has not been able to make that area inside culverts. That would mean that a significant amount of property would be taken from the apartment complex and the church. At the present time, the T&PW Committee has asked staff to re-examine this situation and appeal to the DOE to grant this stream in a culvert which would minimize the taking of either property and allow access by street back into the complex to the school. This would benefit the students and the community to have that vehicle circulation exit.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$179,349.97 for the period ended April 30, 2004.
- **Approval of claims vouchers** in the amount of \$196,546.16 for the period ended May 5, 2004.
- **Approval of claims vouchers** in the amount of \$399.06 for the period ended May 5, 2004.
- **Approval of employee vouchers** in the amount of \$559,236.99 for the period ended April 30, 2004.

Approval of Council Meeting Minutes:

- **Special Council Meeting** held March 16, 2004.
- **Study Session** held April 27, 2004.
- **Regular Council Meeting** held April 27, 2004.

Acceptance of Advisory Committee Minutes:

- **Library Advisory Committee Meeting** held February 10, 2004 (Committee approved April 27, 2004).
- **Planning Commission Meeting** held April 19, 2004 (Commission approved May 3, 2004).
- **Senior Citizens Advisory Committee Meeting** held March 25, 2004 (Committee approved April 15, 2004).

The following Agenda Item was recommended at the May 11, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2416; Resolution #04-003

A Resolution amending Resolution No. 91-005 establishing City Council Committee Meetings as Council of the Whole Meetings, adopting a formal Meeting Schedule for Council Committee Meetings, and amending the City Council Administrative Procedures

Summary: This Resolution amends the City Council Administrative Procedures by establishing City Council Committee Meetings as Council of the Whole meetings and adopting a formal meeting schedule for Council Committee meetings.

CONSENT AGENDA (Continued):

Agenda Bill #2416; Resolution #04-003 (Continued): On February 21, 2004, the City Council held a retreat and discussed the Open Public Meetings Act and how it relates to City Council Committee Meetings.

The Open Public Meetings Act requires public notice and the posting of the agenda for any meeting of a majority of the City Council. However, Committee Meetings in which no more than three Councilmembers may attend is not subject to the Act. If the Council wants to allow members to attend Committee meetings in which they are not a member, a Resolution is required to establish all Committee Meetings as Council of the Whole Meetings, and a formal schedule of Committee Meetings would need to be adopted. Otherwise, should more than three Councilmembers wish to attend a Committee meeting, the procedures for notice of a Special Meeting must be followed, including 24-hour public notice.

Currently, the City provides notice of Committee Meetings on the City Calendar, which is posted on the outside of City Hall and on the City website. Also, copies of the Committee Meeting agendas are provided in the City Manager's Weekly Update, which is also posted on the website. However, the Committee Meetings are not currently posted as Meetings of the whole Council, nor is formal public notice provided. Consequently, a violation of the Open Public Meetings Act occurs if more than three Councilmembers attend a Committee Meeting due to lack of proper notice to the public. The adoption of this Resolution provides the requisite notice to the public when the Resolution is published, which will prevent an Open Public Meetings Act violation should more than three Councilmembers attend a Committee Meeting.

The Council Committee Meeting schedule is as follows:

Administration and Finance (A&F) Committee will meet at 3:00 p.m. on the second Tuesday of each month;

Land Use and Parks (LUP) Committee will meet at 4:00 p.m. on the second Thursday of each month;

T&PW Committee will meet at 3:00 p.m. on the fourth Tuesday of each month; and

Public Safety and Justice (PS&J) Committee will meet at 4:00 p.m. on the fourth Tuesday of each month.

Should additional Committee Meetings be necessary, they need to be scheduled subject to the 24-hour public notice requirement.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

Mayor Hansen stated that at the May 11 Study Session (SS), Agenda Bills No. 2730 and 2405 were placed on the May 25 Regular Council Meeting (RCM).

NEW BUSINESS:

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ended May 7, 2004.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ACCEPT THE \$5,000 TO \$25,000 PURCHASE REQUEST ITEM: FILE SERVER FOR EDEN SYSTEMS INFORUM GOLD SOFTWARE UPGRADE IN THE AMOUNT NOT TO EXCEED \$5,861. .

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2427

A Motion authorizing the purchase of Computer Hardware for 2004

Summary: In the City's Six-Year Capital Improvement Plan (CIP), computer hardware is projected for replacement on the following schedule: Computers and Monitors – four years; Notebook Computers – four years; Printers – eight years; File and CD-ROM Servers – four years; Scanners – four years; and Government Information System (GIS)-related Equipment – five years. The 2004 Annual City Budget provides for scheduled replacement of 32 computers and 32 monitors. The budget also provides appropriation for one new computer and monitor that would be located in the Finance Department for a help desk intern.

Approval is requested to authorize purchase of the above equipment based on three competitive quotes obtained. The computers will have a three-year warranty. Computers are replaced based on a methodology established in 2004 in which all users were requested to fill out a questionnaire regarding computer application use. The questionnaires were tallied and scored according to which programs were used and the frequency of use. In order to maintain current updates on all computers, each user will receive a replacement computer each year.

NEW BUSINESS (Continued):

Agenda Bill #2427 (Continued): An appropriation in the amount of \$64,160 is included in the 2004 Budget for the purchase of computer equipment. The estimated cost, based on competitive quotes obtained, is \$43,255.

MOVED BY SHAPE, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 2427.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Rayburn stated that the Suburban Cities Association (SCA) Executive Director Deb Eddy has resigned from the position effective April 30 which she has served for three years. City of Auburn former Mayor Chuck Booth has agreed to serve in this position on an interim basis not to exceed six months.

CITY COUNCIL COMMENTS: Councilmember Wythe stated: 1) he had spoken to Mr. Ayon prior to this meeting and felt there seems to be long term solutions for the children to access their school safely, but the immediate situation needs resolution. City Manager Rayburn added to Councilmember DeHan's reply that the City has for many years tried to acquire enough property from the apartment complex and the church to put through a vehicle access to connect South 188th Street to South 182nd Street. The DOE has already rendered a decision that the City cannot tight line that stream. Staff will re-examine the situation; and 2) on May 7th, he met with representatives from the HSD and the Windsor Height Apartment Complex. He was selected to facilitate a Somalis Sewing Group. He spoke with Parks & Recreation Director Kit Ledbetter who will research potential sites for this project to help involve these Somalis women in the community. Advice and help is welcomed.

Councilmember Shape stated that at the A&F Committee Meeting this afternoon, the committee reviewed and recommended the Position Vacancy Review Board's (PVRB) recommendation made for the Public Works Director position to be filled by Dale Schroeder upon the retirement of Public Works Director Don Monaghan effective July 1, 2004 and also the intention is to upgrade Tom Gut to the new City Engineer position to include the responsibilities of Manager of Major Projects and to install a new position of Assistant City Engineer. Also recommended by the PVRB was a Facility Maintenance Worker I. There are enough contracts in 2004 at high values that by hiring this new position it will save half the amount of money, enough to pay for this position's salary for 2004 and half of 2005. This position is needed due to the number of maintenance contracts proposed for the near future. Secondly, he mentioned that Armed Forces Day is Saturday, May 15, a time to honor the men and women serving the Nation worldwide. He added that his wife, Judy and he are particularly proud of their son, Sergeant Marty Shape, (in the audience with his mother) who recently retired from active duty after 24 years in the US Army.

Councilmember Brennan stated that a Joint Hotel/Motel (H/M) Tax Advisory Committee/SeaTac Economic Partnership (STEP) Committee Meeting is scheduled for tomorrow, May 12 at 2:30 p.m. and H/M Committee Meeting at 3:30 p.m. at City Hall.

Mayor Hansen stated that the Southwest Chamber of Commerce Business Luncheon Meeting will be held Friday, May 13, at the Occupational Skills Center (OSC). He will be speaking, as will the Mayors of Tukwila and Burien.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:21 P.M.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

May 25, 2004
7:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 7:02 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan. Excused Absence: Deputy Mayor Terry Anderson. (Note: staff had previously been apprised of this absence.)

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Kristina Gregg, Deputy City Clerk; Mary Mirante Bartolo, City Attorney; Kit Ledbetter, Parks & Recreation Director; Mike McCarty, Finance Director; Don Monaghan, Public Works Director; Bob Meyer, Fire Chief; and Greg Dymerski, Police Captain.

FLAG SALUTE: (The Flag Salute was performed at the preceding Study Session.)

PUBLIC COMMENTS: George Hadley, Normandy Park Councilmember, stated that he attended a Port of Seattle (POS) Open House at which a POS employee stated that South 156th Street at Des Moines Memorial Drive (DMMD), currently goes into the airport area towards SeaTac, will be filled with Third Runway fill. The POS plan is to move it to around the outside of the embankment as a requirement of the City of SeaTac. That would mean that Miller Creek would need to be relocated. He suggested, instead, South 152nd Street be cut straight across instead. That way, less of Miller Creek would need to be relocated.

Councilmember DeHan replied that SeaTac insisted that there be an east/west access at the north end of the airport, but did not insist that it be at South 156th Street. He added, years ago, he approached the Burien City Council and suggested that South 152nd Street go straight through from SeaTac to Burien. Burien stated they did not want to promote traffic through Downtown Burien.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$2,262,910.20 for the period ended May 20, 2004.
- **Approval of employee vouchers** in the amount of \$408,464.39 for the period ended May 15, 2004.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended May 21, 2004.

Approval of Council Meeting Minutes:

- **Regular Council Meeting** held March 23, 2004.
- **Regular Council Meeting** held May 11, 2004.

Acceptance of Advisory Committee Minutes:

- **Planning Commission Meeting** held May 3, 2004 (Commission approved May 17, 2004).
- **Senior Citizens Advisory Committee Meeting** held April 15, 2004 (Committee approved May 20, 2004).

The following Agenda Items were recommended at the May 25, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2431; Ordinance #04-1008

An Ordinance adopting the International Codes and amending and reorganizing Title 13 of the SeaTac Municipal Code (SMC) related to Building Codes and Construction

Summary: The following changes are made in this Ordinance: 1) amends and reorganizes Title 13 of the SMC related to buildings and construction, including the adoption of the International Codes and the latest Uniform Plumbing Code (UPC); 2) rewrites the Sound Transmission Code and Grading Code for clarity, and expands the General Provisions Chapter so it applies to the entire Title 13; 3) the Chapter relating to off site improvements is clarified; 4) references to permit fees are deleted in the Ordinance and added to the City's Schedule of Fees; and 5) housekeeping changes made to Titles 15 and 16A, by correcting any inconsistencies due to the re-numbering and amendments to Title 13, and authorizes the Code Reviser to change any references to the Uniform Building Code (UBC) and Uniform Fire Code (UFC), as those codes will no longer be used.

The UBC and related codes, excluding the UPC, have been integrated with the National and Standard Building Codes, to create the International Codes. There are no changes to the National Electrical Code. The Building Codes have been amended and adopted by the Washington State Building Code Council and must be enforced by all Cities and Counties, pursuant to State law. The International Codes become effective July 1, 2004, and the City must adopt these codes in order to enforce them.

CONSENT AGENDA (Continued):

Agenda Bill #2431; Ordinance #04-1008 (Continued): The adoption of these codes in place of the existing codes requires significant changes to Title 13. Therefore, Staff took this opportunity to review the entire Title 13 in order to amend and reorganize sections that needed additional clarity, and to provide better usability.

Agenda Bill #2432; Resolution #04-004

A Resolution amending the City of SeaTac Schedule of License Fees, Permit Fees, and Other Fees and Charges for City Services

Summary: This Resolution amends the City's Schedule of Fees to add the permit and other fees that were previously contained in Title 13 of the SMC. Currently, the code contains some, but not all, permit fees charged by the City for building and construction. Staff believes it is appropriate to have all permit and other fees charged by the City for building and construction to be listed in one place. This Resolution moves the fees that were previously contained in the SMC to the City's Fee Schedule.

Additionally, there are some inconsistencies between the SMC and the Fee Schedule. For example, the Fee Schedule was not amended when new electrical permit fees were changed as part of Ordinance No. 03-1024. This Resolution will correct these inconsistencies. Furthermore, by moving all building and construction fees into the Schedule of Fees, these inconsistencies will not occur in the future.

This Resolution also corrects some housekeeping issues within the fee schedule, such as changing the references to SMC Chapters to reflect the new numbering.

Agenda Bill #2433

A Motion authorizing the purchase of a Senior Van to replace an existing Van that will be declared Surplus and sold

Summary: This Motion authorizes the purchase of one Senior Van, which can accommodate 14 passenger or 12 passengers and one wheelchair configuration to be used at the North SeaTac Park Community Center (NSTPCC) for the purpose of transporting seniors to and from the lunch program and other scheduled events.

The 2004 Annual Budget included a \$203,850 appropriation in the Equipment Rental Fund for scheduled vehicle and equipment replacement in 2004. The funds that were accumulated toward the replacement of the van amounted to approximately \$73,000. These funds were paid by the user department over the useful life of the vehicle to fund its future replacement. The replacement van will be purchased within budget limitations. The 2004 Ford Mini Bus will cost \$54,830.93. This cost includes the purchase price of the vehicle together with detailing the vehicle once it has been delivered.

Agenda Bill #2436

A Motion authorizing the City Manager to execute Agreements with various Utilities for an Underground conversion and installation of Street Lights on the International Boulevard (IB) Phase IV Improvement Project

Summary: The IB Phase IV Project includes the conversion of overhead to underground and the installation of streetlights. Agreements are needed to assign responsibilities between the various utilities and the City.

Puget Sound Energy (PSE), Qwest and Comcast all have existing overhead facilities that will be converted to underground as part of the improvements to IB between South 200th and 216th Streets. It is mutually beneficial to the utilities and the City to have the City's contractor install the conduit and vaults concurrently rather than individually by the utilities. Each agreement outlines the scope of work and payment terms for the various conversions and streetlight installation.

Fiscal Impact for the PSE Agreement: Per the WUTC approved agreement, the City is responsible for 40 percent of the design, easements, conduit and vaults and wreck out the overhead system. The estimate for the City's portion is \$468,790. This cost was included in the project estimate.

Fiscal Impact for the IntoLight Agreement: The City is responsible for the full cost of street light installation, monthly energy cost and facilities cost for maintenance. The installation cost will be \$261,285.15 and be charged to BARS No. 307.000.37.595.30.63.115. The street light installation cost was included in the project estimate. The monthly energy and facilities maintenance cost is \$1,202.30, which will be charged beginning in 2006.

Consent Agenda (Continued):

Agenda Bill #2436 (Continued): Fiscal Impact for the Qwest and Comcast agreements: Per the terms of the agreements, Qwest and Comcast are responsible for all costs associated with design, labor, and materials to install the new underground system and wreck out the overhead system. Qwest and Comcast will reimburse the City for 100 percent of its contractor cost to install conduit and vaults.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2430

A Motion approving the completion of the Senior Center Pre-design Program Study

Summary: In January, the Steering Committee for the Senior Center Pre-design Program Study visited several senior centers, community centers and the Northshore YMCA for ideas of what was already working in the region. These visits helped in determining desirable features for SeaTac as well as providing an idea of space and program needs for a new senior center. Two public meetings were held in January at City Hall to allow citizen input. The focus of these meetings was to introduce the ARC Architects, who would be working on the pre-design study and to outline the process. The second of these meetings employed a preference scoring system that narrowed the possible location of the senior center to two sites. These were: 1) South 188th Street City property which would be co-located with the YMCA; and 2) location at the north end of the NSTPCC.

With two sites identified, the architects developed more specific information. Preliminary details of the senior center as it would appear on either site were represented. In each model, the senior center is depicted as a 10,000–12,000 square foot (sq. ft.) facility. The advantages and disadvantages of each site were outlined.

On the South 188th Street property, the YMCA and the senior center could be attached to each other, perhaps sharing a common lobby and entrance. Separate facilities would also be possible. Ample, affordable parking for the two facilities remains a major concern, particularly if future expansion for the YMCA or senior center is desired. In general, a total build out of 50,000-52,000 sq. ft. for both uses would require (based on use patterns, not zoning requirements) 250-260 parking spaces.

The other model would develop a stand-alone facility north of the existing NSTPCC. The road to South 136th Street would be re-opened for a separate entrance and approximately 55 parking spaces dedicated to the senior center would be added. These parking spaces are at the same level as the senior center. Overflow parking would be the existing lower parking lot. A plaza with a covered walkway would connect the two facilities, which could continue to share some space, as needed, for example, the exercise room and gym.

The estimated costs for each model have been revised several times due to changing considerations. The South 188th Street site is consistently more expensive, but the actual difference varies depending upon how the parking issue is addressed. At this time, the cost difference is limited to the added cost for wetland mitigations and the detention pond at the South 188th Street site. When ARC presented information to the City Council in early March, it was requested that a third model be explored that would involve the purchase of adjoining property on South 188th Street. This was based on the need for structured parking on the South 188th Street site if a larger YMCA along with the senior center was built. This new information was presented at the April 1 Steering Committee meeting. At that time, it was learned that the YMCA would not pay for structured parking, and that the YMCA facility would probably be closer to 40,000 sq. ft. rather than 54,000 sq. ft. As noted above, it appears structured parking is not required at the site if built area is limited to around 50,000 sq. ft. It was suggested at the April 1 meeting that the pros and cons of each site be expanded and that the Steering Committee and ARC move closer towards a final recommendation. The Steering Committee met on May 6 and unanimously voted to recommend the NSTPCC site. The architects gave a presentation after the Wednesday May 5 senior lunch and 16 seniors voted for the NSTPCC site and two voted for the YMCA site.

At the May 11, 2004 Study Session (SS) ARC presented their final recommendation to Council and presented a final draft of the report. Council requested more time to review the final Senior Center Pre-design Program Study. The Pre-design Study budget is funded by Community Development Block Grant (CDBG) funds. The total budget

NEW BUSINESS (Continued):

Agenda Bill #2430 (Continued): is \$27,000 with an additional \$1,141 to be held by the City for contingency of printing and other unknown costs. The funding will be in two parts (2003/ \$14,959 and 2004/ \$13,182).

Parks & Recreation Director Kit Ledbetter thanked the citizens who participated in this process. He highlighted the executive summary from the study. The study was based on the seniors' response to a survey indicating seniors wanted a senior center.

MOVED BY DEHAN, SECONDED BY FISHER TO ACCEPT AGENDA BILL NO. 2430.*

Councilmember Brennan stated that he would be voting no due to the following issues: 1) no matter who builds on the South 188th Street property, wetland mitigation will be an issue, so the cost for the wetland mitigation should not be considered in the comparison; 2) Council should have been interviewed for this study; and 3) he feels the majority of the seniors live closer to the South 188th Street site.

Councilmember Wythe stated that he feels NSTPCC is a good site. While location is important, sometimes looking at the path of least resistance is also important.

Councilmember Shape stated that Council is not debating the desire for the South 188th Street site, but now the YMCA is going to be there, so he suggested Council go with the next best site. The seniors do not want to deal with the traffic on South 188th Street or a crowded parking lot that YMCA would provide. He suggested two corrections to the report: 1) page 25 of the study, under recommendations states that, "The City has a long term lease from the Port of Seattle (30 years remaining)...", when in fact, that lease runs until 2045 with an option for 25 more years; and 2) his name is misspelled on the acknowledgements page.

Mayor Hansen clarified that Council is not approving the construction of the senior center, just the acceptance of the completion of this report. He stated that he feels there is no point in building the senior center at NSTPCC if it is far away from the seniors. He would like to see a comparison of location to seniors be considered.

*MOTION CARRIED WITH BRENNAN VOTING NO.

Agenda Bill #2435; Ordinance #04-1009

An Ordinance amending the 2004 Annual City Budget for the Redemption of Local Improvement District (LID) No. 1 Bonds

Summary: This Ordinance amends the 2004 Annual City Budget to increase both revenues and expenditures in the Special Assessment Debt Fund to allow for additional bonds to be redeemed on June 1, 2004.

As partial funding for the 28th/24th Avenue South arterial project, the City levied special assessments against the benefiting property owners. These owners could prepay their assessment in full or pay in installments over a 15-year period. In 2000, the City issued LID No. 1 bonds in the amount of \$2,871,819 for the assessments to be paid in installments. The principal and interest on the bonds is paid by annual assessment installments billed by the City each year to the applicable property owners.

Although an estimated redemption schedule exists for these bonds, the bonds may be redeemed earlier or later than their stated maturity date, depending on the rate at which property assessments are paid. Due to several property owners that paid their remaining assessments in full this year, the City has sufficient collections to call \$115,000 in additional LID bonds on the upcoming interest date of June 1, 2004. The early redemption of additional LID No. 1 bonds will result in reduced interest costs in future years.

This budget amendment has no fiscal impact in 2004, as it increases both revenues and expenditures in the Special Assessment Debt Fund by \$115,000. However, the amendment results in savings in future years by reducing interest costs on the bonds.

Finance Director Mike McCarty reviewed the above summary and stated that this item was discussed at the May 11 Administration & Finance (A&F) Committee Meeting and SS.

MOVED BY SHAPE, SECONDED BY DEHAN TO ADOPT AGENDA BILL NO. 2435.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Darleene Thompson, 2504 South 148th Street, stated that she began to work on the Senior Center Pre-design Study in 2000. She stated that the seniors all love kids, but when the children rough house, accidents happen. She added that a decision needs to be made as to the siting of the senior center so that the design can begin.

Jon Ancell, 14629 29th Avenue South, stated, regarding the mitigation of wetlands at the South 188th Street site, if the senior center is not placed on that site, the City will not have to pay the cost. The YMCA would have to pay for it. The majority of the City lives in the southend, but the proximity of the seniors to that site should have been discussed prior to the YMCA getting the property. The seniors do not want the center in conjunction with the YMCA. The seniors do not mind children, but they do not respect property like adults do. The seniors would like a senior center for the seniors.

CITY MANAGER'S COMMENTS: City Manager Bruce Rayburn had the following items of business: 1) Tent City in King County (KC): May 24, the KC staff, headed by KC Executive Ron Sims' Chief of Staff Kurt Triplett, presented KC background in working with the Tent City. KC presented a list of possible future properties for locating the Tent City. Most of the properties are located in KC, with some in various jurisdictions. Tent City has previously been in Burien, White Center, and Tukwila. No comments indicated any real problem with the Tent City activity. Bothell may be looking for reasons to not have Tent City in Bothell because of a lack of protocol on KC part. A follow up comment will be in this weeks City Manager's Update; and 2) Business Travel Development Plan: four teams were interviewed on May 19 and 20 with the E.D. Hovee team selected to move forward with this work. Staff will negotiate a contract for Council approval.

CITY COUNCIL COMMENTS: Councilmember Shape stated, last week, the KC Regional Transit Committee met regarding amendments to the current six-year plan. There is an agreement in place that if there were any hours of transit service to be added, it would be on a ratio of 40 percent for the East County, 40 percent for the South County and 20 percent for the City of Seattle to try and equitably distribute any increases throughout KC. For the last two years, almost all increases have been in Seattle. Therefore, any increases for the next four years will have to be done in South and East Counties. He welcomed any suggestions or comments about improving the transit service.

Councilmember DeHan stated that he attended the South County Area Transportation Board (SCATBd) meeting last week regarding the Rapid Transportation Improvement District (RTID) that may come to ballot this fall. The pros and cons were discussed and it was recommended that the ballot measure be presented to the voters this fall. If it fails, the board can identify what is needed to make the public more aware of the dire need for transportation projects and completion of them. If it does pass, then there is an opportunity to accomplish projects like SR 509. If it is decided to not take this measure to the voters, the State Legislature may decide that the RTID is not really interested in the legislation that enabled them and may decide to make changes that may make the South County ineligible for funding.

Councilmember Brennan stated that Mayor Hansen and he attended the dedication of the new Sea-Tac Airport Control Tower yesterday. Also dedicated was the new west side Traffic Control Tower. The dedication was well attended and the towers are very modern.

Mayor Hansen had the following items: 1) agreed with Councilmember Brennan's comments; 2) June 12 is the POS new South Terminal Open House; and 3) SR 509 Executive Committee Meeting was held May 20 at City Hall. He stated he is upset about the price for gas, but yet the City cannot get needed funding for roads.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY FISHER TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:47 P.M.

MOTION CARRIED UNANIMOUSLY.

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

June 8, 2004

7:00 PM

City Hall
Council Chambers

(Note: The agenda numbering is continued from the Study Session.)

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 7:00 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Steve Mahaffey, Human Resources Director; Jack Dodge, Acting Planning Director; Holly Anderson, Senior Planner, Mike Scarey, Senior Planner; Bob Meyer, Fire Chief; Scott Somers, Chief of Police Services and Greg Dymerski, Police Captain.

FLAG SALUTE: (The Flag Salute was performed on June 8 at the preceding Study Session.)

PRESENTATIONS:

•Mayoral Appointment of Mike Mann to the Hotel/Motel (H/M) Tax Advisory Committee

Mayor Hansen requested Councilmember Brennan, Chair of the H/M Committee, present a Certificate of Appointment to newly appointed committee member Mike Mann, General Manager, SeaTac Hilton Hotel. Councilmember Brennan stated that he was so pleased with the members on the committee, they are the finest collection of Executive Managers in the City and all are volunteers on this committee.

•Confirmation of Mayoral Appointment of Lawrence Ellis to the Human Relations Advisory Committee and Reappointment of Karen Kuever to the Human Services Advisory Committee

MOVED BY ANDERSON, SECONDED BY BRENNAN TO CONFIRM THE MAYORAL APPOINTMENT OF LAWRENCE ELLIS TO THE HUMAN RELATIONS ADVISORY COMMITTEE AND THE RE-APPOINTMENT OF KAREN KUEVER TO THE HUMAN SERVICES ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Mayor Hansen presented newly appointed committee members Lawrence Ellis and Karen Kuever with their Certificates of Appointment. Mayor Hansen thanked them for their willingness to service the City on these important committees.

•Proclamation declaring June 2004 as the 60th Anniversary of the Local Veterans Employment Representative (LVER) Program

Mayor Hansen read a City proclamation declaring the month of June 2004 as the 60th Anniversary of the LVER Program. The certificate will be sent to the National Coordinator of the 60th Anniversary LVER, Tacoma Job Service Center, Washington State Employment Security Department.

PUBLIC COMMENTS: George Olsen, 16804 33rd Avenue South, expressed disappointment that his garbage rates have increased \$6 per quarter with the new waste management company, SeaTac Disposal. A rebate of \$5.52, previously granted by the former hauler is not being offered by the new hauler. Staff will contact Mr. Olsen regarding these issues.

Dick Jordan, 16060 Military Road South, agreed with Mr. Olsen regarding the changeover of haulers. Secondly, he requested the City help McMicken Heights Community Club close their property from use of fireworks. Damage to the property has occurred in the past. He suggested completely banning fireworks in the City.

Terry Johnson, representing TRJ Development, his father's Rent a Car business, requested support from Council regarding the condemnation of their business property on International Boulevard (IB). He is hoping to avoid litigation regarding being offered inadequate access into the business. Since 1954, the company has had unrestrictive access across IB. They are willing to give up 50 percent of this access. Without return access from Sea-Tac Airport, their business will have to close down as it is 100 percent airport dependent. He requested a u-turn or a minor extension of a left turn lane into the Des Moines Vista Retirement Center.

City Attorney Mirante Bartolo stated Mr. Johnson's dissertation of the facts differ with the City's facts. Staff has met with Mr. Johnson on numerous occasions. This is a pending litigation matter and staff is not free to discuss the case in this open meeting. Mayor Hansen stated staff will be in contact with Mr. Johnson.

PRESENTATIONS (Continued):

•Human Relations Advisory Committee Annual Report

Human Resources Director Steve Mahaffey introduced Human Relations Advisory Committee Chair Connie Cook. Ms. Cook presented the following report:

Committee Members: Connie Lee Cook, Chair; Jack E. Nichols; Margo Mineard; George Ishii; and Lawrence Ellis and Steve Mahaffey, Staff Coordinator/Liaison.

Committee Mission Statement: The committee endeavors to promote diversity by strengthening common bonds, seeking fair treatment for all citizens, and eliminating situations of intolerance that take place within the community. The Commission assists the SeaTac City Council by developing recommendations and proposals for services, activities and functions that address the human relations needs of the citizens.

Responsibilities of the Committee given by the SeaTac City Council:

To report and recommend to the Council concerning human rights and community relations issues and to discharge the following responsibilities:

- Review City programs, activities, functions and facilities and make recommendations to the City Council for new, amended or changed programs, functions, activities and facility needs;
- Identify key community and human relations needs and concerns of the City and evaluate how those needs and concerns may be addressed by action of the City;
- Make constructive, viable suggestions and recommendations to the City Council as to long term and short term action that the City could take within its legal and statutory authority;
- Conduct such other human relations services research, review and advocacy as requested by the City Council in response to or in anticipation of human relations needs and issues of the City; and
- Any other projects assigned by the Council or Council Committee.

In concert with these responsibilities, the following is a list of committee activities in 2003 such as:

- Continue to solicit nominations annually and make the selection for yearly City of SeaTac Diversity Award;
- Invite members of the Muslim community to speak to the committee to get a sense of whether or not they are being discriminated against in any way, or are having access to the City's services. On April 14, the committee had representatives of the Refugee Support Coalition speak about the Somali community in the SeaTac area. There are 2,000 Somalis in the area and they are the second largest minority group in the Highline School District (HSD). The committee was informed that the Somalis' main problems are discrimination in employment and school due in part to their religious dress and language barrier; and
- A representative from the King County (KC) Elections Board also spoke to the committee on voting and voting methods and voting privileges to non-registered voters.

Ms. Cook also read a letter from a Muslim leader regarding the culture barriers this diverse community encounters residing in this local area.

Mayor Hansen thanked Ms. Cook for the excellent and informative report. This is a very important committee in bringing the diversity of the community together.

Councilmember Shape suggested that when the City approves public access television airing such issues as City government, business and events, recreation, perhaps information directed at the diverse groups, their meetings and events could be placed on this communication device.

