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SEATAC CITY COUNCIL REGULAR MEETING MINUTES

January 14, 2003 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Kathy Gehring-Waters at 6:00 p.m.

ROLL CALL: Present: Mayor Kathy Gehring-Waters, Deputy Mayor Joe Brennan, Councilmembers Gene Fisher, Kay Lasco, Terry Anderson, Frank Hansen, and Don DeHan.

ADMINISTRATIVE STAFF: Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Kristina Lowrey, Deputy City Clerk; Robert McAdams, City Attorney; Bob Meyer, Acting Fire Chief; Scott Somers, Chief of Police Services; and John Madson, Battalion Chief.

FLAG CEREMONY: Boy Scouts of America SeaTac Fire Explorers Post No. 24 performed the Flag Ceremony and led the Council, staff and audience in the Pledge of Allegiance.

PUBLIC COMMENTS: There were no public comments.

PRESENTATION:

Civil Service Commission Update

Staff Coordinator Steve Mahaffey introduced Art Thompson, current Commission Chair and Commission member since 1998. Mr. Mahaffey gave an update as to the membership (Don Malmberg, member since October 1992 and Monte Mineard, member since January 1998) and Commission Mission. He stated that employees of Municipal Fire and Police Departments must be covered by a Civil Service System that substantially accomplishes the purposes provided for by law in the Revised Code of Washington (RCW). He added that the commission serves the City by ensuring that there is a merit process for all entry level and promotion examinations and a process for appeal as needed.

Councilmember Anderson stated her appreciation of Mr. Thompson as an active citizen in the City. He also works for the USO on a regular basis, along with his wife, Doris. The City is fortunate to have him on this commission.

The Council thanked Mr. Thompson for his service to the City.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$2,169,619.56 for the period ending December 20, 2002.

Approval of claims vouchers in the amount of \$475,277.57 for the period ending December 31, 2002.

Approval of employee vouchers in the amount of \$635,548.42 for the period ending December 15, 2002.

Approval of employee vouchers in the amount of \$556,383.74 for the period ending December 31, 2002.

Approval of summary of \$5000 - \$25000 purchase requests for the period ending January 10, 2003.

Approval of Council Meeting Minutes:

Regular Council Meeting held December 10, 2002.

Acceptance of Advisory Committee Minutes:

Human Services Advisory Committee Meeting held November 18, 2002 (Committee approved December 9, 2002).

Planning Commission Meeting held November 18, 2002 (Commission approved December 2, 2002).

Approval of the following Agenda Items recommended at the January 7, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2249

A Motion authorizing Final Acceptance of the New City Hall (NCH) Project - Facilities

Summary: This Motion requests acceptance of the construction completion of the new SeaTac City Hall-Valley Ridge Renovation project. The project involved renovation of the existing Valley Ridge Corporate Building into the NCH. Several construction contracts were awarded by the City Council as listed below:

Contractor Approved Budget Total Contract

D. L. Henriksen (Partitions) \$379,685.00 \$372,103.62

Hilstrom Cabinets \$189,832.00 \$178,792.13

Emerald Aire \$185,328.00 \$181,470.32

Valley Electric \$336,306.00 \$335,943.16

Guardian Security \$216,216.00 \$209,399.74

D.L. Henriksen (ceilings) \$147,363.00 \$146,472.00

Progressive Wallcoverings \$110,751.00 \$109,312.49

Dupont Floor Systems \$209,023.00 \$198,818.25

Delta A/V Systems \$126,420.92 \$125,142.61

Controlled Rain, LLC \$216,501.00 \$204,945.71

Emerald Fire Protection \$ 46,741.00 \$ 44,364.20

Cascade Door & Hardware \$ 46,962.00 \$ 46,692.61

Brady International Hardwoods \$ 28,591.00 \$ 27,763.92

Agenda Bill #2246

A Motion recommending the Allocation of One-percent of the 2003 General Fund Budget for specified Human Services and authorizing the City Manager to enter into Contracts with the selected Human Service (HS) Agencies - City Manager

Summary: This Motion authorizes the City Manager to allocate \$190,000, equivalent to one percent of the 2003 general fund budget, in support of the HS programs.

Every two years, the City of SeaTac accepts requests from HS Agencies for HS General Funds. This year, the City received 32 applications for funding. Overall, funding requests approximated \$360,000 and exceeded available funds by nearly 90 percent. Over the past four months, the HS Advisory Committee has worked diligently reviewing applications and developing a fair and efficient allocation strategy. The resulting funding package recommends maintaining 2002 funding levels for contracted agencies that are meeting or exceeding their performance goals and providing funding for a few outstanding new requests.

In an effort to best meet the HS needs of SeaTac residents, it is proposed that the following unspent 2002 HS funds be carried over to the 2003 HS Budget: 1) approximately \$2,000 from the Hotel/Motel (H/M) voucher program, which provides short-term emergency shelter for SeaTac residents; and 2) \$3,090 from the agency contract budget remaining from a canceled contract with the Center for Multicultural Health. The agency informed the City early in the year that it would be unable to provide planned health advocacy services to refugees and immigrants.

The HS Advisory Committee's recommendation reflects a carry-over of the combined \$5,090 in unspent 2002 funds to

the 2003 HS budget. If fewer unspent funds are available than forecasted or if unspent funds are not carried over, allocations to these four first-time programs: CATCH 21 Community Learning Centers; Domestic Abuse Women's Network Shelter Services; Highline Community Hospital Roxbury Family Healthcare; and Tukwila Pantry Food & Clothing Bank would be proportionately reduced. Funding to agencies with on-going programs that have met or exceeded their performance goals would be unaffected.

Agenda Bill #2257

A Motion authorizing the Carryover of Unspent 2002 Human Services (HS) General Funds to the 2003 Human Services Budget - City Manager

Summary: Unspent funds include approximately \$2,000 in Hotel/Motel (H/M) voucher dollars and \$3,090 from a canceled contract with the Center for Multicultural Health.

This year, the City of SeaTac received a large number of requests for funding through the HS General Fund program. In total, requests exceeded available funds by approximately 90 percent. In an effort to best meet the HS needs of SeaTac residents, it is recommended that unspent funds from the 2002 HS program be carried over to the 2003 HS budget. (See Agenda Bill No. 2246 Summary for detailed information.)

Any 2002 funds approved for carry-over would expand the City's ability to support four new funding requests that have been recommended by the HS Advisory Committee.

Agenda Bill #2237; Ordinance #03-1001

An Ordinance declaring Public Use and Necessity for Property to be condemned as required as a part of the International Boulevard (IB) Improvement Phase IV and authorizing the Payment of Funds from the City's 307 Transportation Capital Improvement Program (CIP) Fund - Public Works

Summary: The IB Improvement Project, Phase IV (South 200th to 216th Streets) will undergo construction beginning in late 2003. This will include widening of IB to six lanes with curbs, gutters, sidewalks, medians, street lighting, storm drainage, signalization, paving, landscaping, consolidation of driveways and conversion of utility lines to underground. The project will be advertised for construction bids in fall 2003. It will be necessary to acquire additional right-of-way (ROW) in order to construct these improvements.

As part of the design process, additional property is needed to accommodate the improvements. The properties to be acquired are currently being appraised and fair market values are being established. Although the City is in the early stages of the ROW acquisition process, it is anticipated that not all of the properties will be acquired through negotiation. Several properties may need to be acquired through the condemnation process. It is too early in the acquisition process to identify which properties will be acquired by condemnation.

Before construction can begin, property acquisition must be completed. To begin the condemnation process, an Ordinance must be adopted declaring public use and necessity of the property to be condemned as part of the project and authorizing payment of funds from the City's 307 Transportation CIP Fund.

In order to avoid delays in the acquisition process, it is necessary at this time to adopt an Ordinance authorizing the condemnation of all the properties. In the event negotiations prove to be unsuccessful, staff will be able to pursue ROW acquisitions by initiating a condemnation proceeding without further Council action. Staff will make every effort to acquire all of the ROWs through the negotiation process. However, if staff had to request the adoption of an Ordinance to condemn each time the negotiations for a parcel reached an impasse, it would significantly increase the amount of time, staff effort and Council actions needed to continue the acquisition process.

Further, if the condemnation Ordinance is adopted, excise taxes are waived for acquisitions accomplished by either negotiation or condemnation, pursuant to the Washington Administrative Code (WAC).

Agenda Bill #2254; Ordinance #03-1002

An Ordinance amending the 2002 Annual City Budget for Fire Department Wages - City Manager

Summary: This Ordinance amends the 2002 Annual City Budget to transfer appropriation authority from the General Fund/Non-Departmental budget to the General Fund/Fire Department budget to cover costs associated with 2001 and 2002 retroactive wages.

When the 2002 Annual City Budget was adopted, a contract between the City and International Association of Fire Fighters (IAFF) Local No. 2919 had not yet been approved. An estimated cost for 2001 and 2002 salary and benefit increases was appropriated in the Non-departmental section of the General Fund budget. Now that this contract has been approved, and the retroactive wages have been paid out, transfer of the budget appropriation is necessary.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2253

A Motion ratifying Expenditure of Hotel/Motel (H/M) Tax Funds in the amount of \$3000 for the Vietnam Veteran's Memorial Wall and authorizing Future Expenditure of Hotel/Motel (H/M) Tax Funds in Compliance with City Purchasing Procedures - City Manager

Summary: The City's current purchasing procedures requires the following approval for expenditure of City funds: 1) budgetary appropriation available in the H/M Tax Fund. The City Manager has the authority to transfer budget appropriations between line items, provided a department budget is not increased and the total budget of the fund is not increased; and 2) purchase authority based on the following parameters: a) less than \$5,000 - City Manager authorization; b) \$5,000-25,000 - City Council approval via Consent Agenda; and c) over \$25,000 - City Council approval via agenda bill.

In October, the H/M Tax Advisory Committee authorized expenditure of \$3,000 to assist in funding the recent display of the Moving Wall at Washington Memorial Cemetery in SeaTac. This expenditure was initiated because the criteria outlined above were met. However, the City Attorney has advised that specific authority by the City Council is needed to make expenditures of H/M Tax Revenues not specifically itemized in the adopted budget, regardless of amount, unless Council action is taken to provide for alternative procedures.

In an effort to streamline the process for expending H/M Tax Revenues for relatively small outlays, it is recommended that the Council ratify the \$3,000 expenditure for the Moving Wall and authorize future outlays of H/M Tax Revenue within the purchasing procedures applicable for all other City funds.

This action has no fiscal impact.

Deputy City Manager Spencer briefed the Council on the above summary, adding that this item was discussed at the January 7 Study Session (SS).

MOVED BY HANSEN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2253.*

Upon a question posed by Councilmember Fisher, Ms. Spencer stated that the City Manager has authorization up to \$5,000 providing there is budgetary authority. She added that anything from \$5,000 to \$25,000 would require approval by Council on the Consent Agenda. Based on discussion at the Administration & Finance (A&F) Committee last week, this process has been changed for all funds so that the \$5,000 to \$25,000 purchase requests will now be an item on every SS for Council briefing on the items listed on the Consent Agenda.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill # 2255, Ordinance #03-1003

An Ordinance repealing SeaTac Ordinance No. 02-1048 and setting the 2003 Property Tax Levy and Rate – City Manager

Summary: This Ordinance would repeal SeaTac Ordinance No. 02-1048, which tentatively established the 2003 Ad Valorem Property Tax Levy, and establish the final 2003 Property Tax Levy and Rate, based on the assessed valuation of property in the City, as certified by the King County (KC) Assessor's Office.

On December 10, 2002, the City Council approved Ordinance No. 02-1048, tentatively establishing the amount to be levied in 2003 by taxation on the assessed valuation of property in the City. The tentative levy amount of \$9,076,043 was the maximum allowable levy, as estimated by the KC Assessor's Office. Due to the fact that property valuations had not yet been certified by the Assessor, no tax rate could be established. The tax levy was established at the maximum allowable amount because City Council action in January can only reduce, not increase, the tax levy.

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 2003 is 1.16 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 2003 Budget was adopted on November 26, 2002, based on a property tax revenue estimate in conformance with the provisions of I-747.

Prior to I-747, the SeaTac City Council had approved reductions in the property tax levy rate, forgoing additional revenues that would have resulted if the rate had been maintained at the statutory maximum of \$3.10, as many other Washington Cities did.

From 1999 through 2002, the levy rate decreased by 5.4 percent. In 2002, the City's property tax revenue would have been \$915,128 higher than the actual levy if the tax levy rate had been approved at \$3.10, rather than \$2.80.

On December 17, the City received certification of assessed valuations for the tax year 2003 from the KC Assessor's Office. The total assessed valuation of the City of SeaTac for 2003, as certified by the KC Assessor, is \$3,153,263,602. This amount represents an increase of 3.64 percent as compared to the 2002 assessed valuation total.

The 2003 Annual Budget projects an operating deficit of \$2.4 million in the General Fund, a deficit of \$1.5 million when transfers to other funds are excluded. Due to this fact and the continuing uncertainty of revenue collections given financial difficulties of airline companies, it is recommended that the City Council adopt a 2003 tax levy in the maximum amount allowable by law, as determined by the KC Assessor's Office, which is \$9,075,811. This levy would result in a 2003 tax levy rate of \$2.88, which is still below the rates levied in 1999 and 2000. The rate would increase by 2.86 percent over the 2002 levy rate of \$2.80. The resulting levy rate would be \$2.88 per \$1,000 of assessed valuation. Compared to the 2002 tax levy rate of \$2.80, the property tax levy increase for a \$200,000 home would be \$16.00.

Deputy City Manager Spencer briefed Council on the above summary.

MOVED BY HANSEN, SECONDED BY LASCO TO ADOPT ORDINANCE NO. 03-1003.*

Council discussion ensued as to the tax increase and how it would affect the average homeowner, even though it is lower than surrounding jurisdictions of \$3.10. The Council lowered the property tax each year since the City's incorporation. This year, the economy forces the City to raise the property tax for the first time.

***MOTION CARRIED WITH COUNCILMEMBER FISHER VOTING NO.**

Councilmember Anderson added that the Port of Seattle (POS) has tripled its square footage rate for rental space at the airport to meet their decline in revenue. This factor will also affect the City's revenue.

Deputy Mayor Brennan added that of the property tax increase, more than 70 percent is paid by the businesses and users of these businesses in the City, leaving less than 30 percent paid by City homeowners.

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

CITY MANAGER'S COMMENTS: Deputy City Manager Spencer had the following items of business: 1) Precinct

4 Major and former SeaTac Police Chief Bill Dickinson has accepted an offer of employment from the City of Tigard, Oregon and will be departing soon. Chief of Police Services Somers and she are planning a farewell potluck luncheon to recognize the work he has done in SeaTac; 2) the Public Safety & Justice (PS&J) Committee was advised yesterday that the KC Sheriff's Department is proposing a change in the contract model for Police services. KC is approaching the City with a new model that combines some aspects of the Shared Supervision Model and some of the City Model. The committee gave staff authorization to continue discussions with KC, with information brought to the full Council in February; 3) a reminder that January 22, 2003 is the date of the Open House and Public Hearing on the Secure Community Transitional Facilities' locations. It will be held at the Washington State Criminal Justice Training Center in Burien at 6:30 p.m.- Open House and 7:00 p.m. - Public Hearing. A staff meeting will be held on January 16 at 1:00 p.m. to coordinate staff attendance and public speakers at the hearing; and 4) discussions have been held regarding the Sally Port and its latest designs. The footprint of the proposed Sally Port has been marked off in the back of City Hall Building.

CITY COUNCIL COMMENTS: Councilmember Hansen stated that he attended the SR 509 Executive Committee Meeting last week. The Federal and State Governments signed off on the final Environmental Impact Statement (EIS) and all that is left for SR 509 to be completely approved is the Record of Decision (ROD) which will be released the first week of March. SR 509 is the No. 1 State Transportation project that is ready to go so the chances for funding are greater. He complimented staff on their hard work processing and promoting this project to the State.

Deputy Mayor Brennan commented on the proposed Sally Port to be built at City Hall. He reviewed the designated area and proposed design and cost to build the stone wall to blend with the building at a cost of \$25,000 vs. metal rail fencing at \$12,000. He expressed his opinion that an eight-foot wall would be too high. He stated he preferred the metal fence because of it would not block visibility and it would cost less.

Councilmember DeHan stated that he was happy to be back after visiting relatives on the East Coast. He stated he appreciates this area, calling it "God's Country".

Mayor Gehring-Water stated that tomorrow, Wednesday, at 1:30 p.m., a meeting will be held at City Hall to draft the plans for the NCH Grand Opening. Anyone interested in helping out, please attend.

RECESSED: Mayor Gehring-Waters recessed the Regular Council Meeting to an Executive Session on Contract Negotiations and Potential & Pending Litigation at 6.28 p.m.

EXECUTIVE SESSION: Contract Negotiations (15 minutes) / Potential & Pending Litigation (15 minutes)

RECONVENED: Mayor Gehring-Waters reconvened the Regular Council Meeting at 7:26 p.m.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY HANSEN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:28 P.M.

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring-Waters, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

January 28, 2003 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Kathy Gehring-Waters at 6:02 p.m.

ROLL CALL: Present: Mayor Kathy Gehring-Waters, Deputy Mayor Joe Brennan; Councilmembers Gene Fisher, Kay Lasco, Terry Anderson, Frank Hansen, and Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Kristina Lowrey, Deputy City Clerk; Robert McAdams, City Attorney; Don Monaghan, Public Works Director; Steve Butler, Planning Director; Holly Anderson, Senior Planner; Bob Meyer, Acting Fire Chief; Brian Wiwel, Battalion Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Betty Brennan, wife of Deputy Mayor Brennan, led Council, staff and audience in the Pledge of Allegiance.

(The following item was removed from the agenda.)

INTRODUCTION:

New Firefighter Derek Frazier

PRESENTATIONS:

(The following presentation was brought forward in the agenda to accommodate the guest presenter.)

Human Relations Advisory Committee Update

Staff Liaison Steve Mahaffey introduced Jack Nichols, committee member, and briefed the Council on the duties of the committee and members of the committee. Mr. Nichols stated that he has spoken to most of the Councilmembers over the past 10 years that he has been on the committee. He stated that during the past year the committee has met with the Mayor and City Manager to discuss the changing population trends in the City and what can be done to keep up with these changes. Diversity in the City has generally been tracked through the making of the populations in local schools, which indicated a more diverse City. However, the 10-year State Census is a more accurate general population source and it revealed SeaTac as the No. 2 City in western Washington for immigrant population. The committee continues to track the diversity in the City and advise the Council of areas that the City can work on to be more involved and accepting of the diverse community. Mayor Gehring-Waters thanked Mr. Nichols for the information he has provided the Council.

Deputy Mayor Brennan agreed with Mr. Nichols, adding that the diverse population in SeaTac is very noticeable wherever you go within the City. It is a changing but welcomed sight in our community.

Councilmember Lasco stated that she would like to discuss with Mr. Nichols and the committee chair, diversity issues in the City.

Councilmember Hansen added that for a small City, SeaTac has actively used diversity in employment of staff. Mr. Nichols added that the committee is actively pursuing a more diverse membership.

PUBLIC COMMENTS: Phyllis Byers, Highline School District (HSD) President, 18302 39th Avenue South, urged the Council to endorse the upcoming February 4 HSD Levy election, mentioning that it is a replacement levy, not a new tax. It supports one fifth of their budget, thus, a very important levy to the HSD staff and students. She stated that she appreciated Mr. Nichols' comments regarding diversity in the district. While she welcomes diversity in the schools, there is a responsibility to educate all these children who speak a collective of 52 languages in the district. It is a big

job and HSD needs the resources to get the job done properly. Passage from the bond last year sent a surge of energy into the HSD. With the upcoming State Legislature, funding will be tight. Therefore, HSD is urging the Cities to endorse the levy.

Beth Lynch, 9844 24th Avenue Southwest, Seattle, member of the Clear the Air Committee, a newly formed committee from South Park, White Center and Highline Park, spoke on the issue of the South Park odor which has been publicized in the Seattle Times newspaper. The committee has had contact with the Department of Ecology (DOE), which made them aware of pollution monitors around the Seattle area. Apparently all but one are scheduled to be moved out of the area due to lack of State funding. Only the Beacon Hill monitor will be used for the entire region. Ms. Lynch stated that the committee is concerned because the Georgetown monitor picked up the highest amount of pollutants assumed to be from the King County (KC) and Sea-Tac Airports. Funding runs out the end of February and the committee has been actively contacting representatives from the State, County, Puget Sound Clean Air Agency, and the DOE to at least keep the Georgetown monitor. The monitors cost \$30,000-\$40,000 to analyze the data. The DOE supplied information as to the density of the pollution and the medical problems in this area. She urged the Council to write letters to Jim Nolan, Puget Sound Clean Air Agency, and Doug Brown at the DOE on this issue. The committee's web site is cleartheair.org.

Kelly Foster, Polygon Northwest, 11624 Southeast 5th Street, Bellevue, thanked the Council and City staff for their representation at the State Sex Level III Sexual Predator Public Meeting on January 22 held by the Department of Social and Health Services (DSHS) in Burien. His firm has been working with KC Councilmember Patterson's Office and the City of Kent on their opposition to the facility proposed to be sited near his Riverview Housing Development of 732 families in Kent. They also have plans to develop in SeaTac. He stated that he would be glad to lend his support on this important community issue if he can do anything for the cause.

Councilmember Anderson inquired as to why Kent was not represented at the meeting to which Mr. Foster replied that Kent Councilmembers Bruce White and Julie Peterson were in attendance but was unsure if either of them had comments. Councilmember Anderson added that neither the Kent Fire nor Police Departments have declared their support. Mr. Foster stated he wants to avoid DSHS making their siting permanent.

State of the King County (KC) Address for 2002-2003

KC Councilmember Julia Patterson, former SeaTac Councilmember, thanked the City Council for the opportunity to address the Council on the KC 2002-2003 financial status. She just completed her first year on the KC Council. She stated that District 13 has a small portion of Tukwila and Burien, most of SeaTac, half of Des Moines, Kent, and Auburn and all of Normandy Park for a total of 130,000 constituents. The district is a vital housing area due to low home prices and the accessibility to the airport and is rated as the fastest growing area in the County.

Next she detailed KC's financial issues. KC was faced with a shortfall of \$52 million and some services needed to be cut. The general fund is the one in trouble due to several issues. The general National economy has dipped into a recession. Sales taxes are down; the passage of certain initiatives will eventually cause a great deal of difficulty for the general fund budget. Health care to employees has skyrocketed as well as inmate care. KC Cities have incorporated so the percentage of revenue is lowered. This has had an impact in the budget: 1) swimming pools and parks have been cut out of the budget. Human Services and Human Justice were spared. Some new policies initially have been made; 2) adoption of a new home monitoring system for minor offenders is replacing jail time which is expensive; 3) diverting first time drug offenders to drug court to send into treatment; 4) KC Jail is the second largest mental health institution. Repeat offenders are not receiving the help they need so they are on the streets or in jail, recycling in and out of jail. Therefore, the budget is being used for mental health. The new policies will move minor offenders out of jail or by 2007. The KC Criminal Justice System will have consumed the entire General Fund budget. Another policy is to create a new Arts Authority using fund raising rather than being funded by KC as before. The most important cut was the closure of pools. She thanked the Council for their support of Mt. Rainier Pool. Aside of the General Fund, there were some good efforts from other budgets: 1) bus service for Kent; 2) changed formula of bus service to serve South County as then one third of the service is in each of the following, South and East Counties and Seattle areas. In the new policy, all funding will give the East County 40 percent, South County 40 percent, and Seattle 20 percent, when the funding is available; 3) funding from the Capital Improvement Program (CIP) will connect the missing

section of Green River Trail to link to the Seattle trail. A surplus van to a local WMCA. She added that two surplus vans are available for a charitable cause; 4) a synchronized light system in Auburn which will also be of benefit when the amphitheater is built in that area; 5) number of investments in new sidewalks near schools; 6) two new bus shelters in SeaTac, one in Normandy Park and one in Burien; and 7) increased street lighting in some of the unincorporated areas.

The 2002 budget has a \$50 million deficit and 2003 is now faced with a \$24 million deficit. KC is looking at innovative ways to change the way KC does business. She stated that she sponsored an Ordinance which passed in December 2002 that will create a commission on governance with members of the labor, business and academia communities to examine KC government and determine which services are vital; will make recommendations on KC's tax structure and on whether or not stable funding sources should be found for some of these services which are suffering such as Human Services, and Criminal Justice. In one year from March, the commission will present their recommendation to the KC Council.

Next, KC Councilmember Patterson discussed the issue of transportation. Last November, Referendum 51 failed but transportation is still the public's No. 1 concern. This vote created a puzzling situation for the Regional Transportation Investment District members (RTID). This is a funding mechanism given to the Counties from the State last year which allows RTID to create a regional entity made up of King, Pierce and Snohomish Counties that can decide which projects can be funded and how to pay for the projects. The State gave RTID a menu of taxing choices to present to the public on the ballot and asked RTID to list projects that they wanted to suggest for funding. She is serving on RTID and they are in the process of researching these items. Failure of Ref 51 makes it very difficult because RTID was hoping to piggyback on the funds that would have been raised from Ref 51 so the list is small. For South KC, if it should pass, it would mean the completion of SR 509, expansion and fix for SRs 167 and 405 as well as several arterial projects. In the November elections, a ballot will be proposed. One of the concerns is whether the public will embrace the idea of tolling as a method of paying for transportation choices.

Lastly, KC Councilmember Patterson discussed the issue of placing a State Level III Sexual Predator facility in this neighbor. There have been community meetings opposing this plan. Her office is working with the Governor's office and KC Executive Director Ron Sims as well as property owners who have hired attorneys with legal issues associated with this proposal. They are working to identify alternative sites that the Department of Social and Health Services (DSHS) might consider, but ultimately, DSHS will make the decision for placement of this facility. The property values around the site will lower significantly, as well as creating fear among the neighboring residents and damages the morale in the local area. Everyone needs to fight this issue with diligence. In closing, she stated that one of her goals was to help repair the relationship between KC and the South Suburban Cities. The Cities have played a significant role in helping strengthen that relationship.

Councilmember Anderson stated that she watched the State Level III Sexual Predator Facility Meeting replay on TV and she noticed that KC Executive Director Sims was asked to site the facility at Cedar Hills but turned it down. Secondly, she inquired whether it was possible to bond for transportation issues. KC Councilmember Patterson replied that she felt Cedar Hills is a better site but Executive Sims represents all of KC and that community is better organized than this area and the opposition there would be equally fierce. To Councilmember Anderson's second inquiry; she replied that all of the funding scenarios in this regional transportation investment district as well as in Ref 51, took into consideration KC's ability to bond. KC has bonded those issues to the maximum in order to fund all of the above stated projects. KC plans to go to the State this year to ask for more bonding authority.

The City Council thanked KC Councilmember Patterson for the informative briefing. Deputy Mayor Brennan stated he was proud of her and she replied that this very Council trained her.