Councilmember Wythe suggested Ms. Cook contact him regarding a facility for learning English as second language.

Councilmember Brennan stated that English as a second language is being taught in the evening at Bow Lake Elementary School. His wife, Betty is one of the teachers, adding a class graduated this past Monday.

•Presentation of the Wellness Committee Mission Statement

Human Resources Director Mahaffey stated that the City has a Wellness Committee, under the direction of the Association of Washington Cities (AWC), which meets monthly with representative from each of the City departments. The goal of the committee is to promote health, fitness and well being, which in turn, will improve the morale of the employees and hopefully reduce medical costs. AWC suggested ways to help the City obtain

PRESENTATIONS (Continued):

Wellness Committee Mission Statement (Continued): grants and to be recognized as a more professional committee: create a formal Wellness Committee Mission Statement and increase the City managerial support. City Manager Rayburn attended the May 27 Wellness Committee Meeting. Other managerial staff will be following his lead. Mayor Hansen stated his appreciation of this committee and its goals. Council concurred with the Mission Statement and managerial support.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$1,135,715.77 for the period ended June 4, 2004.
- **Approval of employee vouchers** in the amount of \$551,631.54 for the period ended May 31, 2004.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended June 4, 2004.

Approval of Council Meeting Minutes:

- **Regular Council Meeting** held May 25, 2004.

The following Agenda Items were recommended at the June 8, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2428; Resolution #04-005

A Resolution accepting the 2004 Comprehensive Plan (CP) Update Assessment Report

Summary: State law requires most Cities to complete a Major Update of their CP by December 1, 2004. The 2004 CP Update Assessment Report is essentially a three-year work plan. It details the updates made to the City of SeaTac Comprehensive Plan during 2002 and 2003, and outlines the remaining steps to be taken to accomplish the required Major Update, bringing the City's CP into full compliance with State law.

Accepting this Resolution acknowledges the steps that the City has taken over the past two years toward accomplishing the required Major Update, and also acknowledges the potential amendments that the City will consider during 2004. Accepting this Resolution does not adopt any amendment proposals. All of the proposed amendments will be reviewed and assessed by the SeaTac Planning Commission (PC), the Land Use and Parks (LUP) Committee, and the City Council throughout the rest of this year. Council will have the opportunity to adopt, reject, or modify each of the proposed amendments as each one merits. Council action is tentatively scheduled for November 23, 2004.

Agenda Bill #2437; Resolution #04-006

A Resolution amending the City Council Administrative Procedures Section 4(J)

Summary: On May 11, 2004 the City Council amended the Council Administrative Procedures, which established that all Committee Meetings would be Committee of the Whole Meetings. As a result of this change, there was concern that these meetings would need to be recorded. This Resolution clarifies that only Regular and Special Council Meetings and Council Study Sessions (SS) need to be recorded. The current practice of not recording regularly scheduled Committee Meetings would continue.

This Resolution also clarifies that Committee Meeting minutes should be placed on the consent agenda for consideration and approval by the whole Council.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

• **Extending the Interim Development Standards for Wireless Telecommunication Facilities (WTF)**

Mayor Hansen opened the Public Hearing on extending the Interim Development Standards for WTFs at 7:38 p.m.

The staff report was given at the June 8 SS preceding this meeting.

There were no Council or public comments at this Public Hearing.

Mayor Hansen closed the Public Hearing at 7:39 p.m.

NEW BUSINESS:

Agenda Bill #2438; Resolution #04-007

A Resolution extending the Interim Development Standards for Wireless Telecommunications Facilities (WTF)

Summary: This Resolution extends the Interim Development Standards for WTFs to allow time to finalize the permanent standards that are being developed in conjunction with the City's consultant.

Interim Standards were adopted by Ordinance No. 03-1021 on June 24, 2003 for an initial period of six months and extended for an additional six months. They are due to expire on June 24, 2004.

The Interim WTF Standards were initially adopted to address changes in technology and trends in the wireless industry that include the likelihood of increased facilities in residential areas. The Interim Standards were intended to restrict new monopoles from residential areas and refine what types of facilities could be placed on utility poles in the rights-of-way (ROW).

Since the adoption of the Interim Standards, the City has been working with a consultant to assess how facilities are likely to be placed in the City in the future, and develop a strategy for efficient placement of facilities that prioritizes concealed facilities, and may include generating revenue through the placement of some facilities on City property. The City will be reviewing a draft of the proposed revised regulations regarding WTFs in the next few weeks, and public input will be taken on the proposal.

Extending the Interim Standards will ensure that low intensity areas are protected from aesthetic impacts of new monopoles and certain types of antennas on utility poles until the new, permanent standards can be adopted.

Under State regulations, the Interim Standards may be extended for six months if a public hearing is held and findings of fact made in support of the extension. A public hearing was held prior to passage of this agenda bill.

Adoption of this Resolution would have no fiscal impact to the City.

MOVED BY ANDERSON, SECONDED BY DEHAN TO PASS RESOLUTION NO. 04-007.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Terry Johnson spoke regarding his earlier comments, stating that staff has met with him several times and he wanted to thank them for that. He stated his intent is to get fair treatment based on the number of parking spaces he has, the same as other business are being granted.

CITY MANAGER'S COMMENTS: City Manager Rayburn informed Council that he, along with Councilmember Anderson, would be attending the Suburban Cities Association (SCA) Retreat to be held on Thursday and Friday, June 10 and 11 in La Conner.

CITY COUNCIL COMMENTS: Councilmember Wythe requested a status report on the next steps in the future senior center planning process. He wanted to be sure staff is staying focused on this project until its completion.

Councilmember Anderson had the following items of business: 1) in Mayor Hansen's behalf, she attended the dedication of the McMicken Heights athletic field. She presented Mayor Hansen with a wall hanging made by the third graders at McMicken Heights Elementary School, thanking the Council for the appropriation of funds for the field; 2) attended the dedication of the Lutheran Social Services (LSS) Center. She added that her neighbors baked cookies and served the food for the event. The LSS staff stated the City team were the best group they have worked with; 3) requested staff provide her with a print-out of the Port of Seattle's (POS) projected buyout map which she distributed to each of the Councilmembers; 4) requested an update on the status of the Court's ticket collections; and 5) met with Mauricio Ayon, Latino Community Coordinator, who spoke on this matter at the May 11 SS regarding a safer path for Bow Lake Elementary School students. She walked the area. She believes, at one time the Fire Department had wanted to put a road through there from South 182nd Street to the apartments. She would like a progress report on this area because by next fall, those children will need a safer passage to and from school.

Councilmember Shape stated he received an email from the SCA asking for volunteers to assist the Municipal League of KC in rating candidates running in the upcoming elections. It is a good way to become more informed about governmental issues.

CITY COUNCIL COMMENTS (Continued): Councilmember Brennan attended, on behalf of Mayor Hansen, the team effort of the Double Tree Airport Hotel employees / Valley View Elementary School third graders in the planting of 50 northwest native seedling trees at North SeaTac Park. Hotel staff spent three days at the school teaching a curriculum called Teaching Kids to CARE! – a community-based outreach program. The seedlings were donated by the Weyerhaeuser Company and each student was given a seedling to take home.

Secondly, Councilmember Brennan requested a meeting with City Manager Rayburn regarding the senior center issue. He requested a demographic assessment of the density of senior citizens in three-to-four mile radii from the two site alternatives. He added that the tour of the Auburn YMCA was impressive. He feels there can be a stand-alone facility at either of the potential sites. There could be a savings of \$3 million by sharing the South 188th Street location with the YMCA. He felt this cost element should be considered.

Councilmember DeHan stated that the Transportation & Public Works (T&PW) Committee discussed the dilemma of safe passage for the school children from South 180th Street in the multi-family area to the Bow Lake Elementary School. One of the options committee asked staff to examine was the extension of South 180th Street (eastward) to tie into the next through street. This may be a better solution than tight lining the ditch in the current pathway as it would also give access to emergency vehicles. Secondly, he wanted to add that the McMicken Heights athletic field is not just for the children. Anyone in the neighborhood can use this area per the City/HSD Agreement with the understanding that the district would take care of the maintenance.

Mayor Hansen stated: 1) at first he was not for the YMCA facility on South 188th Street but after seeing the Auburn YMCA facility, he feels this possibility should be considered; 2) last week, he was able to attend the Seattle Christian School graduation to present a scholarship award from the Rotary Club. The school is a real asset to the community; 4) also attended the dinner for the opening of the Courage Wing at the Museum of Flight, which is a superb facility; and 5) added that the senior center process is moving forward. Parks & Recreation Director Ledbetter is working on this project.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:57 P.M.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

June 22, 2004
7:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 7:04 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Ralph Shape, Joe Brennan, and Don DeHan. Excused absence: Councilmember Chris Wythe.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Craig Ward, Assistant City Manager; Kathy Black, Human Services Coordinator; Kit Ledbetter, Parks & Recreation Director; Julie Elsensohn, Senior Assistant City Attorney; Don Monaghan, Public Works Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: (The Flag Salute was performed at the preceding Study Session.)

PUBLIC COMMENTS: There were no public comments at this time.

PRESENTATION:

•Human Services Advisory Committee Annual Report

Human Services Coordinator Kathy Black introduced Services Advisory Committee Chair Karyn Kuever and Committee Member Jenalle McCray. Ms. Kuever presented the committee's 2003 Annual Report and 2004 goals. She stated that the committee's role is to identify the most pressing human services needs in the community, evaluate non-profit agencies for their ability to deliver successful and cost effective services, make recommendations to the City Council for funding, and monitor agency performance for success and accountability on a quarterly basis. In 2003, the City provided human services to an estimated 3,200 residents' needs, allocating \$195,089 (one percent of General Fund revenues) to fund programs to meet human services needs in SeaTac. In addition, the City received \$297,375 in Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development (HUD) for allocation to capital projects and public services. The committee is currently working on funding recommendations for the years 2005-2006.

Deputy Mayor Anderson inquired as to the committee's membership status to which Mrs. Black stated that Mayor Hansen will be interviewing two applicants this Thursday, June 24, for the two committee vacancies.

Councilmember DeHan stated his appreciation of the brevity and clarity of the presentation. Ms. Kuever thanked Mrs. Black for her work with the committee.

Councilmember Brennan questioned the status of the CATCH 21 (Communities at Tyee and Chinook in the 21st Century) program. Mrs. Black stated that the City is presently funding the program and they have applied for funding in 2005-2006. Colleen Brandt-Schluter, Community Engagement Administrator at Tyee High School, is the CATCH 21 Coordinator. The program will most likely be funded again. Councilmember Brennan mentioned that he, along with Mayor Hansen and Councilmember Shape attended an Elected Officials Summit Meeting on June 11 at Tyee High School for State, County, and local officials regarding a Gates Foundation Grant for Education Programs. CATCH 21 was mentioned several times during the summit. He added that he would encourage the Council, during the 2004 budget workshops, to give consideration for a Parks & Recreation Department staff member to work with this program at Tyee. He would also like to see a second Community Service Officer (CSO) in the schools, a valid resource for immigrant students and families.

Mayor Hansen thanked Ms. Kuever and the rest of the committee, on behalf of the Council, for their diligent work processing these critical funding allocations in order to make fair and equitable recommendations to the Council. The City is proud of its contribution toward the human service field and is always anxious to look at new opportunities.

CONSENT AGENDA

•Approval of employee vouchers in the amount of \$403,667.17 for the period ended June 15, 2004.

Approval of Council Meeting Minutes:

- Special Study Session** held March 23, 2004.
- Administration & Finance Committee Meeting** held June 8, 2004.
- Regular Council Meeting** held June 8, 2004.
- Land Use & Parks Committee Meeting** held June 10, 2004.

Acceptance of Advisory Committee Minutes:

•**Planning Commission Meeting** held May 17, 2004 (Commission approved June 7, 2004).

The following Agenda Item was recommended at the June 22, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2440

A Motion authorizing the Extension of a Contract with Boise Office Solutions to serve as the City's designated Office Supply Vendor

Summary: The City has had a contract with Boise Office Solutions for the past five years to serve as the City's designated office supply vendor. The City had previously used the services of Corporate Express as its primary vendor from 1990 through 1999. Overall, the City has received excellent service and quality products from Boise.

Boise Office Solutions has submitted a very attractive proposal to continue to serve as the City's designated office supply vendor for an additional three-year period. The contract rates established in May 1999 for the most frequently purchased items would continue, except for a market adjustment for copy paper. In addition, based on an analysis of our usage for 2003, Boise has added contract pricing for a number of new high use items. Boise will also continue to offer a 45 percent discount off list price for their entire catalog.

City-wide purchases from Boise have averaged about \$50,000 per year including office supplies, technology products and office furniture. Orders are placed by City staff via the Internet and have been filled with a one-day turnaround 98 percent of the time. Based on the proposal submitted by Boise and the satisfaction departments have expressed regarding Boise's service, it is recommended that Boise Office Solutions be retained as the City's designated office supply vendor for three additional years. It should be noted that the agreement with Boise does not prohibit the City from purchasing similar items from other vendors if better pricing is obtained.

It is estimated that the revised costing structure of this proposal will result in additional annual savings of approximately \$2,500.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

•**Amending the Development Agreement between the City and Equitable Capital Group (ECG) and South 200th Street Station, LLC**

Mayor Hansen opened the Public Hearing at 7:17 p.m.

Senior Assistant City Attorney Elsensohn gave a brief summary of the Development Agreement proposal presented at the June 22 Study Session (SS). She briefed on the summary in the following Agenda Bill No. 2439, which states that this Resolution authorizes the City to enter into an amendment to an existing development agreement with ECG and South 200th Street Station, LLC, which was entered into in January 2001. The president of this group is Tom Dantzler. The agreement allows waiving landscaping requirements at the surface parking lot that currently exists southwest of the intersection of South 200th Street and 28th Avenue South, on the condition that there be permanent development at that site within a two year period of time. The exchange would be the public benefit received from the permanent development. If the deed were deeded and the development did not occur within two years, then the property would revert back to the City and any negotiated rental payment would be paid at that time.

Mayor Hansen acknowledged Tom Dantzler, ECG president, who had no additional comments to Ms. Elsensohn's briefing.

Councilmember DeHan stated, in the deliberation process, this agenda item came before the Council numerous times. It was brought to the Transportation & Public Works (T&PW) Committee in May 2004 and discussed at length. The property is less than 50-feet wide and abuts a street that the City developed using the balance of the four involved lots. It was an opportunity for the City to advantageously take the property and use it for a development in the future which seems to be the most equitable way.

There were no public comments.

Mayor Hansen closed the Public Hearing at 7:22 p.m.

NEW BUSINESS:

Agenda Bill #2439; Resolution #04-008

A Resolution amending the Development Agreement between the City and Equitable Capital Group (ECG) and South 200th Street Station, LLC

Summary: By Resolution No. 01-001, adopted on January 9, 2001, the Council authorized a Development Agreement with ECG, Inc. related to a commercial parking lot located at 20005 28th Avenue South, SeaTac. In fact, the main entrance to the Seattle SeaTac Airport Parking operation has been established at 2701 South 200th Street. This Development Agreement allowed a departure from some interior parking lot landscaping requirements, in exchange for a commitment for ECG to submit a Building Permit application within five years. By that time, it was believed that Sound Transit would be constructing a Light Rail Transit (LRT) Station in the vicinity of South 200th Street and 28th Avenue South, with ECG constructing a parking garage/mixed use development to serve this station. The Development Agreement was amended by Resolution No. 03-018 adopted on August 12, 2003. Since the timing of the South 200th Street LRT station is unknown, the amendment extended the deadline for submitting the Building Permit to within one year from the opening of the LRT station.

In November, 2002, by Resolution No. 02-019 the City Council surplused four parcels of real property located adjacent to ECG's site. These parcels were originally acquired as part of the 28th/24th Road Improvement Project. The surplus parcels consist of the excess remainder from the original property acquisition over and above what was actually needed for right-of-way (ROW) purposes, and were surplused as having no benefit to the City. The parcels consist of 14,700 square feet. Due to the location and size of the parcels, they hold little or no value to anyone other than an adjacent property owner who could utilize the property for expansion purposes. The parcels currently remain vacant and the City retains maintenance responsibilities.

There is significant public benefit that will accrue from ECG's permanent development, including economic, aesthetic and civic. Therefore, it is proposed that in consideration of this public benefit, the City deed all or a portion (dependent upon future ROW needs) of the surplus property to ECG at such time as the Building Permit for the permanent structure is issued and that the Development Agreement be amended accordingly. This amendment also includes provisions for return of the surplus property to the City should ECG fail to complete the permanent development within two years of the issuance of the Building Permit. This Resolution has no fiscal impact to the City.

MOVED BY DEHAN, SECONDED BY ANDERSON TO PASS RESOLUTION NO. 04-008.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2445

A Motion authorizing the City Manager to grant a Permanent Easement of approximately 560 feet on South 188th Street to the Port of Seattle (POS)

Summary: The POS will be constructing landscaping improvements west of the tunnel on South 188th Street that will include a 10-foot wide walkway. This walkway will someday connect to the Westside Trail and serve as a connection into SeaTac. The best design for the walkway is to construct it on the City ROW. An easement is required by the Federal Aviation Authority (FAA) because it would be a diversion of funds without the easement from the City of SeaTac. The easement is on the south side of South 188th Street and starts at the Southwest corner of 16th Avenue South and South 188th Street and proceeds approximately 560 feet west and is approximately 25 feet wide.

This is the second 1997 Port Interlocal Agreement (ILA) landscape project and construction is expected to begin in late August 2004. The Port's total construction budget is \$993,214 for this landscape project. There is no fiscal impact to the City granting the easement.

MOVED BY DEHAN, SECONDED BY SHAPE TO PASS AGENDA BILL NO. 2439.*

Councilmember Brennan stated he would prefer to put this item off to the next Council Meeting.

*MOTION CARRIED WITH BRENNAN VOTING NO.

Agenda Bill #2422; Ordinance #04-1010

An Ordinance amending the Zoning Code regarding Produce Stands, New Definitions for Agricultural Crop Sales, Automobile Repair, Gasoline/Service Stations, and Sport Clubs, Rezone Reclassification Criteria, Off-Street Parking Design and Construction Standards, Temporary Uses, the Projection of Porches in the Front Yard Setback, the Determination of Lot Area, Lot Width, Security Wiring, Freestanding Sign Height

Requirements, Sensitive Areas Markings, Landscaping Authority and Application, and Administrative Variances

Summary: Minor Code amendments to a variety of sections of the Zoning Code, including the following:

1. Produce Stands: The amendments provide a definition for produce stands and amends the land use charts, landscape charts, and off-street parking charts, listing where produce stands would be allowed and the landscaping and off-street parking required for produce stands.
2. New definitions: for “Agricultural Crop Sales”, “Automobile Repair”, “Gasoline/Service and Station” are provided.
3. Rezone Reclassification Criteria: Changes the requirement for a site plan when a down zoning of property is proposed.
4. Off-street Parking Design Standards: The table and illustration for off-street parking design standards is revised to provide an easier understanding of the City’s off-street parking standards.
5. Off-Street Construction Standards: This standard has been modified to include storage lots for cars, trucks, RV’s, shipping containers, etc.
6. Temporary Uses: Outdoor food events have been added to the list of Temporary Uses.
7. Front Yard Projections: Revisions would allow porches of less than 18 inches in height to project 10 feet into the front yard setback.
8. Sports Clubs: A new land use and definition for “sports club” is provided with requirements for landscaping and off-street parking.
9. Lot Area Determination in New Short Plats: Proposed amendments would provide a new method to determine the number of lots in a new short plat.
10. Lot Width: Lot widths are proposed to be reduced from 60 feet to 50 feet.
11. Security Wire: Razor, concertina, or similar wire would not be allowed in residential zones. Barb wire would only be allowed to fences permitted animals and livestock.
12. Landscaping Authority and Application: This section is amended to revise and to add additional circumstances where landscaping would be required with a change in use of property.
13. Freestanding Sign Height Limitation: The definition of Grade (Ground Level) of a freestanding sign is amended to specify a maximum 25 foot height.
14. Sensitive Area Markers: Stenciling of all storms drains with “Dump No Waste, Drains to Stream” will now be a code requirement.
15. Administrative Variances: The criteria to allow administrative review of a variance is raised from 10 percent of the dimensional standard to 20 percent.

Mayor Hansen stated that the Ordinance was discussed at the preceding SS and it was the consensus of the Council to delete the following Zoning Code amendment: Section 11:-Security Wire – Razor, concertina, or similar wire would not be allowed in residential zones. Barb wire would only be allowed to fence permitted animals and livestock.

MOVED BY SHAPE, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 04-1010 WITH THE REMOVAL OF SECTION 11 OF THE ZONING CODE REGARDING SECURITY WIRE, PENDING FURTHER CLARIFICATION ON THIS ITEM.*

Another amendment was recommended by the Land Use and Parks (LUP) Committee and to be added to the Ordinance. Mr. Butler explained the need for this proposed amendment.

MOVED BY FISHER, SECONDED BY SHAPE TO AMEND ORDINANCE NO. 04-1010 TO ADD A FOOTNOTE TO THE ZONING CODE ON PAGE 6, NO. 12. REGARDING AGRUCULTURE CROP SALES TO READ, “... RETAIL SALES ALLOWED ON A SEASONAL BASIS *FOR NO MORE THAN 90 DAYS IN A CALENDAR YEAR*”.

AMENDMENT CARRIED UNANIMOUSLY.

*ORIGINAL MOTION CARRIED AS AMENDED WITH BRENNAN VOTING NO.

Agenda Bill #2443; Ordinance #04-1011

An Ordinance amending the Development Review Code (DRC) regarding Administrative Variances

Summary: This Code amendment raises the criteria to review an administrative variance from 10 percent of the dimensional standard to 20 percent of the standard.

Many variance requests are minor requests to the City’s dimensional standards (i.e., building setbacks, building

height). Currently, to qualify for an administrative variance, the variance requested cannot exceed 10 percent of the dimensional standard. If it exceeds 10 percent, the variance must be reviewed by the Hearing Examiner. This results in higher fees and additional time to review the variance. The LUP Committee requested that staff review the variance criteria to allow a higher percentage of administrative variances. The change to the DRC and similar change to the Zoning Code under Agenda Bill No. 2422 achieves that goal.

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 04-1011.

MOTION CARRIED WITH BRENNAN VOTING NO.

Agenda Bill #2396

A Motion approving the City Manager to enter into an Interlocal Agreement (ILA) with the City of Normandy Park to provide Electrical Plan Review and Inspection Services for the City of Normandy Park

Summary: The Washington State Department of Labor and Industries (L&I) currently provides electrical inspection and electrical plan review within the City of Normandy Park. Normandy Park would like to take these responsibilities from the State in order to provide a higher degree of customer service and to better coordinate the electrical inspections with the building inspections already provided by Normandy Park. However, the expected electrical permit revenue is not enough to compensate Normandy Park for their own electrical inspector, so they would like to contract this work out to the City of SeaTac. Normandy Park would like to use an agreement similar to that used between the City of SeaTac and the City of Burien when SeaTac provided electrical inspections and plan review services for Burien. Under the agreement, the City of SeaTac would be compensated according to our current fee schedule. It is expected to take five hours per week to provide this service and would be done by existing staff.

It is estimated the annual electrical permit fee revenue to the City of SeaTac will increase approximately \$10,000 per year.

MOVED BY ANDERSON, SECONDED BY SHAPE TO ACCEPT AGENDA BILL NO. 2396.*

Upon a question posed by Deputy Mayor Anderson as to how the fee is based, Public Works Director Monaghan stated it is based on fixture count or value of work as would be done for any person applying for a permit. Normandy Park will be charging a slightly higher fee to cover their administrative costs.

Councilmember Fisher stated, regarding the liability, the inspectors are licensed by the States, not the City. Councilmember Brennan stated, however, the inspectors are paid by the City which would have some responsibility.

*MOTION CARRIED WITH BRENNAN VOTING NO.

Mayor Hansen stated this ILA is a step in the right direction for good relations between the Cities, showing that the City of SeaTac wants to help other entities whenever possible.

Agenda Bill #2442; Resolution #04-009

A Resolution amending the City of SeaTac Schedule of License Fees, Permit Fees, and other Fees and Charges for City Services

Summary: On May 25, 2004, the City Council passed Resolution No. 04-004, which amended the City's Schedule of Fees. With the passage of that Resolution, the fees for Sign Permits was inadvertently reduced. Staff recommends that the Sign Permit fees be amended to reflect the amounts in existence prior to the passage of Resolution No. 04-004.

MOVED BY SHAPE, SECONDED BY DEHAN TO PASS RESOLUTION NO. 04-009.

MOTION CARRIED WITH BRENNAN VOTING NO.

PUBLIC COMMENTS: Sherry Yapp, 19733 37th Place South, stated that over the last four years, her neighborhood has had a steady decline in value and through Section 8 rental occupancies, leading to a detriment to the neighborhood. She has a Section 8 contracted non-owner occupied rental home across from her driveway involving an ongoing situation for the last eight months of problems based on drug and gang activity. Through the City and the FBI, that situation was eradicated. Currently, the neighborhood is having another situation at the corner of South 198th Street and 32nd Avenue South. The individuals who were living in the home across from her and not arrested, were relocated into this house and other houses in the community. She inquired as to whether the

City has any Ordinance(s) dealing with non-owner occupied houses that protects the rights of homeowner-residents in the City.

City Attorney Mirante Bartolo stated that she will review the City Code and contact Ms. Yapp regarding this issue.

Deputy Mayor Anderson stated that some years ago, the City had discussions as to registering owners of rental homes for contact purposes. She suggested discussing this issue once again.

CITY MANAGER'S COMMENTS: City Manager Rayburn stated that he, along with the Council, received a copy of the POS's notification letter announcing the start-up of the 2004-05 dirt haul for the third runway. This hauling is to begin this week. He has had no confirmation that it has started. He also received a letter from the Air Field Program Manager on this issue in which he outlines all the work getting underway on airport property, including the haul of additional dirt for the next two seasons. To help minimize impact on the neighbors, the POS will keep the hauling trucks off local streets by using the construction only interchange at SR 509 and South 176th Street and the modified interchange at SR 518 and Des Moines Memorial Drive. If the contractor does use City streets, they will need a City permit. To date, he is not aware of any request for a hauling permit.

Deputy Mayor Anderson stated that notification did not state the number of hauls to take place. Mr. Rayburn stated he would guess it will equal what has been in the past. At times, it was equal to 60 hauls per hour on SR 518. If the trucks are not on SeaTac streets, the City has no control.

CITY COUNCIL COMMENTS: Deputy Mayor Anderson had the following items of business: 1) she, along with Mr. Rayburn, attended the Suburban Cities Association (SCA) Retreat on June 10-11 in La Connor and felt the sessions were excellent. Most of the discussion was on procedure and what the Cities expect of SCA; and 2) Mayor Hansen and she attended an Association of Washington Cities (AWC) Conference in Ocean Shores on June 15-19, which included worthwhile networking discussions.

Councilmember Shape stated that Ms. Yapp called him this afternoon to discuss her neighbor situation. He is very concerned about any downward trend in any of the City's neighborhoods. He feels the City needs to be more proactive when these instances come to the City's attention. He inquired as to the City Code regarding land owners upkeep of their property.

City Attorney Mirante Bartolo stated she had a discussion with Chief Somers regarding these issues and what areas the City might concentrate on with Code Enforcement. She will talk further with Ms. Yapp to see how the actual facts meet the City Code.

City Manager Rayburn stated that the City has the ability to determine who the legal owners are but finding the off-property owners is the problem as far as code enforcement actions. He agrees more emphasis seems to be needed.

Councilmember Brennan stated he also talked with Ms. Yapp and her point is well taken. The Police and Fire Departments are very active in these situations. He inquired as to whether the City could contact the State representatives responsible for placing Section 8 renters and have them present to Council their considerations in placements. Mrs. Mirante Bartolo will research this possibility. Secondly, he discussed the map the Council received from staff regarding the demographic locations of seniors in the City to the two potential sites for a senior center. He felt the consultant's report was incomplete. The map points out that 85 percent of the seniors live within a two-mile radius of South 188th Street and the rest live within a two-mile radius of North SeaTac Park. This information is critical and was not in the report. He would like Council to send a letter to the consultants that drafted the report and tell them these findings.

Mayor Hansen stated that he felt Councilmember Brennan made a good point regarding the senior center report. It makes no sense to build a center where a majority of the seniors are not residing. Secondly, he stated that Deputy Mayor Anderson and he felt the AWC Conference was a worthwhile one. He mentioned that the Transportation Symposiums had good presentations regarding the current ineffective tax system. The South Access/SR 509 project has been in the makings for 14 years and with only a nickel a gallon gas tax toward transportation from the State Legislator, road repairs and projects will be minimal. Stan Finkelstein, Director of AWC, gave an excellent speech on government services.

Deputy Mayor Anderson requested a no-smoking ban be enforced at all City government buildings, such as City Hall and the North SeaTac Park Community Center.

ADJOURNMENT

MOVED BY DEHAN, SECONDED BY SHAPE TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:03 P.M.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

July 13, 2004
7:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 7:01 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Craig Ward, Assistant City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Kit Ledbetter, Parks & Recreation Director; Dale Schroeder, Public Works Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: (The Flag Salute was performed at the preceding Study Session.)

PRESENTATIONS:

•Presentation of a Certificate of Mayoral Appointment to Bryan Collins, General Manager of the Double Tree Hotel to the Hotel/Motel Tax (H/M) Advisory Committee.

Mayor Hansen requested Councilmember Brennan conduct the presentation. Councilmember Brennan read the document and presented it to Mr. Collins. He briefed on the role the H/M Advisory Committee and its endeavors to aid people in the community in need of assistance. He stated Mr. Collins will be an asset to the committee.

Mayor Hansen thanked Mr. Collins for volunteering to serve on this committee.