Demonstration Housing Project (in conjunction with Threshold Housing and The Housing Partnership)

Planning Director Butler stated that the State awarded one of four housing grants to SeaTac in conjunction with two above stated groups. The purpose of the grant is to explore options for encouraging high quality housing which would add to the quality of the surrounding neighbors. Mr. Butler introduced John Kucher, Threshold Housing Executive Director and Bill Kreager, Project Architect, and Holly Anderson, Senior Planner, who is the City's Project Manager

for this venture. The team will be back before the Council at the end of February to have a formal discussion with Council to ensure they want to proceed with the project. Threshold Housing will be doing the same with their Board of Directors. The project has two phases: Phase I) to find a potential site and a conceptual plan; and Phase II) actual construction of project. If both parties agree to the plan, the project will commence and be completed by the end of June.

Mr. Kreager gave a video presentation on making small lots work. He thanked KC Councilmember Patterson for bringing to light that housing plays a large role in SeaTac: 1) housing affordability. Their market study shows that within five years there will be no new "For Sale" detached housing for under \$300,000. Secondly, the Growth Management Act (GMA) is dictating that the urban areas plan and zone for density. The pressure on suburban KC is heavy. Density is the answer to it all. If it is charming, it could be welcoming, if it looks dense and unattractive, it could be a problem. SeaTac, as with other urban areas, has diversity of nationalities, age groups, lifestyles, college graduates, single professionals and single parenting which are all in the buying market now. Mr. Kreager showed innovated ways to get more housing in less space from seven to 14 units per acre. Lot sizes are lower with interiors of homes that are livable and outdoor area usable but smaller. This can be done in SeaTac and be affordable.

The development is being proposed on South 146th Street, (two blocks from Larry's Market) on 2.2 acres, 1.5 available to build. The idea is to create a neighborhood of two-story, 3-4 bedrooms units with garages under home placed around a central park with a character of a hometown look. He explained how this project would be developed. The plan is to bring these units in at around \$200,000.

Councilmember Hansen inquired as to the status of the proposal. Mr. Butler stated that the project is moving along well. It is a preferred site, not a final site. The team has moved fairly quickly.

Mr. Kucher added that a pre-op meeting with City staff went smoothly with a near final agreement with the landowner. City staff has come up with almost zero impacts to the area. This will allow the team to go ahead with development of the plan.

Councilmember Anderson inquired as to the two-story housing for seniors being undesirable. Mr. Kreager stated that this project is not intended for the senior population. The market is for active empty nesters in a variety of ages and lifestyles. He added that the immigrant population in SeaTac is remarkable. Owning your own place is symbolic of being an American. Housing on a single level for seniors takes up more land and land cost is the problem. More homes on less ground control the costs of housing. The idea of having a main bedroom with bath in the units is a great idea.

Councilmember DeHan questioned the road in this neighborhood. Mr. Kreager stated that the team anticipates a two-way traffic road that is 24 feet wide. Most such housing developments have associations, to maintain the complexes. The units are located three lots west of Military Road at 3202 and 3206 South 146th Street.

Councilmember Fisher inquired as to the cost per acre. Mr. Kucher stated that there are two components to the cost: 1) approximately \$400,000 for the land; and 2) utilities of \$40,000 to \$50,000 a finished lot. A market study has been done. This style of housing has been thoroughly analyzed. Mr. Butler stated that a tour of similar projects could be arranged. Also, an advisory committee is being suggested.

Mayor Gehring-Waters inquired as to the square footage of land for each home. Mr. Kreager stated that the units are 2,200 to 2,400 square feet with individual utilities off a main line.

Council thanked the panel for the informative presentation.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$1286255.07 for the period ending January 24 2003.

Approval of employee vouchers in the amount of \$379309.64 for the period ending January 15 2003.

Approval of Council Meeting Minutes:

Regular Council Meeting held November 26 2002.

Economic Development Workplan Meeting held January 14 2003.

Regular Council Meeting held January 14 2003.

Approval of the following Agenda Items recommended at the January 21 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2259

A Motion authorizing the purchase of Vehicles for 2003 - Finance

Summary: The 2003 Annual Budget includes a \$274,000 appropriation in the Equipment Rental Fund for 2003 scheduled vehicle and equipment replacements. This fund has accumulated sufficient funds from the user departments over the useful life of the vehicles listed below to finance their replacement. All vehicles listed are scheduled replacements of existing equipment.

Department Description 2003 Budget Base Cost

Parks & Recreation Ford F-450 Pickup Truck \$29,544 \$24,415*

Parks & Recreation Ford F-250 Pickup Truck 21,490 19,614*

Parks & Recreation Ford Club Wagon Van 37,164 20,279*

PW-Building Dodge Intrepid 4-Door Sedan 19,702 16,423

PW-Building Dodge Intrepid 4-Door Sedan 17,750 16,423

PW-Maintenance Ford F-450 Pickup Truck 34,528 24,415*

\$160,178 \$121,569

*Additional auxiliary equipment to be purchased.

The vehicles listed above can be purchased through the State of Washington Automobile and Truck Contracts for 2003, as a subscriber to the State Purchasing Cooperative. The State conducts a competitive bid process in awarding its automobile and truck contracts, and the purchasing cooperative allows individual municipalities to enjoy the cost savings associated with the State's large volume purchasing. Three mowers scheduled for replacement in 2003 are not available on the State Contract and will be bid and purchased separately at a later date.

The City could seek bids for the purchase of these vehicles, but would likely pay higher costs than the State Purchasing Cooperative due to the volume savings through the State Contract.

Agenda Bill #2265

A Motion authorizing the City Manager to enter into a Lease of Space within City Hall with the Metropolitan King County (KC) Council Member for District Thirteen, Julia Patterson - Legal

Summary: This Motion authorizes a short-term lease of a small interior office, Suite 110, on the first floor of City Hall to KC Councilperson Julia Patterson.

Council adopted Resolution No. 01-028 on October 23, 2001, for the purpose of delegating to the City Manager the full authority for leasing and otherwise managing the City Hall property, as a "proprietary" rather than "governmental" function. The City Manager will establish policies as to determination of fair market rates and standard terms and conditions of commercial leases to subsequently be awarded. It is known, of course, that the total area of any leased premises, access, exterior exposure and view, and included amenities are essential criteria in establishing fair market rental value.

The short-term lease of a small office within the interior of the first floor of City Hall is somewhat outside the

parameters of typical commercial leasing activities and it is therefore deemed appropriate that the subject Lease be brought to the City Council for formal approval.

It should be noted that, effective January 25, 2002, the City's commercial property management agent did facilitate a lease by KC Councilperson Patterson, on a short-term basis of not more than one year, for Suite 110 on the first floor of City Hall. Suite 110 consists of approximately 250 rentable square feet. That lease, which expired on December 31, 2002, provided for rent of \$9.60 per square foot per year, which equated to \$200 per month.

It is now proposed that a new short term Lease be entered into for an additional one-year term. A reasonable policy as to the rental rate for small offices within the interior of City Hall, which are without windows, exterior view, or other amenities, but which benefit from the recent renovation of City Hall, is that the rent be fixed at seventy-five percent of the rent being paid by tenants on the second floor of City Hall (excluding the governmental lease to the Federal Aviation Administration, which pays more than market rate rent due to additional services not provided other tenants). The fair market rent charged to those second floor tenants is \$20 per square foot per year. Seventy-five percent of that rental rate is \$15 per square foot per year. Thus, employing the said policy, the monthly fair market rental for Suite 110 is established at \$312.50 per month.

It should also be noted that established policy precludes leasing of space on either the first or third floors of City Hall, inasmuch as these floors are dedicated to City Departments and activities. However, this policy may be relaxed in the subject instance only, by reason of the tenant's position as an elected governmental official.

The City will receive rental payments equaling \$3,750.00 for the year 2003, which will be deposited as revenue into the Building Management Fund 108.

Agenda Bill #2258; Resolution #03-001

A Resolution reappointing the City's Agent upon whom Statutory Notices of Claims of Damages must be presented - Legal

Summary: This Resolution complies with the statute requiring appointment of an agent, and the location of the agent, upon who notices of claims for damages must be presented by reappointing the City Clerk and setting forth the new address of City Hall.

Prior to filing a lawsuit against a code city, such as SeaTac, a person alleging injury or damage by reason of an act of negligence of the City or a City employee must file a notice of claim of damage pursuant to RCW [4.96.020\(2\)](#). No lawsuit can be commenced against the City until the claim has been on file for sixty days in order to provide the City with an opportunity to investigate, determine liability, and determine if payment is appropriate.

By Resolution No. 01-020 adopted on July 10, 2001, the Council appointed Judith L. Cary, as City Clerk, or in the alternative, Kristina M. Lowrey as Deputy City Clerk, as agent to accept service of the statutory notices of claim.

Pursuant to the statute, the Resolution is filed with the King County Recorder to make a public record of the appointment and the location of the agent. The previous Resolution, of course, indicated the address of the previous City Hall, at 17900 International Boulevard, Suite 401, SeaTac, Washington 98188-4236.

It is appropriate, to comply with the statute, to reappoint the agent and to make record of the new City Hall address at 4800 South 188th Street, SeaTac, Washington 98188-8605.

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

MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS:

Agenda Bill #1982

An Ordinance vacating a portion of the 28th Avenue South Right-of-way (ROW) being north of South 188th Street in the City of SeaTac and abutted on both sides by Port of Seattle (POS) Property - Public Works

Deputy Mayor Brennan asked that this item be removed from this agenda, which has been discussed many times and Betty Brennan, SeaTac citizen, inquired at the June 16, 2002 Study Session (SS) as to whether this issue would be voted on at the July 22, 2002 Regular Council Meeting (RCM). The Mayor stated that it would not. Mrs. Brennan was concerned that neighbors who signed an opposition petition on this issue would not have a chance to be heard. He recalled that it was discussed at the end of the Transportation and Public Works (T&PW) meeting last week but did not realize it would be voted on this evening. He requested that this item be placed on the February 4 SS to be voted on at the February 11 RCM.

Councilmember DeHan stated that if this item was placed on Unfinished Business this evening for discussion. He stated he was agreeable to placing it on the SS next week with the assurance it will be voted on the February 11 RCM. This issue needs to be resolved.

Council concurred to notify the petition signers that this item would be on the February 4 SS agenda and voted on at the February 11 RCM.

NEW BUSINESS:

Agenda Bill #2266

A Motion authorizing the City Manager to enter into a Contract with Professor John Kasarda for Economic Development Consulting Services - City Manager

Summary: This Motion authorizes the City Manager to enter into a contract with areotropolis expert Professor John Kasarda for a two-day consultation, with total event costs not to exceed \$12,350 to be funded from the Hotel/Motel (H/M) Tax funds.

In December 2002, staff proposed entering into a contract with the IndexGroup for \$100,000 in economic development services to be provided from September 2002 through December 2003. At that time, City Council approved entering into a contract with the IndexGroup, not to exceed \$21,000, for work done on a parking and lodging signage project as well as development of a workplan approach and detailed scope of work for economic development activities in 2003. The Council directed staff to develop a detailed proposal for the \$79,000 balance of the economic development budget.

After further discussion with the SeaTac Economic Partnership (STEP), which includes representatives from the City of SeaTac, Port of Seattle (POS) and SeaTac Business Committee, the IndexGroup and Professor Kasarda, staff concluded that the most efficient way to utilize the remaining \$79,000 budget would be to segment it into two additional phases, Phase II and Phase III.

Phase II would involve entering into a contract with Professor Kasarda for a two-day consultation to explore the areotropolis concept in SeaTac. The purpose of the consultation would be to: 1) identify specific industries and businesses the City should focus its retention and recruitment efforts on; 2) suggest centralized concepts around which SeaTac should strategically position itself; and 3) provide guidance for preferred uses of specific property parcels available for business development.

Professor Kasarda provides unique expertise to Cities interested in leveraging their proximity to the airport for economic development advantage. His premise is that businesses are increasingly competing on how fast they can get their products to market rather than on the product itself. Locating a business near an airport provides a clear competitive advantage in this race. Ultimately, the goal of the Kasarda consultation would be to determine which industries and businesses are the biggest demand generators for hotels, on which the H/M Tax depends. A budget and draft scope of work have been developed for Kasarda's consultation.

Based on the outcomes of the Kasarda consultation, staff, in coordination with STEP and the H/M Tax Advisory Committee, would develop a detailed business retention and recruitment workplan for City Council approval, which would utilize the \$66,650 balance of the economic development budget and constitute Phase III. Retention and recruitment efforts would be focused on those industries and businesses that best support tourism. Specific activities might include: 1) surveying existing and potential businesses to identify needs; and 2) developing outreach tools including a menu of economic development incentives and a developable lands inventory.

Professor John Kasarda is being recommended as a sole source consultant due to his unique expertise on the topic of economic development in cities surrounding international airports.

Assistant City Manager Craig Ward stated that he spent some time going over this issue last week. He distributed the Wayne County Airport Report to Council, which the H/M Committee had previously reviewed. The report shows Professor Kasarda's work and demonstrates that he is certainly capable of doing the work. The important part of the work he did was to find out what should not be done and what would not be productive. Professor Kasarda is available in late March or early April. Both the STEP and H/M Committees recommend this action.

Council discussion ensued with some opposition to expending monies at this time when the City budget is being re-evaluated for cuts in various areas of expenditure.

Mr. Ward explained what the IndexGroup is doing for the \$3,600. Staff could conduct the management of the program but the \$3,600 is in there for IndexGroup's work and Joann Hamick's expertise would be of great value to the outcome of this program.

Council concurred that it was ultimately the City Manager's task to make the decision on whether this project is well worthwhile.

Councilmember DeHan stated that he is in favor of this proposal and hopes that the Council can trust the committees' recommendation on this two-day session. Councilmember Lasco also agreed and suggested with Mr. Ward that the \$3,600 be paid out of the IndexGroup contract funding.

MOVED BY FISHER, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 2266.

MOTION CARRIED WITH HANSEN AND LASCO VOTING NO.

Councilmember Anderson requested a second Motion to delete the \$3,600 portion of the original Motion.

MOVED BY ANDERSON, SECONDED BY HANSEN TO DELETE THE \$3,600 MISCELLANEOUS COORDINATION COST PORTION OF THE ORIGINAL MOTION.