•Mayoral Confirmation of Mayoral Appointments of Wendy Morgan and Bruce Tonks to the Human Services Advisory Committee

MOVED BY ANDERSON, SECONDED BY BRENNAN TO CONFIRM THE MAYORAL APPOINTMENTS OF WENDY MORGAN AND BRUCE TONKS TO THE HUMAN SERVICES ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Mayor Hansen mentioned that Mr. Tonks is a retired attorney and Wendy Morgan has years of experience in the Human Services field and with the committee entering into the funding allocation selection stage, these new members are well qualified to serve on this committee. The City is always proud of the work this committee does.

Deputy Mayor Terry Anderson read the Certificates of Appointment and presented the documents to the appointees.

Mayor Hansen thanked the new members for agreeing to serve on this hard working committee. They advise the Council on the allocation of funds and they have an excellent track record in their recommendations.

PUBLIC COMMENTS: Darleene Thompson, 2504 South 148th Street, urged the Council to vote for the senior center, a topic of discussion for some time. Secondly, she invited the Council and all those interested to view her husband, John's Tonka truck collection. It is scheduled to be packed on July 20th and sent to a museum in Montana.

Joe Dixon, 19211 35th Avenue South, stated he plans to pursue a campaign urging the banning of fireworks in SeaTac, with the exception of legal fireworks display. He displayed some of the burned fireworks that landed on his property, which could have caused fires. The fireworks in this City have gotten out of control. He urged the members of the audience to speak up on this issue.

Dick Jordan, 16060 Military Road, stated he agreed with Mr. Dixon on his comments urging the banning of Fireworks in the City. During the July 4th holiday(s), the McMicken Heights Community Club was hit with vandals busting out all the outside lights on the property.

Pinder Dhanda, 20045 and 20626 International Boulevard (IB) stated he contacted the City regarding the Airport Parking lot which has been used for 15 years as a parking lot. Now there is a new law for landscaping and he would like to obey the law. The lot is on the way to SR 509. The State informed him they do not know when the roadway construction will start and will be completed.

Mayor Hansen stated staff will discuss this issue with him. The Land Use and Parks (LUP) Committee has discussed this issue and is in the process of being addressed.

PUBLIC COMMENTS (Continued): Prior to the next speaker, Mayor Hansen stated that in speaking with the City Attorney on the proposed subdivision Bob Stutz will be speaking about, if the Council has to hear this issue as a Quasi-judicial Hearing, they will not be able to comment on it.

Bob Stutz, 3742 South 192nd Street, spoke on the proposal at the 19048 37th Avenue South. There are number of people in the community that are concerned as to this proposal. They are in the process of acquiring signatures expressing the concerns about this proposal. There will be comments made to the Council as to their concerns.

Mayor Hansen assured Mr. Stutz that this project will be subject to all the legal regulations and the public will be involved in the public hearing process. He added that Mr. Stutz is a long time resident of SeaTac and the only person in the City who has a street named after him.

Deputy Mayor Anderson questioned the fact that three of the Councilmembers live near this project and whether they would be required to excuse themselves. City Attorney Mirante Bartolo stated more details are needed in order to be certain of their involvement.

PRESENTATIONS (Continued):

●King County Library System's (KCLS) Capital Replacement Bond Measure

Mayor Hansen opened the discussion by introducing William Ptacek, Director of KCLS. He stated he visited the Southcenter branch and was impressed with the facility and the amount of people using it.

Mr. Ptacek stated the purpose of the Southcenter branch is to attract new people to the library and especially people who English is not their first language. He stated that Karen Hardiman, Manager of the Valley View and the Southcenter branches, and her staff have been doing a wonderful job to make that happen. The facility was done through community effort to have a library in the Southcenter area.

Mr. Ptacek introduced the SeaTac Library Advisory Committee members in attendance: Chair Jackie Krutz, and Marion Henry, along with Ms. Hardiman.

Mr. Ptacek stated that with Wendy Morgan in the audience, he would mention that she was the prime mover in getting KCLS's Bond Issue passed in 1988. He continued by presenting a documentary on the KCLS and its many functions as well as input from various types of library users. Libraries are not just a repositories but a place the public can use and have up to date material and facilities. The Replacement Bond Issue is on the ballot this year. He explained the bond will insure the library system in a ten-year plan that will allow for three new libraries, increased parking, up to date materials, computers, a more efficient system for checkout, theft protection and more space for patrons to use. The Replacement Bond will continue to cost each household \$25 per year. The bond will need 60 percent of the voters to pass. This is not a tax increase but a replacement of a bond issue in 1988. The KCLS is the second most used library system in the nation. More votes are needed in the South County area for the September 14 election. Mr. Ptacek requested Council's support with a Resolution as many KC Cities have done. The system has 44 branches and various ways to use the libraries from emails, on the internet and home delivery of books.

Mayor Hansen thanked Mr. Ptacek for the informative presentation and for being a good support of SeaTac library, Ms. Hardiman for her excellent management and Mrs. Krutz and committee members for their efforts in the City and Valley View Library.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$799,463.69 for the period ended June 18, 2004.
- Approval of claims vouchers** in the amount of \$564,693.25 for the period ended July 2, 2004.
- Approval of employee vouchers** in the amount of \$648,136.91 for the period ended June 30, 2004

Approval of Council Meeting Minutes:

- Transportation & Public Works Committee Meeting** held June 22, 2004.
- Study Session** held June 22, 2004.
- Regular Council Meeting** held June 22, 2004.

CONSENT AGENDA (Continued):

Acceptance of Advisory Committee Meeting Minutes:

- **Human Services Advisory Committee Meetings** held March 15, April 19, and May 17, 2004 (Committee approved June 14, 2004).
- **Human Services Advisory Committee Meeting** held June 14, 2004 (Committee approved June 29, 2004).
- **Planning Commission Meeting** held June 7, 2004 (Commission approved June 28, 2004).

The following Agenda Items were recommended at the July 13, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2448

A Motion authorizing the City Manager to enter into Service Contracts for the Des Moines Creek Basin (DMCB) Coordinator and Construction Coordinator on behalf of the Basin Committee

Summary: The Des Moines Creek Restoration Projects Interlocal Agreement (ILA) specifies that each of the parties provide staffing to manage, coordinate and oversee various phases of the Capital Construction Project. The City of SeaTac, per the ILA, has agreed to provide a Treasurer, Construction Coordinator and Project Manager for the bypass pipeline. In addition, as Treasurer, the City will contract, on behalf of the Basin Committee, any contractual services that cannot be provided by in-house personnel. All of the services performed, both contractual and in-house, will be reimbursed by the Basin budget funds. At this time, the Basin Committee has approved filling two positions by contract: Basin Coordinator and Construction Coordinator. The committee has also selected (from a field of candidates) Bill Hoffman and Donald Monaghan respectively to fill these two positions. The Transportation and Public Works (T&PW) Committee discussed the contracts and recommended they be negotiated and brought before the full Council subject to Basin Committee approval. Subsequently, the DMCB Committee reviewed the draft contracts and approved them.

The total cost estimated over the life of the contract (30 months) is \$592,500.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2447; Ordinance #04-1012

An Ordinance amending Chapter 3.20 of the SeaTac Municipal Code (SMC), subtitled Real Estate Excise Tax (REET), and imposing an additional one-quarter of One Percent Real Estate Excise Tax

Summary: The REET is a tax on the sale of real property inside the City limits, and is paid by the seller upon completion of the sale.

In 1982, the State adopted RCW 82.46.010, which authorized cities to levy a one-quarter of one percent REET I. SMC Chapter 3.20 was adopted by Ordinance 89-1004, authorizing the City to collect REET I. Currently, revenues from REET I are placed in the municipal capital improvement fund. Since the year 2000, the City has generated the following revenue from REET I:

<u>Year</u>	<u>REET I Revenue</u>
2000	\$321,753
2001	\$302,719
2002	\$210,513
2003	\$294,272
2004 (through June 30)	\$226,100

In 1990, the State enacted RCW 82.46.035 which authorizes cities to levy an additional one-quarter of one percent REET II. In King County (KC), SeaTac, Beaux Arts, and Skykomish are the only three Cities that do not collect REET II. This Ordinance would levy this additional one-quarter of one percent REET II tax. Should this Ordinance be adopted, the City would generate additional revenue equal to that currently collected by REET I.

NEW BUSINESS (Continued):

Agenda Bill #2447; Ordinance #04-1012 (Continued): State law restricts the use of revenue collected from the REET taxes. For both REET I and REET II, the revenue generated must be used for “financing capital projects specified in a capital facilities plan element of a comprehensive plan (CP).” In addition, State law specifies the type of capital projects for which REET I and REET II revenue can be spent. In general, the expenditure of REET II revenue is more restrictive than that of REET I. RCW 82.46.010 specifies that REET I taxes must be used to finance:

“Those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets; roads; highways; sidewalks; street and road lighting systems; traffic signals; bridges; domestic water systems; storm and sanitary sewer systems; parks; recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative and/or judicial facilities.”

However, RCW 82.46.035 specifies that the revenue generated from REET II taxes must be used solely for:

“Those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of street, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems, and planning, construction, reconstruction, repair, rehabilitation, or improvements of parks.”

Should this Ordinance be adopted, the Council is not required at this time to identify specific projects that would receive funding from REET II revenues. The Council may decide what projects, if any, would receive funding as part of the yearly budget process. Any unspent REET II revenue could be carried forward to following years, but the revenues must still be spent on capital projects as authorized by State law.

Additionally, if this Ordinance is adopted, REET II collection would not begin immediately. State law requires that the City wait sixty days after a copy of the Ordinance is forwarded to the County Treasurer to begin collecting REET II taxes.

MOVED BY SHAPE, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 04-1012.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2441; Resolution #04-010

A Resolution amending Resolution No. 04-003, changing the meeting time of the Administration and Finance Committee and the meeting date of the Public Safety & Justice Committee

Summary: This Resolution amends Resolution No. 04-003, and changes the time of the Administration and Finance (A&F) Committee Meeting and the date of the Public Safety and Justice (PS&J) Committee Meeting. If the proposed Resolution is passed, the meeting time of the A&F Committee will change from 3:00 p.m. to 2:00 p.m. on the second Tuesday of each month. The meeting date for the PS&J Committee will change from the fourth Tuesday of each month to the second Tuesday of each month. The PS&J Committee will continue to meet at 4:00 p.m. The Resolution will become effective August 1, 2004.

MOVED BY ANDERSON, SECONDED BY SHAPE TO PASS RESOLUTION NO. 04-010*

MOVED BY BRENNAN, SECONDED BY FISHER TO AMEND ORDINANCE NO. 04-010 TO CHANGE THE START OF THE PUBLIC SAFETY & JUSTICE COMMITTEE MEETING FROM 4:00 P.M. TO 3:30 P.M. ON THE SECOND TUESDAY OF EACH MONTH.

AMENDMENT CARRIED UNANIMOUSLY.

*ORIGINAL MOTION AS AMENDED CARRIED UNANIMOUSLY

PUBLIC HEARING: Approving the 2005 - 2014 Transportation Improvement Program (TIP)

Mayor Hansen opened the Public Hearing at 7:44 p.m.

Public Works Director Schroeder stated each year the City is required by State statute to adopt a minimum of a Six-Year TIP and a 10-Year TIP is required by the Growth Management Act (GMA). The City has opted to adopt a Ten-Year TIP annually. Mr. Schroeder emphasized that this is a planning document and as such, does not commit the City to budget the projects in the proposed TIP. It is, however, an indication of the City's plan to precede with its transportation improvements over the next 10 years. This will allow for funding opportunities for the projects that are shown on the plan. It also gives some flexibility in timing of the improvements to coincide with other agencies' projects.

There was no public input at this hearing.

Mr. Schroeder presented the first two years of the 2005-2014 TIP which are more predictable than the long term projects:

Year 2005 – 1) International Boulevard (IB) Phase IV from South 200th to 216th Streets, which is currently underway; 2) Military Road South from South 176th Street to the bridge over-crossing at South 176th Street, which has enough funding already for this project; 3) 38th Avenue South connection between South 180th and 182nd Streets; 3) Des Moines Memorial Drive (DMMD) Signal Upgrade at South 156th Street; and 4) I-5 Southbound Ramp Improvement at Military Road South / South 200th Street intersection.

Year 2006 - 1) 34th Avenue South from South 160th to 176th Streets to add curb, gutter and sidewalks which is a primary route for students attending McMicken Heights Elementary School; 2) South 192nd Street/37th Avenue South from 33rd to 37th Avenues South and from South 192nd to 188th Streets, a pedestrian related project to extend the sidewalk along the mentioned streets; and 3) South 144th Street /24th Avenue South to Military Road South.

Mr. Schroeder concluded by stating there are other 2005 and 2006 TIPs that are done annually which he summarized.

Mayor Hansen recessed the public hearing at 7:59 p.m. to be continued at the July 27, 2004 Regular Council Meeting (RCM).

NEW BUSINESS:

(The following agenda bill was moved to the July 27, 2004 RCM to follow the above continued Public Hearing)

Agenda Bill #2444

A Resolution approving a Ten-Year Transportation Improvement Program (TIP) for 2005-2014

PUBLIC COMMENTS: There were no public comments at this time.

CITY MANAGER'S COMMENTS: City Manager Rayburn announced that a representative from the office of US Senator Marie Cantwell will be in SeaTac, tomorrow, July 14, and will be given a tour of the City by Assistant City Manager Craig Ward after meeting with Mayor Hansen and himself.

CITY COUNCIL COMMENTS: Councilmember Fisher agreed with the comments made by Mr. Dixon and Mr. Jordan regarding the illegal assault of unusually loud and dangerous fireworks preceding July 4th, July 4th and the following week. This issue was discussed at the PS&J Meeting today and will be reviewed thoroughly.

Councilmember Shape reported on three items from the A&F Committee Meeting held earlier today: 1) recommendation from the Position Vacancy Review Board (PVRB) for the Human Services Coordinator change from a part-time to a full time position. The committee also recommended this change; 2) Cable Casting Program and the City developing its own cable network on Channel 21. They would like to start on this program which will involve hiring a consultant to assist in reworking the franchise with Comcast and developing a franchise fee and a list of equipment needed. The committee recommended proceeding with the program; and 3) Council received a letter from a Mr. Martinez, a guest at a local hotel, reporting having been a victim of discrimination when attempting to check in. It is not the policy of SeaTac or the hotel to discriminate against anyone. He feels this should be investigated.

CITY COUNCIL COMMENTS (Continued): Councilmember Brennan also agreed with Mr. Dixon's comments regarding the illegal fireworks during the July 4th holiday period. He would like no fireworks to be allowed other than authorized fireworks displays. He also suggested no fireworks stands be allowed in SeaTac.

Upon a question posed by Deputy Mayor Anderson, City Attorney Mirante Bartolo stated she would research whether the one fireworks stand in SeaTac could also be banned. She stated the State statute governs fireworks and any changes take at least one year to be effective.

Mayor Hansen stated the Lutheran Alliance to Create Housing (LATCH) has been dedicated and consists of 80 units of senior affordable housing of which 25 of the 80 units are now occupied. The public is welcome to tour the facility. It is a good addition to the City.

ADJOURNMENT:

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:09 P.M.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

July 27, 2004
7:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 7:00 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF PRESENT: Bruce Rayburn, City Manager; Craig Ward, Assistant City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Mike McCarty, Finance Director; Dale Schroeder, Public Works Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: (The Flag Salute was performed at the preceding Study Session.)

PUBLIC COMMENTS: Bob Stutz, 3742 South 192nd Street, gave a progress report on SeaTac residents' concern regarding the proposed land development of 16 homes to be built on property off of 37th Avenue South. Initially, the City gave the date of July 22 deadline for public comments. On July 21, he presented Council with 86 names of concerned SeaTac residents. An extension to an August 16 deadline for comments has been granted, which allows for continued effort in gathering more signatures. Mr. Stutz invited Council to observe the subject property to see why it is a residential concern. He added that he plans to speak on this concern at every Council Meeting until there is some resolution to the situation.

Mayor Hansen stated that he can be assured that the City will follow all appropriate laws and procedures. The Council has been advised not to discuss this proposal as they may have to act in a Quasi Judicial manner resolving this matter. Mr. Stutz stated he understood.

Council discussion ensued as to clarification of the proper procedures for Council to abide by regarding the possibility of a Quasi Judicial Hearing. City Attorney Mirante Bartolo stated that each Councilmember could look at the property individually, but should not do so in response to a specific inquiry at this time. There should not be any ex-parte communications on this issue because it is not known at this time if this matter will be going before the Council in a Quasi Judicial Hearing or not. She added that it was her understanding that this is going before the Hearing Examiner, potentially in September. The only way it would come before the Council in a Quasi Judicial Hearing capacity is if it is appealed.

Councilmember Wythe questioned whether this issue could come before a Land Use and Parks (LUP) Committee to which Mayor Hansen stated that the LUP Committee normally addresses issues of this nature, however, there is a procedure that the property owner is entitled to follow, according to the law. As long as this is being done, Council should be very careful not to prejudice it one way or another. Mrs. Mirante Bartolo agreed.

Mrs. Mirante Bartolo stated that not all land use matters that go before the Hearing Examiner are subject to the Quasi Judicial process but this is a subdivision where there are plat amendments, among other issues, which are potentially subject to a Quasi Judicial Hearing.

Deputy Mayor Anderson stated that in committee discussion, each Councilmember could potentially be influenced and the Council needs to be unbiased. Mrs. Mirante Bartolo agreed, stating bringing it before a committee is a different issue. Although she feels there are no rulings against it, she will further research any prohibitions regarding committee discussions.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$1,007,055.61 for the period ended July 20, 2004
- **Approval of employee vouchers** in the amount of \$424,390.30 for the period ended July 15, 2004.
- **Approval of summary of \$5,000 - \$25,000** purchase requests for the period ended July 23, 2004.

Approval of Council Meeting Minutes:

- **Study Session** held June 8, 2004.
- **Land Use and Parks Committee Meeting** held July 8, 2004.
- **Administration & Finance Committee Meeting** held July 13, 2004.
- **Public Safety & Justice Committee Meeting** held July 13, 2004.
- **Study Session** held July 13, 2004.
- **Regular Council Meeting** held July 13, 2004.
- **Budget Workshop I** held July 20, 2004.

CONSENT AGENDA (Continued):

Acceptance of Advisory Committee Meeting Minutes:

- **Human Services Advisory Committee Meeting** held June 29, 2004 (Committee approved July 12, 2004).
- **Planning Commission Meeting** held June 28, 2004 (Commission approved July 19, 2004).

The following Agenda Item was recommended at the July 27, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2446, Ordinance #04-1013

An Ordinance amending Certain Sections of Title 9 related to Vehicles and Traffic, and Proscribing Penalties

Summary: The City has adopted a Traffic Code in the SeaTac Municipal Code (SMC), Title 9 which contains the City's parking regulations, establishes traffic infractions that are not covered by State law, and contains the City's Mandatory Bicycle Helmet law.

This Ordinance amends certain sections of the SMC, Title 9: 1) the penalties for Municipal Parking Violations would be uniformly set at \$50; 2) penalties for the City traffic infractions of Cutting Corners and Inattentive Driving are raised to \$175 per violation; 3) violation of the City's Mandatory Helmet law is changed to a non-traffic infraction; and 4) SMC, Titles 9.15.021 and 9.15.030 are repealed as those sections are no longer necessary.

As for the City's fiscal impact, there is potential increase in revenue from the collection of higher traffic penalties.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

● Approving the 2005 - 2014 Transportation Improvement Program (TIP) [Continued from the July 13, 2004 Regular Council Meeting (RCM).]

Mayor Hansen opened and continued the Public Hearing at 7:14 p.m.

Public Works Director Schroeder stated this is the second reading of the 2005-2014 TIP. This was brought before the Transportation and Public Works (T&PW) Committee on May 25 and June 22, before the Planning Commission (PC) on June 7 and before Council at the July 13 Study Session (SS) and Public Hearing which was continued to this RCM. The City is mandated by State law and the Growth Management Act (GMA) to annually adopt and update a ten-year TIP. Mr. Schroeder mentioned that this TIP is a planning document. The projects on the list are shown as the City's intent to pursue TIPs within a ten-year time frame. This list is extensive and more than the City could fund in the ten-year period. Some are on the list because there is funding available to pursue the projects, others are there for funding opportunities so that funds can be applied for in the future, some projects are listed for timing reasons to be constructed with other projects in the immediate area by other agencies, and give the City flexibility to move projects around during the year as needed. The document shows the estimated cost of each project but does not commit the City to fund these projects. The funding commitment is made during the annual budget process. Council received a comment at the RCM during Public Comments regarding the Personal Rapid Transit (PRT) and to show it as a placeholder in case the PRT becomes transportation potential for the City. This has been added to the list. For a number of years, the City carried forward a PRT project in the ten-year plan and was deleted from the list in 2001. Council has now directed staff to include the PRT in the TIP under Project No. 28. - Automated People Mover System which would be privately financed. The City has also received a letter from the Port of Seattle (POS) suggesting a number of POS funded projects that are no longer viable and would like removed from the list as well as a few to be added to the list.

Councilmember DeHan, Transportation and Public Works Chair, detailed the recommendation from the POS and suggested changes to the TIP: 1) three signalization projects on Air Cargo Road (ST-59, 60, 61, and 61.1) the POS no longer plans on doing and recommends taken it off the TIP. Councilmember DeHan recommends this action; 2) remove two potential Washington State Department of Transportation (WSDOT) projects (ST-33 and 95). The T&PW Committee agreed that those should stay on the TIP as there is a possibility that they will be funded in the future; and 3) add the South 160th Street return to the terminal loop road which they plan to design and build in the future and the South 160th Street to North Airport Expressway around the rental car facility. The committee agreed to add these two projects to the TIP.

Hearing no further comments, Mayor Hansen closed the Public Hearing at 7:21 p.m.

NEW BUSINESS:

Agenda Bill #2444; Resolution #04-011

A Resolution approving a Ten-Year Transportation Improvement Program (TIP) for 2005 - 2014

Summary: State law (RCW 35.77.010) requires the City to adopt a minimum Six-Year TIP to include arterial street construction. Also, the GMA, Chapter 36.70A RCW, similarly requires adoption by the City of a comprehensive Ten-Year TIP to include a section that lists planned arterial street construction. The ten-year list of projects represents all of the City's transportation projects and includes projects evaluated in the Joint Transportation Study (JTS). At this time, the funding distribution and scheduling of projects beyond the first two years is tentative. Those elements will likely change when the JTS is finalized.

There are a number of sources for financing these TIP projects. The City currently assesses a parking tax of \$1 per transaction to continue funding transportation improvements within the City. A number of these projects on the TIP are partially grant funded. Additional Transportation Improvement Board (TIB) and Transportation Equity Act (TEA-21) grant applications will be submitted for consideration for some of the higher priority projects. The City has also adopted a Transportation Mitigation Impact Fee as a funding source for regional transportation improvements. The City, in conjunction with the POS, is conducting a JTS. A major component of this study is to update the City and POS Transportation/Ground Access Capital Improvement Programs (CIP) and identify a financing plan capable of funding these projects in a timely manner. Adoption of the TIP does not obligate the City to expend any money.

MOVED BY DEHAN, SECONDED BY ANDERSON TO PASS RESOLUTION NO. 04-011.*

MOVED BY DEHAN, SECONDED BY SHAPE TO AMEND RESOLUTION NO. 04-011 TO OMIT ST-59, ST-60, ST-61 AND ST-61.1 AND TO ADD THE SOUTH 160TH STREET RETURN TO TERMINAL LOOP ROAD AND THE SOUTH 160TH STREET TO NORTH AIRPORT EXPRESSWAY FROM THE TRANSPORTATION IMPROVEMENT PROGRAM.

AMENDMENT CARRIED UNANIMOUSLY.

*ORIGINAL MOTION CARRIED UNANIMOUSLY AS AMENDED.

Agenda Bill #2451

A Motion authorizing the City Manager to enter into a contract to develop software for the Fire Department's Records Management System (RMS)

Summary: On January 27, 2004, the City Council approved the receipt of the Federal Emergency Management Agency (FEMA) grant for \$151,850. This grant required matching funds of \$15,185 from the City of SeaTac. This request authorizes entry into a contract with Opus Consulting to develop software for the Fire Department that will allow firefighters to record incident data, fire prevention data and patient treatment data on a handheld device for input into the department's RMS. This methodology, along with other software packages already in place, allows firefighters to have the most up-to-date data on their Mobile Data Computers in the vehicles. In addition, City staff has negotiated a cost recovery for that software development by imposing the following: when the vendor has sold five copies of the software, the vendor returns to the City of SeaTac 50 percent of the development cost. When 10 products have been sold to other agencies in the United States or Canada, the City receives the remainder of the development cost. After the development costs are returned, the City will receive a percentage of the sale in a sliding scale for four years. Additionally, the City will receive all upgrades and maintenance for the life of the software at no cost to the City.

Fire Chief Meyer stated this item was reviewed with Council at the July 13 SS and by the Administration and Finance (A&F) and Public Safety and Justice (PS&J) Committees.

Councilmember Brennan inquired whether the City's royalties have to be given in part to the Federal Government. Fire Chief Meyer replied that they do not and the reason is that a portion of the grant was funded by the City.

Councilmember Fisher, PS&J Committee Chair, stated the committee recommends this grant-funded request. This is a return on an investment for the City.

Councilmember Shape, A&F Committee Chair, stated this committee also recommends this item for Council approval.

MOVED BY SHAPE, SECONDED BY FISHER TO PASS AGENDA BILL NO. 2451.

MOTION CARRIED UNANIMOUSLY.

CITY MANAGER'S COMMENTS: City Manager Rayburn stated he received a call from the Barbara Peters, Vice Chair of North Highline unincorporated Council asking if the City is interested in annexing any portion of the North Highline area. Mr. Rayburn told Ms. Peters that the Council has persistently shown no interest since the incorporation of the City. The Council did research in detail an analysis of a portion the North Highline area, the Boulevard Park area, in 1991 and based on their findings, the Council decided not to go north of South 188th Street. Ms. Peters requested written notification on the Council's decision. With Council's consent, Mr. Rayburn will send a brief letter to the North Highline Council stating the City of SeaTac has no intention of annexing at this time.

Councilmember Shape stated he has heard consistently that the City is not interested in annexing Boulevard Park because of the study. He wondered if it is possible that situation has changed and the City should again look into this issue at this point in time. Mr. Rayburn stated, in his opinion, the situation has not changed, particularly in the Boulevard Park area.

CITY COUNCIL COMMENTS: Councilmember Fisher stated he received an email from a resident who found a graveyard on South 200th Street within the City limits and is asking permission to clean it up and wants to find funding to replace the headstones.

Deputy Mayor Anderson stated the Council has known about this site for over 14 years and have previously funded its upkeep as well as the Boy Scouts of America have helped in its upkeep.

Councilmember Shape stated that at the King County (KC) Regional Transit Committee Meeting, an announcement was made that the KC Council will be voting to reduce the KC Council from 13 to 9 members. If this bill passes, there will not be enough Councilmembers to fill the 23 committees which they staff. Currently each committee is staffed by six Councilmembers and the bill will propose to reduce that number to three Councilmembers per committee. This will mean that all the Suburban Cities will be represented by three KC Councilmembers and the rest of the regional Cities will be represented by only two Councilmembers.

Councilmember DeHan stated the Council received a letter from the City's Hearing Examiner, Irv Berteig, informing the City that after years of service he plans to retire. Councilmember DeHan suggested the City present him with a plaque for his years of service. Council concurred with this suggestion.

Deputy Mayor Anderson stated that the State Archives in Olympia has the City's name misspelled. Staff will look into this matter.

Mayor Hansen mentioned that the dedication of the new 18-hole Disc Golf Course was held last week at North SeaTac Park (NSTP). The construction was done mostly by an all volunteer crew with minimum funding and staffing from the City. He invited everyone to watch or participate in this game. He added that it is a wonderful contribution to the park.

Pat Carter, SeaTac resident, stated she opposed removing of headstones at the graveyard. The POS mows and keeps it cleaned up.

Mayor Hansen reminded everyone of the City's National Night Out (NNO) Against Crime to be held on Tuesday, August 3 in the evening hours. It is a neighborhood program where block barbeques and picnics are held. He encouraged everyone to participate in this annual event.

ADJOURNMENT:

MAYOR HANSEN ADJOURNED THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:38 P.M.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

August 10, 2004
7:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 7:00 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Craig Ward, Assistant City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Mike McCarty, Finance Director; Steve Butler, Planning Director; Mike Scarey, Senior Planner; Brian Wiwel, Acting Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: The Flag Salute was performed at the preceding Study Session (SS).

PRESENTATION:

•American Payroll Association Week Proclamation

Mayor Hansen read the proclamation declaring Labor Day Week, September 1 through 6 as National Payroll Week in tribute to the 140 million plus people who work in the United States, and the payroll professionals who support the American system by paying taxes, reporting workers' earnings, and withholding Federal Income Tax. SeaTac employs approximately 169 people and the payroll department compiles data for numerous Federal and State wage and tax laws. The proclamation will be sent to the American Payroll Association showing the City's recognition.

PUBLIC COMMENTS: Joe Dixon, 19211 35th Avenue South, reiterated his past request that the Council consider prohibiting fireworks in the City of SeaTac. He stated that in talking with neighborhood youths, he was surprised at their lack of knowledge as to why the Nation observes July 4th, Independence Day. When asked what July 4th means to them, the answer was mostly fireworks and noise. He added he is worried that the students are not being taught the Nation's history in schools today.

Darlene Thompson, 2504 South 148th Street, urged Council once again to decide on a senior center. The seniors have been working hard to assist in the effort. They look to the Council for answers.

Jon Ancell, 14629 29th Avenue South, reiterated his hope for a senior center. The consultants' report indicated that the North SeaTac Park (NSTP) is the best site for the center as a separate facility. He urged the Council to heed the seniors' recommendations for a senior center.

Sherman Fryer, 13025 23rd Avenue South, discussed his history of code enforcement actions on his property and stated his intent to take legal action against the City on remaining enforcement actions. Mayor Hansen advised Mr. Fryer to contact the City Manager's Office, which he promised to do.