UPON A ROLL CALL VOTE, MOTION CARRIED WITH FISHER AND DEHAN VOTING NO.

Agenda Bill #2264; Resolution #03-002

A Resolution declaring a 1993 Suburban surplus and authorizing the purchase of a Replacement Command Vehicle - Fire

Summary: This Resolution authorizes the surplus of a 1993 Chevrolet Suburban and execution of the purchase of a 2003 Chevrolet Suburban from Glen Grant Chevrolet for use as a Fire Department command vehicle. The 1993 vehicle, currently utilized as a reserve command vehicle, is aged and is no longer reliable. This purchase will allow the present command vehicle to be rotated to reserve status and to surplus the 10-year-old reserve command vehicle. This purchase is included in the apparatus replacement plan, the City Capital Improvement Plan, and the City Council authorized 2003 budget.

The 2003 Suburban will be placed in service, as a first line emergency response command vehicle, for the on duty shift commander. This purchase will allow the current older Suburban to move from first line command to reserve status. With the next replacement, the reserve command vehicle will replace an inspector's vehicle, with the inspector's vehicle being surplus. The Fire Department has a 12-year replacement cycle as identified in the Capital Improvement Plan (CIP) exceeding the City's seven-year replacement schedule.

A call for bids was published and a bid opening was held on January 27, 2003, with the lowest bid of \$35,439.93 from Glen Grant Chevrolet. A total of \$49,910 was budgeted for this purchase. The balance of the budget will be used to equip the vehicle with emergency response and command equipment.

MOVED BY ANDERSON, SECONDED BY LASCO TO PASS RESOLUTION NO. 03-002.*

Battalion Chief Wiwel stated that 24 Call for Bids were mailed out with five bids submitted. He reviewed the above summary for Council.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2269

A Resolution imposing a freeze upon hiring to fill any Vacant Positions within the City - Legal

Summary: The proposed Resolution, as requested by Councilmember Gene Fisher and approved by concurrence of the full Council at the January 21, 2003 SS, imposes an absolute freeze upon hiring to fill any employment positions within the City.

The proposed Resolution is offered in accordance with Council direction at the said SS in that a hiring freeze would reduce expenditures. The total savings cannot be ascertained at this time.

City Attorney Bob McAdams briefed on the above summary.

Councilmember Fisher stated that approximately five months ago during budget process, Council decided to create a committee of the City Manager, Deputy City Manager, Assistant City Manager, Human Resources Director and the Department Director involved to recommend hiring and layoffs of employees as appropriate. At the 2001 budget workshops, \$800,000 less was spent than revenue. In 2002, \$5 million more was spent and in 2003 \$9 million more is anticipated to be spent with \$2.5 million from the General Fund. As was stated by KC Councilmember Patterson, the KC General Fund was the one that is in deficit. The economy will not turn around soon. He stated he feels the issue needs to be dealt with now to make sure City staffing is stable.

Councilmember DeHan proposed an alternative to the term "hiring freeze". He stated that it is not the job of the City Council to partake in personal matters but to leave this matter to the City Manager. However, he felt that the City Budget should be reviewed when there is a vacancy. He requested that the City Manager review the issue with Council as an opportunity to amend the budget to either reduce it to the cost of that employee or to reauthorize that expenditure in that or another position.

Mayor Gehring-Waters stated that she met with the City Manager prior to this meeting and he told her of his proposed plan.

City Manager Rayburn stated that the committee would be called a Vacancy Review Board comprised of the City Manager, Human Resources Director, Deputy City Manager, Assistant City Manager, Department Director involved and if a union position, a union representative. The committee would review the position and if it needs to be backfilled, this need would be taken to the Administration and Finance (A&F) Committee and then to the Council for their budget consideration.

Councilmember DeHan stated that he is pleased with this decision, allowing them to concentrate on City budget concerns.

Deputy Mayor Brennan remarked that the City is only one employee less than five years ago. The repositioning of permitting employees with the POS helped with that statistic.

Councilmember Fisher withdrew Agenda Bill No. 2269 due to the above decision of the Council to accept the City Manager's Vacancy Review Board.

CITY MANAGER'S COMMENTS: City Manager Rayburn stated that he enjoyed his vacation in southern USA and thanked Deputy City Manager Elizabeth Spencer for the outstanding job she performed in his absence.

COUNCIL COMMENTS: Councilmember DeHan stated that he attended the DSHS open hearing and commended

staff on their presentations. Secondly, he attended the Planning Commission Meeting on tent structure and is satisfied that a good solution is being created for Council approval.

Deputy Mayor Brennan stated that he does not understand the issue of the missing money in the H/M Tax budget. He was puzzled as to a question of missing money. There is no missing money. It is money spent at the request of the committee. He objected to a Councilmember's inference of missing money. Deputy City Manager Spencer distributed a fact sheet on the committee's revenue history and expenditures.

Councilmember Hansen stated that no one actually said missing money. He took the information from the expenditure report that showed that there was a total of \$656,439. There was no intention of stating there is missing money but an accounting of expenditures is advisable for any City expenditure.

Councilmember Anderson stated: 1) she also attended the DSHS Public Hearing last Wednesday and she felt citizen Joe Duffy was the most engaging speaker; 2) was surprised to know that the tourism money was being discussed in public at a local restaurant; 3) today, attended a YMCA meeting along with Councilmembers DeHan and Lasco, and Parks & Recreation Director Ledbetter, Assistant Parks & Recreation Director Larry Ellis, Deputy City Manager Spencer and Chief of Police Services Somers. The youth speakers were very informative; and 4) she advised that she will not be at next week's meeting.

Councilmember Lasco stated: 1) that the YMCA youths and City staff had good discussions on their issues. It was very uplifting to hear their views on the subject; and 2) she emailed all the Council that at a H/M Committee meeting with STEP, along with staff and Council, a question came up as to the issue of a designated name for SeaTac. She requested this issue be placed on the SS agenda next week. Mayor Gehring-Waters agreed that a discussion is needed.

Councilmember Fisher stated: 1) he received a call today regarding the meeting on tent structures, opposing the recommendations made. The caller felt the recommendations are totally out of proportion; and 2) he added that he does not remember that the term missing money was used but he also felt the issue of the H/M Tax funds should be questioned as well as any other City expenditures.

Mayor Gehring-Waters stated she also received a few calls today on the tent structure meeting. Secondly, she stated that an updated City Hall Open House invitation list has been distributed to Council for a final review prior to printing. She reminded everyone that tomorrow's Open House Committee Meeting is in the Mayor's Office at 1:30 p.m.

ADJOURNMENT:

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

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring-Waters, Mayor
Judith L. Cary, City Clerk



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SEATAC CITY COUNCIL REGULAR MEETING MINUTES

February 11, 2003 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Deputy Mayor Joe Brennan at 6:00 p.m.

ROLL CALL: Present: Deputy Mayor Joe Brennan, Councilmembers Gene Fisher, Kay Lasco, Terry Anderson, Frank Hansen, and Don DeHan. Excused Absence: Mayor Kathy Gehring-Waters.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Kristina Lowrey, Deputy City Clerk; Robert McAdams, City Attorney; Don Monaghan, Public Works Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: City Clerk Judith Cary led the Council, staff and audience in the Pledge of Allegiance.

PUBLIC COMMENTS: Ralph Shape, 3757 South 194th Street, as president of the Angle Lake Manor Community Club, responded to the City's remarks regarding an article in the latest newsletter pertaining to the Club's concern as to the water quality of Angle Lake. The article was not indented to degrade City Hall's functions. The members were merely concerned with the water quality. City Manager Rayburn gave a response statement in his weekly update dated February 7, stating that City staff has been monitoring the lake level. Mr. Sharp stated that they were informed that the position that handled water quality issues had been eliminated. He added that King County (KC) is sampling the lake, however, this is being done by volunteers who live around the lake who take the samples to KC for their reporting data. The report also states that this past year the City retrofitted all storm water discharged into Angle Lake with oil separators. Several have been done on the north side of the lake. So far the south side has not been done. The Angle Lake Manor Community does not want to be at odds with the City.

Marion Henry, 3208 South 198th Place, stated that she recently had her radio stolen out of her car at SouthCenter Mall, about 10 cars from the storefront. She reported the incident to the Police Officer on duty and was told that this happened all the time. She contacted Karen Kaiser's Office in Olympia requesting her assistance in making tougher rules to get the kids off the street that do this. She stated she would like to see the all residents of the State contact their representative and demand that the rules are tougher on these types of crime.

PRESENTATIONS:

8th Annual Youth Art Contest Winners

Assistant Parks & Recreation Director Ellis stated that the City is supporting the seventh Annual Youth Art Contest to promote art in the local schools (Tyee, Seattle Christian, Christian Faith Center and Chinook Middle School). There were 25 outstanding pieces, which are currently displayed at the North SeaTac Park Community Center (NSTPCC) through February 21. Four outstanding students were recognized on aptitudes based on creativity, originality, and artistic ability. Deputy Mayor Brennan presented certificates of recognition from the City to the following Seattle Christian School students: Charissa Bruhn, Andrew Hunt, David Kononen, and Marissa Nuez. Ann Proctor, art teacher was in attendance and was recognized. Mr. Ellis thanked the Council for its continuous support of the art program.

(The following presentation was removed from this agenda and moved to the February 18 Study

Session (SS.)

Presentation on "Welcome to SeaTac" Signage

Inquiry

Councilmember Anderson inquired as to when the new firefighter, Derek Frazier, would be introduced to the Council. Fire Chief Meyer replied that the introduction would be rescheduled to an upcoming Council Meeting.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$483,183.02 for the period ending February 5, 2003.

Approval of employee vouchers in the amount of \$539,424.14 for the period ending January 31, 2003.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending January 31, 2003.

Approval of Council Meeting Minutes:

Joint Council/Port Commission Meeting held October 17, 2002.

Regular Council Meeting held January 28, 2003.

Acceptance of Advisory Committee Minutes:

Planning Commission Meeting held December 2, 2002 (Commission approved January 27, 2003).

Approval of the following Agenda Items recommended at the February 4, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2267

A Motion authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with eight South King County (KC) Cities for a Consolidated Human Services (HS) Funding Program - City Manager

Summary: This Motion authorizes City participation in a one-year pilot project with eight other South KC Cities to improve the efficiency of the HS Program by consolidating the contracting process. This project is based on a model that was developed and successfully implemented by several East KC Cities. Under the proposal, the City of SeaTac would enter into a MOU for joint management of up to four HS agencies.

The MOU outlines the role of each City as either a Lead City or Participating City. The City of SeaTac is a Participating City. Specifically, the MOU designates a Lead City for each participating HS agency and delegates to that City the following responsibilities: 1) entering into a contract with the HS agency for the total funding allocated by the Participating Cities; 2) processing quarterly invoices and performance reports from contracted agencies subject to the approval of each City; 3) providing technical assistance to agencies for the funding application and contract compliance process; 4) conducting annual on-site monitoring of each agency; and 5) Lead Cities will provide these services to Participating Cities without charging an administrative fee.

Participating Cities are responsible for the following: 1) providing to each Lead City, no later than March 31, the total annual funding allocation approved by City Council; 2) reviewing quarterly performance reports from the HS agencies; and 3) determining if payment should be withheld from the HS agencies due to under-performance and notifying the Lead City.

Staff anticipates that the cooperative agreement will reduce administrative costs for all participants, including both Cities and agencies, and encourage the most efficient use of HS dollars. To date, participation in the pilot program has been approved by six of eight interested jurisdictions, including Auburn, Burien, Des Moines, Kent, Renton and Tukwila. The Covington City Council is continuing

to study the proposal and the Federal Way City Council is scheduled to consider the proposal in late February.

Passing this Motion will authorize the City Manager to provide \$20,580 to the Lead Cities, no later than March 31, 2003. This amount represents the total annual funding allocation approved by City Council for the participating HS agencies, as indicated in the MOU.

Agenda Bill #2261

A Motion authorizing the City Manager to sign an Agreement allowing the participation of the City of SeaTac in the King County (KC) Regional Disaster Plan and Hazard Mitigation Plan - Fire

Summary: The City of SeaTac developed its Emergency Response Plan in 1993 to be in compliance with State statutes. The KC Regional Policy Committee, comprised of elected officials from Seattle, Suburban Cities, and KC, passed a Motion in October 1998 that initiated development of a regional disaster plan for KC. This Regional Disaster Plan provides a framework needed to inter-link governmental agencies during an area-wide disaster. The plan will assure that agencies cooperate and coordinate resources to abate the emergency. The Hazard Mitigation Plan will permit the City of SeaTac to participate and be eligible for grant funding for Hazard Mitigation associated with natural disasters. There is no fiscal impact to signing this agreement.

Agenda Bill #2271; Ordinance #03-1004

An Ordinance amending the 2003 Annual City Budget and authorizing the acceptance of the recently approved Federal Emergency Management Agency (FEMA) Grant - Fire

Summary: In March 2002, the Fire Department submitted a grant application under the United States Fire Administration Fire Act Grant for \$153,000 for Mobile Data Computers (MDC) and Software to enhance the service delivery and firefighter safety for accountability during an emergency incident. In January 2003, the department was notified that they were awarded a portion of the request (\$83,900, including 10 percent matching funds). This grant funding will enhance the current use of MDCs in the department and build on the existing program. To receive the grant, the City must provide matching funds (\$8,390) towards the grant. The funding will be used for computers, mounting hardware, software programs for maps, pre-plans and accountability.

This Ordinance will increase the Fire Department/General Fund expenditures by \$83,900, and increase General Fund revenues by \$75,510, resulting in a net impact of \$8,390 representing the City's 10 percent match contribution.