Mayor Hansen introduced Karen Hardiman, Librarian Manager of two libraries in the King County Library System (KCLS); Valley View in SeaTac and the new Southcenter Branch; and Jackie Krutz, Library Advisory Committee Chair, who were present to address any questions of the Council or audience on the Proposition No. 1 General Obligation Bond Measure in the sum of \$172,000,000 to finance Capital improvements throughout the KCLS. He stated this bond measure was discussed briefly in the preceding SS and will be voted on later in this meeting under Agenda Bill No. 2457.

Councilmember Brennan stated his concern that although Valley View Library is a nice library, it is small compared to other local jurisdictions' libraries. Ms. Hardiman stated she appreciated his concern. She added that there is a small library in Tukwila that has been changed into a children's library. Foster Library, also in Tukwila, is across the street from Foster High School and is a busy full service library. There is also a new library at Southcenter and a new one is slated for Burien as part of their new community downtown center.

Councilmember Brennan inquired as to the per capita cost for SeaTac being larger than that of other surrounding Cities and SeaTac not having a new and larger library. He stated he addressed this issue to Bill Ptazek, Director of the KCLS, a few years ago and was advised that Valley View Library was subsidized by KC. Councilmember Brennan stated he would like to see SeaTac getting more of a fair share per capita.

Ms. Hardiman stated she will ask Mr. Ptazek to contact Councilmember Brennan on his issues. She stated that Valley View Library increased its circulation by 17 percent since 2002. This is significant for a City the size of SeaTac. It demonstrates that the citizens use the facility. The bond measure includes funding for Valley View Library's physical structure but Ms. Hardiman has not been apprised of what that includes.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$797,434.24 for the period ended August 5, 2004.
- **Approval of employee vouchers** in the amount of \$570,655.01 for the period ended July 31, 2004.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended August 6, 2004.

Approval of Council Meeting Minutes:

- **Joint City Council / Hotel/Motel Tax Advisory Committee Meeting** held January 27, 2004.
- **Transportation & Public Works Committee Meeting** held July 27, 2004.
- **Study Session** held July 27, 2004.
- **Regular Council Meeting** held July 27, 2004.

Acceptance of Advisory Committee Meeting Minutes:

- **Human Services Advisory Committee Meeting** held July 12, 2004 (Committee approved July 26, 2004).
- **Planning Commission Meeting** held July 19, 2004 (Commission approved July 26, 2004).
- **Senior Citizen Advisory Committee Meeting** held May 20, 2004 (Committee approved July 15, 2004).

The following Agenda Items were recommended at the August 10, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2454; Resolution #04-012

A Resolution amending Resolution No. 04-002 and the City Council Administrative Policies and Procedures changing the time of the Regular Meetings of the City Council

Summary: Currently, pursuant to Resolution No. 04-002 and the City Council Administrative Procedures, the Regular Meetings of the City Council are currently held on the second and fourth Tuesday of each month, commencing at 7:00 p.m. Because the meeting times of Regular Council Meetings (RCM) are published, the Council cannot commence the RCM prior to the 7:00 p.m. start time.

This Resolution amends Resolution No. 04-002 and the City Council Administrative Procedures in order to change the time of the Regular Council Meetings (RCM) from 7:00 p.m. to 6:30 p.m. The Council SS would continue to be held at 5:00 p.m.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS:

● **Proposition No. 1 General Obligation Bond Measure in the sum of \$172,000,000 to finance Capital Improvements throughout the King County Library System (KCLS)**

Mayor Hansen opened the floor for Public Comments at 7:36 p.m.

There were no public comments.

Mayor Hansen closed the Public Comments segment at 7:37 p.m.

NEW BUSINESS:

Agenda Bill #2457; Resolution #04-013

A Resolution expressing Council support for King County Library System (KCLS) Proposition No. 1 General Obligation Bond Measure in the sum of \$172,000,000, to finance Capital Improvements throughout the Library System, and encouraging Voter Approval at the September 14, 2004 Primary Election

Summary: This Resolution expresses the City Council's support for KCLS Proposition No. 1, a general obligation bond measure in the sum of \$172,000,000, to be presented to the electorate at the Primary Election on September 14, 2004.

William Ptacek, Director of the KCLS, addressed the Council at the July 13, 2004 RCM, requesting Council support, by Resolution, the passage of KCLS Proposition No. 1. He stated that Proposition No. 1 will fund the KCLS's 10-year Capital Plan that will allow for the construction of three new libraries, increased parking, purchase of new materials and computers, and a more efficient system for checkout, theft protection, and more

NEW BUSINESS (Continued):

Agenda Bill #2457; Resolution #04-013 (Continued): space for patron use. He also explained that the bond measure is not a tax increase, but a replacement of a bond passed in 1988. Furthermore, the bond would continue to cost each household approximately \$25 per year.

Revised Code of Washington (RCW) 42.17.130 forbids use of City facilities to assist promotion of or opposition to any ballot proposition, including an excess levy proposition. However, RCW 42.17.130(1) allows the Council to adopt a Resolution in support of a ballot proposition if certain mandatory procedural steps are taken.

The statute does not prevent an elected official from supporting or opposing any ballot proposition at an open press conference, in response to a specific inquiry, or by expression of opinion as an individual voter.

To validate the collective expression of the Council's position on KCLS Proposition No. 1, public comments have been solicited for the SS and RCM of August 10, 2004, by notice published in the August 10, 2004 City Council Agenda. The Council shall, at that time, hear and receive comments for and against the proposition and may then render its final decision as to support, neutrality, or opposition.

MOVED BY BRENNAN, SECONDED BY SHAPE TO PASS RESOLUTION NO. 04-013.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2429

A Motion establishing a Final Docket of 2004 Comprehensive Plan (CP) Amendments

Summary: The City of SeaTac procedures for amending the CP provide for consideration of proposed amendments for the 2004 calendar year in two stages. The first stage, the Preliminary Docket, requires that all proposed amendments be evaluated according to the following criteria:

- 1) The proposal is consistent with requirements of the Growth Management Act (GMA) and Countywide Planning Policies;
- 2) The proposal was not proposed in either of the previous two calendar years unless:
 - a) Conditions have changed substantially in the immediate areas, or
 - b) The proposal was eliminated in the previous year due to incomplete information; and
- 3) Is not in conflict with an adopted CP Policy; is not redundant with, or duplicative of, an adopted CP Policy; or is not clearly out of character with the goals of the adopted CP.

In addition to the above criteria, proposed map changes are evaluated against additional criteria:

- 1) The proposal is or can be adequately served by sewer, water and roads; and
- 2) The site affected is physically suited for anticipated development; and
- 3) The proposal will not create pressure to change the designations of other properties unless in the interest of the neighborhood, City and region.

Proposals that do not satisfy the criteria are not recommended to be included in the Final Docket. All proposed amendments that satisfy the criteria, along with the 2004 draft Capital Facilities Plan (to be submitted later in the calendar year), are recommended to be included in the Final Docket. The Final Docket amendments will be subjected to the State Environmental Policy Act (SEPA) review and public notice requirements, and considered in a Public Hearing to be held by the Planning Commission (PC), tentatively scheduled for November 1, 2004. The City Council is scheduled to act upon the Final Docket on November 23, 2004. At this stage of the process, the Council may elect to not adopt proposals that are included in the Final Docket.

The PC and staff are recommending that all but two proposals be included in the Final Docket for further review and analysis. The two that are not being recommended are Map Amendment No. 1 (Hughes property at Angle Lake), and Map Amendment No. 6 (Phasing Map). Not including these in the Final Docket will remove these two proposals from any further consideration this year.

It should also be noted that recommendations by the PC and staff differ on two of the proposed amendments: Map Amendment No. 11 and Text Amendment No. 25 (Transportation Element). The PC sees a conflict between the CP and the two proposed amendments. Staff sees no such conflict. Staff recommends forwarding both to the Final Docket; the PC recommends removing them from the docket.

NEW BUSINESS (Continued):

Agenda Bill #2429 (Continued): Planning Director Butler stated he had briefed the Council on the proposed amendments at the July 27 SS. At the last RCM, there was Council discussion which resulted in a few changes to the proposed amendments.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 2429.*

Councilmember Wythe opened the discussion on Land Use Map Amendment No. 5, property at South 160th Street north and west which is currently zoned for Commercial High Density and is on the cusp of the urban center and transportation oriented developments surrounding the Light Rail Station (LRS). This is proposed to be changed to Airport Zoning.

Mr. Butler stated the CP designation would be Airport Zoning and an Ordinance would be brought forward at the same time, proposing a change to the related zoning designation to Aviation Commercial (AC). Both the Zoning Code and the Interlocal Agreement (ILA) with the Port of Seattle (POS) allows for a variety of uses. The POS has stated the main reason they are requesting the CP change in the zoning map is to allow the proposed rental car facility to go forward. As for fitting in with urban center, Mr. Butler said it probably would not be exactly, as they are looking at a facility in conceptual design which would take up most of the site. The City is concerned as to the street front along International Boulevard (IB).

Councilmember Wythe questioned if the City does change the zoning and use, has the City given away rights to the land. Mr. Butler replied that the City may still have some leverage in terms of this site's issues. Once it does convert over to the POS designation, the City's leverage is not complete. Negotiations may be needed. Staff has been talking to POS as to the uses of the rental car facility.

Councilmember Wythe stated it might be prudent that the City proceed with negotiations and address these issues at the same time to the benefit of both the POS and the City. Mr. Butler stated that the ILA has different provisions that deal with this sort of situation where the POS asks for a rezone. Staff can discuss this with the POS and bring the information back to Council if need be.

Councilmember Anderson stated she understands the site is for housing for rental cars, not renting cars out of the facility, this will be done at the airport. Mr. Butler stated, eventually, it may be that cars would actually be transported out to the airport and back to the facility. The facility will be oriented more to the north airport access roadways. It will be a large facility and will extend further east to IB.

Councilmember Fisher questioned the results of the POS's New Economic Strategic Triangle (NEST) study as to the best use of these types of properties. Assistant City Manager Ward replied that staff has scheduled a Council briefing in late September on the NEST study. This study's cost was \$179,000, mostly grant money from the Economic Development Administration, which is not managed by the POS but is a partner in the study. The car rental site is not part of the NEST study. The ILA states the City needs to designate the property Airport when the POS buys it. There is some negotiation leverage the City can utilize prior to finalizing the CP Amendments. The City does not know what the design of the facility will be because only a preliminary concept is available now. The POS knows the City is concerned about the image of the rental car facility (a large parking garage) to the City since it will be visible from all sides. Ultimately, there will be a mixture of car rentals out of the facility vs. those who fly into the airport and arrange for rental cars and transport to the rental car facility to pick up their cars.

Deputy Mayor Anderson stated the POS has allowed most rental cars to use their parking facility and those cars will be at the proposed rental car facility.

Councilmember Fisher stated the rental cars should be in a parking garage, not on surface parking. This proposed project would accomplish that end.

On another property, Councilmember Brennan stated he thought the Council had decided to keep the Hughes property in the Final Docket.

Council discussed and concurred to keep the Hughes property in the proposed amendment list. It was mentioned that a citizen has been soliciting signatures on this issue and this report should be heard and considered.

NEW BUSINESS (Continued):

Agenda Bill #2429 (Continued): Mr. Butler stated that staff is asking the Council's decision on bringing the Final Docket forward to include the Hughes Property and withdraw Map Amendment No. 6, the proposed changes to the Phasing Map.

MOVED BY DEHAN, SECONDED BY ANDERSON TO AMEND AGENDA BILL NO. 2429 TO EXCLUDE ITEM NO. 6.

AMENDMENT CARRIED UNANIMOUSLY.

*ORIGINAL MOTION CARRIED UNANIMOUSLY AS AMENDED.

ADDED ITEM UNDER NEW BUSINESS:

Councilmember Shape brought forth the following Motion:

MOVED BY SHAPE, SECONDED BY WYTHE TO AUTHORIZE THE DESIGN AND CONSTRUCTION OF A SENIOR CENTER FACILITY TO BE LOCATED AT THE NORTH END OF THE NORTH SEATAC PARK COMMUNITY CENTER (NSTPCC) IN ACCORDANCE WITH THE CONSULTANTS' RECOMMENDATION AND THAT THE CITY ATTORNEY BE DIRECTED TO PREPARE A RESOLUTION TO CARRY OUT THIS MOTION.*

Mayor Hansen opened the discussion on this topic.

Councilmember Wythe stated his understanding of the Motion as a selection of a site for the senior center, which does not include its size or cost.

City Attorney Mirante Bartolo stated she assumed the Motion directs her to prepare a Resolution to be on the September 14, 2004 RCM agenda. She suggested that the Resolution be made contingent upon approval of a majority of the Council regarding the financing of this facility. This portion of the Resolution would need to be discussed and decided upon in the Council's budget process.

Councilmember DeHan stated he understands that upon the Resolution being brought to Council, the Council will have ample opportunity to have discussion on the wordage of the Resolution including the financing and design of the facility.

City Attorney Mirante Bartolo suggested that the Resolution can be discussed at the September 14 RCM during the voting process, at which time an amendment can be made to the Resolution.

MOVED BY BRENNAN, SECONDED BY HANSEN TO AMEND THIS RESOLUTION TO INCLUDE "IN THE INTERIM TIME BETWEEN THIS DATE AND SEPTEMBER 13, 2004 THAT A BALLOT BE SENT TO ALL THE CITY'S SENIOR CITIZENS ASKING FOR THEIR PREFERENCE TO THE LOCATION OF A SENIOR CENTER, EITHER THE NORTH OR SOUTH, TO BE RETURNED NO LATER THAN SEPTEMBER 13, 2004.**

Councilmember Shape stated that any letter sent out asking the citizens their preference of one site or the other should include the complications involved in trying to construct a senior center in conjunction with the YMCA.

Councilmember DeHan stated his opposition to the amendment to the Motion. He recalled that the original proposed site was to build a City Hall on South 188th Street and 36th Avenue South and subsequently \$15 million expenditure to buy the current City Hall property, both of which he did not recall a letter being sent out. The Council made the decisions. He added he thinks this is a clean Motion as originally drafted. He added that if the Council wants to, a letter of inquiry could be sent out after the vote on the Resolution.

Councilmember DeHan stated the Council are elected officials and are to carry out the democratic process. The Council majority makes the decisions which they are elected to do. There has been a study, seniors' input, and many meetings and now it is time to make a decision on the senior center.

Mayor Hansen stated he would disagree with that because he did not believe in the 14 years that they have met and have accomplished a lot of important matters and they have never had a situation like this where literally one week before, he was informed there was going to be a vote on this issue tonight. He stated he feels they all share a view

ADDED ITEM UNDER NEW BUSINESS (Continued): that they want to do what is right by the seniors and he feels they will. He stated they have got to follow the process and that is not being done here. There is going to be a vote and that will be the end of it. Legally, that can be done but he strongly opposes the Motion and would support Councilmember Brennan's amendment.

Councilmember Fisher stated he had previously suggested this survey be done in lieu of paying \$26,000 for a consultant and does not agree that a letter is necessary, ignoring the consultants' advice.

****UPON A ROLL CALL VOTE, THE AMENDMENT FAILED WITH ANDERSON, HANSEN, AND BRENNAN VOTING YES, AND FISHER, WYTHE, SHAPE AND DEHAN VOTING NO.**

***ORIGINAL MOTION CARRIED WITH DEHAN, SHAPE, WYTHE AND FISHER VOTING YES AND BRENNAN, HANSEN AND ANDERSON VOTING NO.**

PUBLIC COMMENTS: Tracy Wythe, 14204 24th Avenue South, stated she respected the Councilmembers but has a problem with the Council's decision making process. She remarked that the Council sometimes takes the citizens' opinions and does nothing with them or they take the citizens' opinions and wait to amend an issue until the petition is in just to see what is going on. She feels this is not a consistent process.

Joe Dixon stated his concurrence with Mrs. Wythe's comments.

Jon Ancell stated since Councilmember Brennan's amendment was vetoed, it is redundant for him to speak but he wanted to ask him how he was going to get a letter out to the 20,000+ population so they would have a vote on the senior center issue instead of a select few.

CITY MANAGER'S COMMENTS: Assistant City Manager Craig Ward had no comments.

CITY COUNCIL COMMENTS: Councilmember Fisher stated this procedure on the senior center issue reminded him of the Maintenance Facility project. He stated he opposed spending \$4 million on the facility on leased property, adding he was the only no vote. But after an affirmative vote was passed, he accepted the vote and joined the Council and staff by serving on the committee to build one of the best maintenance facilities in this area.

Councilmember Wythe stated a decision needs to be made on the senior center and he commended Councilmember Shape, as a new Councilmember, for bringing this issue forward, adding this issue has been discussed for years.

Councilmember Shape stated at the Administration and Finance (A&F) Committee Meeting earlier today, the Position Vacancy Review Board (PVRB) recommended the hiring of a seasonal part-time (9 hours a week, September 2004 to June 2005) position funded by a King County (KC) grant. The position will be responsible for transporting and supervising low-income and special needs Tyee High School students who will provide after school programs to McMicken Elementary School students. The A&F Committee approved this hiring. Secondly, he commended the City Fire and Police Personnel, especially Police Officer Doug Reynolds, who organized the event, on the success of the August 3 National Night Out (NNO) Against Crime.

Deputy Mayor Anderson wished Council a good summer break. Council will reconvene its RCM on September 14, 2004.

EXECUTIVE SESSION: Mayor Hansen stated that the Executive Session on Personnel Issues scheduled on this agenda has been cancelled.

ADJOURNMENT:

MOVED BY SHAPE, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:35 P.M.

MOTION CARRIED UNANIMOUSLY.

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

September 14, 2004
6:30 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 6:34 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Craig Ward, Assistant City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Kit Ledbetter, Parks & Recreation Director; Kathy Black, Human Services Coordinator; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: (*The Flag Salute was performed at the preceding Study Session.*)

PRESENTATIONS:

● **Appreciation Plaque to Irv Berteig for his tenure as the City's Hearing Examiner**

Mayor Hansen introduced Mr. Berteig to the audience. He thanked Mr. Berteig for his many years of service to the City of SeaTac. Mr. Berteig has been the City's first and only Hearing Examiner. He will be greatly missed. Deputy Mayor Anderson presented the plaque to Mr. Berteig who thanked the Council for supporting him throughout the years. He added he has been a Hearing Examiner since he created the position in King County in 1969 and has served ever since to many Cities. He wanted to especially congratulate SeaTac for making this system work.

● **Proclamation for Day of Concern for the Hungry**

Mayor Hansen read the proclamation to the Tukwila Pantry and the Des Moines Area Food Bank and Deputy Mayor Anderson presented the proclamation to Des Moines Area Food Bank Assistant Administrator Barb Shimizu. Ms. Shimizu thanked the City for their support of their program. She stated that their agency has been in operation since the late 1960s. A similar proclamation will be sent to Executive Director Joe Tice of the Tukwila Pantry.

● **Certificate of Recognition to Don Speckhals for providing an exhibit for the Highline Historical Society (HHS) to display at SeaTac City Hall**

Mayor Frank Hansen introduced Cindy Upthegrove, Executive Director of the HHS and a long-time SeaTac resident Don Speckhals. Mr. Speckhals has on loan to the City of SeaTac, through the HHS, a small portion (300 buttons) of his extensive political button collection of 30,000. Mayor Hansen read the certificate and Deputy Mayor Anderson presented it to Mr. Speckhals and thanked him for lending his collection for public display. She also praised Mrs. Upthegrove for her dedicated work in the HHS, documenting the history of this local area.

Mrs. Upthegrove stated that the HHS is SeaTac's history accountant. On behalf of Mr. Speckhals, she thanked the Council for allowing the citizenry of SeaTac to display their collections of historical memorabilia. She also thanked the Council for its support of the HHS.

PUBLIC COMMENTS: Darleene Thompson, 2504 South 148th Street, spoke on behalf of the seniors for a Senior Center. She invited Dorothy Rose, City of Auburn Senior Advisor, to clarify that the Auburn's Senior Program does not work together with the Auburn YMCA.

Dorothy Rose, Auburn Advisory Council member of the Senior Center, 4813 North Island Drive, Sumner, confirmed the fact that the Senior Center and the YMCA work independently and are not connected in any way. The old library was remodeled as the Senior Center. It is on the edge of the park where seniors can take walks and when the City has activities there, it is within easy access for the seniors. She added that the seniors need accessible parking and prefer no children in same building.

Patricia Carter, 3041 South 201st Street, submitted a petition she has been working on, soliciting signatures for a natural-setting park to be sited on the City-owned Hughes property, located south of Angle Lake Park. The property would make a good addition to the park. She has collected 500 signatures in support of this petition, with more signatures to be collected.

Edward Chiplin, 3833 South 177th, stated his concern about the future of youths in the Northwest area. It appears that they are not being taught sound social behavior and he wonders what will become of these youths as future adults. Parents, teachers and civic leaders need to work with the youth of today to create a turnaround in their destructive behavior. Mayor Hansen stated the Council shares his concerns.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$674,775.04 for the period ended August 20, 2004.
- **Approval of claims vouchers** in the amount of \$763,255.10 for the period ended September 3, 2004.
- **Approval of employee vouchers** in the amount of \$427,603.60 for the period ended August 15, 2004.
- **Approval of employee vouchers** in the amount of \$576,202.94 for the period ended August 31, 2004.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended September 10, 2004.

Approval of Council Meeting Minutes:

- **Administration & Finance Committee Meeting** held August 10, 2004.
- **Public Safety & Justice Committee Meeting** held August 10, 2004.
- **Study Session** held August 10, 2004.
- **Regular Council Meeting** held August 10, 2004.
- **Land Use & Parks Committee Meeting** held August 12, 2004.

Acceptance of Advisory Committee Meeting Minutes:

- **Human Services Advisory Committee Meeting** held July 26, 2004 (Committee approved August 9, 2004).
- **Library Advisory Committee Meeting** held April 27, 2004 (Committee approved August 31, 2004).
- **Planning Commission Meeting** held July 26, 2004 (Commission approved August 30, 2004).
- **Senior Citizens Advisory Committee Meeting** held July 15, 2004 (Committee approved August 19, 2004).

The following Agenda Items were recommended at the September 14, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2453 - A Motion approving the Completion and Acceptance of the Westside Non-Motorized Corridor Study

Summary: This Motion approves the completion and acceptance of the Westside Non-Motorized Corridor Study completed by Susan Black & Associates Landscape Architects.

The 1997 Interlocal Agreement (ILA) obligates the Port of Seattle (POS) to give the City up to \$1.5 million to design and build a bike trail on the west side of the airport. This study was necessary to plan the best route, complete construction design standards, and collect public input on the proposed trail.

The Westside Trail corridor includes a strip of land approximately 5.5 miles long and .5 miles wide on the western edge of the City of SeaTac. The centerline of the corridor generally follows Des Moines Memorial Drive as it extends from South 128th Street at the north and South 200th Street at the south.

The Westside Trail development includes a variety of issues including street and highway interface, safety, sensitive area protection, water quality treatment and detention, cultural and historic memorial preservation and trail and linkage development.

The City will continue to pursue partners in the development of the Westside Trail. The POS, Washington State Department of Transportation (WSDOT), King County (KC), and the Cities of Burien and Des Moines all have a stake in the development of the trail and should play a role in its funding and development.

Chuck Warsinske, Principal of Susan Black & Associates Landscape Architects presented the completed Executive Report to the Council at the September 14 Study Session (SS).

The Westside Non-Motorized Corridor Study expenditure is funded by the POS. The Council authorized the City Manager to execute a contract with Susan Black & Associates, Inc. in an amount not to exceed \$40,000. The City will pay the costs and then be reimbursed by the POS.

Agenda Bill #2460 - A Motion authorizing the City Manager to execute a Consultant Agreement with Perteet Engineering, Inc. for the Military Road South Project (South 176th to 188th Streets)

Summary: This project is identified in the City's Transportation Improvement Program (TIP). Staff is requesting approval to contract with a consultant who will provide project development services including preparation of detailed plans, specifications and estimates required to bid and construct the project.

A Request for Qualifications (RFP) was advertised in May 2004. The following firms were short-listed and interviewed in July; David Evans, Perteet Engineering and Reid Middleton. Perteet Engineering was selected as the best qualified due to their experience on similar projects and their understanding of the public involvement necessary for this project. Staff negotiated the scope and fee with the firm. The Consultant Services Agreement includes surveying and mapping, public involvement, environmental documentation, ROW acquisition and design.

CONSENT AGENDA (Continued):

Agenda Bill #2460 (Continued):

The amount paid is not to exceed \$479,450 unless authorized by the City. A Federal grant in the amount of \$339,900 is available for the consultant agreement. Therefore, the City's portion is \$139,550 to be paid from the Transportation Capital Improvement Plan (CIP) Fund.

Agenda Bill #2464 - Resolution #04-014 authorizing the City Manager to execute a Local Agency Agreement with the Washington State Department of Transportation (WSDOT) to receive Federal Surface Transportation (STP) Grant Monies for the Military Road South Improvement Project between South 176th and 188th Streets and other documents related to receipt and expenditure of Grant Funds

Summary: This project will consist of new curb, gutter, sidewalk, street lighting, underground utilities and channelization for Military Road South between South 176th to 188th Streets. Improvements to Military Road South are included in the City's Ten-Year TIP. The design effort will be completed by an engineering consultant. There are \$354,080 of Federal funds allocated for preliminary engineering of this project which can be applied to the consultant fee and City and WSDOT administration costs. Execution of the Local Agency Agreement obligates Federal funds through the duration of the design phase. The Federal grant monies are administered by the WSDOT which require the City to enter into a formal agreement in order to receive these monies. The City must also adhere to the grant program rules and regulations regarding contract documentation and administration. The City staff has been certified by the WSDOT as being knowledgeable and qualified to administer a project of this type.

The Federal funds available for the project are \$354,080 requiring City matching funds in the amount of \$145,370 to be expended from the Transportation CIP Fund.

Agenda Bill #2465 - A Motion authorizing the City Manager to enter into a Contract with Davidson Macri for the 2004 Storm Drain Cleaning Project

Summary: The bids for this project were opened in January 2004. Seven bids were received. This is a one-year contract with a provision that allows for annual extensions for up to a maximum of four additional years. The scope of work is to clean catch basins and drainage lines in the City rights of way (ROW). This also includes an extension of the contract prices to commercial property owners who sign up to have their systems cleaned by the City's contractor.

This contract was originally awarded to Action Services in March 2004. Since the contract was awarded, there have been numerous incidents in which Action Services provided unsatisfactory and substandard performance. Therefore, on August 3, 2004, the City, pursuant to the terms of the contract, terminated Action Services effective September 4, 2004.

Davidson Macri was the second lowest bidder when the bids for the contract were opened in January 2004. Staff believes that Davidson Macri's bid is still competitive, and does not feel that it is necessary to re-bid this contract.

Funds from the 2004 budget available to perform this work total \$90,000.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2459 - Resolution #04-015 authorizing the Design and Construction of a Senior Center Facility and the Selection of the Senior Center Site

Summary: The City Council received input from the Senior Advisory Committee regarding the construction of the stand-alone Senior Center. Additionally, some citizens have expressed their desire at numerous Council Meetings to have a Senior Center constructed for the benefit of its current and future senior citizens. To date, however, the Council has not taken any formal action on whether a Senior Center will be designed and constructed and where the site will be located; nor have these issues been specifically brought before a Study Session previously.

The City Council authorized a contract with the architectural firm of ARC Architects to complete the Senior Center Pre-design Program Study. In January 2004, the Steering Committee for the Senior Center Pre-design Program Study visited several senior centers, community centers and the Northshore YMCA in an effort to gather

NEW BUSINESS (Continued):

Agenda Bill #2459 (Continued): ideas on what was already working in the region. These visits helped determine desirable features for space and program needs for a potential SeaTac Senior Center Facility. There were two public meetings held in January, 2004 at City Hall to allow citizen input. The purpose of these meetings was to introduce the ARC architects who would be working on the pre-design study, to outline the process, and to employ a scoring system that narrowed the possible location of the Senior Center to two sites. The two sites identified were: 1) The South 188th Street City property which would be co-located with the YMCA property, and 2) north end of NSTPCC. The consultant recommended the NSTPCC as the preferred site to construct the Senior Center.

On May 25, 2004, the Council approved the completion of the Senior Center Program Study at its RCM. However, approval of the completed study did not constitute formal action as to whether the Senior Center would be designed and constructed or where it would be located.

If the Council decides to approve the design and construction of the Senior Center and the selection of the site, funding options need to be determined, as well. The three funding options to be considered are: 1) public vote to pass a bond that would be repaid by special levy property taxes; 2) sales tax proceeds generated by POS capital projects; and 3) Council issued bonds to be repaid with Real Estate Excise Tax (REET) I proceeds.

City Attorney Mary Mirante Bartolo read the agenda bill on this item as outlined in the above summary.

Councilmember Brennan stated that although he will vote affirmatively on this issue, he feels it is the wrong project in the wrong place. He added that upon the Council's visit to the Auburn YMCA, there was a large group of seniors in exercise class. He suggested that the City research the information provided by Mrs. Rose regarding the Senior Center and the YMCA. He stated his opposition to the manner in which this agenda bill has been moved forward for construction of a Senior Center at NSTPCC.

Deputy Mayor Anderson presented some clarification that the City of Auburn has a Senior Center. The YMCA has programs for the seniors and she witnessed many seniors in aerobic class on her visit to this facility. The seniors are utilizing both facilities for the various programs offered. She added that the City of Auburn gave the YMCA \$1.5 million worth of scholarships so their low-income citizens could use the scholarship for 20 years at the 2004 dollar rate.

Councilmember DeHan stated this agenda bill only commits the Council to proceed with action for a Senior Center in the City of SeaTac.

Mayor Hansen stated that a majority of the Council has to vote on the financial aspect of the project.