Agenda Bill #2268; Ordinance #03-1005

An Ordinance amending the Classification and Compensation Plan for Non-Represented Employees of the City to provide a Cost of Living Allowance (COLA) - Human Resources

Summary: This Ordinance provides a COLA increase of 90 percent of the CPI-W, Seattle-Tacoma-Bremerton index (1.35 percent) effective January 1, 2003 to non-represented employees of the City of SeaTac. This increase is the same as the increase granted by the new collective bargaining agreement to members of the AFSCME, Local 3830 for 2003.

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.

The budget impact of the proposed COLA is approximately \$40,085.

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

MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS:

Agenda Bill #1982; Ordinance #03-1006

An Ordinance vacating a portion of the 28th Avenue South Right-of-Way (ROW) being north of South 188th Street in the City of SeaTac and abutted on both sides by Port of Seattle (POS) Property - Public Works

Summary: This ROW is not identified in the 1997 City/POS Interlocal Agreement (ILA) as one of the ROWs the City has agreed to vacate to the POS. Therefore, the POS's payment for this vacation is over the maximum of \$6,500,000 that was agreed to in the ILA, as amended. The passage of this Ordinance will document the City Council's concurrence in vacating this ROW.

The POS has undertaken the South Terminal Expansion Project (STEP), which includes the relocation of 28th Avenue South/Air Cargo Road. The POS owns all of the property abutting the portion of the ROW it is requesting to be vacated. The relocated portion of the roadway will be on Port property and be secured with no access by the general public. In advance of completing this street vacation, the POS has been granted a ROW Use Permit to allow it to continue with the STEP construction. The City also has worked with the POS and has had input into the decision-making process relating to architectural features that would now or in the future be visible from a public ROW.

The relocated roadway alignment eliminates the secondary access to the West Coast Gateway Hotel and Sharp's Restaurant. This access was allowed across POS property so long as the POS was not using the property. The POS notified these businesses as well as the other businesses along 28th Avenue South north of South 188th Street of the vacation request and the realignment of the roadway. These property owners were also notified by City staff of the vacation request and the public hearing, which was held on May 22, 2001.

The procedures for vacating a public ROW are defined in the Revised Code of Washington (RCW). On May 22, 2001, a public hearing was held to consider the merits of the application to vacate the street in question. The date of the public hearing was set by Resolution adopted by the City Council on April 10, 2001 with the notice being posted on April 24, 2001. No objections were raised at the public hearing to this vacation. The public hearing was closed and the Council has been holding discussions with the POS and deliberating the merits of the requested street vacation since the date of the public hearing.

In the 2001 legislative session, House Bill 1750 was passed and went into effect on July 21, 2001. This bill allows jurisdictions vacating a ROW to charge up to a maximum of 100 percent of the appraised value of the ROW being vacated rather than the previous maximum limit of 50 percent of the appraised value.

All the utilities serving the City were given notice of the POS's request to vacate this ROW. Puget Sound Energy (PSE) has requested that the City reserve an easement for their facilities in the area being vacated.

The POS had the firm of Lamb Hanson Lamb Appraisal Associates, Inc. appraise the ROW to be vacated. The POS appraisal dated March 20, 2001 was submitted to the City for review on May 4, 2001. This appraisal estimates that the fair market value of the ROW is \$8 per square foot (s.f.) for a total of \$115,000. Based upon the prices the City has recently been paying for ROW for 28/24th Avenue South and International Boulevard (IB) Phase III, staff arranged for an independent review of the appraisal. The review appraisal prepared for the City has determined that the fair market value of the property is \$20 per s.f. or \$287,240.

Since the POS will need to vacate additional 28th Avenue South ROWs in order to construct South Access, the portion of 28th Avenue South currently under review could be vacated without sacrificing any leverage on local access issues. If the City Council chooses to grant this vacation, it is recommended that it be approved subject to an easement for utility purposes at a fair market value of \$287,240.

MOVED BY HANSEN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 03-1006.*

Deputy Mayor Brennan reiterated his opposition to adoption of this Ordinance, stated that he feels this is the wrong time for this action, adding that the City has not heard from the POS on this issue and he is concerned about the City's businesses if the POS proceeds with this project.

Councilmember DeHan stated the Council agrees with Deputy Mayor Brennan in the fact that the idea is to have some kind of access/egress in the vicinity of South 188th Street but disagrees on the means to accomplish that. He stated he felt that having 530 feet of City ROW, which is not being turned over to the POS and will have to be vacated in order for the POS to accomplish the South Access, is adequate as far as the City's leverage in trying to get the south access/egress at South 188th Street. He feels it is in the City's best interest to vacate this current property and put nearly \$300,000 into the City's coffers.

Councilmember Anderson questioned whether the money has been designated for a specific use. Mr. Monaghan replied that 50 percent is for Capital Improvement Fund and 50 percent would normally go into the General Fund but could be transferred into the POS ILA fund. Councilmember Anderson added that she would like the money used to enhance the City for the residents.

Upon a question posed by Councilmember Lasco, Deputy City Manager Spencer stated she agreed with the distribution of funds as stated by Mr. Monaghan, adding that the funds in the General Fund can be used as seen fit by the Council. A budget amendment can be brought back to Council to either transfer that money to another fund or to appropriate the money for a particular purpose. This action is solely up to the Council's discretion.

Councilmember DeHan questioned whether this money was in the 2003 revenue. Ms. Spencer stated it was not. Councilmember DeHan suggested that this issue be discussed at an Administration & Finance (A&F) Committee meeting prior to Council decision-making. Council concurred with this action.

*MOTION CARRIED WITH BRENNAN VOTING NO.

NEW BUSINESS:

Agenda Bill #2263; Resolution #03-003

A Resolution approving and authorizing the 2003-2005 Collective Bargaining Agreement between the City of SeaTac and the American Federation of State, County and Municipal Employees (AFSCME) Local 3830 - Human Resources

Summary: The following are the major elements of the agreement:

A COLA for 2003 of 90 percent of the CPI-W for the Seattle-Tacoma-Bremerton region is proposed for the AFSCME bargaining group. This would result in a 1.35 percent increase for the 78 employees of the City of SeaTac who are represented by AFSCME Local 3830. 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. Thus, the same COLA will apply to 2004 and 2005. The COLA for 2005 is limited to a two-percent minimum and four-percent maximum. This minimum and maximum have existed in prior bargaining agreements and serves to provide some protection to both labor and

management.

Under the proposed agreement, the employees' share of dependent medical insurance premiums will increase from the current five percent to 10 percent in 2004.

The City will perform a salary survey of certain positions in 2003 and 2004. Many of the selected positions have not been reviewed since 1993. However, the surveys may indicate either an upward or downward adjustment in salaries. For positions reviewed in 2003, any salary adjustment will be effective January 1, 2004. Positions reviewed in 2004 will have any adjustment effective January 1, 2005.

As proposed by the City, the bargaining agreement provides for an optional sick leave cash-out program for the dual purpose of encouraging employees to accumulate a sick leave bank sufficient to cover serious illness or injury and also to provide an incentive for reduced time off as sick leave. An employee may continue on the existing program, which permits cash-out upon termination or retirement of 25 percent of accumulated sick leave but only up to a cap of 64 hours. Employees may forego the existing plan and opt to trade in one year's unused sick leave (a maximum of 96 hours) for a cash payment equal to 25 percent of the annual accumulation traded in (a maximum of 24 hours), providing that a total accumulation of 300 sick leave hours have been previously accumulated. If an employee accumulates a sick leave balance of 720 hours, then the employee is able to cash out 50 percent of the unused annual sick leave.

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

The budget impact for 2003 of the proposed COLA is approximately \$44,427. This figure includes the associated increase in mandatory benefits such as City paid retirement, unemployment and Medicare contributions. The budget impact on the 2004 and 2005 budget is dependent upon the CPI for the Seattle-Tacoma-Bremerton area over the next two years.

MOVED BY HANSEN, SECONDED BY LASCO TO PASS RESOLUTION NO. 03-004.*

Councilmember Hansen stated that this issue has been discussed extensively at the A&F Committee Meeting and reached a consensus that it is to the benefit of both the union and the City to pass this Resolution. The MOU covered both parties. Councilmember Fisher agreed. Human Resources Director Mahaffey addressed Council's strong concerns from the February 4 SS with the A&F Committee to their satisfaction, which he briefed on.

Councilmember DeHan commended Mr. Mahaffey for the crafting of the MOU takes care of all concerns and is well done.

Laura Wentworth, Union Representative, 3503 Oaks Avenue, Everett, thanked the Council for taking another look at the MOU. She too feels it is of benefit to both parties.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2275

A Motion authorizing Certain Amendments to the City's Police Contract Model - City Manager

Summary: This Motion authorizes the City Manager's Office to negotiate amendatory contract language relating to the City's contract with KC for Police Services.

The City's contract with KC for Police Services allows for two different contract models, the Shared

Supervision model and the City Model. Until 2003, the City contracted for the Shared Supervision Model, which allows for the Cities of Burien and SeaTac to share with KC in the cost of administrative and supervisory personnel located at the Precinct 4 in Burien. For several years, the City contemplated a move to the City Model with the planned relocation of SeaTac Police staff to the new City Hall (NCH). Several Council and staff visited Shoreline, the only City currently utilizing the City Model, to learn more about their operations. Following discussion at the April 2002 City Council Retreat, staff were directed to plan for a change to the City model in 2003, which is reflected in the 2003 Adopted Budget. Under the City Model, SeaTac's Police Department essentially becomes its own Precinct. The City's Police Chief would be a Major, instead of a Captain. The other significant change is that Patrol Officers would be supervised by dedicated Patrol Sergeants. Currently they are shared with Burien and KC.

Recently, KC approached the City Manager's Office with a proposal to create a Modified City Model, which would combine aspects of both the City Model and the Shared Supervision Model. This new proposal would provide an opportunity for the City to relocate all SeaTac Police personnel to the NCH as planned, but to have a small cost savings as it pertains to the Major/Chief position and Patrol Sergeants. The major differences between the City Model: 1) SeaTac's Chief of Police would be a Major instead of a Captain; 2) Burien Precinct would retain a Major as well and Patrol Sergeants; and 3) the City would contract for six dedicated patrol sergeants. In the Hybrid Model: 1) SeaTac's Major is located at the SeaTac City Hall but is responsible for operations at SeaTac's Police Department, as well as the Burien Precinct; and 2) the City would contract for three dedicated patrol sergeants and share in the cost of seven more with Burien and KC.

The total contract cost for 2003 would be approximately \$63,000 less for the Hybrid Model, which would allow for the addition of a second administrative assistant position requested by the Police Chief but not approved in the 2003 Adopted Budget.

Several issues related to the County's proposal are being clarified. It is recommended that Council authorize staff in the City Manager's Office to proceed with negotiations of amendatory contract language to allow for the Modified City Model. Contract amendments would be brought to Council for approval at a later date, estimated to occur in 60-90 days.

Deputy Mayor Brennan stated that at the Public Safety & Justice (PS&J) Committee meeting yesterday and a long discussion was held on the Police Contract. Many of the local KC Police Officers serving this area were in attendance. The committee recommended the Council go along with the Modified City Model. Deputy City Manager Spencer added that it was a significant briefing at the February 4 SS where Chief Somers reviewed with Council the specific difference between the City Model and the Modified City Model. She requested that this bill be placed under New Business due to a few outstanding issues that needed finalizing. At a meeting last Friday, Chief Somers, City Manager Rayburn and she met with Chief Sue Rahr of the Sheriff's Office discussing some issues of concern that were aired at the PS&J Committee meeting in January, as well as issues that came up in discussions in previous meetings. She felt that all of the issues were resolved. One significantly in SeaTac's favor is that with the City Model, the City was moving toward six patrol sergeants. Under the Modified City Model, the City would have three dedicated Patrol Sergeants but would share in the cost of six additional Sergeants on a flex basis. Those Sergeants would work out of the Burien facility. The Sheriff's Office committed that under the Modified City Model, when one of the dedicated Patrol Sergeants is off duty, one of the Flex Patrol Officers from the Burien facility would move over and be stationed at the City for that shift putting one the Patrol Sergeant always in City Hall. Regarding the Major position and that under the Modified City Model, 25 percent of that cost would be borne by Burien and KC. Of concern to the City, under that arrangement, SeaTac would not see a lowering of service with the Modified City Model. Detail specifics were discussed. A commitment was obtained from the KC Sheriff's Office that it is high priority to work through the contract issues. She asked Council for their approval of the Modified City Model in concept. The contract language would be brought back to Council for approval at a later date in the form of an

MOU. This would allow staff and KC to work through the contract issues quickly. Council approval tonight would allow Chief Somers and KC to work through the transition of Police operations to the SeaTac City Hall.

Council discussion ensued as to the some of the different aspects of this type of operation. KC's presentation on this type of operation was amazing with successful results from other Police departments. There was some concern as to having to share Chief Somers with other jurisdictions. Chief Somers explained the differences in service to the City with each model. He stated he would be responsible for SeaTac and other areas consisting of approximately 120,000 people with 147 Commissioned Officers and 200 total with civilian volunteers. There will have to be some reengineering of how the precinct would work and as long as he is the Precinct Commander, he would see that SeaTac is serviced well. Cost savings would allow for a second clerk that is well needed.

Councilmember DeHan remarked that the advantages in the Modified City Model far outweigh the disadvantages depending on how much time the Chief is going to have to spend on the district demands on his time.

Chief Somers continued to answer Council's concerns to which they voiced their support of the Modified City Model.

Councilmember Hansen, however, stated that he would be voting against the Modified City Model due to his concern that it is against what the City wanted with a Police Department in City Hall in order to serve SeaTac and not take Chief Somers out to outside jurisdictions.

Councilmember DeHan stated one of the reasons he was an advocate for the City Model was so that the City would have a point of leverage with the KC Sheriff in future contract negotiations so that if at any time the City decided it was not pleased with the contract measures, the option to go to the City's own Police Department was still there. The Modified City Model enhances SeaTac's position of leverage because now SeaTac has the option of having a City Police Department and opting out of the Southwest Precinct.