Councilmember Brennan stated that a budget and design for the center has not been addressed. He understands that this is to be a stand-alone facility, even if it is connected to the NSTPCC. He questioned if the Council can legally take parts of the City and designate it for the convenience of a few citizens.

City Attorney Mirante Bartolo replied that it is possible to do so. She further stated the intent of the Resolution is to state the City Council's commitment to build a Senior Center at the NSTPCC site. The design and construction has to be approved by a majority of the Council at a later date.

Councilmember Fisher stated he will support this bill. He also feels the center should be a stand-alone facility but would rather have the center on the Hughes property.

Mayor Hansen stated he would support this bill as written as it still provides for Council's approval, by majority vote, of the design and the financing of the center. He feels this could be a win-win for everyone. He, too, visited the Auburn YMCA and in talking to their Mayor and with YMCA management, he felt the YMCA is a truly impressive facility. He would hope for a comparable one in SeaTac.

Councilmember Wythe stated his support of this bill and also the YMCA which supports a wider demographic than the senior center. The YMCA has served communities for years and to have this facility in the City would be wonderful. He is pleased the Senior Center is being moved forward. This bill is the first step in building a center.

Councilmember Brennan stated he would like to put this issue behind them and move on. However, he wants the design and cost strictly monitored.

MOVED BY DEHAN, SECONDED BY ANDERSON TO PASS RESOLUTION NO. 04-015

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

● **Allocation of City of SeaTac 2005 Community Development Block Grant (CDBG) Funds**

Mayor Hansen opened the Public Hearing at 7:16 p.m.

Mr. Ward stated that Kathy Black, Human Services Coordinator, provided Council with the details of this issue at the previous Study Session (SS) and she has no further information to present.

With no public input presented, Mayor Hansen closed the Public Hearing at 7:17 p.m.

NEW BUSINESS:

Agenda Bill #2449

A Motion recommending the Allocation of City of SeaTac 2005 Community Development Block Grant (CDBG) Funds

Summary: This Motion authorizes the City Manager to allocate 2005 CDBG funds in the amount of \$250,311 to support Capital Projects and Public Services to benefit low and moderate income SeaTac residents, and to implement a Contingency Plan in the event of a change in funding levels.

On July 29, 2004, the City Manager agreed to accept CDBG funds as a Pass-through City to support Public Services and Capital Projects for 2005. The Council is being asked to consider recommendations for allocating 2005 CDBG funds in the amount of \$250,311.

Each City within the KC Consortium is awarded CDBG funds based upon its share of low and moderate income population. In accordance with Federal and Consortium requirements, CDBG funds are used to develop viable urban communities by providing adequate housing and living environments, expanding economic opportunities for persons of low and moderate income, and providing for basic public services. The Human Services Advisory Committee (HSAC) has evaluated applications submitted by non-profit agencies to provide these services and has made recommendations for the allocation of 2005 CDBG funds. In the event the KC CDBG Consortium receives a higher or lower allocation of 2005 entitlement funds from the U.S. Department of Housing and Urban Development (HUD) resulting in an increase or decrease in 2005 Pass-through CDBG funds, the City will adjust project awards based upon a Contingency Plan recommended by the HSAC.

Total available funds for 2005 Capital Projects have declined from 2004 levels by \$70,628, necessitating a reduced recommended allocation for all requests submitted to the City. After agencies were notified of the proposed 2005 recommendations, the Senior Services Minor Home Repair Program requested the HSAC to reconsider their allocation recommendation. The HSAC has considered the request for increased funding and has reaffirmed their recommendations as first proposed. The recommendations are a result of the committee's best judgment on how to meet a variety of compelling needs with diminished resources.

Of the \$250,311 in 2005 CDBG funds to be allocated to the City of SeaTac, the sum of \$23,731 is available to the City for reimbursement of administrative costs.

MOVED BY ANDERSON, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 2449.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Mr. Chiplin stated his agreement with Councilmember Brennan's comments on the Senior Center. He supports the populous of seniors who have spent their lives building this country and by the time they reach this stage of life, they should be taken care of.

Darlene Thompson thanked the Council for passing Agenda Bill No. 2459, the Senior Center location. She clarified that she talked to the Auburn Mayor and he stated that the YMCA and the seniors are not in conjunction with one another. He also mentioned that the City had given \$2.5 million for construction of the YMCA after Boeing donated the land. The City of Auburn received, from the \$2.5 million, 60 permanent memberships to be used by families that have children and not by the seniors.

CITY MANAGER'S COMMENTS: Assistant City Manager Ward mentioned that an Open House on Parks Capital Budget will be held September 17 at 12:30 p.m. at the NSTPCC.

CITY COUNCIL COMMENTS: Councilmember Fisher stated that SeaTac resident Marion Henry mentioned at the Administration and Finance (A&F) Committee Meeting that the City could be liable for the vacant City-owned property at South 188th Street and 36th Avenue South and the Hughes property, by leaving the sites open with no

CITY COUNCIL COMMENTS (Continued): trespassing signage. Councilmember Brennan stated that Assistant City Attorney Mark Johnson recommended this action for public safety.

Deputy Mayor Anderson mentioned that next to the Highline Historical Exhibits in the lobby is an interesting flyer on government facts. She invited everyone to pick one up and try to answer the questions.

Councilmember Shape reminded everyone to go out and vote if they have not already.

Councilmember Brennan mentioned that Council received a letter by a constituent encouraging the City to regulate motorized scooters and bikes, which can be purchased very inexpensively at a variety of stores. Some of these vehicles are being operated dangerously on roads and in neighborhoods. Other Cities are taking steps to regulate these vehicles for safety reasons. He suggested this issue be addresses by the Public Safety and Justice (PS&J) Committee Meeting.

Secondly, Councilmember Brennan mentioned that Mayor Hansen and he attended the Open House and Ribbon-cutting Ceremony of the new Madrona Elementary School held during school hours so the students could be in attendance. It was a wonderful event. The Highline School District had four new elementary school openings this week with two more in the design stage. He was pleased to see the electronic technology that is available to the students. He added that the diversity in students was definitely evident.

Councilmember DeHan, on behalf of the Council, congratulated Mr. Ward on the new addition to his family, a baby boy and his first grandchild.

Deputy Mayor Anderson mentioned that a 15-year-old Tyee High School student, DeShawn Smith, died September 7, 2004 of head injuries suffered during a football game on September 4, 2004. Memorial services will be held on Wednesday, September 15, 2004 at 11:00 a.m. at Mount Zion Baptist Church, 1634 19th Avenue, Seattle. She offered to drive some of the seniors to the services.

Mayor Hansen stated that City Hall has expressed its sorrow for this tragic loss to the Smith family and Tyee High School. Secondly, he stated that he attended the World Convention of Airport Chaplaincies. Chaplin John Oas presided over the event which was held at the SeaTac Double Tree Hotel with over 150 chaplains from around the world in attendance. Mayor Hansen added that Chaplin Oas deserves the City's gratitude for holding the event in SeaTac. He was presented with a proclamation of appreciation from the City. Mayor Hansen suggested that the H/M Tax Advisory Committee could become involved in supporting this program sometime in the future.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:31 P.M.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

September 28, 2004
6:30 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 6:43 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan. Absent: Councilmember Gene Fisher.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Craig Ward, Assistant City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Mark Johnsen, Assistant City Attorney; Kit Ledbetter, Bob Meyer, Fire Chief; Rich Knight, Fire Captain; Parks & Recreation Director; Curt Brees, Parks Operations Supervisor; and Scott Somers, Chief of Police Services.

FLAG SALUTE: (*The Flag Salute was performed at the preceding Study Session.*)

PRESENTATIONS:

•Confirmation of Mayoral Re-Appointments of Jacqueline Krutz and Mel McDonald to the Library Advisory Committee

MOVED BY DEHAN, SECONDED BY BRENNAN TO CONFIRM THE MAYORAL RE-APPOINTMENT OF JACQUELINE KRUTZ AND MEL MCDONALD TO THE LIBRARY ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Mayor Hansen read the certificates and thanked the re-appointees for their dedicated service to the City of SeaTac. Deputy Mayor Anderson presented the certificates to the re-appointees.

•Muscular Dystrophy Association (MDA) Presentation

International Association of Fire Fighters (IAFF) Local 2919 representative, Fire Captain Knight introduced Jean Allenbach, MDA District Director, who thanked the City for supporting the Fire Department's "Fill the Boot" drive for MDA. The department has been doing this since 1998 and this year, raised \$8,000. Out of the 16 King County (KC) Fire Departments in this drive, SeaTac Fire Department placed third in contributions received. They also help with MDA other events. Ms. Allenbach presented the Council with a Certificate of Appreciation for its support of MDA. She introduced the Michael Hirada family whose daughter, Danielle, a senior at Thomas Jefferson High School, Federal Way, has Spinal Muscular Atrophy diagnosed at 3 ½ years old. Mr. Hirada stated that the money raised helps support many programs, research, clinical services and purchase of needed equipment, such as power wheelchairs, as well as programs for the families to interact with other MDA families. He called attention to the one week MDA Summer Camp for kids six to 21 years of age. Danielle thanked the Council and Fire Fighters for all their support, and explained the importance of the summer camp for MDA kids.

Mayor Hansen thanked Danielle and the others for the enlightening information on this disease and the support given through such programs as the "Fill the Boot".

Fire Chief Meyer, speaking on behalf of Captain Knight and the Fire Fighters, thanked the Council for all their support of the Fire Department's program which the Fire Fighters perform during off-duty hours and for the support of this worthwhile program.

PUBLIC COMMENTS: George Olsen, 16804 33rd Avenue South, relayed an incident that happened on South 170th Street and 34th Avenue South. The driver, a woman, made a rolling stop at the intersection stop sign. As she approached South 169th Street, she saw a police officer's vehicle lights flashing and she pulled into the next available driveway. The Police Officer pulled up behind her car and wrote out a citation for running a stop sign. However, it ended up being a reckless driving citation. This person was unable to afford an Attorney so she was appointed on by the court.

The Officer stated in court that she appeared to be evading him. She admitted she did not stop for the stop sign but did not want a ticket. This act was in full disregard to pedestrians, vehicles and safety. However, her appointed Attorney did nothing to help her defend her case. Mr. Olsen stated he felt that is a sad situation.

Mayor Hansen stated that Police Chief Somers has heard Mr. Olsen's remarks and will investigate the incident.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$1,274,305.10 for the period ended September 20, 2004.
- **Approval of employee vouchers** in the amount of \$417,923.72 for the period ended September 15, 2004.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended September 24, 2004.

Approval of Council Meeting Minutes:

- **Study Session** held May 11, 2004.
- **Transportation & Public Works Committee Meeting** held September 7, 2004.
- **Land Use & Parks Committee Meeting** held September 9, 2004.
- **Administration & Finance Committee Meeting** held September 14, 2004.
- **Public Safety & Justice Committee Meeting** held September 14, 2004.
- **Regular Council Meeting** held September 14, 2004.

Acceptance of Advisory Committee Meeting Minutes:

- **Human Services Advisory Committee Meetings** held August 9 and 23, 2004 (Committee approved September 13).

The following Agenda Items were recommended at the September 28, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2461

A Motion authorizing the City Manager to execute an Interlocal Agreement (ILA) with the Port of Seattle (POS) concerning Building and Fire Code review for projects located within the jurisdictional boundaries of the POS and the City of SeaTac

Summary: This ILA is being proposed to develop a cooperative procedure for all stages of the permitting, construction and code enforcement processes for projects where both the POS and the City have responsibilities including, but not limited to, the Sound Transit Light Rail Guideway and Station. The ILA would require the POS and City to develop a process for cooperatively reviewing building plans, issuing permits and conducting inspections, and assigns primary responsibility for issuing administrative permits for non-aviation uses on POS-owned land to the City, consistent with provisions of the September 4, 1997 ILA between the POS and City.

Costs will be determined on a case-by-case project consistent with adopted applicable City permitting fees.

Agenda Bill #2463; Ordinance # 04-1014

An Ordinance amending Sections 1.15.120, 1.15.025, and 1.15.140 of the SeaTac Municipal Code (SMC), related to Code Enforcement

Summary: This Ordinance corrects minor inconsistencies in the SMC. First, the Ordinance corrects language that must be contained on a Notice and Order issued by Code Enforcement. Currently, SMC 1.15.120 requires the Notice and Order to state that a person has 10 days from the date of service in which to appeal the Notice and Order. However, Ordinance No. 01-1006 changed SMC 1.15.160 to reflect that a person has 14 days in which to appeal the Notice and Order.

Second, this Ordinance deletes a reference in SMC 1.15.140, that states that the service of a Notice and Order becomes effective on the date of postmark. This reference is unnecessary because the service of a Notice and Order is no longer dependant upon the date of postmark.

Third, this Ordinance clarifies that violations of SMC 7.40, the Garbage Code, are to be remedied through the Notice and Order procedures of Chapter 1.15. When SMC 7.40 was adopted by Ordinance No. 04-1007, the Ordinance did not specify how Code Enforcement was to remedy violations of the Garbage Code.

Agenda Bill #2458

A Motion approving the Second Amendment to Employment Agreement between the City Manager and the City of SeaTac

Summary: Bruce Rayburn has been the City Manager for the City of SeaTac since July 1, 2002. The contract currently specifies that the agreement shall be in full force and effect for an indefinite period of time until terminated. The Second Amendment of the Employment Agreement provides that the agreement shall be for a period of one year, commencing on July 1, 2004 and ending on June 30, 2005.

CONSENT AGENDA (Continued):

Agenda Bill #2458 (Continued): Councilmember Wythe stated that minutes of the September 7, 2004 Transportation and Public Works (T&PW) Committee Meeting Minutes reflect that the committee recommended approval of Agenda Bill No. 2462. Councilmember DeHan, Committee Chair, had noted that was not the case but the committee recommended discussion of this bill.

MOVED BY DEHAN, SECONDED BY WYTHE TO ACCEPT THE CONSENT AGENDA AS AMENDED TO REFLECT THAT THE SEPTEMBER 7, 2004 TRANSPORTATION & PUBLIC WORKS COMMITTEE MEETING MINUTES BE CORRECTED FROM COMMITTEE RECOMMENDED APPROVAL TO READ THE COMMITTEE RECOMMENDED DISCUSSION OF AGENDA BILL NO. 2462.

MOTION WAS UNANIMOUSLY ACCEPTED AS AMENDED.

NEW BUSINESS: There were no new business items.

PUBLIC COMMENTS: John Thompson, 2504 South 148th Street, requested Council reject Agenda Bill No. 2462 due to its contents.

Mayor Hansen stated this bill was sent to the Public Safety and Justice (PS&J) Committee.

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) Assistant City Manager Ward and he met with SeaTac's Lobbyist, Joe Daniels, yesterday in Olympia and had a good general discussion which he will write up in the City Manager's Update; and 2) a joint meeting of several City Managers to kick off a new forum in the Sea-Tac Airport area called "The New Highline Forum" is scheduled for Thursday, September 30 with the Airport Manager Mark Reese to discuss increased cooperation between the airport and invited Cities of Burien, Des Moines, Federal Way, Normandy Park and SeaTac. The purpose is as a follow up to the disbanding of the Airport Coalition Committee (ACC). The City of Burien has formally resigned as of the end of the September and the City of Des Moines has stated it will resign by the end of 2004 and/or when their outstanding bills owing to the ACC are paid. Consequently, the POS is attempting to improve relations with the Cities. In addition to the City Managers, there will be a formation to have an executive group of elected officials from the participating Cities. Mr. Rayburn stated he will keep the Council posted of the details of the joint meeting.

COUNCIL COMMENTS: Councilmember Wythe stated the Regional Cities forum is an excellent concept. He has had conversations with several surrounding Cities representatives proposing to work along those lines. Secondly, he thanked the Councilmembers for the introduction to a Budget Workshop. He appreciates their efforts and it is a pleasure to work with them.

Councilmember Shape commented on the information in the Friday Packet from Municipal Research and Services Center (MRSC) regarding the State regulating motorized scooters that are becoming more prevalent in this area. The Council has received three letters to date from residents complaining about these vehicles. This issue needs consideration in the near future.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:15 p.m.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

October 12, 2004
6:30 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 6:41 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Mark Johnsen, Assistant City Attorney; Kit Ledbetter, Parks & Recreation Director; Lawrence Ellis, Assistant Parks & Recreation Director; Tom Phillips, Building Official; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: (The Flag Salute was performed at the preceding Study Session.)

PUBLIC COMMENTS: Tracy Wythe, 14204 24th Avenue South, spoke on behalf of a non-profit workshop to provide for the needs of the deaf and hard-of-hearing children in this area. The Wythe's granddaughter is deaf and they have been attending classes in Signing Exact English (SEE). A Skillshop in SEE language is being given to parents, caregivers, teachers, and teacher's aides to study the SEE vocabulary and to do extensive work on additional signs, visual features of sign language, and song and storytelling techniques. The non-profit workshop is scheduled for Friday, October 22 through Sunday, October 25 at Park Lodge Elementary School in Lakewood. The Skillshop fell short of the projected amount (\$1,500) needed to support services in daycare and the Teen Skillshop. Mrs. Wythe made a request to the Council to provide \$500 to help fund these two services.

Deputy Mayor Anderson suggested Mrs. Wythe contact Marilyn LeMoine, a past SeaTac resident (now residing in Normandy Park) who taught at Bow Lake Elementary School for the hearing impaired and is involved in charity work for this cause. She stated she will contact Mrs. LeMoine.

Mayor Hansen suspended the rules to request a Council consensus to make a City appropriation of \$500 to this worthy cause. City Attorney Mirante Bartolo stated the rules can be suspended to do so subject to the legalities of gifting of public funds, which she will need to review and come back to Council with a legal ruling. Councilmember Wythe abstained from the consensus due to conflicting issues stated by Mrs. Wythe. Council consensus agreed to the action upon legal interpretation.

Councilmember DeHan suggested Mrs. Wythe contact Margo Mineard, a member of the City's Human Relations Advisory Committee. Mrs. Mineard has three sisters and one brother who are deaf and she could be of help to the subject cause.

PRESENTATION:

●2004 Art Exhibit Award Purchase

Mayor Hansen introduced the 2004 Art Exhibit Purchase Award winners and Assistant Parks & Recreation Director Ellis presented the monetary awards to: William Bond - "Warming Up"; Louis Anderson - "Flowers in Green"; Nola Tresslar - "Fate"; Tove PisaRelle - "Eleven Degrees"; and Chiyako Oka - "Cactus No. 4" and - "Cactus No. 5". Ms. Oka was not able to attend to receive her award. Each of the attending artists explained their style and individual method of creating their artwork.

This is the 8th year that the City has exhibited outstanding art from local and regional artists and as in previous years, jurors have been provided with a large variety of creative, original artwork in which to make their selections. This year, there were a total of 61 entries, which is an increase from previous years. This year's jurors were SeaTac residents Katherine Evans-Race and Nancy Bogni, each possessing extensive knowledge and experience in the art world.

The City currently owns 68 pieces of art and photography, located throughout City Hall and the North SeaTac Park Community Center (NSTPCC). The newly acquired artwork will be located in the new Public Works/Parks Maintenance Facility. Currently, the exhibit is being displayed on the 1st floor Courtroom Lobby and 3rd floor Entry Lobby for public viewing during business hours.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$1,137,491.40 for the period ended October 5, 2004.
- Approval of employee vouchers** in the amount of \$606,611.45 for the period ended September 30, 2004.
- Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended October 8, 2004.

CONSENT AGENDA (Continued):

Approval of Council Meeting Minutes:

- **Study Session** held September 14, 2004.
- **Budget Workshop II** held September 21, 2004.
- **Budget Workshop III** held September 28, 2004.
- **Study Session** held September 28, 2004.
- **Regular Council Meeting** held September 28, 2004.

Acceptance of Advisory Committee Meeting Minutes:

- **Planning Commission Meeting** held August 30, 2004 (Commission approved September 27, 2004).
- **Senior Citizen Advisory Committee Meeting** held August 19, 2004 (Committee approved September 16, 2004).

The following Agenda Items were recommended at the October 12, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2467; Ordinance #04-1015

An Ordinance granting a Five-year Extension to Comcast's Non-exclusive Cable Television Franchise and authorizing a Local Government Access Capital Equipment Fee

Summary: This Ordinance extends Comcast's non-exclusive cable television franchise for five years and authorizes Comcast to charge subscribers a monthly \$.25 fee to cover capital costs associated with establishing, operating and maintaining a government access channel.

In 1996, the City of SeaTac granted a 10-year, non-exclusive franchise to Comcast's predecessor, TCI, to operate a cable television system in the City, which was subsequently transferred to Comcast. As of August 2004, 5,947 SeaTac households subscribe to Comcast and gained access to various public, educational and government channels. SeaTac subscribers currently view City of Seattle programming on government access Channel 21, since the City of SeaTac is not providing local programming.

The City's franchise with Comcast includes several provisions supporting establishment of a local government access channel in the interest of improving public communication and outreach. Specifically, the franchise states that Comcast shall: 1) provide the City with one access channel capable of live broadcast; and 2) provide, reasonably maintain, and install the necessary equipment for local government cable-casting and such equipment shall not be less in quantity nor equivalent quality than stated in Exhibit A of the Ordinance. Since the original franchise was granted, technological advances have rendered the equipment listed in Exhibit A obsolete. The City is, therefore, requesting that Comcast provide a pass-through capital contribution of \$.25 per subscriber per month as Exhibit A's fair market value. This would generate an ongoing revenue stream of approximately \$115,700 over the six and a half year term of the extended franchise to be used exclusively to purchase equipment necessary to operate a government access channel and cover ongoing capital replacement costs. Additional funds could be generated by extending the fee over a longer period if subsequent franchise renewals are granted.

Operating costs are not reimbursable under the Comcast franchise. Estimated operating costs to manage a local government television channel range from none (using existing staff) to approximately \$78,200 per year (including benefits, furniture, office equipment and computer), depending upon the nature and scope of the City expectations for developing and managing cable casting services.

The franchise extension also provides that SeaTac will manage the local government channel 21 for 90 days after Comcast receives written notification from the City. The proposed budget to implement that capability will be addressed by the City Council through a separate action.

The fiscal impact is \$17,840 per year gross revenues generated for local government television channel capital purposes only.

Agenda Bill #2472

A Motion amending the acceptance of 2004 Local Law Enforcement Block Grant (LLEBG) Funds

Summary: The City has received notice from the US Department of Justice, Bureau of Justice Assistance (BJA) that it has once again been awarded LLEBG funding for fiscal year 2004. Notification of the grant award was received on July 31, 2004 and accepted on September 24, 2004. The City has 90 days to formally accept the

CONSENT AGENDA (Continued):

Agenda Bill #2472 (Continued): award or the funds will be de-obligated and distributed to other eligible agencies.

The LLEBG program is designed to help communities most impacted by crime to reduce crime and improve public safety. This grant award will reimburse the City 90 percent of its qualifying expenditures to a maximum of \$11,614. The grant requires the City to contribute matching funds of \$1,290 for a total of \$12,904.

Following acceptance of the grant, the City must take the following steps: 1) establish an advisory committee that will review the Police Department's recommended expenditures under the grant; 2) hold a public hearing at which the proposed expenditures and committee's recommendations shall be considered, along with any public testimony; 3) approval of expenditures by the City Council; and 4) qualifying expenditures must be made within 24 months of the date the City receives the grant funds.

The Police Department has submitted a decision card for appropriation of the qualifying expenditures in the 2005 Annual City Budget.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2462; Ordinance #04-1016

An Ordinance amending Section 1.15.025 of the SeaTac Municipal Code (SMC), and adopting new Sections 13.100.110 and 13.100.120 relating to Stop Work Orders and Unsafe to Occupy Orders to make violations of such Orders a Criminal Offense, and to authorize the issuance of Stop Work Orders for all Technical Code Violations

Summary: This Ordinance changes the penalty for violation of Unsafe to Occupy Orders and Stop Work Orders to a misdemeanor. The Building Division issues Unsafe to Occupy Orders when, in the opinion of the Building Official, a building or structure is unsafe or unfit for human occupancy. These orders, which are posted on the unsafe building or structure, state that it is unlawful for anyone to occupy these unsafe buildings. However, Building Division Staff does not have the ability to remove the occupants from the property, should someone continue to occupy an unsafe building. Instead, SMC 1.15.025 states that Code Enforcement must issue a Notice and Order (N&O), which only allows the imposition of civil penalties. In order to prevent unsafe and uninhabitable buildings and structures from being unlawfully occupied, staff believes that violation of an Unsafe to Occupy Order should be a misdemeanor, which could subject the violator to arrest, and thus physical removal from the property.

Similar to the Unsafe to Occupy Orders, SMC 1.15.025 provides that enforcement of Stop Work Orders is also done through the N&O procedures. Staff believes that violation of Stop Work Orders should also be a misdemeanor, which will allow for better enforcement should violators not comply with the Order.

Stop Work Orders are issued by the Building Official for serious violations of the Building Code, or when the construction is either dangerous or unsafe. Currently, the Building Official may only issue a Stop Work Order for non-compliance with some, but not all, of the Technical Codes adopted in Title 13. The Ordinance will authorize the Building Official to issue Stop Work Orders for violations of all Technical Codes adopted by Title 13.

Councilmember Fisher stated he would like to make an amendment to take the criminal penalties out, and stay with fines on Stop Work Orders by eliminating Section 3, Chapter 130.100.110 Sub-Para B, having to do with the criminal penalty for Stop Work Orders and leave the unsafe criminal penalties alone and hope that good judgment will prevail.

Councilmember Wythe stated he understood the Ordinance to be amended to a misdemeanor for occupying an unsafe structure and equipment. The concern is that when the City upgrades it to a misdemeanor, the law on this violation has to be examined closely. He stated he feels the language on this issue is vague and should be clarified in more depth.

NEW BUSINESS (Continued):

Agenda Bill #2462; Ordinance #04-1016 (Continued): Further Council discussion ensued as to the Public Works Code Enforcement and Police actions allowed with Stop Work Orders for unsafe structures as a civil offense and unlawful structures as a criminal offense.

Councilmember DeHan stated it was his understanding that this Ordinance also extends the use of Stop Work Orders to the other technical Codes such as grading electrical and mechanical, and so it would not be just Building Codes any longer to which Building Official Phillips agreed, adding part of that was for uniformity in treating all the Codes the same and eliminate creating separate procedures for the different Codes.

Assistant City Attorney Johnsen added that the penalties would still be the same for the N&O procedures with no criminal penalties attached.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ADOPT ORDINANCE NO. 04-1016.*

MOVED BY FISHER, SECONDED BY BRENNAN TO AMEND ORDINANCE NO. 04-1016 ELIMINATING 13.100.120 (B), MAKING IT A CRIME TO CONTINUE ANY WORK AFTER BEING SERVED WITH A STOP WORK ORDER.

UPON A ROLL CALL VOTE, AMENDMENT CARRIED WITH ANDERSON, SHAPE, BRENNAN, DEHAN, FISHER VOTING YES AND HANSEN AND WYTHE VOTING NO.

Deputy Mayor Anderson stated this item was discussed at the Public Safety and Justice (PS&J) Committee Meeting today and the committee agreed to recommend passing the first two issues and deal with the third issue separately.

*UPON A ROLL CALL VOTE, ORIGINAL MOTION CARRIED AS AMENDED, WITH BRENNAN, DEHAN, FISHER, AND ANDERSON VOTING YES, AND HANSEN, SHAPE AND WYTHE VOTING NO.

PUBLIC COMMENTS: There were no public comments at this time.

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) it was his pleasure to announce that Kristina Gregg, the City's Deputy City Clerk, has received her 1st level in achieving her Master Municipal Clerk's Certification through the International Institute of Municipal Clerks (IIMC) Association. Mrs. Gregg came to the City as a high school volunteer in 1992, and over the years, worked her way up to her present position as Deputy City Clerk; and 2) regarding Agenda Bill No. 2462, he stated his appreciation of Mayor Hansen's positive comments in reference to all City staff.

Councilmember Shape stated the Administration and Finance (A&F) Committee met today and the Position Vacancy Review Board (PVRB) recommended filling the position of Recreation Attendant which became vacant on October 1. The committee agreed that this position should be filled.

Councilmember Brennan echoed Mr. Rayburn's comments regarding Mrs. Gregg's achievement and asked for Council consensus to send her a congratulations letter signed by the Mayor. Council agreed to this action. Secondly, he stated his appreciation of Mr. Ellis; Lesa Ellis, Executive Assistant to the City Manager; Trudy Olson, Administration Assistant II; and Kathleen Cummings, Senior Programs Coordinator for the great work they did on the Volunteer Appreciation Luncheon held on October 11 at the North SeaTac Park Community Center. At least 95 of the 150 City volunteers attended and enjoyed the luncheon and awards ceremony. Five- and 10-year Certificates of Appreciation were distributed to volunteers who have served the City for these two periods.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:29 P.M.

MOTION CARRIED UNANIMOUSLY.

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

October 26, 2004
6:30 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Deputy Mayor Terry Anderson at 6:30 p.m.

COUNCIL PRESENT: Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan. Excused Absence: Mayor Frank Hansen.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Steve Butler, Planning Director; Holly Anderson, Senior Planner; Mike Scarey, Senior Planner; Kit Ledbetter, Parks & Recreation Director; Pat Patterson, Facilities Director; Bob Meyer, Fire Chief; Scott Somers, Chief of Police Services; and Greg Dymerski, Police Captain.

FLAG SALUTE: Betty Brennan, SeaTac resident, led the Council, staff and audience in the Pledge of Allegiance.

PRESENTATIONS:

•Certificate of Appreciation to Floyd and Doris Moe and Dave and Anita Torpey for their Contributive Efforts to the Beautification of the City of SeaTac

Deputy Mayor Anderson, on behalf of the Council and City at large, read the certificates of appreciation and presented them to the Moes and the Torpeys. She expressed appreciation of their diligent efforts in collecting litter during their daily walks.

Added Item:

•Reappointment of Joe Dixon to the Planning Commission

Upon the request from her fellow Councilmembers, Deputy Mayor Anderson stated her concurrence with adding the following item of business to the agenda: Council's consideration of the reappointment of Joe Dixon to the Planning Commission.

MOVED BY DEHAN, SECONDED BY FISHER TO REAPPOINT JOE DIXON TO THE PLANNING COMMISSION EFFECTIVE ON SEPTEMBER 13, 2004 FOR A TERM OF THREE YEARS.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Pat Carter, 3041 South 201st Street, submitted a second petition with more signatures requesting that the Hughes property on Angle Lake be preserved for a park. Secondly, she read a letter she submitted to the Highline Times but which did not appear in this week's paper so she read it publicly regarding the Hughes property at 19608 and 19616 International Boulevard (IB), south of Angle Lake Park. There has been discussion of a possibility of siting commercial shops, casino, condominiums or hotel on that site. A public meeting for the SeaTac Comprehensive Plan land change for the Hughes property will be held on Monday, November 1, 2004 at 6:00 p.m. at City Hall.

Joe Dixon, 1911 35th Avenue South, stated he spoke at the previous Study Session (SS) regarding the Wireless Communications Facilities (WCF) Code proposal which is on this evening's agenda for Council consideration. Mr. Dixon stated that although he approves of the Code as written, there were issues he would like considered in the vote regarding certain right-of-ways (ROWs) that he felt should not have underground WCFs for which he detailed.

Rick Lucas, Planning Commission (PC) member, 3425 South 176th Street, publicly thanked the Planning staff, especially Senior Planner Holly Anderson for their diligent work getting through this process. He continued with discussing the three options of hierarchy. He stated he felt it is not right to put the City as the top priority for these concealed WCF. These antennas were placed on sites prior to City incorporation. Several businesses have used this revenue to offset some of their costs. Mr. Lucas stated he prefers no preference given to the City or its ROWs. WCFs should be equally open to the public. Secondly, regarding the underground issue, the City has spent millions of dollars on IB and undergrounding was done on IB to help in the beautification of the City. This will eventually extend into the neighborhoods as time and funds are available.

Linda Snider, PC Chair, 18700 36th Avenue South, stated that earlier this month, she spoke with Mayor Hansen in which he stated he was considering some changes to the PC. At her request, the PC and staff are still working on clarifying the Codes and Ordinances with the commission's rightful name, Planning Commission. On behalf of the PC, she stated that the commission studies issues and documents diligently. The PC hopes the Council appreciates their efforts to be of service to the Council.

PUBLIC COMMENTS (Continued): Dick Jordan, 16060 Military Road South, publicly thanked the Moes and the Torpeys, on behalf of the McMicken Heights residents for their efforts to clean-up litter in that area of the City.

PRESENTATIONS (Continued):

•Proposed Wireless Communications Facilities (WCF) Regulations Amendments Presentation

Planning Director Butler stated that CityScape Consultants, Susan Rabold (who was unable to be at this meeting) and Rick Edwards have worked diligently in concert with the Planning staff on the Wireless Telecommunication's Master Plan and proposed WCF regulations.

Mr. Edwards proceeded with CityScape's objectives for the City, which is to make certain what the City ends up with is solid, reflects the desires of SeaTac and complies with the rules and regulations. The Master Plan examines the existing facilities in SeaTac and immediate surrounding communication sites that will impact the City. There are seven bands of frequencies in use in SeaTac by nine different providers. The Master Plan projects the future antenna locations based on the existing locations, including the possibilities of co-locations and implementation of future technology that will combine systems to minimize the number of towers and other types of WCF.

Nationwide, Cities are losing previously existing revenue. The Telecommunication Act of 1996 prohibited Cities from incurring any access fees for satellite systems. These systems are growing rapidly in communities, replacing cable systems which are excise taxes and fees to Cities. This is also true of wire telecommunication and cell phone systems. Wired systems will be outdated in 15-20 years, mainly because it is more expensive to maintain.

Mr. Edwards stated all the current carriers in the City were examined and none were found to be without signal problems at the six locations CityScape identified for WCF in the City. The six sites should suffice for the next 12 years. Without the Master Plan and proper planning, there would be as many as 45 new sites. The six sites are: Site A – Soccer Fields; Site C – Sunset Playfields; Site D – Fire Station 47; Site G – Bow Lake Park; Site K – Angle Lake Park; and Site N – Des Moines Creek (a later projected development).

He then detailed the different types of WCF that the City could choose to have in SeaTac. The development standards in the draft Ordinance created a siting hierarchy. A limitation of heights for the WCF were identified as well as the aesthetics, the equipment enclosures, the feed lines, the visual intensity of the sites, setbacks, landscaping, WCF in ROWs, equipment compound for maintenance of the sites, and other such elements of the new WCF.

Senior Planner Holly Anderson outlined the three options for the siting hierarchy for concealed facilities. Option One prioritizes City property, meaning a carrier must first try to locate on City property. If that is not a possibility, the second priority would be concealed attached to a building on private property. If that is not a possibility, the third option would be to place their facility in the ROW and the fourth option would be to place a concealed freestanding facility on private property. Option Two also prioritizes City property but within the categories of firstly, concealed attached, secondly, concealed co-location, and thirdly, concealed freestanding. CityScape pointed out that many of the sites that would be ideal locations are parks which would be freestanding due to few buildings to attach to. That is why Option One gives the most preference to City property, Option Two gives a slight preference and Option Three does not give any preference to City property, but rather by type of facility, concealed attached first, concealed co-location secondly, concealed free standing third and flush-mounted on existing non-concealed as the last priority.

Mr. Butler stated that staff and the majority of the PC members are recommending Option One and the minority of the members recommended Option Three.

Council discussion ensued with a majority in favor of Option One. Each Councilmember gave their view on this option.

Deputy Mayor Anderson stated there are residents who live in areas where the current towers are located and are not able to afford cable and are getting poor reception with antennas. She feels the City is doing what is best for the citizens by using the revenue to provide more services.

Mr. Butler stated that this issue will be brought back to Council at the November 9 Council Meeting. The Council received a copy of the draft regulations for their review. The Master Plan will be in their Friday Packet.

PRESENTATIONS (Continued):

Proposed WCF Regulations Amendments (Continued): Mr. Edwards stated the providers in the residential areas without good reception are obligated to fix that situation according to regulations. He added he will be glad to be of help to them in this matter.

Mr. Butler, on behalf of the City, publicly thanked Mr. Edwards for all his and Ms. Rabold's intense work on this complex project. Council concurred.

●2004 Final Docket of Proposed Comprehensive Plan (CP) Amendments

Mr. Butler stated, at Council's request of last year, staff has compressed the presentation on the proposed CP Amendments. Council were given copies of the 2004 CP Amendment Process, the proposed Land Use Plan Maps, and a detailed matrix of the Final Docket Staff Report which outlines a summary of each proposed amendment, how the amendment meets or does not meet the various criteria, and lastly, staff and PC preliminary recommendations.

Staff briefed on the CP Amendment Process as follows: the State requires major update of local CPs by December 1, 2004; Council adopted the Update Assessment Report on June 8 establishing the 2004 Amendment Work Plan; and the Council established the Final Docket of 2004 CP Amendments on July 27, 2004.

Mr. Butler outlined the five Map Amendment proposals to the Land Use Plan: 1) Hughes property proposed by residents to change from the current designation of Residential High Density to Park, and to rezone from Urban High-Urban Center Residential zoning category to Park; 2) Jordan property, located at 3725 South 160th Street, proposed by the property owner to change from Residential Low Density to Residential Medium Density; 3) Patterson property, located at 3712 South 188th Street, to change from Office Commercial Mixed Use to Residential Low Density; 4) Lutheran Community Services property, located at 4040 South 188th Street, proposed by property owner to remove square footage restrictions; and 5) proposed by the City and Port of Seattle (POS), to change the property located at north and west of South 160th Street and IB to accommodate Port Rental Car Facility from Commercial High Density to Airport Commercial. This change is tentative for this year to be proposed in 2005. There are 23 amendments to informational maps and 55 Text Amendments Staff is completing this process in order to meet the State requirements by December 1, 2004.

Also to be completed by December 1 are the Related Zoning Code Amendments to Accessory Dwelling Unit (ADU) regulations, in response to Growth Management Act (GMA) Buildable Lands legislation, Revised Code of Washington (RCW) requiring reasonable measures.

Staff Preliminary Recommendations: The Hughes Property: do not adopt; The Jordan Property still under consideration; All other Land Use Plan Map Amendments: adopt; Informational Map Amendments: adopt all; and Text Amendments: adopt all.

PC Recommendations: pending due to PC Public Hearing to be held on November 1 at 6:00 p.m. following an Open House at 5:00 p.m. The PC's recommendations will be included in Council's Packet prior to the November 23 Council Meeting.

The next steps are: 1) proposed amendments will be in the Mayor/Council Office for their review; 2) additional review at the November 9 SS and; 3) Council action scheduled for November 23 to meet State deadline to adopt by December 1.

●Legal Opinion regarding Gifting of Public Funds

City Attorney Mary Mirante Bartolo stated that at the October 12 Regular Council Meeting (RCM), the issue of gifting of public funds was discussed. During the Public Comment period, Tracy Wythe asked the Council for consideration regarding whether the City could make a donation of \$500 towards a local non-profit community group that would be holding a weekend Skillshop to teach hearing-impaired children and their parents or caretakers how to effectively communicate. There was a Council consensus to donation the \$500 subject to a legal opinion of the City Attorney. The State Constitution prohibits the gifting of money or property and the lending of credit except to support the poor or infirmed. An infirmity would suggest a disability such as being hearing impaired. Secondly, there is a definite public benefit to suggest appropriating this money in this matter. Specifically, it is a benefit to teach hearing-impaired children and their parents how to communicate with each

PRESENTATIONS (Continued):

Legal Opinion regarding Gifting of Public Funds (Continued): other as well as how to communicate with the community in which they live. Mrs. Mirante Bartolo stated she had a follow-up conversation with Mrs. Wythe on October 13 at which time she indicated that at least five people from the City were scheduled to attend the Skillshop. This provides the necessary nexus between the funds being donated and the City of SeaTac. Based upon this analysis, Mrs. Mirante Bartolo found it is legally permissible for the City to donate the \$500 for the intended purpose. She requested the above statement be put into the record for auditing purposes.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$1,035,809.39 for the period ended October 15, 2004.
- **Approval of employee vouchers** in the amount of \$468,134.57 for the period ended October 15, 2004.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended October 22, 2004.

Approval of Council Meeting Minutes:

- **Council Budget Workshop IV** held October 5, 2004.
- **Administration & Finance Committee Meeting** held October 12, 2004.
- **Public Safety & Justice Committee Meeting** held October 12, 2004.
- **Study Session** held October 12, 2004.
- **Regular Council Meeting** held October 12, 2004.
- **Land Use & Parks Committee Meeting** held October 14, 2004.

Acceptance of Advisory Committee Meeting Minutes:

- **Planning Commission Meeting** held September 27, 2004 (Commission approved October 11, 2004).

The following Agenda Items were recommended at the October 26, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2475

A Motion authorizing the City Manager to execute a Contract to employ an Architect for the New Senior Center Design

Summary: This Motion authorizes a contract with the architectural firm of David A. Clark Architects, PLLC to complete the new Senior Center design.

The Request for Qualifications (RFQ) was advertised in the Seattle Times and nine proposals were received. The RFQs were reviewed and the recommendation is to hire David A. Clark Architects, PLLC. The architectural, interior design and engineering fees for David A. Clark Architects, PLLC is not to exceed \$146,895 plus a 10 percent design contingency of \$14,689 for a total of \$161,584.

The City Council reviewed the proposed Senior Center budget at the Budget meetings September 28 and October 19, 2004. Staff is planning to return to the November 23, 2004 SS with completed schematic design and after receiving City Council approval, the architect will start on construction drawings.

The 2004/2005 Budget for the Senior Center has sufficient funds to pay for the Architect and Engineer (A&E) fees in an amount not to exceed \$161,584.

Agenda Bill #2470

A Motion authorizing the City Manager to enter into a Professional Services Contract with Stirbis and Sadler, LLC and the City for Jail Public Defense Services

Summary: This Motion authorizes the City Manager to enter into a Professional Services Contract between Stirbis & Sadler, L.L.C. and the City of SeaTac to provide public defense services to defendants held in-custody at the Regional Justice Center (RJC). The current contract expires at the end of 2004.

When a defendant is arrested by the Police, the defendant must make a court appearance in front of a Judge the next judicial day after arrest. The SeaTac Municipal Court conducts these hearings via a video teleconferencing system between the Court and the King County (KC) Regional Justice Center (RJC). At these hearings, which occur every Monday through Friday, the City is required to provide access to a lawyer under the United States Constitution and the Constitution of the State of Washington.

CONSENT AGENDA (Continued):

Agenda Bill #2470 (Continued): Currently, Stirbis & Sadler is receiving compensation of \$1,200 per month, and the proposed contract would increase the compensation to \$1,300 per month.

Agenda Bill #2471

A Motion authorizing the City Manager to enter into a new Contract with AllianceOne for Municipal Court Collection Services

Summary: The City has had a collection contract with AllianceOne Receivables, Inc. since 2002. AllianceOne seeks to modify their contract with the City.

The proposed contract reduces the collection fees charged by AllianceOne, from 24 percent to 19 percent on any new accounts assigned to their agency. This change will have no effect on the City, as the collection fees are paid by the defendant. The proposed contract also clarifies the fees charged by AllianceOne for payment plans established for defendants to pay their court fines.

Agenda Bill #2481; Ordinance #04-1017 *(Note: No agenda bill was prepared for this item.)*

An Ordinance repealing Ordinance No. 04-1015 granting Comcast of Washington IV, Inc., a Five-Year Extension to Comcast's Non-exclusive Cable Television Franchise Ordinance No. 96-1003

Summary: The Ordinance clarifies the need for this bill's action. In summary, by repealing Ordinance No. 04-1015, this Ordinance gives City Council time for greater consideration to renegotiate the terms of the Franchise Agreement.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2476

A Motion approving the Budget for the Senior Center Addition and increasing the Dollar Limit for Council approval for Construction Contracts on said Addition from \$5,000 to \$50,000

Summary: This Motion requests approval for a project budget for the Senior Center Addition of \$1,487,176. In addition, in order to expedite the project, it is requested that the dollar limit for Council approval on construction contracts for this project be raised from \$5,000 to \$50,000. This will allow for a saving in time and money. During the budget review, the Council was presented with the proposed concept for the Senior Center Addition to the North SeaTac Park Community Center (NSTPCC). A budget analysis was also presented. The project will use a Construction Manager format which will require several separate contracts. The time required to present all contracts to Council for approval at the regular bi-weekly meetings creates a burden on the project schedule. Staff will update the Council on a weekly basis of ongoing bids and contractor selection.

Mr. Patterson briefed on the above summary.

MOVED BY DEHAN, SECONDED BY SHAPE TO ACCEPT AGENDA BILL NO. 2476.*

Councilmember Fisher agreed with the requested amount of \$50,000 as it is difficult to operate a project when small expenditures have to be separately approved. He questioned whether Council has voted on doing this project. On Councilmember Wythe's behalf, he elaborated on the Council's policy that if staff time and money is involved, a Council information request needs to be submitted with the entire Council being aware of the request. It should have gone through the regular procedure.

MOVED BY FISHER, SECONDED BY DEHAN TO AMEND THE MOTION TO DELETE THE WORD, "ADDITION" IN THE MOTION TO BE REPLACED WITH THE WORD, "FACILITY". **

Councilmember Wythe questioned the square footage (s.f.) which Mr. Patterson stated was 4,800 s.f. Councilmember Wythe stated the first time he saw the Senior Center budget was at a Budget Workshop. Mr. Patterson stated this Agenda Bill is a request only on the financial aspect of the project. Councilmember Wythe was concerned that the facility to be designed fits the needs of the seniors. He wondered if there was a definitive poll of the Senior Citizen Advisory Committee. Mr. Patterson stated he had a meeting with the committee on the

NEW BUSINESS (Continued):

Agenda Bill #2476 (Continued): design of the kitchen and their concerns and what they wanted to happen. They are all aware of the plan. Based upon this information, Councilmember Wythe stated he is in favor of this Motion.

**AMENDMENT CARRIED UNANIMOUSLY.

*ORIGINAL MOTION CARRIED UNANIMOUSLY AS AMENDED.

PUBLIC HEARING:

Local Law Enforcement Block Grant (LLEBG) Program – Police

Deputy Mayor Anderson opened the Public Hearing at 8:06 p.m.

Police Captain Dymerski had presented the LLEBG program at the previous Study Session. There was no public input.

Deputy Mayor Anderson closed the Public Hearing at 8:08 p.m.

NEW BUSINESS (Continued):

Agenda Bill #2473

A Motion approving the expenditure of the 2004 Local Law Enforcement Block Grant (LLEBG) Funds

Summary: This Motion authorizes the City Manager to execute documents accepting fiscal year 2004 LLEBG funds from the US Department of Justice, Bureau of Justice Assistance (BJA) to purchase equipment, operations and training needed to support the following: 1) add additional less-lethal force equipment (Tasers) and associated equipment to continue the successful less-lethal program funded by past LLEBG Grants; 2) continue the wireless computer technology also previously funded with LLEBG Grants. Purchase additional Mobile Computer Networks (MCN); and 3) continued operation and support of the Active Shooter and Patrol (ASAP) Program.

The City received notice on July 31 from the BJA that it has once again been awarded LLEBG funding for fiscal year 2004. The City accepted the notice on September 24, 2004. The City has 90 days to formally accept the award.

The Police Department has submitted a decision card for the proposed 2005 annual budget of \$12,904 for equipment and training that improve the delivery of police services. The purchase of equipment and training is funded with \$11,614 in 2004 BJA grant monies and \$1,290 in General Fund revenues. The equipment and training is in direct support of the Police Department's 2005 Goals. The total purchase price will be appropriated in the Police Department's 2005 Budget.

The BJA requires that an Advisory Board Meeting and a Public Hearing be held to help determine how grant funds should be used. The Advisory Board Meeting was held October 12, 2004. The Public Hearing was held prior to this agenda bill.

Police Captain Dymerski briefed the Council on the above summary.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 2473.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Mr. Dixon questioned Agenda Bill No. 2469, regarding mural and mural signs, not being voted on. Deputy Mayor Anderson stated that item was removed from the agenda.

Linda Snider, 19700 36th Avenue South, requested that she be allowed to report the results of the PC Public Hearing at the November 9 RCM. City Clerk Cary stated Planning Director Butler may want to incorporate the PC's findings during staff's presentation on the 2004 Final Docket of the Proposed Comprehensive Plan on November 9.

Jon Ancell, 14629 29th Avenue South, questioned why the City does not have a Business and Occupation (B&O) Tax. He stated he felt the City is losing revenue from this source. Secondly, he questioned why there is no coffee pot or vending machine for the public at Council Meetings.

CITY MANAGER'S COMMENTS: City Manager Bruce Rayburn reviewed with Council the 2005 Budget Schedule for this date forth. The Preliminary 2005 Budget will be included in the Council's Packet this week as well as the approved decision cards. The 2005 Budget will be presented by the Finance Director at the November 9 SS with a Public Hearing on November 23. The proposed budget will be filed with the City Clerk's Office on Friday, October 29.

CITY COUNCIL COMMENTS: Councilmember Shape stated he agreed with Mr. Ancell about coffee for the public at Council Meetings.

Councilmember Wythe stated in the last 2005 Budget Workshop, Council turned down a Decision Card for three Firefighters for ambulance service. His concern is that the City has hired outside experts to work with Councilmember DeHan's Committee to examine this issue. The Fire Chief and Firefighters Union are suggesting that level of service. Councilmember Wythe added he would hope that Council takes time for discussion at the next RCM to discuss this issue in particular so that Fire Chief Meyer may detail the need for the additional Firefighters and Councilmember DeHan to give the committee's recommendation.

Upon a question posed by Deputy Mayor Anderson, City Manager Rayburn stated this decision card was denied. The Council decided at the Budget Workshop to move forward with the proposed levy in spring 2005 and include in it, the three Firefighters. Currently, it is not in the proposed budget.

Councilmember Fisher agreed with Mr. Ancell regarding the coffee issue.

ADJOURNMENT:

MOVED BY SHAPE, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING AT 8:17 P.M.

MOTION CARRIED UNANIMOUSLY.

Terry Anderson, Deputy Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

November 9, 2004
6:30 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Deputy Mayor Anderson at 7:37 p.m. *(This meeting had a late start due to the prior lengthy Study Session.)*

COUNCIL PRESENT: Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan. Excused Absence: Mayor Frank Hansen.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Julie Elsensohn, Senior Assistant City Attorney; Steve Butler, Planning Director; Jack Dodge, Principal Planner; Holly Anderson, Senior Planner; Mike Scarey, Senior Planner; Kit Ledbetter, Parks & Recreation Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: (The Flag Salute was performed at the prior Study Session.)

PUBLIC COMMENTS: Joe Dixon, 19211 35th Avenue South, referenced Agenda Bill No. 2469 regarding the definitions of murals and mural signs in this agenda bill. Mr. Dixon read a portion of the October 5 Planning Commission (PC) Meeting minutes on the issue of murals. He requested consideration of his view on the types of murals allowed. He felt murals should be an asset to the City, not a negative element, exemplifying the Safari Club which has large animal murals on three sides of its establishment.

Betty Brennan, 20021 35th Avenue South, referenced the discussion at the prior Study Session (SS) on the use of the Hughes property. She suggested another use for the property in which the community has a dire need for and that is a family-type restaurant. The residents and tourists would use it, the City would derive additional revenue, and there would be jobs for youths. There are only two other family-type restaurants in SeaTac.

Daryl Jordan, 4442 South 170th Street, spoke on the proposed amendment to the Comprehensive Plan (CP) on the Jordan property located at 3725 South 160th Street, to be changed from Single-Family to Residential Medium Density zoning. At the SS this evening, it was mentioned that 11 units might be placed on this land. He feels 11 units would not fit on this property. He stated he felt this property would cause the least traffic impact as it is 200 feet from Military Road/South 160th Street. It would be close to the highway and freeway, lessen neighborhood traffic.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$145,931.74 for the period ended October 22, 2004.
- **Approval of claims vouchers** in the amount of \$120,222.86 for the period ended November 5, 2004.
- **Approval of employee vouchers** in the amount of \$552,005.66 for the period ended October 31, 2004.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended November 5, 2004.

Approval of Council Meeting Minutes:

- **Council Budget Workshop V** held October 12, 2004.
- **Council Budget Workshop VI** held October 19, 2004.
- **Transportation & Public Works Committee Meeting** held October 26, 2004.

Acceptance of Advisory Committee Meeting Minutes:

- **Planning Commission Meeting** held October 11, 2004 (Commission approved October 25, 2004).
- **Planning Commission Meeting** held October 25, 2004 (Commission approved November 1, 2004).
- **Senior Citizen Advisory Committee Meeting** held September 16, 2004 (Committee approved October 21, 2004).

The following Agenda Items were recommended at the November 9, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2482; Ordinance #04-1018

An Ordinance amending the 2004 Annual City Budget for a variety of Capital Projects requiring Appropriation Authority

Summary: This budget amendment Ordinance increases both revenues and expenditures as detailed below to provide 2004 appropriation authority or additional appropriation authority for a number of capital projects previously approved by the City Council. This action is necessary to ensure that the City complies with State laws prohibiting any funds having expenditures in excess of the fiscal year appropriation authority. Corresponding revenue increase estimates complete the required amendments to record these activities.

CONSENT AGENDA (Continued):

Agenda Bill #2482; Ordinance #04-1018 (Continued):

Municipal Facilities CIP Fund (Fund 306)

It is recommended these amendments be funded with an operating transfer from the Municipal Capital Improvements Fund (Fund 301) as follows:

- 1) City Hall Construction/Remodel Completion – Three invoices were paid in early 2004 related to the work to remodel City Hall. One was for the retainage for the flooring contractor that was still working to remedy the carpet adhesive problems in the building. The other two invoices were for City Hall panic alarm strobes and sounders installed in January 2004 in the Police Department.
- 2) Public Works/Parks Maintenance Facility Construction Completion - \$250,000 was appropriated in the 2004 Budget for this project and \$173,172 of unspent appropriation from the 2003 Budget was carried forward to the 2004 Budget in March of this year, for an amended 2004 Budget total of \$423,172. Actual expenditures incurred in 2004 to complete this project were \$522,107. While the total project cost came in slightly under budget, this amendment is necessary to provide additional appropriation authority in the amount of \$98,935 for expenditures incurred in fiscal year 2004.
- 3) Senior Center Facility – The Council approved a \$1,487,176 budget for the Senior Center and authorized the City Manager to execute a contract to employ an architect for the project at the October 26, 2004 Regular Council Meeting (RCM). The architect intends to complete approximately one-third of the design work before the end of 2004, which is required to be paid from the 2004 Budget. This amendment would provide \$53,500 appropriation authority for 2004 which, when combined with the 2005 Preliminary Budget appropriation amount of \$1,433,700, results in a total project budget of approximately \$1,487,200 over the two fiscal years.

Municipal Capital Improvements Fund (Fund 301)

- 1) An operating transfer in the amount of \$193,000 to the Municipal Facilities Capital Improvement Program (CIP) Fund (Fund 306) to fund expenditures related to the City Hall Construction/Remodel, the Public Works/Parks Maintenance Facility Construction and the Senior Center projects, as indicated above.

Surface Water Management (SWM) Construction Fund (Fund 406)

- 1) Des Moines Creek Restoration Projects - The Cities of SeaTac and Des Moines, King County (KC), the Washington Department of Transportation (WSDOT) and the Port of Seattle (POS) entered into an agreement to address drainage, flooding, erosion and sedimentation, fish habitat degradation, and water quality problems throughout the Des Moines Creek Basin. SeaTac agreed to fulfill the duties of Treasurer for the Basin Committee, requiring the City to pay invoices for costs incurred on the various projects related to the Des Moines Creek Restoration and bill the other parties to the agreement for their contributions to the projects.

This budget amendment increases revenue estimates in the 2004 Budget by \$3,325,000, the amount anticipated that the City will bill and collect from the other parties before the end of 2004. This budget amendment also increases expenditures by \$2,106,647; the amount anticipated that the City will pay for costs related to these projects during 2004. The 2005 Preliminary Budget contains estimated revenue in the amount of \$9.6 million from the other parties to the agreement, and expenditures of \$10.6 million for the various projects.

Agenda Bill #2485; Ordinance #04-1019

An Ordinance amending the Classification and Compensation Plan for Non-Represented Employees of the City to provide a Cost of Living Allowance (COLA) for 2005

Summary: This Ordinance provides a COLA increase of 90 percent of the Consumer Price Index –Washington (CPI-W), Seattle-Tacoma-Bremerton index (2.25 percent) effective January 1, 2005 to non-represented employees of the City of SeaTac. This increase is the same as the increase granted by the current collective bargaining agreement to members of the American Federation of State, County and Municipal Employees (AFSCME), Local 3830 for 2005. Fire Department employees represented by the International Association of Fire Fighters (IAFF) also will receive an increase of 90 percent of the CPI-W (2.25 percent) effective January 1, 2005.

Ninety percent of the CPI-W for the Seattle region has been the COLA increase provided to both AFSCME and non-represented employees since 1993, in accordance with a policy that the two groups be treated equally.

CONSENT AGENDA (Continued):

Agenda Bill #2485; Ordinance #04-1019 (Continued):

The budget impact of the proposed COLA is approximately \$68,092. The cost of the COLA is budgeted in the proposed 2005 City budget.

Agenda Bill #2474; Ordinance #04-1020

An Ordinance adopting a New Chapter 2.80 to the SeaTac Municipal Code (SMC) related to Public Records and Disclosure

Summary: Revised Code of Washington (RCW) 42.17.260 requires the City to maintain and make available a current index of the City's public records unless the City adopts findings and issues a formal order specifying the reasons why maintaining such an index is unduly burdensome. Although the City has never created or maintained an index of all available public records, the City has always responded in a thorough and timely manner to all public disclosure requests.

Recently the City Attorney's Office created a written Public Disclosure Handbook to further assist staff in responding to public disclosure requests. Because the City is comprised of numerous departments who maintain separate recordkeeping and filing systems and numerous records are received or produced by the City daily, it would be costly and labor intensive to create and maintain a public records index. The City does not have to produce or maintain a public records index as long as findings are adopted and a formal order is issued and published specifying the reasons why and the extent to which compliance would be unduly burdensome or interfere with City operations. This Ordinance sets forth findings and issues an order declaring why maintaining such an index is unduly burdensome.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2477

An Ordinance amending the Zoning Code regarding Accessory Dwelling Units (ADU)

Summary: This Ordinance amends the City's standards for creating an ADU, by allowing more flexibility in use and creation of such units, and by adding development standards to address such issues as aesthetics, neighborhood compatibility, and parking.

Single-family zoning generally allows one main dwelling unit per lot. Many Cities also allow a single-family property to have an additional ADU, (sometimes called a "mother-in-law" unit). An ADU consists of additional living space, a separate kitchen, and a separate entrance. When allowed, such units are generally limited in occupancy, size and design, and are regarded as an advantage for homeowners, by allowing flexibility and affordability. Cities that allow ADUs usually require the property to be owner-occupied to help preserve neighborhood character.

SeaTac currently allows ADUs, but the regulations require that the ADU be contained within, or be significantly attached to, the primary dwelling, and limit occupancy to family members or employees of the household. The CP directs amendments to the provisions to allow flexibility while ensuring that appropriate design issues are addressed.

This Ordinance amends the existing regulations: 1) continue to require owner-occupancy, but would allow the owner to occupy either the primary residence or the ADU; 2) provide greater flexibility by removing the requirement that the ADU be occupied only by a family member or employee; 3) allowing units to be attached or detached, and by providing for a range of sizes; 4) provides specific standards for creating an ADU, including limits on the number of occupants, requirements for parking, entrance location, set backs, and lot coverage, whereas the existing ADU regulations do not address these issues; and 5) allows for registration of units to ensure that current and potential future owners are aware of the requirements.