MOVED BY DEHAN, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 2275.

MOTION CARRIED WITH HANSEN VOTING NO.

Added items:

Councilmember DeHan stated that at the Transportation & Public Works (T&PW) Committee Meeting today, there were two final considerations for construction projects in the City. First is the South 188th Street Overlay Project, which was done in a timely fashion and came in under budget. The second was the final acceptance of the 36th Avenue South Improvements Project, which also came under budget. The committee recommended Council approval of both projects. Deputy Mayor Brennan congratulated the Public Works Department for the savings and for a job well done.

Agenda Bill #2272

A Motion authorizing Final Acceptance of the South 188th Street Overlay Project - Public Works

Summary: This Motion authorizes final acceptance of the South 188th Street Overlay Project as complete and establish a 45-day lien period as required by State law. The project was physically completed December 13, 2002. Staff is recommending final acceptance and closeout of the project.

On August 13, 2002, City Council awarded the South 188th Street Overlay contract to ICON Materials for a contract amount of \$439,965 plus a 10 percent contingency of \$43,996 for a total

budgeted amount of \$483,961. Work began in early October 2002 and reached substantial completion (open to traffic) by October 21, 2002. The project included road repair and overlay of approximately 4,600 lineal feet of South 188th Street between IB and 46th Avenue South. The outside four feet of both eastbound and westbound curbside lanes were excavated to repair extensive asphalt failure. Additive/Alternative Schedule B, 42nd to 46th Avenues South, was included in the bid to extend the overlay to just west of the NCH. The project is now complete including cleanup and punch list items. The actual costs of the project were significantly lower than the contract amount due to better than anticipated subgrade conditions resulting in a reduction in the amount of roadway excavation and material used for subgrade repair.

The construction contract (including 10 percent contingency) award amount was \$483,961 with a final cost of \$392,064.43. Revenues were from the City 102 Arterial Street Fund - \$261,794.43 and the National Highway System - \$130,270 for a total of .

MOVED BY DEHAN, SECONDED BY LASCO TO PASS AGENDA BILL NO. 2272.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2273

A Motion authorizing Final Acceptance of the 36th Avenue South Improvements Project - Public Works

Summary: This Motion authorizes final acceptance of the 36th Avenue South Improvements Project as complete and establish a 45-day lien period as required by State law.

The project was awarded on May 14, 2002 to C. A. Goodman Construction Company. The contract bid was \$700,629.40 and an additional 15 percent contingency was approved by City Council for a total construction contract budget of \$805,723.81. The project consists of new curb, gutter, sidewalks, street trees, illumination, underground utilities, improved storm drainage and a new traffic signal at the intersection of 36th Avenue South and South 188th Street. The new roadway section contains two through lanes each way with left turn pockets on South 188th Street and 36th Avenue South. The contract also includes replacement of 600 feet of waterline, which was paid for by Highline Water District in the amount of \$72,769.79. At this time, the project is now complete and was constructed per specifications.

| | <u>Award Amount</u> | <u>Final Cost</u> |
|--|---------------------|-------------------|
| Construction Contract (including 15% contingency) | \$805,723.81 | \$690,679.14 |
| Materials Testing | \$4,000.00 | \$1,615.80 |
| Additional Inspection | \$2,500.00 | \$1,365.70 |
| PSE Underground Power Conversion | \$14,302.00 | \$15,886.40 |
| | | |

| | | |
|--------------------------------------|-------------|-------------|
| PSE Street Light Installation | \$30,000.00 | \$24,501.77 |
| Underground Service Line Conversions | \$20,000.00 | \$4,269.68 |

MOVED BY DEHAN, SECONDED BY LASCO TO PASS AGENDA BILL NO. 2273.

MOTION CARRIED UNANIMOUSLY.

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

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following item of business regarding the proposed site at Orillia Road and South 200th Street for the Secured Community Transition Facility (SCTF): The Department of Social Health Services (DSHS) has indicated that they would not propose any further public hearing until late March or early April since there are several other sites added to the list for their review. In the meantime, the comments of the public testimony at January's public hearing are being transcribed and will go to Council and DSHS.

COUNCIL COMMENTS: Councilmember Fisher stated that at the A&F Committee Meeting today, the Position Vacancy Review Board (PVRB) brought before them a request for nine, six, and three month Parks & Recreational Department seasonal positions to be filled which are already in the budget. The committee agreed upon this decision. This PVRB is more work for the staff but it is a good feeling to be a part of the process.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY LASCO TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 6:54 PM.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Deputy Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

February 25, 2003 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Deputy Mayor Joe Brennan at 6:00 p.m.

ROLL CALL: Present: Deputy Mayor Joe Brennan, Councilmembers Gene Fisher, Kay Lasco, Terry Anderson, Frank Hansen, and Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Kristina Lowrey, Deputy City Clerk; Robert McAdams, City Attorney; Bob Meyer, Fire Chief; Scott Somers, Chief of Police Services; MaryAnn Cromwell, Fire Department Executive Assistant; Steve Butler, Planning Director; Jack Dodge, Principal Planner; and Holly Anderson, Senior Planner.

FLAG SALUTE: MaryAnn Cromwell, Fire Department Executive Assistant, led the Council, staff and audience in the Pledge of Allegiance.

INTRODUCTION:

New Firefighter Derek Frazier

City Manager Rayburn introduced the City's newest Firefighter, Derek Frazier. Mr. Frazier was a Volunteer Firefighter with North Highline and Lacey Fire Districts. He is currently completing his Associate's Degree in Fire Service at Bellevue Community College and is planning to attend a four-year university to achieve his Bachelor of Science Degree. He is married with a three-year-old daughter. Council welcomed Firefighter Frazier to which he stated he was honored to be a member of the City and looks forward to serving the community.

CONFIRMATION OF MAYORAL REAPPOINTMENTS:

Confirmation of two Reappointments to the Human Services Advisory Committee

MOVED BY ANDERSON, SECONDED BY FISHER TO RE-APPOINT PATRICIA CROCKER AND JO KRAFT TO THE HUMAN SERVICES ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Councilmember DeHan read the certificates and Deputy Mayor Brennan presented the certificates to the newly re-appointed committee members, Patricia Crocker and Jo Kraft. Deputy Mayor Brennan stated that their decision to continue with this committee is admirable.

PUBLIC COMMENTS: Joe Dixon, 19211 35th Avenue South, reiterated his opposition comments made at the February 18 Study Session (SS) regarding the presentation on a proposal to build a four-star hotel on the Angle Lake property. He added that approximately three years ago, he made a suggestion for use of this property and was told that the Hotel/Motel (H/M) Tax Advisory Committee was working on this issue. He requested to see the alternatives to his suggestion. In the meanwhile, he suggested Council wait on their decision until they see the outcome of the senior housing being built by the Lutheran Social Services (LSS) and then perhaps the lake property could be considered for a Senior Center.

PRESENTATIONS:

Regional Growth Centers (RGC)

Planning Director Steve Butler introduced Norman Abbott, Puget Sound Regional Council (PSRC) Representative. Mr. Abbott in turn, introduced Eli Cooper, PSRC Director of Transportation Planning.

Mr. Abbott gave a slide presentation on the RGCs and distributed a brochure on their Vision 2020. The PSRC is

reaching out to the 21 jurisdictions having or planning for RGCs, in order to increase communication with jurisdictions. The board has also requested each of these jurisdictions speak before the board. Mr. Butler will represent SeaTac before the board in June. There are 12 RGCs in King County (KC), five in Seattle, three in Snohomish County, five in Pierce County and one in Kitsap County. The purposes of the centers are to serve as the backbone of the transportation system and to attract population and employment growth that would be beneficial to the region. The centers will develop a more efficient use of public land with fewer vehicle trips, better opportunities to walk and bike, and reinforce this style of living. In reviewing the 21 centers, he reiterated the statistics given during the PSRC's presentation on the centers detailing their success in population and employment. In terms of housing, SeaTac is No. 6 in growth. The next phase of work is to move beyond the urban centers to smaller, more compact communities providing ease in shopping and other close-range amenities.

Deputy Mayor Brennan thanked Mr. Abbott for the presentation and added that the Council will review the distributed information.

LEOFF I Disability Board Update

Deputy Mayor Brennan, Chair of the LEOFF I (Law Enforcement Officers and Fire Fighters) Disability Board, gave an update on the purpose of the board. The current board members are Councilmember Anderson; SeaTac citizen and former SeaTac Councilmember Abner Thomas, Public Member-at-Large Representative; retired SeaTac Fire Marshall Jeff Lowe, LEOFF I Representative; Fire Marshall Jeff Richardson, LEOFF II Representative; and Fire Department Executive Assistant MaryAnn Cromwell, LEOFF Secretary.

The LEOFF Retirement System has two plans: Plan I - consists of full-time Fire Fighters who were employed and established members in the retirement system prior to October 1, 1977; and Plan II - is for current Fire Fighters.

The Board meets as necessary to process disability leave, medical, and retirement benefits for its LEOFF I members of which the City currently has five members who will be covered by the City for life.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$651,530.05 for the period ending February 5, 2003.

Approval of employee vouchers in the amount of \$386,539.87 for the period ending February 15, 2003.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending February 14, 2003.

Approval of Council Meeting Minutes:

Regular Council Meeting held February 11, 2003.

Acceptance of Advisory Committee Minutes:

Library Advisory Committee Meeting held November 12, 2002 (Committee approved February 11, 2003).

Planning Commission Meeting held January 27, 2003 (Commission approved February 10, 2003).

Senior Citizen Advisory Committee Meeting held November 17, 2002 (Committee approved February 20, 2003).

Approval of the following Agenda Items recommended at the February 18, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2274; Ordinance #03-1007

An Ordinance amending Certain Chapters of Title 13 of the SeaTac Municipal Code (SMC) to replace the Board of Appeals System with the Hearing Examiner System for Appeals of Building Official Decisions related to Building and Construction Issues - Public Works

Summary: The Uniform Codes, as adopted by the City, established a Board of Appeals to hear appeals of a Building Official decision. The board is made up of four members appointed by the City Council. Since there have only been two requests for a Board of Appeals hearing since adoption of the system, it would be beneficial to replace the board with the already existing Hearing Examiner system. Other Cities have moved to the Hearing Examiner system with positive results.

The majority of this Ordinance is a reprint of current Code language. The only cost of the board is staff time. The

Hearing Examiner system will require payment to the Hearing Examiner (currently \$70 per hour). This amount will be small, as there have only been two appeal requests in 11 years. This small increase is expected to be offset by less staff time required for an appeal and the Hearing Examiner appeal fee of \$100.

Agenda Bill #2276

A Motion authorizing the purchase of Equipment for 2003 - Public Works

Summary: The 2003 Annual Budget includes \$274,000 in the Equipment Rental Fund for 2003 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. The Parks & Recreation budget in the General Fund also has an additional \$22,585 in the 2003 Budget for an upgraded version of one of their existing mowers, for a total of \$296,585 available from all funds. The following equipment is scheduled replacements of existing equipment and will be purchased within budget limitations: 1) Parks & Recreation - Batwing Mower estimated at \$46,000; and 2) Public Works Maintenance - Tiger Slope Mower estimated at \$81,500 for a total of \$127,500.

This equipment can be purchased through the State of Washington Lawn and Grounds Equipment Contracts for 2003, as a subscriber to the State Purchasing Cooperative. The State conducts a competitive bid process awarding its lawn and grounds equipment contracts, and the purchasing cooperative allows individual municipalities to enjoy the cost savings associated with the State's large volume purchasing.

Agenda Bill #2280

A Motion approving the Low Bidder for Partitions and Drywall for the Police Remodel - Facilities

Summary: Bids were requested from three contractors for the separate bid categories of Framing & Insulation and Drywall. The results are listed below:

FRAMING & INSULATION:

Company Bid Amount w/Contingency & Tax Total of 18.8 Percent

Mayer Construction \$19,724 \$23,605.69

Hilger Construction \$15,800 \$18,909.44

D.L. Henricksen \$12,624 \$15,108.40

DRYWALL:

Company Bid Amount w/Contingency & Tax Total of 18.8 Percent

Mayer Construction \$26,120 \$31,260.42

Hilger Construction \$25,100 \$30,039.68

D.L. Henricksen \$20,054 \$24,000.62

The City Council authorized a total budget of \$939,829 for Police Operations on the New City Hall (NCH) Project. The estimate for this work was \$16,240 and \$26,370 respectively.

Agenda Bill #2278

A Motion authorizing the replacement of a Planning Intern to fill a Vacant Position - Planning

Summary: The Planning Intern position has recently become vacant. This position is funded by two State grants. It is important that a new Planning Intern be hired in order to ensure that significant work projects are completed and to

fulfill grant requirements. A Position Vacancy Review Board (PVRB) meeting was held to discuss this position. The board recommends that a new Planning Intern be hired. The Administration and Finance (A&F) Committee then discussed this issue and also recommends the hiring of a new Planning Intern.

The position is completely funded by Growth Management Act (GMA) and Demonstration Housing Project grants from the Washington Department of Community, Trade and Economic Development (CTED).

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2277

A Motion authorizing staff to proceed with Phase II of the Demonstration Housing Project - Planning

Summary: In November, Council adopted a Resolution accepting \$99,500 in grant funding from CTED for a Demonstration Housing Project. The work plan included two phases; Phase I is essentially complete and has resulted in a conceptual site plan. Phase II would include further investigation of the potential site, and development of specific code changes to facilitate small lot single-family development.

The City has entered into a contract with CTED for expenditure of grant funds for a demonstration housing project. The project is intended to illustrate innovative housing design, meeting several of the following criteria: 1) good design that enhances the character of an existing neighborhood; 2) extensive public participation, especially with surrounding property owners, to ensure community support for the housing development; 3) smaller units with amenities; 4) a minimum density of seven dwelling units per acre (which equals an average of 6,223 square feet per dwelling); 5) mixed-income housing (some, but not all, units should be affordable to low-income families); 6) innovative land use/zoning provisions and a streamlined permitting process; 7) served with existing infrastructure (such as roads and public sewer/water); and 8) location within an urban growth area.

During Phase I, the City and its partners (Threshold Housing and the Housing Partnership) worked on Steps 1-8 of the scope of work, including market research, evaluation of potential sites, and conceptual project design. The scope calls for a decision at this point from the City and its partners as to whether the project is feasible and desirable.

With Council's acceptance to proceed with Phase II of the project, the grant funding will be used for the following steps: 1) final project design; 2) revision of Development Regulations and Comprehensive Plan policies; 3) preparation of a financing package; 4) potential revisions to CTED's Pilot Program for Capital Facilities Financing Planning; and 5) State Environmental Protection Act (SEPA) review on the proposed project design.

If the project is determined to be feasible at the end of Phase II, Threshold Housing, or a developer that they select, would complete the required permit processes and construct the project.

The grant covers the entire project cost of \$99,500, of which the City's portion is \$30,000. Per the contract, 60 percent of the grant funding can be expended for Phase I. Passage of this Motion would allow acceptance of the remaining 40 percent of the funding to be expended on Phase II of the work plan.

Planning Director Butler reviewed with Council the presentation made at the February 18 SS on the proposed Motion to proceed with the Phase II tasks for this project. There were some questions raised. As to whether the City would be involved in choosing the final developer of the project, the answer is yes. As an update, a sales and purchase agreement has been signed, therefore, Threshold Housing will be able to proceed with study of Phase II.

Council comment ensued as to whether or not the City should be involved in the construction of the project and it was decided that as long as City Building and Zoning Codes are adhered to, the City should not. The issue of adequate parking in the complex arose. Staff addressed Council concerns.

Councilmember Anderson stated that parking issues were discussed in Public Safety & Justice (PS&J) Committee.

Councilmember Hansen stated that a site visit would likely address any concerns the Council may have. Mr. Butler stated that a site visit was to be scheduled before this evening's vote but with Council's busy schedules, it was not possible. Another tour will be scheduled for the complex in Dupont when all Councilmembers are available.

MOVED BY HANSEN, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 2277.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: J. B. Freer, 18925 37th Avenue South, inquired as to whether the Council is planning to prepare a Mayoral plaque for former Mayor Kathy Gehring-Waters. Deputy Mayor Brennan stated that the City would do this task and staff will advise Ms. Freer of when it will be done.

Joe Dixon, 19211 35th Avenue South, inquired as to whether the Council has had a chance to visit the 1.6 acres proposed for the 27 units. The remaining house on this land will stay. He stated he feels that 27 families with one yard and 10 visitor spots is a place for problems. He suggested eliminating every other one of the 27 units. Councilmember Hansen suggested inviting Mr. Dixon to join Council on the site tour, to which Mr. Dixon agreed to attend.

Rodger May, 4317 188th Street, stated that the City has had Code issues with his seafood plant. The current issue is that wastewater from his plant has been going into the storm drain and fish parts are being detected. The latest issue was that one of his trucks had fish juice running out of it and he was told to vacuum the pavement to insure the fish waste did not go down the storm drain. He stated that he would like the City's help on this situation

City Manager Rayburn stated that the City has received complaints from another business in the immediate area regarding the plant's operations and Code Enforcement examined the situation and determined that there were fish parts in the storm drain system. Last week, Code Enforcement revisited the site and determined that the property had been cleaned up. Mr. Rayburn stated the point is that fish products are not to go down the storm drain system. Mr. May stated it is impossible to run his business and comply with what the City is requesting.

Councilmember Anderson inquired as to whether oil products or fish products are not allowed in the storm water system. Mr. Rayburn stated that the initial problem was the quantity entering the system causing it to be plugged, adding that he would like to visit the plant and discuss the situation with Mr. May. Deputy Mayor Brennan agreed with this action. Councilmember Fisher stated the City has lost 107 businesses in the last few years due to these kinds of complaints; however, Code Enforcement is doing its job. Deputy Mayor Brennan requested a list of these businesses.

Linda Snider, 18700 36th Avenue South, stated that she was disappointed that the Open House banner is on the building when the Sign Code forbids the hanging of such banners. Mrs. Snider added that businesses are to comply with City Code and the City should also comply.

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) reviewed with Council the NCH Open House/City's 13th Anniversary event to be held February 27 from 5:00 to 7:00 p.m. He detailed the program's agenda; and 2) Steve Thomas, long-term Pro-Tem and Magistrate Judge is leaving the City and a goodbye potluck will be held on Monday, March 3, at noon in the Municipal Court area. A Certificate of Appreciation for his years of service will be presented to him at that time. Councilmember Anderson added that Mr. Thomas is leaving due to health reasons.

COUNCIL COMMENTS: Councilmember Fisher stated that he hoped that Mr. Dixon is wrong about the housing development but he feels Mr. Dixon is right about the Angle Lake property. It is the people's property and should be used to the benefit of the citizenry such as for senior housing.

Councilmember Hansen added that he learned earlier this evening that Councilmember Lasco's father and good friend, Debbie are both extremely ill. Thoughts of improved health are being sent their way.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY HANSEN TO ADJOURN THE REGULAR MEETING OF THE SEATAC

CITY COUNCIL AT 6:58 P. M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Deputy Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

March 11, 2003
6:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Deputy Mayor Joe Brennan at 6:00 p.m.

ROLL CALL: Present: Deputy Mayor Joe Brennan, Councilmembers Frank Hansen, and Don DeHan. Excused Absences: Councilmembers Gene Fisher, Kay Lasco, and Terry Anderson.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services;

FLAG SALUTE: Joe Dixon, SeaTac resident, led the Council, staff and audience in the Pledge of Allegiance.

ADDED ITEM:

·Scheduling of interviews for Council Position No. 5 at the March 18, 2003 Special Council Meeting

Deputy Mayor Brennan instructed the Council Position No. 5 applicants to draw a time slot from the City Clerk in the order of their submittal of their Letter of Intent. This action was completed with each applicant receiving a City of SeaTac Application Form to fill out and return to the City Clerk's Office no later than March 14, Friday at 12 noon. Deputy Mayor Brennan explained the interview process to the applicants. The interview times for the applicants are as follows: 3:10 - Linda Snider; 3:30 - Will Wurdeman; 3:50 - Wendy A. Morgan; 4:10 - Rodger May; 4:30 - Michael Siefkes; 4:50 - Michael T. Kovacs; 5:10 - Mel Markham; 5:30 - Marion L. Henry; and 5:50 - Christian Sperlich. Deputy Mayor Brennan stated that on March 18 after the scheduled interviews are completed, Council will confer in Executive Session as to their choice of a qualified citizen for Council Position No. 5.

PRESENTATIONS:

·Highline Historical Society

Highline Historical Society Board Trustee Cyndi Upthegrove introduced Dick Dahlgard, Highline Historical Society Vice President, of Dick's Camera Shop, who read a State Proclamation from Secretary of State Sam Reed in which he commemorated the opening of SeaTac's new City Hall (NCH) and the Highline Historical Society's Sesquicentennial Exhibits in City Hall. Council stated their appreciation of the proclamation, which will be hung in the NCH. Mr. Dahlgard and Ms. Upthegrove each stated their appreciation of the City's financial support of the historical exhibits. Ms. Upthegrove explained the selection of future exhibits. Council stated their appreciation of the excellence of the current exhibits.

PUBLIC COMMENTS: Cheryl Forbes, 5008 South 182nd Street, stated, as a member of the community and a member of the Highline Citizens for Schools, her appreciation of the Historical Exhibit. She was unaware of the vast history of this community. The exhibit was very enlightening as to events of the past.

Sam Smith, 18944 33rd Avenue South, issued a complaint as to a neighbor's feeding of birds which has escalated to the point that it is attracting rodents, ducks and other large birds. He has had to call a pest control company to ensure his yard is not contaminated. Code Enforcement staff informed him that there is no code violation regarding this issue. He urged Council to look into the situation. City Attorney McAdams stated that there is a code reference to this type of issue. He will talk with Code Enforcement regarding the regulation.

Larry Hardman, 18937 33rd Avenue South, reiterated Mr. Smith's comments, confirming that the situation in the neighborhood is a serious one.

Cheryl Forbes spoke again, this time as a mother and proponent of the Highline School District (HSD) Levy that failed by one percent in February 2003. She urged SeaTac to endorse the levy, which is slated for vote April 22.

PRESENTATIONS (Continued):

·Library Advisory Committee Update

Library Advisory Committee Member Donna Chavez gave their 2002 Annual Report. Ms. Chavez stated that the mission of the library system is to provide free, open and equal access to ideas and information to all members of the community. The committee's mission is to advocate these services, promote access to the many and continually changing system-wide resources. To these ends, they have had a successful year. She mentioned a few of the highlights: Valley View Library has been remodeled with new amenities, the committee took part in the International Festival Parade as a drill team

publicizing their summer reading program, took part in the October Community Health Fair, members also helped with the King County (KC) Library System's Southend Book Sale to earn money for the library, distributed program flyers monthly to childcare centers, preschools, apartment complexes, and public buildings in the area, and helped maintain the library's outdoor plantings. These activities will all continue in 2003 along with other new programs such as exploring the possibilities of discussion forums. The committee will continue to keep up on legislative issues, and assist the library staff as needed. Karen Hardiman, Managing Librarian of Valley View Library and the excellent staff have been a big plus in attracting members of the community with their youth and adult programs. Council thanked Ms. Chavez for the excellent reporting.

4th Quarter 2002 Financial Report

Deputy City Manager Spencer stated that City Hall is in the midst of the State Audit so the amounts in this report are subject to change but all are 2002 closing entries and she believes that the numbers in this reporting will be close to the final numbers once the audit is complete. General Fund revenue came in for 2002 at \$20.7 million, slightly below the budget of \$21.3 million: 1) Property Taxes account for a little over one third of the General Fund revenue and the City experienced a 98 percent collection rate in these taxes, which is better than the 2001 collection rate; 2) Sales Tax at \$6.9 million was just under the budget of \$7 million, a drop from 2001; 3) Other revenues of \$5.6 million came in near budget at \$6 million; 4) there was a shortfall in Gambling Taxes compared to budget, a shortfall in Interest revenue due to interest rates continuing to decline throughout 2002; and 5) a shortfall in a transfer from the Port of Seattle (POS)/City of SeaTac Interlocal Agreement (ILA) Fund due to expenditures that did not occur in the General Fund, which did not cause any concern.

General Fund Expenditures came in at \$19.6 million, which was significantly below the budget of \$21.5 million: 1) there were savings in the Salary and Benefits category of \$300,000 due to vacancies in turnover during the year; and 2) other services and charges came in about \$975,000 under budget, primarily in the area of Professional Services; 3) there was a savings in the Police Contract due to continued aggressive work on keeping overtime costs down by the Police Chief; 5) Capital Outlay was well below budget primarily due to the delays in projects and capital expenditures; 6) A decrease of \$215,000 in the General Fund Balance was projected in the budget. The actual was an increase of \$1.1 million, \$1.3 million better than estimated. The General Fund balance at the end of 2002 was \$16.9 million, better than the projected budget of \$16.1 million.

Ms. Spencer continued by highlighting the City's other funds: 1) City Street funds were close to budget with \$62,000 actual compared to an estimated negative budget of \$15,000; 2) Arterial Street Fund had a balance of \$5.2 million compared to the estimated budget of \$4.8 million (much of the revenue is from Parking Tax). Expenditures of \$3.1 million were slightly below budget of \$3.5 million; 3) Municipal Facilities Capital Improvement Program (CIP) Fund (NCH) Project revenue of \$646,000 was over the estimated budget of \$560,000 and expenditures of \$3.6 million were well below the budget of \$6 million primarily due to timing of billings on the NCH project. 4) there will be a budget amendment at the next Council Meeting of carryovers of 2002 budget items that are being completed in 2003. The fund balance is a negative fund balance covered by an interfund loan from the POS/City ILA Fund in lieu of issuing bonds; 4) Transportation CIP Fund ended 2002 with a balance of \$3.4 million compared to a budget of \$1.2 million primarily due to International Boulevard (IB) Phases III and IV which were significantly under budget for 2002 and carried over to 2003; 5) Surface Water Management (SWM) Utility Fund was close to budget, both in revenues and expenditures ending the year with a balance of \$1.3 million compared to a budget projection of \$1.4 million; and 6) SWM Construction Fund had a fund balance of \$3.3 million compared to a budget projection of \$1.2 million.

In general, there were no surprises compared to the 2003 budget projections made in October 2002. Most of the variances were in the City's favor. In the close of 2002, the City had total fund balances of \$51.7 million going into 2003.

Ms. Spencer stated that the Sales, Parking and Hotel/Motel (H/M) Taxes have been tracked since the September 11, 2001 terrorist activity. 2002 collections of \$6.4 million in Sales Tax were down five percent as compared to 2001 of \$6.8 million. The fourth quarters of 2001 and 2002 showed significant reductions in revenue. This is also true in the Parking and Hotel/Motel Taxes. Parking Tax Revenue had the most significant decreases. 2002 collections are down 12.5 percent compared to 2001 of 5.5 percent. The difference between 2000 of \$4.8 million and 2002 of \$3.9 million is a total decrease of 18 percent over the two-year period. The 2002 H/MI Tax collections were down 10 percent compared to 2001. Over the two-year period, revenue is down 14 percent with \$930,000 in 2000 to \$814,000 in 2002.