The Ordinance reflects consideration of public comments received at a PC Public Hearing held on November 1, 2004. The PC recommended Option III with regard to on-site parking requirements which would remove all restrictions on tandem parking.

NEW BUSINESS (Continued):

Agenda Bill #2477 (Continued): Planning Director Steve Butler stated that staff reviewed Section B of 15.37.040 – Registration, to clarify the two options pertaining to registration of ADU. Option I would delete the second paragraph of sub-section B which outlines the consequences after 12 months if the owner of an unregistered ADU had not submitted an application. The intent is to make sure the unit, if created without permits, was brought up to minimum standards so it is safe for occupancy. Option II would basically delete all of sub-section B.

Council discussion and suggestions ensued as to the two options. The Council’s main concern was the issue of safety in the non-conforming ADUs.

MOVED BY SHAPE, SECONDED BY ANDERSON TO ADOPT THE ORDINANCE USING OPTION ONE.*

MOVED BY FISHER, SECONDED BY WYTHE TO AMEND THE MOTION TO DELETE SECTION 15.37.040 B IN ITS ENTIRETY.

AMENDMENT FAILED WITH A TIE VOTE.

*ORIGINAL MOTION FAILED WITH A TIE VOTE.

Councilmember Brennan added that this gives Council and staff time to examine this issue further and Council consider it at the November 23 RCM.

Councilmember DeHan thanked staff for bringing this ADU issue before Council. This has been a major step in trying to resolve this matter.

Agenda Bill #2469; Ordinance #04-1021

An Ordinance amending the Zoning Code clarifying the Parking Garage Standards within the City Center and creating New Definitions for “Mural” and “Mural Sign”

Summary: This Ordinance amends the Zoning Code to: 1) clarify a provision within the City Center Standards that limits the number of parking spaces for a “stand-alone” commercial park-n-fly structure to 300 spaces – the proposed amendment clarifies that the 300 spaces applies to one development site, not to individual parcels within a development; and 2) create new definitions for “Mural” and “Mural Sign” that distinguish a noncommercial “Mural” which is not subject to the Sign Code, from a commercial “Mural Sign” that is subject to the requirements of the Sign Code.

Parking Garage Standards: One of the goals of the City Center standards is to create a mixture of uses within the City Center. Given the proximity to the airport, commercial park-n-fly parking is currently one of the most dominant uses. In order to encourage a variety of uses, a limit was placed on the number of parking spaces within the City Center, and that number tied to the use on the property. The current regulations, however, stipulate that public or private commercial park-n-fly structures (as opposed to surface parking) are permitted up to 300 spaces as a “stand-alone structure.” Additional spaces may be added, only via the incentive method defined in SMC 15.35.950.

The intent of the proposed amendments is to avoid a proliferation of individual parking structures on one development site within the City Center. The proposed ordinance defines “stand-alone structure” and states that only one stand-alone parking structure shall be allowed per development site. A development site is then defined as the sum total of all parcels of property incorporated into the development at any point of time. This is intended to ensure that a development covering multiple parcels is allowed 300 spaces for the entire site, not per parcel.

Murals: A request was received by a local business for clarification of whether a “mural” was considered a sign and subject to the City’s sign code or not, since the current Zoning Code does not address murals. A definition is being proposed for “mural” that defines a painting on a building façade that is not of a commercial nature and does not include a business name. A separate definition is also being proposed for “mural sign” that describes a painting on a building façade that is of a commercial nature and does

NEW BUSINESS (Continued):

Agenda Bill #2469; Ordinance #04-1021 include a business name. A mural is not subject to the Sign Code, whereas a “mural sign” is subject to all aspects of the Sign Code, most notably the requirements that a maximum of 10 percent of a building façade be covered with signage.

Deputy Mayor Anderson stated she recommends separating the two issues into two agenda bills

Council and staff discussion ensued on the parking garage issue and the 300 parking space limitation and how this is not encouraging businesses to build in SeaTac. It was stated that parking garages, not surface parking lots, are what the City should be encouraging. .

Mr. Butler stated that the original intent of the Council was to allow 300 spaces for stand-alone structures. Beyond that other development could be built. The City Center is not trying to encourage more parking; it is trying to create more economic development, not necessarily tied directly to commercial park ‘n fly use. The proposal is for 300 spaces per development site. The Code currently states 300 spaces per stand-alone structure. This issue has come to the attention of at least one developer.

City Manager Rayburn suggested the Council not take final action on this issue until after the Hotel/Motel Tax Advisory Committee Meeting tomorrow with the SeaTac Economic Partnership (STEP) at which the Hovee Report will be addressed. The report details economic development for the City and part of the discussion will be parking structures.

Deputy Mayor Anderson suggested that this agenda bill be sent back to the Land Use and Parks (LUP) Committee which meets before the November 23 RCM. Council agreed.

Mr. Butler stated there was a request made to separate the Parking Garage Standards from the Mural and Mural Sign issue.

MOVED BY DEHAN, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 04-1021 PERTAINING ONLY TO MURAL AND MURAL SIGNS WITH THE TITLE CHANGED TO CREATING NEW DEFINITIONS FOR MURAL AND MURAL SIGNS*

Council discussion ensued as to the criteria allowed for murals.

*MOTION CARRIED WITH FISHER VOTING NO.

ADDED ITEM TO NEW BUSINESS:

Councilmember Brennan reiterated his suggestion to look at the decision card to consider adding three more Firefighters (FFs) to the Fire Department in 2005.

Council discussion ensued as to the issue of whether hiring three new Firefighters will affect the City’s ability to pass a levy or to use levy funds to pay for the three new FFs. City Manager Rayburn stated Council’s consensus at the last Budget Workshop was to not include that Decision Card in the approved Budget.

Deputy Mayor Anderson stated the Bow Lake Mobile Home Park residents are living on limited incomes and they are the ones that have the most demand of the Fire Department. The ambulance and medical care costs are too expensive for them and others in the City. It is imperative that the City hires the FFs now.

MOVED BY BRENNAN, SECONDED BY WYTHE TO APPROVE THE 2005 BUDGET FIRE DEPARTMENT DECISION CARD TO ADD THREE FIREFIGHTERS TO THE DEPARTMENT.*

Councilmember Fisher stated that: he has always recommended the City have its own ambulance service. Hiring FF staff now is bad timing when the City is trying to get a Bond Issue on the ballot. Bond Counsel has not given an opinion on this matter.

Councilmember DeHan stated that he does not think there has been a definitive answer from the Bond Counsel. Part of the recommendation put forward by the AdHoc Committee included transportation and an incremental step having a manned aid car at all Fire Stations with the understanding that there would be an offsetting revenue from the transportation charge.

MOVED BY BRENNAN, SECONDED BY WYTHER TO APPROVE THE 2005 BUDGET FIRE DEPARTMENT DECISION CARD TO ADD THREE FIREFIGHTERS TO THE DEPARTMENT.*

Fire Chief Meyer stated he feels confident Bond Counsel Nancy Neraas will tell Council that running a Bond for Fire Stations and a Levy for staffing at the same time is not appropriate. A Bond cannot be used for staffing. The decision card was to hire three FFs and this is separate from the Bond and Levy issues. The decision card was to hire the FFs to start offering ambulance service. The Public Safety and Justice (PS&J) Committee will review cost recovery for the ambulance transportation as recommended in the AdHoc Committee. He agreed with Deputy Mayor Anderson that these are decision card request and the Bond are two separate issues. The current ambulance service is too costly for most citizens and cannot give the same level of medical care the FFs are trained to do.

***MOTION CARRIED WITH WYTHER, ANDERSON, SHAPE, AND BRENNAN VOTING YES AND FISHER AND DEHAN VOTING NO.**

PUBLIC COMMENTS: Mr. Dixon reiterated his request that Council consider that murals be an asset to the City and not a negative sight. He recommended historical and cultural scenes and allowing the murals on one side of the building only.

CITY MANAGER'S COMMENTS: City Manager Rayburn had no comments at this time.

CITY COUNCIL COMMENTS: Councilmember DeHan stated he was pleased the FF issue has been discussed and voted on. It is about a \$.25 million a year from the Reserve Fund for 2005. He would like the City to move forward and address the balance of the AdHoc Report with PS&J Committee's recommendations to adopt the plan and build an even better Fire Department. Secondly, he visited the Huntington Beach, California Councilmember and former Mayor. He discussed an interesting article in their local newspaper prior to their Council Meeting, titled "Huntington Beach City Council Preview", with the agenda items to be discussed with a briefing on each topic. Additionally, there is a paragraph titled "What to Expect" with a small explanation of the different ways the Council could vote on each item. He suggested this be considered for SeaTac Council Meetings.

Councilmember Shape, Administration and Finance (A&F) Committee Chair, stated at today's committee meeting today, the Position Vacancy Review Board (PVRB) made a recommendation for hiring Seasonal Recreation Leader I and II positions for the 2004 and 2005 School Programs. These positions provide supervision for a variety of programs in the Parks Department. The A&F Committee recommended the position with City Manager approval.

CITY COUNCIL COMMENTS (Continued): Councilmember Fisher mentioned again for Council consideration, to add the Microsoft Exchange Program to replace the current antiquated system.

Deputy Mayor Anderson stated she spent November 6, at the Lion's Club Parade in Auburn for the Veterans of War. It was a well attended event. It is the largest Veterans' event west of the Mississippi and seventh largest in the Nation. There were Veterans from WWII War through the Iraq War. She added that Congress voted themselves a raise of \$188,000 a year when service personnel are living on food stamps. Secondly, she mentioned the City won the Chairman's Award for the infrastructure improvements that the City has accomplished over the last 13 years. Thirdly, she stated the Pioneers' Meeting with the Historical Society was held November 8 at City Hall. In attendance were historians of the local area who detailed events of the past.

ADJOURNMENT:

MOVED BY BRENNAN, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:51 P.M.

MOTION CARRIED UNANIMOUSLY.

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

November 23, 2004
6:30 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 6:35 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, and Joe Brennan. Excused Absence: Councilmember Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Craig Ward, Assistant City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Mike McCarty, Finance Director; Steve Butler, Planning Director; Mike Scarey, Senior Planner; Kit Ledbetter, Parks & Recreation Director; Pat Patterson, Facilities Director; Bob Meyer, Fire Chief; and Doug Reynolds, Police Crime Prevention Officer.

FLAG SALUTE: (The Flag Salute was performed at the preceding Study Session.)

PRESENTATIONS:

●Certificate of Appreciation to Linda Snider for her service to the Planning Commission (PC)

Mayor Hansen read the certificate and Deputy Mayor Anderson presented the document to Mrs. Snider. Mayor Hansen thanked Mrs. Snider for her valuable contribution to the PC.

●Council Confirmation of Mayoral Appointment of Richard Jordan to the Planning Commission (PC)

MOVED BY FISHER, SECONDED BY BRENNAN TO CONFIRM THE MAYORAL APPOINTMENT OF RICHARD JORDAN TO THE PLANNING COMMISSION EFFECTIVE JANUARY 1, 2005.

MOTION CARRIED UNANIMOUSLY.

Mayor Hansen read the certificate and Deputy Mayor Anderson presented the document to Mr. Jordan.

Councilmember Brennan commented on Mr. Jordan's extensive service to the City. Mr. Jordan said he has volunteered his services for years for the City and is happy to be serving on the PC to help SeaTac prosper as a community-active City.

PUBLIC COMMENTS: Jim Miller, YMCA Regional Director, 1907 NE 32nd Street, Renton, gave a brief update on the YMCA project to be located in SeaTac. He stated METRO/King County (KC) is sending out a press release tomorrow stating KC Councilmember Julia Patterson announced that the Highline YMCA secured \$100,000 in the METRO/KC 2005 budget in order to take the next steps to build a new facility in SeaTac by 2009. As part of the contract, there is an Advisory Committee which includes City staff – Pat Patterson and Kit Ledbetter; two YMCA representatives and two YMCA volunteers. The first meeting was held October 6 and the next meeting is set for December 7. Mr. Miller further detailed the next steps for a project cost of \$13 million for a two-story building. The committee is in the process of recruiting 100 volunteers to help with the project.

Mayor Hansen, on behalf of the Council, stated this is good news and added he will personally thank Councilmember Patterson.

Linda Snider, 18700 36th Avenue South, speaking as a citizen, commented on some areas of the Comprehensive Plan (CP) Amendments. 1) Map Amendment No. 1 – urged Council to reconsider the Hughes property being made into a park combination library, restaurant; 2) Map Amendment No. 2, the Jordan property - after reviewing the layout of the two adjoining properties having Residential Medium Density Land Use Designation with a potential of Urban High (UH) 900 zoning, she feels the City will be holding Mr. Jordan back with a UH3600, with the incompatibility of the adjoining properties; and 3) thanked Council for allowing her to serve on the PC. She complimented the Planning staff. Their relationship has grown the most during difficult issues.

Pat Carter, 3041 South 201st Street, thanked the Council for taking into consideration for the Hughes property to be designated a park and she also agreed a library would be an asset to a park. Mrs. Carter turned in more petition signatures for a total of 674.

Mayor Hansen thanked Mrs. Carter for her citizen involvement.

CONSENT AGENDA:

- Approval of claims vouchers in the amount of \$626,841.46 for the period ended November 10, 2004.
- Approval of employee vouchers in the amount of \$415,741.08 for the period ended November 15, 2004.

CONSENT AGENDA (Continued):

Approval of Council Meeting Minutes:

- **Regular Council Meeting** held October 26, 2004.
- **Administration & Finance Committee Meeting** held November 9, 2004.
- **Public Safety & Justice Committee Meeting** held November 9, 2004.
- **Regular Council Meeting** held November 9, 2004.

Acceptance of Advisory Committee Meeting Minutes:

- **Library Advisory Committee Meeting** held August 31, 2004 (Committee approved November 9, 2004).
- **Planning Commission Meeting** held November 1, 2004 (Commission approved November 15, 2004).

The following Agenda Items were recommended at the November 23, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2480

A Motion accepting the Preliminary Design and authorizing the Architect to proceed with Construction Drawings and Specifications for the New Senior Center

Summary: At the October 26, 2004 Regular Council Meeting (RCM), the City Council approved to retain David A. Clark Architects, PLLC, as the architect for the new Senior Center. Since that time, many hours have been spent refining the plan and meeting with user groups. The schematic design is now complete and staff is seeking Council approval for the architect to begin construction drawings. Mr. Clark gave a presentation on the schematic design and answered Council questions.

The 2004/2005 Budget for the Senior Center has sufficient funds to pay for the architect and engineering fees in an amount not to exceed \$161,584.

Agenda Bill #2483; Ordinance #04-1022

An Ordinance tentatively establishing the 2005 Ad Valorem Property Tax Levy

Summary: Initiative 747, approved by the voters on November 6, 2001, limits annual property tax increases to the lower of one percent or inflation, defined by the implicit price deflator (IPD). The IPD for 2005 is 2.387 percent, resulting in all regular property tax levies being limited to an increase of one percent over the previous year, excluding new construction and State-assessed property valuation increases. The 2005 Preliminary Budget is based on a property tax revenue estimate in conformance with the provisions of I-747.

As of November 16, the KC Assessor's Office has not certified assessed valuations, nor will they provide an exact date for this information to be released. However, a tax levy amount must be filed with the KC Assessor and KC Council by December 3, and staff plans to submit an estimated amount which represents the Assessor's estimate of the maximum allowable levy for 2005. Staff recommend that this levy Ordinance be adopted, which levies that amount, \$9,480,260 for 2005, due to the fact that later revisions can only reduce, not increase, the tax levy amount. The City Council will be required to revise the tax levy amount downward at the December 14, 2004 RCM once certified assessed valuations are received.

Agenda Bill #2477; Ordinance #04-1023

An Ordinance amending the Zoning Code regarding Accessory Dwelling Units (ADU)

Summary: This Ordinance amendment on ADU would allow more flexibility in use and creation of ADU by adding development standards to address such issues as aesthetics, neighborhood compatibility, and parking.

Single-family zoning generally allows one main dwelling unit per lot. Many Cities allow a single family property to have additional ADU. An ADU consists of additional living space, a separate kitchen, and a separate entrance. When allowed, such ADU are generally limited in occupancy, size and design, and are regarded as an advantage for home-owners, by allowing flexibility and affordability. Cities that allow ADU usually require the property to be owner-occupied to help preserve neighborhood character. The City of SeaTac currently allows ADU, but the regulations require that the units be contained within, or be significantly attached to the primary dwelling, and limit occupancy to family members or employees of the household. The CP directs amendments to the provisions to allow flexibility while ensuring that appropriate design issues are addressed.

CONSENT AGENDA (Continued):

Agenda Bill #2477; Ordinance #04-1023 (continued): The amendments continue to require owner-occupancy, but would allow the owner to occupy either the primary residence or the ADU. The amendments also provide greater flexibility by removing the requirement that the ADU be occupied only by a family member or employee, by allowing units to be attached or detached, and by providing for a range of sizes. The Ordinance also provides specific standards for creating ADU, including limits on the number of occupants, requirements for parking, entrance location, set backs, and lot coverage, whereas the existing ADU regulations do not address these issues. Finally, the amendments allow for registration of units to ensure that current and potential future owners are aware of the requirements. These amendments reflect consideration of public comments received at the November 1, 2004 PC Public Hearing. The PC recommended Option III of the Ordinance with regard to on-site parking requirements. Also, the Ordinance contains two options with regard to registration of existing ADU. Option I, staff recommendation, requires that illegally created ADU be registered with the City, requires an affidavit stating that at least one of the units is owner occupied, and requires that the ADU be brought up to Building Code standards within 12 months, but removes the monetary penalties that were in the previous draft of the Ordinance. Option II removes all of the requirements in Option 1. The Council decision was to adopt Option III with regard to on-site parking requirements, and to adopt Option I with regard to registration.

Agenda Bill #2456; Ordinance #04-1024

An Ordinance adopting the 2004 Comprehensive Plan (CP) Amendments

Summary: State law allows Cities to amend local CPs one time annually. The 2004 amendments are proposals from staff and the public, both to the text of the CP document and to the CP Land Use Map.

By Resolution No. 97-001, the City Council authorized the Planning Department to implement procedures for amending the CP, which provide for consideration of proposed amendments for the 2004 calendar year in two stages. The recommended amendments were evaluated according to the preliminary and final docket criteria.

The City's procedures for amending the CP include completion of State Environmental Policy Act (SEPA), review by the City Attorney, and consideration of public testimony by the PC in a Public Hearing.

SEPA review (SEP04-00004) of the CP amendments was completed October 22, 2004. The amendments reflect consideration of public comments received at a PC Public Hearing held on November 1, 2004. The PC made its recommendation about the amendments on November 15, 2004.

The four Map Amendment proposals to the Land Use Plan are: 1) Hughes property, 19620 International Boulevard (IB) proposed by residents to change from the current designation of Residential High Density to Park, 2) Jordan property, located at 3725 South 160th Street, proposed by the property owner to change from Residential Low Density to Residential Medium Density; 3) Patterson property, located at 3712 South 188th Street, to change from Office Commercial Mixed Use to Residential Low Density; and 4) Lutheran Community Services property, located at 4040 South 188th Street, proposed by property owner to remove square footage restrictions. There are also 23 amendments to informational maps and 55 Text Amendments. Staff is completing this process in order to meet State requirements by December 1, 2004.

The PC and staff concur on the recommendations, except in the following cases: Map Amendment No. 2, (Jordan property) staff and PC recommended approval but with a different potential zone; and Text Amendment No. 27, the PC and staff submitted different alternative language about Interim South Access. The PC recommendations are unanimous except where noted in the final docket. It is recommended that the Council adopt the Ordinance, as recommended by staff.

Adoption of the Ordinance will have no fiscal impacts to the City beyond those identified in the Capital Facilities Element, except for the following: Map Amendment No. 1 (Hughes property), the capital costs are estimated at up to \$1.3 million, and the costs of operation and maintenance are estimated at up to \$112,500 annually, depending on the scope of improvements made to the new park. Therefore, this Map Amendment was not included in the 2004 CP Amendments. This property will be further discussed in the coming year.

CONSENT AGENDA (Continued):

Agenda Bill #2478; Resolution #04-016

A Resolution confirming the Appointment of Stephen K. Causseaux Jr. by the City Manager as the City Hearing Examiner and Donald B. Largen as Hearing Examiner Pro-Tem

Summary: Ordinance No. 90-1045 established the Hearing Examiner system, which is now codified at Chapter 1.20 of the SeaTac Municipal Code (SMC). Section 1.20.030 provides for appointment by the City Manager, subject to Council confirmation, of the Hearing Examiner, to serve for a term of two years. Additionally, Section 1.20.060 provides for appointment by the City Manager, subject to Council confirmation, of the Hearing Examiner Pro-Tem.

The City requested proposals for Hearing Examiner services, and six proposals were received. Staff interviewed the six potential candidates. Based on those interviews and subsequent observation of hearings conducted by the top two candidates and reviewing relevant experience, Staff made a recommendation to the City Manager that Stephen K. Causseaux, Jr. be appointed as the City Hearing Examiner, and that Donald B. Largen be appointed as Hearing Examiner Pro-Tem. The City Manager concurred in that recommendation, both for a term of two years.

Agenda Bill #2479

A Motion authorizing the execution of a Professional Services Contract between Stephen K. Causseaux, Jr. and the City for Hearing Examiner Services, and between Donald B. Largen and the City for Hearing Examiner Pro-Tem Service

Summary: This Motion authorizes entry into a Professional Services Contract between Stephen K. Causseaux, Jr. and the City for Hearing Examiner services and between Donald B. Largen and the City for Hearing Examiner Pro-Tem services, both for a term of two years pursuant to Ordinance. Additionally, SMC 1.20.060 allows for the appointment of a Hearing Examiner Pro-Tem, to serve when the Hearing Examiner is unable to do so.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS:

•Considering a Development Agreement with SeaTac Airport Parking, LLC; L&R Investment Company; and 18613 International, LLC.

Mayor Hansen opened the Public Hearing at 6:52 p.m.

Planning Director Butler gave a background briefing of the subject property. He then proceeded to give an overview of the draft development agreement on property located on the site of the former Airport Plaza Hotel, Liquor Store, Convenience Store, Pizza Hut and an existing Park 'n Fly parking lot. Mr. Butler explained that new surface parking lots are not a permitted use within the City Center. Instead, they are only allowed as an interim use if three requirements are met which are specified in the SMC which he detailed: 1) the time limit is set in terms of how long the property can be used as a parking lot before it converts to a different use; 2) there is a Master Plan that is prepared and committed to showing what the interim parking lot will look like when the time period is up; and 3) a development agreement is entered into that would meet the requirements but also impose additional conditions that may be needed as determined by the City Council.

In terms of timing, the staff and applicant have had discussions on this property for over a year in general terms.

A presentation was made to the Council by staff and applicant on March 30, 2004, requesting Council's decision as to whether to proceed with a development agreement. Council directed staff work on a draft document. Given that direction, the applicant submitted their application on August 13, 2004. Once it was determined to be complete, staff and applicant entered into negotiations which resulted in the draft development agreement. No action is being requested this evening. The schedule is tentatively set so that the Council could take action at the December 14, 2004 RCM.

Mr. Butler detailed the sections of each of the two phases of the development agreement. The applicant is committing to construct a 20,000+ square feet of mixed-use set of buildings on the subject property. The interim surface parking lot is also referenced in Phase I. There is an existing Park 'n Fly lot with 222 existing spaces with

PUBLIC HEARINGS (Continued):

Development Agreement (Continued): additional spaces for a total of 420 parking spaces. Also, as part of Phase I and II are a public open space and a plaza to include a water feature. The agreement specifies deadlines are met. In terms of termination and penalty provisions for Phase I, if the schedule is not met and there are good faith efforts made, the agreement terminates and only the existing 220 spaces would continue to be used, the rest of the site would need to be secured and could not be used for surface parking. In Phase II, the proposed agreement has a provision that states the design is for three separate garages and if certain conditions were met, it could be combined into one parking structure. The City's standards require small amounts of ground floor retail or mixed-use on several faces, basically on frontal of major streets. Given the fact that 24th Avenue South is intended eventually to not be a public street, the agreement proposes having the retail space on the eastern side of the garage facing IB. There is an expectation that the POS and/or Sound Transit will acquire some of the property to be used either for combination of new POS roadways and/or for the alignment of the light rail system Sound Transit proceeds in the future further south beyond the airport and SeaTac City Station. If these factors are to transpire, the City and the applicant will discuss the feasibility of moving forward with the parking structures and the remaining property. If it is not economically feasible for the applicant, the agreement terminates. Within 180 days after the land is acquired by the POS and/or Sound Transit, the applicant would need to proceed to construct the parking garage. If this does not happen, the Development Agreement indicates that no later than seven years after the issuance of the building permits, they would have to start with the construction. If they have not started with Phase II within the deemed time period, the interim surfaces spaces construction would terminate and there would be an assessment of a \$1 million penalty.

Anne Lawler, Attorney for the applicant, L&R Investment Company, 999 3rd Avenue, Seattle, gave a brief overview of the proposed project. Mrs. Lawler thanked Mr. Butler and the City staff for their thorough work on this detailed project. It is their hope this process will bring a good development to the City of SeaTac.

Joe Lumar, L&R Investment Company, Principal, Ed Simon and Greg Close Manager of Pacific Asset Advisors, a Commercial Real Estate Broker firm in Bellevue, and Susan Jones, a Seattle architect for the project, briefed on their specifics of the proposal they have undertaken.

Ms. Jones stated she has been working closely with the development team on this project for a couple of years and for the last six months, the team has been working on the details of the proposed development project, working closely with the City's Code to ensure the City's Parking Garage Standards are met and the development compliments IB and the City as a whole. Ms. Jones further briefed on the two phases specifically detailing the project's construction of the mixed-use complex, two-story retail stores, six or seven level garage, vehicle and foot traffic egress/ingress access, lighting and landscaping constructed to hide from view the garage from IB.

Mr. Close explained some of the options for the property with types of uses, focusing on residents and their needs with a sense of community. SeaTac is surrounded by other communities with retail that is much needed in the City. Quality and creditable retail owners are important to serve both residents and travelers.

Council discussion and questions ensued with staff and development representatives answering their concerns such as the traffic flow on IB, garage limitation of 300 parking spaces per structure per development site, the seven-year time period for building the final structures, POS and Sound Transit's potential property acquisitions and equal fairness to all developers.

Mayor Hansen stated this proposal seems to be a worthy one and one that will improve and benefit IB and the City of SeaTac residents and travelers.

Linda Snider had two comments: 1) ingress and egress will probably be deadly. Crossing IB from hotels to the proposed development will not be practical; and 2) she has been opposed to this development from the start. The project does not address the concerns of the residents. City Center retail is what is needed. The citizens want retail in their neighborhood and this would be achieved with development of the City Center Main Street concept.

Elmer Gentry stated he owns the property just south of the proposed development. Currently, the property is an eyesore in the City. It is too valuable for small neighborhood stores. He added that this proposed development would be an asset to the community.

PUBLIC HEARINGS (Continued):

Development Agreement (Continued): Mayor Hansen stated this has been a productive discussion and staff will be back at the December 14 RCM for final discussion and Council consideration of this development agreement.

Mayor Hansen closed the Public Hearing at 8:04 p.m.

● **Establishing the 2005 Annual City Budget**

Mayor Hansen opened the Public Hearing at 8:05 p.m.

Finance Director McCarty presented the City Council with the Preliminary 2005 Annual City Budget at the November 9 Study Session (SS). This evening, he reviewed the 2005 Budget process; the various fund balances, property tax levy estimate and General Fund highlights on the budget, specifically new positions and Human Services program funding increase from one to one and one-half percent. This is the first increase since incorporation. Mr. McCarty also briefed on other City Fund highlights and the 2005 preliminary budget totals. A proposal to change from Novell GroupWise to Microsoft Exchange for the City's email platform at a cost of \$11,000 was requested by Council. He reviewed the advantages and disadvantages of the changeover.

Deputy Mayor Anderson stated her appreciation of Mr. McCarty's presentation on the budget process as being very thorough and understandable.

Mayor Hansen agreed with Deputy Mayor Anderson's comment, adding he felt the whole budget process was very thorough, however, he stated he will be voting no on the adoption of the 2005 budget due to the addition of three Fire Fighters (FFs) for ambulance service. He explained his reasoning. In the last two years, six FFs have been added while the rest of the staff has made every effort to try to keep the costs under control. He complimented staff for doing their part in reducing expenditures again this past year. Medical costs are high but it is not the Council's job to take care of medical expenses, that is up to the insurance companies and the costs are a Federal Government issue.

Councilmember Fisher stated he would be voting no as he made a campaign promise not to vote for a budget where the revenue exceeds expenditures as the 2005 budget does.

Councilmember Wythe stated he is not pleased that the City is spending more than it is taking in but the City is sitting on taxpayers' money. Drawing down on some of the projects is the Council's responsibility. As for the level of Fire services, the documentation shows the need to increase the staffing to meet the Fire Department Master Plan needs. Also, being next to a major airport, it would be wise to have a fully operating FF staff.

Councilmember Brennan stated the City's General Fund recovery plan anticipated drawing down fund balance in 2004 by \$2 million and now it is projected to be \$1 million to the good by year-end. As the Hotel/Motel (H/M) Tax Advisory Committee Chair, he stated he keeps informed on economic affairs of the City's main industries and these businesses are reporting good activity.

Mr. McCarty stated the City is collecting \$500,000 more in sales tax than anticipated.

Councilmember Brennan continued by stating all three Fire Stations need to be replaced. Adding the three new FFs now is wise if the City is to follow the Master Plan. Eventually, the City plans to increase the staffing by 16 FFs. The community needs the service. The three FFs will test the City's ability to handle the ambulance service. Since most of the FFs came in at the same time, many of them will be retiring at the same time and the City needs to build its level to the needs of the community.

Linda Snider commented that she would like to commend the Council for hiring of the three FFs and as Councilmember Brennan stated, these are not all the City needs. Secondly, she opposes the part-time maintenance worker for the botanical garden which she thought was all to be volunteer work. The H/M Tax Advisory Committee funded a part-time worker to help out the botanical garden because of lack of volunteers. Now, this committee is not funding this position which will be funded out of the General Fund. Mrs. Snider stated she feels it is being added for additional coverage for the Japanese Garden which she has been opposed to from the beginning.

Mayor Hansen closed the Public Hearing at 8:35 p.m.

NEW BUSINESS:

Agenda Bill #2452; Ordinance #04-1025

An Ordinance establishing the 2005 Annual City Budget

Summary: The City Council and staff have been working on preparation of the 2005 Annual Budget since July. Six Council Budget Workshops have been conducted and the 2005 Preliminary Budget document, detailing funding recommendations for the 2005 Annual City Budget, was filed with the SeaTac City Clerk on October 29, 2004 and also distributed to the Council.

The 2005 Budget documents the decisions made by the Council in its detailed budget review during the fall of 2004, presenting the City's resources as well as its programs and priorities in allocating those resources. These programs are necessary to protect the community's physical security and enhance the quality of life for all its citizens. It is designed to enhance the level of City services that support a healthy, secure, safe and livable community, while at the same time protecting the fiscal integrity of the City.

The 2005 Budget assumes the use of approximately \$1,024,300 of the projected \$18.5 million General Fund beginning fund balance at January 1, 2005. This amount is \$24,300 more than the \$1 million projected for 2005 in the recovery plan recommended at the May 2003 Council Retreat. The Council's target fund balance of four months of operating expenditures will be preserved with this budget, as the projected ending fund balance at December 31, 2005 will still exceed the Council's target of \$7.5 million by \$9.7 million.

The 2005 Budget recommends no significant reduction in service levels or staffing and no new taxes. General Fund operations continue to be supported by a property tax rate well below the statutory limit and without the implementation of several revenue sources available to Washington Cities, such as a Business and Occupation (B&O) Tax or a Utility Tax (six percent allowed by law). Other funds, such as the Surface Water Management (SWM) Fund, are self-supporting as they are intended to be. Capital programs continue to be funded without significant debt.

The 2005 Budget anticipates a few increases in service levels for General Fund operations. New positions in the 2005 Budget include three additional FFs, a part-time position in the Municipal Court, an Information Technology (IT) Technician split between Finance & Systems and the Fire Department, a Geographic Information System (GIS) Technician, a GIS Intern, a part-time Food Preparation Specialist to assist with senior meals, an eight-month Seasonal Maintenance Worker position in the Parks & Recreation Department, and an Administrative Assistant II in the Public Works Engineering Division. The last position will be funded 25 percent in the General Fund and 75 percent split between the Transportation Capital Improvement Plan (CIP) Fund and the SWM Utility Fund.

The 2005 Budget proposes total City-wide expenditures of \$55.8 million, of which \$23.3 million represents capital projects related to equipment and vehicle replacement, park improvements, transportation improvements, SWM projects, and construction of a new Senior Center Facility. \$10.7 million of these capital costs are for projects related to the Des Moines Creek Restoration, for which the City of SeaTac is acting as the Treasurer. Revenue received from the Port of Seattle (POS), the Washington State Department of Transportation (WSDOT) and the City of Des Moines will pay for substantially all of the expenditures for these projects. The fund balance of the City's 22 funds at December 31, 2005 is projected to total \$48.5 million. Preparation of a six-year CIP is integrated in the annual budget preparation process, ensuring that attention is given to the long-term capital needs of the City.

The proposed budget for 2005 provides for total City revenues of \$50,896,177 and expenditures totaling \$55,834,673, resulting in projected fund balances at December 31, 2005, in the amount of \$48,511,416.

The City is required to adopt a 2005 Budget by December 31, 2004.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 04-1025.*

UPON A ROLL CALL VOTE, MOTION CARRIED WITH WYTHER, ANDERSON, SHAPE AND BRENNAN VOTING YES AND FISHER AND HANSEN VOTING NO.

MOVED BY FISHER, SECONDED BY BRENNAN TO INCLUDE THE MICROSOFT EXCHANGE FOR THE CITY'S EMAIL PLATFORM AT A COST OF \$11,000 TO THE 2005 CITY BUDGET.

NEW BUSINESS (Continued):

Agenda Bill #2452; Ordinance #04-1025 (Continued):

MOTION CARRIED UNANIMOUSLY.

*UPON A ROLL CALL VOTE, THE AMENDED MOTION CARRIED WITH WYTHE, ANDERSON, SHAPE AND BRENNAN VOTING YES AND FISHER AND HANSEN VOTING NO.

ADDITIONAL ITEM TO NEW BUSINESS:

Councilmember Fisher stated he would like to request adding an inclusion to the Sign Code Ordinance which was brought to the Public Safety and Justice (PS&J) Committee Meeting to have rules included in the Code regarding safety by environmental design. The committee agreed that the City was not going to target businesses to take their advertising signs out of their windows that are inside their establishment. Councilmember Fisher requested that businesses with signs in their window be allowed, especially on the south end of the City where there is construction on IB.

City Manager Rayburn replied that businesses' with signs in their windows, primarily those affected by construction on IB, all enforcement of the Sign Code Ordinance will be halted during this construction period.

Councilmember Fisher agreed to this but wanted this issue to go further, allowing all businesses' advertising signs in their windows.

City Manager Rayburn recommended that this issue be sent back to the PS&J Committee for reconsideration.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Bruce Rayburn had the following items of business: 1) City Hall will be closed November 25 and 26 for Thanksgiving Day and the day after; and 2) The City has acquired defibrillators for the City facilities and staff training will start tomorrow.

CITY COUNCIL COMMENTS: Councilmember Wythe stated he has been meeting with representatives from M&M Finishers dealing with their cargo containers on IB. He added his appreciation for the Planning and Legal Departments and the Building Division for their assistance on trying to resolve this situation.

Deputy Mayor Anderson stated she met her new neighbor, who is from another country, who stated SeaTac is a friendly community and he is pleased to be living here.

Councilmember Shape stated KC's cutting the testing of small lakes from their budget, affects Angle Lake. He spoke with the two volunteers who have tested the water for KC for many years and they are pleased the City plans to fund a contract to continue the water testing service.

Councilmember Brennan reminded everyone that the City Tree Lighting Ceremony is being held on Thursday, December 2 at 6:30 p.m. at City Hall.

Mayor Hansen mentioned the Employees' Diversity Award Banquet is being held on Friday, December 3 at the SeaTac Hilton Convention Center.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:49 P.M.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

December 14, 2004
6:30 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 7:02 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Kristina Gregg, Deputy City Clerk; Mary Mirante Bartolo, City Attorney; Steve Butler, Planning Director; Kit Ledbetter, Parks & Recreation Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: (The Flag Salute was performed at the preceding Study Session.)

PRESENTATIONS:

●Introduction of new Hearing Examiner Steve Causseaux

Mayor Hansen introduced Hearing Examiner Steve Causseaux. Mr. Causseaux was appointed as Hearing Examiner at the November 23, 2004 Regular Council Meeting (RCM). He will begin providing services to the City in February 2005. Mr. Causseaux is a partner in the Law firm of McCarthy, Causseaux & Rourke. He has 22 years of experience as a Hearing Examiner, working for Pierce County, Kitsap County, the Cities of Federal Way and Sumner, as well as numerous other Cities. His other experience included serving as the Pierce County Deputy Prosecuting Attorney and working with the US Army Judge Advocate General's Corps at Fort Lewis. Mr. Causseaux attended the University of Tennessee where he received his Bachelor of Science Degree in History in 1965 and a Doctor of Jurisprudence Degree in 1967. He is married with four adult children.

Mayor Hansen, on behalf of the Council welcomed Mr. Causseaux to the City.

Mr. Causseaux stated that he is excited to work with SeaTac and is impressed with the staff he has met.

●Appointment of Linda Snider to the Civil Service Commission

Mayor Hansen read the Certificate of Appointment of Linda Snider to the Civil Service Commission appointed by City Manager Bruce Rayburn. Deputy Mayor (DM) Anderson presented the document to her.

●Plaque of Appreciation to Scott Somers, Chief of Police Services

Mayor Hansen read the plaque and proclamation and DM Anderson presented the documents to him. Chief Somers thanked Council for the opportunity to serve the City.

DM Anderson stated that Chief of Police Services Somers has been promoted to assist the new King County (KC) Sheriff.

Council and City Manager Bruce Rayburn expressed their appreciation of Chief Somers.

PUBLIC COMMENTS: There were no public comments.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$1,134,789.67 for the period ended November 24, 2004.
- Approval of claims vouchers** in the amount of \$2,410,965.30 for the period ended December 3, 2004.
- Approval of employee vouchers** in the amount of \$555,626.71 for the period ended November 30, 2004.
- Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended December 10, 2004.

Approval of Council Meeting Minutes:

- Study Session** held October 26, 2004.
- Land Use & Parks Committee Meeting** held November 18, 2004.
- Transportation & Public Works Committee Meeting** held November 23, 2004.
- Regular Council Meeting** held November 23, 2004.

Acceptance of Advisory Committee Meeting Minutes:

- Human Services Advisory Committee Meetings** held September 13, October 11 and 25, 2004 (Committee approved November 9, 2004).
- Senior Citizen Advisory Committee Meeting** held October 21, 2004 (Committee approved November 18, 2004).

CONSENT AGENDA (Continued):

The following Agenda Items were recommended at the December 14, 2004 Study Session for placement on this Consent Agenda:

Agenda Bill #2493; Ordinance #04-1026

An Ordinance granting a Five-Year Extension to Comcast's Non-exclusive Cable Television Franchise, and authorizing a Local Government Access Capital Equipment Fee

Summary: In 1996, SeaTac granted a 10-year, non-exclusive franchise to Comcast's predecessor (TCI) to operate a cable television system in the City that was subsequently transferred to Comcast. As of August 2004, 5,947 SeaTac households subscribe to Comcast and gained access to various public, educational and government channels. SeaTac subscribers currently view City of Seattle programming on the government access channel, Channel 21, since SeaTac is not providing local programming.

The City's franchise with Comcast includes several provisions supporting establishment of a local government access channel in the interest of improving public communication and outreach. The franchise states that Comcast shall: 1) "...provide the City with one access channel capable of live broadcast..."; and 2) "...provide, reasonably maintain, and install the necessary equipment for local government cable-casting..." and such equipment "...shall not be less in quantity nor equivalent quality than those listed in...Exhibit "A"..." of the franchise.

Since the original franchise was granted, technological advances have rendered the equipment listed in Exhibit A of the Comcast franchise obsolete. The City is requesting that Comcast provide a pass-through capital contribution of \$.25 per subscriber per month as Exhibit A's fair market value. This would generate a total value of approximately \$108,587 over the extended term of the extended franchise to be used exclusively to purchase equipment necessary to operate a government access channel and cover ongoing capital replacement costs. Comcast will provide an up-front capital contribution of \$24,304 to support the City's first planned purchase phase of equipment. Over the remaining term of the Franchise, Comcast will pass-through the balance of the capital account to the City to support the City's future planned purchase phase(s) in the same manner until either the City is fully satisfied with the operational level of the government channel and seeks no further equipment purchases, maintenance and equipment replacement up to a maximum amount of \$108,587, or until that total amount has been expended. Additional funds could be generated by extending the fee over a longer period if subsequent franchise renewals are granted.

Operating costs are not reimbursable under the Comcast franchise. Estimated operating costs to manage a local government television channel range from none (using existing staff) to approximately \$78,200 per year (including benefits, furniture/office equipment and computer), depending upon the nature and scope of City expectations for developing and managing Cablecasting services. The proposed budget to implement that capability will be addressed by the City Council through a separate action.

Agenda Bill #2490; Ordinance #04-1027

An Ordinance repealing SeaTac Ordinance No. 04-1022 and setting the 2005 Property Tax Levy and Rate

Summary: On November 23, 2004, Council approved Ordinance No. 04-1022, tentatively establishing the amount to be levied in 2005 by taxation on the assessed valuation of property in the City. This action was necessary because the City was required to submit its 2005 property tax levy to KC by December 3, 2004. The tentative levy amount of \$9,480,260 was the maximum allowable levy using the implicit price deflator (IPD), as estimated by the KC Assessor's Office at that time.

Initiative 747, approved by the voters on November 6, 2001, limits annual property tax increases to the lower of one percent or inflation, defined by the IPD. The IPD for 2005 is 2.387, resulting in all regular property tax levies being limited to an increase of one percent over the previous year, excluding new construction and State-assessed property valuation increases. The 2005 budget was adopted on November 23, 2004, based on a property tax revenue estimate in conformance with the provisions of I-747.

Prior to I-747, Council approved reductions in the property tax levy rate, foregoing additional revenues that would have resulted if the rate had been maintained at the maximum of \$3.10, as many Washington Cities did.

CONSENT AGENDA (Continued):

Agenda Bill #2490; Ordinance #04-1027 (Continued): On December 7, 2004, the City received certification of assessed valuations for 2005 from the KC Assessor's Office. SeaTac's 2005 total assessed valuation is \$3,417,097,289. This amount represents an increase of 4.33 percent as compared to the 2004.

Agenda Bill #2484; Resolution #04-017

A Resolution ordering the cancellation of Outstanding Municipal Checks

Summary: The City has a number of stale (over one year old) checks that need to be cancelled. Revised Code of Washington (RCW) 39.56.040 requires that stale checks be cancelled by Resolution. The Finance Department has made every reasonable attempt to resolve these outstanding checks and has been successful in some cases. However, 16 checks still remain unresolved. The Finance Department will annually follow this process.

Once the City cancels these outstanding items, the amounts will be returned to the respective funds they were originally drawn against. The total amount of these cancelled checks is \$4,660.33.

Agenda Bill #2495; Ordinance #04-1028

An Ordinance amending the 2004 Annual City Budget for Miscellaneous Items

Summary: This Ordinance increases both revenues and expenditures as detailed below to provide additional 2004 appropriation authority for various items. This Ordinance is necessary to ensure that the City complies with State laws prohibiting any funds having expenditures in excess of the fiscal year appropriation authority.

Municipal Facilities Capital Improvement Plan (CIP) Fund (Fund 306): Two projects in Fund 306 require an additional 2004 budget amendment. It is recommended these amendments be funded with an operating transfer in the amount of \$53,650 from the Municipal Capital Improvements Fund (Fund 301) as follows: 1) City Hall Construction/Remodel Completion – One of the contractors on this project, Emerald Aire, Inc., finally billed the City for the \$9,344 retainage due to them; and 2) Public Works/Parks Maintenance Facility Construction Completion – The retainage amount due to the contractor, Commercial Structures, has been held pending completion of a lien release from one of the subcontractors on this project. The total retainage amount due is \$160,000, of which \$115,694 has been paid by the City and held in an escrow account at Wells Fargo Bank and will be released by them to Commercial Structures. The remaining \$44,306 will be paid directly to Commercial Structures by the City.

Municipal Capital Improvements Fund (Fund 301): An operating transfer in the amount of \$53,650 to Fund 306 to fund expenditures related to the City Hall Construction/Remodel and the Public Works/Parks Maintenance Facility Construction projects as indicated above.

Equipment Rental Fund (Fund 501): Vehicle operating and maintenance costs, primarily due to fuel price increases, are estimated to exceed the budget. A budget increase for this fund in the amount of \$10,000 is recommended to offset these expenditures and to provide a contingency for the remaining operation and maintenance costs for 2004.

Agenda Bill #2491; Ordinance #04-1029

An Ordinance amending Title 13 of the SeaTac Municipal Code (SMC) allowing Five-story, Wood Framed Buildings

Summary: The City has adopted the International Building Code (IBC) as a major component of its Building Code. The IBC limits most wood framed buildings to 60 feet in height and a maximum of four stories. State law allows Cities to amend the IBC provided the standards are not lessened. Therefore, if an additional story is allowed, other Code provisions should be required so Code standards are not lessened. This Ordinance amends the City's Building Code to allow wood-framed buildings to be five stories in height if additional Code requirements are provided for. Those additional Code requirements are: 1) building equipped throughout with an approved automatic sprinkler system; 2) building equipped with a complete, approved fire alarm and detection system; 3) fire sprinkler alarm system provided with annunciation for each floor; 4) building to not exceed 60 feet in height; 5) vertical exit enclosures shall be smokeproof enclosures; 6) special inspection is provided for the lateral support portion of the structural system; and 7) building must comply with all other applicable provisions of SMC Title 13.

CONSENT AGENDA (Continued):

Agenda Bill #2491; Ordinance # 04-1029 (Continued): With the exception of item No. 5, most of the provisions are already required in most cases and would not significantly impact the cost of construction. Item No. 5 requires the stairs to be in smokeproof enclosures. Smokeproof enclosures are intended to insure that the enclosed stairways of the building remain smokefree for the occupants to exit. This is accomplished by providing positive air pressure in the stair enclosures to prevent smoke from entering the stairs. It is expected the cost of a smokeproof enclosure to be approximately \$10,000 per stairway. There are typically two stairways in each building.

Under the current Code, a five-story building must be constructed out of steel and concrete and would cost approximately \$5.4 million if it had 10,000 square feet per floor. A typical five-story, wood-framed building of the same size would cost approximately \$4.5 million for a savings of almost \$1 million. Although this Ordinance will require an additional expense of \$20,000 per building to construct the smokeproof enclosures; it is a relatively small percentage and is easily offset by the overall lower cost of wood-framed construction. Allowing five-story, wood-framed construction will provide a more economical method to develop urban property.

Agenda Bill #2492

A Motion authorizing the City Manager to execute a Consultant Agreement with Reid Middleton, Inc. for the Des Moines Memorial Drive (DMMD) South and South 156th Street Intersection Improvement

Summary: The DMMD South and South 156th Street Traffic Signal Upgrade is identified on the City's Transportation Improvement Program (TIP). Staff is requesting approval to contract with a consultant to provide project development services including preparation of detailed plans, specifications and estimates required to bid and construct the project.

This project will be coordinated with the Port of Seattle's (POS) work at this intersection. The POS is developing the east leg of the intersection and relocating the existing span wire traffic signal. The design work for this project will need to be done on a fast track basis to allow the conduits for the new traffic signal to be installed prior to the POS repaving the east half of the intersection in early summer of 2005. Due to the fast tract nature of the project, and since the estimated cost of the design is less than \$100,000, City staff selected a designer from the Consultant Small Works Roster. Reid Middleton, Inc. was selected based on their qualifications, experience on similar projects, and previous performance for SeaTac. Staff negotiated the scope and fee with Reid Middleton. The Consultant Services Agreement includes base mapping, right-of-way (ROW) acquisition, coordination with the POS and the City of Burien, traffic signal design, channelization design of the west leg of the intersection, preparation of construction contract documents, and assistance with the bidding of the project.

The amount paid is not to exceed \$52,741 without prior authorization from the City. The City is funding 100 percent of the project cost to be paid from the Transportation CIP Fund (307) which has a budget of \$80,000 in 2005 for this project.

Agenda Bill #2494

A Motion approving the purchase of Vehicles and Equipment for 2005

Summary: The 2005 Annual Budget includes a \$348,600 appropriation in the Equipment Rental Fund for 2005 scheduled vehicle and equipment replacements. This Fund has accumulated sufficient funds from the user departments over the useful life of the equipment to finance their replacement. All equipment is scheduled replacements of existing equipment to be purchased within budget limitations. The equipment will be purchased from the State contract and will not be received until 2005.

This Motion authorizes the purchase of one flatbed truck, seven pickup trucks, two sedans, one sloopmower, one plate compactor, one flatbed trailer, one pressure washer, and one top dresser, all included in the 2005 budget.

Agenda Bill #2486; Resolution #04-018

A Resolution authorizing the City Manager to enter into a Development Agreement between the City and SeaTac Airport Parking, LLC; L&R Investment Company; and 18613 International, LLC.

Summary: SeaTac and the property owners (Developer) propose to enter into a Development Agreement that will allow phased development of the Developer's property. The property consists of three contiguous parcels located at 18445, 18601, and 18613 International Boulevard (IB). Phase I will include retail development along IB, along

CONSENT AGENDA (Continued):

Agenda Bill #2486; Resolution #04-018 (Continued): with public open space and a public water feature, demolition of the old Airport Plaza Hotel and installation of interim surface parking for up to seven years. Phase II development will replace the interim surface parking with a structured garage or garages and additional retail. If Phase II is not developed within the timeframes stated, the Developer shall pay a \$1,000,000 penalty.

In order to provide flexibility, to permit creativity of design, style, and technique, and to provide for phased development and interim uses, Development Agreements may be entered into by and between the City and property owners or developers pursuant to RCW and SMC, provided that the terms of any such Development Agreement shall be generally consistent with the purposes and standards of the Comprehensive Plan (CP) and development regulations in existence.

This agreement will be in the best interests of the Developer and of the public and will provide demonstrable public benefit.

The City and Developer recognize that the POS and Sound Transit have both stated that they may want to acquire a portion of Developer's property for the development of the POS South Access Road or for the construction of light rail facilities. If either the POS or Sound Transit institute condemnation proceedings against the property, then the City and the Developer shall meet to discuss how the Phase II development can be reasonably modified to develop an economically feasible project and accomplish the purposes of the City Center standards. If the project becomes economically unfeasible, as agreed to by both the Developer and the City, then the Development Agreement shall terminate and all interim surface parking, other than the 222 grandfathered stalls, shall cease.

The Developer shall submit for the initial Phase II permits within 180 days after the POS or Sound Transit complete acquisition of the property, but in no event later than seven years after the building permits have been issued for Phase I. Construction for Phase II shall commence within 18 months after issuance of the permits and be completed within 24 months.

In the event the Developer does not timely apply for permits for Phase II or timely commence construction or timely complete construction, the Development Agreement will terminate and the Developer will pay \$1,000,000.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2468; Resolution # 04-019

A Resolution adopting the Wireless Telecommunication Facilities (WTF) Master Plan

Summary: This Resolution adopts a WTF Master Plan, the purpose of which is to provide background research and information regarding existing and potential future wireless communication facilities (WCF) within the City.

The Master Plan was prepared by the City's consultant, CityScape, to show the City's existing wireless infrastructure, and to illustrate how new facilities will be needed in certain areas over time as population and usage of wireless phones increase. As usage increases, certain public properties, such as parks and fire-stations, could provide locations to fill these emerging coverage needs.

The purpose of such an analysis is to provide decision-makers with a sense of how City properties could be used in the wireless network in the future, and to support the proposed City policy of encouraging location on such properties where possible.

The Master Plan also provides a history of cellular and personal wireless technologies, as well as the U.S. government policy that created licenses for a set number of providers over two different spectrums (800 mhz and 1900 mhz). The plan also shows how that the requirements of each spectrum differ and illustrates how factors in the City, such as topography and population, influence the location needs of carriers. This background is helpful in understanding the future needs and locational requirements of the industry that must factor into the public policy of where facilities are allowed.

NEW BUSINESS (Continued):

Agenda Bill #2468; Resolution # 04-019 (Continued): While more coverage will be needed in residential areas in the future, some City properties are well-placed to provide such needed locations.

Councilmember (CM) Fisher stated that this issue started out as a cosmetic approach to make sure these towers were not offensive to citizens. The City got a consultant, and went a step further and asked how the City can make money off this. Staff did a great job of disguising these towers, which was the number one issue. However, he stated he feels that the City is trying to monopolize a lucrative industry because it cannot be taxed outright. He stated he would be voting against this issue.

Council discussion ensued as to the possibility of SeaTac monopolizing a lucrative industry. It was stated that this does not monopolize the industry, but is an opportunity for the money to come to all of the citizens instead of the utilities or an individual business or property owner.

MOVED BY BRENNAN, SECONDED BY SHAPE TO ADOPT RESOLUTION NO. 04-019.

MOTION CARRIED WITH FISHER VOTING NO.

Agenda Bill #2455; Ordinance #04-1030

An Ordinance repealing the Zoning Code's existing Chapter 15.31 and adopting a new Chapter 15.31A regarding Wireless Communication Facilities (WCF)

Summary: This Ordinance amends the Zoning Code's regulations regarding WCF. The City originally adopted its Code regarding wireless facilities in 1997. Last year, the City adopted interim regulations restricting wireless facilities in residential areas and ROW, due to concerns that trends in the wireless industry would bring more wireless facilities into neighborhoods, and that existing regulations were not sufficient to ensure that neighborhood character was maintained. After substantial research and with the assistance of a consultant, the proposed regulations have been developed to replace both the interim standards, and the remainder of the original SMC Chapter 15.31 regarding wireless facilities.

The process for development of the proposed regulations involved several joint Council/Planning Commission (PC) workshops with CityScape Consultants, Inc. extensive review by the PC, a public hearing, and meetings with providers. The proposed regulations contain several features that are different from the City's original standards as stated in the Ordinance.

MOVED BY ANDERSON, SECONDED BY SHAPE TO ADOPT ORDINANCE NO. 04-1030.*

Planning Director Butler stated staff is recommending adoption of this Ordinance, clarifying that adoption would be choosing Option No. one under the siting hierarchy section of the proposed regulations.

Council discussion ensued as to the siting hierarchy options. Mr. Butler stated that Option One is recommended for many reasons including the fact that the City will have more control of the towers if they are on City property.

MOVED BY WYTHE, SECONDED BY FISHER TO ADOPT ORDINANCE NO. 04-1030 DELETING OPTION NO. ONE AND ADDING OPTION NO. TWO.

UPON A ROLL CALL VOTE, MOTION FAILED WITH ANDERSON, SHAPE, HANSEN, BRENNAN, AND DEHAN VOTING NO AND FISHER AND WYTHE VOTING YES.

*ORIGINAL MOTION CARRIED WITH FISHER VOTING NO.

PUBLIC HEARING:

● **Considering a Development Agreement between the City and Enterprise Rent-A-Car - Planning**

Mayor Hansen opened the Public Hearing at 7:45 p.m.

Planning Director Butler reviewed the background on this agreement and the property located at 19031 International Boulevard (IB), behind the 7-11 store. The applicant is leasing a new site, due to being relocated off the future Airport Rental Car Facility and would like a departure from meeting some of the perimeter and interior landscaping standards.

PUBLIC HEARING (Continued):

Development Agreement between the City and Enterprise Rent-A-Car (Continued): City staff and the applicant discussed general issues related to a Development Agreement and made a presentation to the Land Use & Parks (LUP) Committee on October 14, 2004. LUP was favorably disposed to the concept. City Manager Rayburn authorized staff to begin negotiations. The applicant submitted their application on November 18, 2004. After negotiations, the draft Development Agreement was prepared for Council action tentatively scheduled for January 11, 2005.

Mr. Butler reviewed the details of the agreement: recitals, benefits, departure from landscaping requirements, dispute resolution and general obligations.

Enterprise Operations Manager Michelle Smoot stated that she is in charge of the project to relocate operations in the City of SeaTac. She thanked Mr. Butler and City staff for bringing this before Council in an expedited fashion. Enterprise has been operating in SeaTac for close to 14 years. Ms. Smoot clarified the lease terms: five year initial term and beyond that, there are five, three-year successive options. Enterprise plans to be at the new site for at least 20 years. She stated that when this property was found, it was realized that there would be pretty severe landscaping issues that would interfere with business operations. She then approached the LUP Committee to offer different landscaping options. LUP did not feel that the proposed options were sufficient enough to be in favor of a Development Agreement. City and Enterprise staff collaboratively came up with the idea of an Asian-themed garden highlighting Washington as the gateway to Asia and the Pacific Rim.

Landscape Architect Lynn Horn, principal of Lynn William Horn & Associates, reviewed the proposed landscape and irrigation plans: Type Two landscape development along south and west sides; north side is existing native vegetation that will be maintained; and Asian-themed garden intended to be seen but not walked through.

Council discussion ensued as to car theft. Ms. Smoot stated that Enterprise wants to ensure that it is a safe environment. Security measures will be placed on site.

Mr. Butler stated that all other standards would apply, including Crime Prevention Through Environmental Design (CPTED), signs and lighting.

CM Wythe stated that the LUP Committee is in favor of this asset to the community.

Mayor Hansen closed the Public Hearing at 8:15 p.m.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following item of business: Council received an invitation from the POS for a first get together at the Airport, this Thursday, with the agenda of forming the Highline Forum.

CITY COUNCIL COMMENTS: CM Wythe stated that Jon Ancell and Darleene Thompson's terms on the Senior Citizens Advisory Committee are up. After reviewing volunteer hours, he felt that these two members had given the City a lot of their time. He recommended that Mayor Hansen consider reappointing them to the committee. The City has in the past set a precedence of extending terms for those willing to serve the City.

DM Anderson wished everyone a blessed holiday.

CM Shape had the following items of business: at the Administration & Finance (A&F) Committee meeting today, the Position Vacancy Review Board (PVRB) made a recommendation that the City hire an Administrative Assistant II in the Public Works Building Division; DM Anderson was elected to the policy board at Suburban Cities Association (SCA) for a one year term; and he concurred with CM Wythe as to reappointing Mr. Ancell and Mrs. Thompson.

CM Brennan stated that at the last Hotel/Motel (H/M) Tax Advisory Committee meeting, he asked staff to provide a list of 2004 income received from the H/M Tax. The receipts were through November, but were less than \$40,000 from the top year. December receipts should increase that total for 2004. He also stated that the Christian Faith Center site will be available soon. He wished everyone a Merry Christmas.

CITY COUNCIL COMMENTS: CM DeHan stated that he attended the National League of Cities (NLC) Conference which was very informative and well worthwhile. He also thanked Mr. Ancell and Mrs. Thompson for their service to the City and requested the Mayor consider them for reappointment.

Mayor Hansen stated that this has been a successful year. It was suggested to him that a Council Retreat be held sometime after the first of the year. He suggested Council contact him with any thoughts regarding the retreat.

ADJOURNMENT:

MOVED BY ANDERSON SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:27 P.M.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Kristina Gregg, Deputy City Clerk