Councilmember Hansen questioned the SWM Construction Fund expenditures to which Ms. Spencer explained that the expenditure of \$2.6 million included significant progress on the maintenance facility. That project has been moved to the Municipal Facility CIP Fund. Also, \$600,000 was budgeted for the Hilltop Drainage Basin project, which has not started and is not in the 2003 budget so it is primarily capital projects that have not been done. In the Construction Fund, it is mostly Bond Funds issued in 1994.

Ms. Spencer concluded by stating that in the 2003 budget, she projects low increases. The 2003 budget projected very conservative increase over 2002 actual collections. It is not anticipated in 2003 to be back to 2000 levels.

King County (KC) Budget Advisory Task Force - Cities' Response

Deputy City Manager Spencer gave an informational status report updating the Council on activities of the task force. A briefing was given at the Administration and Finance (A&F) Committee meeting last week. KC Executive Ron Sims formed the task force in November 2002. It is made up of 13 community leaders with business, labor and legal backgrounds. Currently, there are no elective representatives on the task force. The task force meets biweekly regarding County General Fund issues and has been tasked with providing recommendations to the County Executive on the budget in June 2003. Ms. Spencer identified specific budget issues that are to be identified and determine whether structural problems exist with County's funding structure. The Cities' response is an effort by 11 KC Cities, in conjunction with the Suburban Cities Association (SCA), to ensure that Cities' interest and viewpoints are presented to the task force. Deb Eddy, of the SCA, and one of the Cities' representatives, attend each of the bi-weekly task force meetings. The Cities, as a group, meet bi-weekly on the day after the task force meeting to discuss issues presented to the task force and to discuss methods of reacting to the information presented to them by County staff. The Cities will be provided four opportunities to address the task force, the first on March 20. A position paper has been developed for distribution to task force members at that presentation and will be given to all KC Cities. The paper addresses five major topics: 1) urban subsidy and unincorporated services, 2) regional service delivery, 3) urban subsidiary and annexation, 4) budget strategies and 5) comprehensive analysis governance and long term planning. Ms. Spencer detailed the issues in each of the major topics. She noted that KC is seeking utility tax authority in the legislative session.

Councilmember Hansen asked who were the members of the Task Force to which Ms. Spencer stated the names of the 13 distinguished members, of whom some were of governmental backgrounds.

Councilmember DeHan inquired as to the March 20 meeting and the request of Council to review the paper and get comments in to Ms. Spencer by this Friday at close of business. Deb Eddy will meet with the four elected officials who will present that paper to the task force. Ms. Spencer stated that she will keep the Council posted on the Cities' activities.

A Discussion and possible Vote for the Open Mayor's Position

Deputy Mayor Brennan stated that due to a lack of quorum at this meeting, this agenda item is being moved to the March 18, 2003 Study Session following a Special Council Meeting (SCM). This evening's Consent Agenda and New Business items will also be brought to the SCM.

PUBLIC COMMENTS: Chris Whyte, 14204 24th Avenue South, stated that he expected an election of Mayor and Deputy Mayor this evening. He stated his opinion as to the election process of a new Councilmember.

Deputy Mayor Brennan stated that the election process will be done in open forum. Any City information told by one to another Councilmember is given to all Councilmembers.

Patricia Carter, 3041 South 201st Street, stated, in the beginning, she was opposed to moving into the current building for the City's new City Hall (NCH). Now she stated she loves the building and thinks it is a wonderful place the citizens of SeaTac can be proud of.

CITY MANAGER'S COMMENTS: City Manager Rayburn stated that he had no comments at this time.

COUNCIL COMMENTS: Councilmember DeHan stated that the political process needs to take place in open session, always has and will continue to do so. He appreciated Mr. Wythe's concern and assured him that the Sunshine law will be adhered to.

Deputy Mayor Brennan and Councilmember Hansen thanked Mrs. Carter for her kind remarks about the NCH. Deputy Mayor Brennan added that the employees are pleased with their new working environment.

ADJOURNMENT:

MOVED BY HANSEN, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:05 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Deputy Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

March 18, 2003 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Deputy Mayor Joe Brennan at 2:49 p.m.

ROLL CALL: Present: Deputy Mayor Joe Brennan, Councilmembers Gene Fisher (arrived at 3p.m.), Kay Lasco, Terry Anderson, Frank Hansen, and Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Kristina Lowrey, Deputy City Clerk; Robert McAdams, City Attorney; and Pat Patterson, Facilities Director.

Prior to the following interviews, Human Resources Director Steve Mahaffey instructed the City Council on the process of evaluating the candidates.

Deputy Mayor Brennan stated that candidate Michael Siefkes was out of town and was not able to submit his application until Monday. He had previously submitted a letter of interest. Council concurred to accept the application.

RECESSED: Deputy Mayor Brennan recessed the Special Council Meeting for a short break at 3:01 p.m.

RECONVENED: Deputy Mayor Brennan reconvened the Special Meeting at 3:09 p.m.

COUNCIL POSITION NO. 5 CANDIDATE INTERVIEWS:

Council interviewed the following candidates with each one responding to questions from Council: Will Wurdeman, Wendy A. Morgan, Rodger May, and Michael Siefkes.

RECESSED: Deputy Mayor Brennan recessed the Special Council Meeting for a short break at 4:42 p.m. due to Michael Kovacs' withdrawal

RECONVENED: Deputy Mayor Brennan reconvened the meeting at 5:09 p.m.

COUNCIL POSITION NO. 5 CANDIDATE INTERVIEWS (Continued):

Council continued with the following interviews: Mel Markham, Marion L. Henry, and Christian Sperlich.

RECESSED: Deputy Mayor Brennan recessed the Special Council Meeting to an Executive Session on Evaluation of Qualifications of Candidates at 5:53 p.m.

EXECUTIVE SESSION: Evaluation of Qualifications of Candidates

RECONVENED: Deputy Mayor Brennan reconvened the Special Council Meeting at 6:42 p.m.

NOMINATIONS FOR APPOINTMENT OF COUNCILMEMBER:

Nominations for Appointment of Councilmember to Position No. 5

Deputy Mayor Brennan declared the nominations open for Council Position No. 5.

Councilmember Anderson nominated Linda Snider.

Councilmember Hansen nominated Will Wurdeman.

Councilmember Lasco nominated Wendy Morgan.

Councilmember Fisher nominated Rodger May.

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

DEPUTY MAYOR BRENNAN CALLED FOR A VOTE FOR LINDA SNIDER AS COUNCILMEMBER FOR POSITION NO. 5. ANDERSON VOTED YES AND FISHER, LASCO, HANSEN, BRENNAN, AND DEHAN VOTED NO. LINDA SNIDER WAS NOT APPOINTED.

DEPUTY MAYOR BRENNAN CALLED FOR A VOTE FOR WILL WURDEMAN AS COUNCILMEMBER FOR POSITION NO. 5. HANSEN, BRENNAN, AND DEHAN VOTED YES AND FISHER, LASCO, AND ANDERSON VOTED NO. WILL WURDEMAN WAS APPOINTED.

DEPUTY MAYOR BRENNAN CALLED FOR A VOTE FOR WENDY MORGAN AS COUNCILMEMBER FOR POSITION NO. 5. LASCO VOTED YES AND FISHER, ANDERSON, HANSEN, BRENNAN, AND DEHAN VOTED NO. WENDY MORGAN WAS NOT APPOINTED.

DEPUTY MAYOR BRENNAN CALLED FOR A VOTE FOR RODGER MAY AS COUNCILMEMBER FOR POSITION NO. 5. FISHER VOTED YES AND LASCO, ANDERSON, HANSEN, BRENNAN, AND DEHAN VOTED NO. RODGER MAY WAS NOT APPOINTED.

PUBLIC SWEARING IN:

Public Swearing-in of the Newly Appointed Councilmember for Position No. 5 effective March 18, 2003

Deputy Mayor Brennan administered the Oath of Office to newly appointed Councilmember Will Wurdeman. Councilmember Wurdeman signed the Oath of Office with Deputy City Clerk Kristina Lowrey. Councilmember Wurdeman then took his seat at the Council dais.

ELECTION OF MAYOR:

Election of Mayor by the City Council

Deputy Mayor Brennan declared the nominations open for Mayor.

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

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

DEPUTY MAYOR BRENNAN CALLED FOR A VOTE FOR COUNCILMEMBER JOE BRENNAN AS MAYOR AND COUNCILMEMBER DON DEHAN AS DEPUTY MAYOR FOR THE CITY OF SEATAC THROUGH DECEMBER 31, 2003.

UPON A ROLL CALL VOTE WITH ANDERSON, HANSEN, WURDEMAN, BRENNAN, AND DEHAN VOTING YES AND FISHER AND LASCO VOTING NO, COUNCILMEMBER JOE BRENNAN WAS ELECTED MAYOR AND COUNCILMEMBER DON DEHAN WAS ELECTED DEPUTY MAYOR.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$105,891.13 for the period ending February 28, 2003.

Approval of claims vouchers in the amount of \$192,696.86 for the period ending March 5, 2003.

Approval of employee vouchers in the amount of \$517,045.39 for the period ending February 28, 2003.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending February 28, 2003.

Approval of Council Meeting Minutes:

Regular Council Meeting held February 25, 2003.

Acceptance of Advisory Committee Minutes:

Planning Commission Meeting held February 10, 2003 (Commission approved February 24, 2003).

Approval of the following Agenda Items recommended at the March 4, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2262

A Motion authorizing the City Manager to enter into a Contract with Lakeridge Paving Co. LLC for the 2003 Square Cut Patching Project - Public Works

Summary: The bids for this project were opened on, February 26, 2003. Three bids were received. In the normal course of maintaining the City's paved streets, it is necessary to repair localized pavement failures in order to preserve the overall integrity of the roadway surface. Some of these repairs can be large in size and/or be located on heavily traveled roadways requiring equipment and/or a crew size that is not available in-house. In these instances, it is more efficient and economical to have the repairs performed by a properly equipped and staffed organization. This is an annual contract, the first of which was awarded in 1993. The Public Works (PW) Maintenance Division prepared construction specifications and used the public bidding process for the 2003 Square Cut Patching Project Contract. This is a one-year contract with a provision that allows for annual extensions for up to a maximum of four additional years.

It is recommended that the City Council authorize the City Manager to enter into a contract with Lakeridge Paving Co. LLC in an amount not to exceed \$65,000 for the 2003 Square Cut Patching Project and annual extensions subject to future budget appropriations and satisfactory performance.

Agenda Bill #2279

A Motion approving the Low Bidder for Masonry, Casework, Mechanical, Electrical, and Security/Fire, for SeaTac Police Precinct Improvements - Facilities

Summary: This Motion approves the hiring of contractors for portions of the work. Costs include contingency and sales tax: Casework - Hillstrom Cabinets Inc., \$84,273.87; Mechanical - MacDonald Miller, \$103,403.52; and Electrical - Superior Electric, \$109,866.24 for a total of \$297,543.636.

Advertisement for bids was sent out February 14. Bids were received for the separate bid categories. The City Council authorized a total budget of \$939,829.00 for Police Operations at New City Hall (NCH). The estimate for this work was \$79,270.16 for Casework, \$85,140.78 for Mechanical, and \$159,683.92 for Electrical for a total of \$324,094.87.

Agenda Bill #2241; Ordinance #03-1008

An Ordinance amending the Zoning Code to provide Design Standards for Fences on Principal Arterials, modify Fence Dimensional Standards, to allow a maximum time a Fence may be under construction, and modify Fence Heights on Retaining Walls and Rockeries - Planning

Summary: The Fence Standards of the Zoning Code would be amended as follows: provide a minimum design standard for fences fronting on principal arterials; provide limitations for fences on retaining walls or rockeries; change the minimum distance of space between the top of the fence to the bottom of the trellis from six inches to 10 inches; allow a clear panel between the top of the fence to the bottom of the trellis, as approved by the City; and allow a maximum of six months to complete the construction of a fence, once construction has started.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2252; Ordinance #03-1009

An Ordinance amending the 2003 Annual Budget and approving the Low Bidder for construction of the New Parks & Public Works (PW) Maintenance Facility - Facilities

Summary: This Ordinance amends the 2003 budget to transfer funds from the General, Arterial Street, Surface Water Management (SWM) Utility and SWM Capital Improvement Project (CIP) Funds to the Municipal Facilities CIP Fund for the purpose of providing additional funding for the Parks and PW Maintenance Facility. This action also awards a contract to Commercial Structures, Inc. to perform both the site work and building construction for the new Parks and PW Maintenance Facility.

Advertisement for bids was sent out January 31. Bids were received February 25. After an analysis of the bids and a bid withdrawn (Kassel Construction for bid error), the low bidder was determined to be Commercial Structures Inc. with a bid of \$3,342,448.91. The total cost of the project, including other expenses, contingency and sales tax, is \$4,217,680.91. References were called for Commercial Structures with favorable results.

The current budget for the project is \$3,296,279. To fully fund the project, additional funds are needed in the amount of \$921,402 for a total project budget of \$4,217,681. The total contributions from the General Fund, SWM Fund and Arterial Street Fund are as follows; 30 percent, 30 percent and 40 percent of the total project budget. It is recommended that the following transfers be made to the Municipal Facilities CIP Fund to provide the additional funds needed:

Source of Funds:

General Fund \$298,196 Fund Balance

\$143,620 28th Avenue South street vacation funds

SWM CIP Fund \$100,000 Reduce Spot Drainage Improvements 2003

\$100,000 Reduce Spot Drainage Improvements 2004

SWM Utility Fund \$240,154 Fund Balance

Arterial Street Fund \$ 39,432 28th Avenue South street vacation funds

\$921,402

MOVED BY HANSEN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 03-1009.*

Facilities Director Pat Patterson reviewed the above summary.

*MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADJOURN THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 6:56 P.M.

(NOTE: The regularly scheduled Study Session immediately followed this Special Council Meeting.)

Joe Brennan, Mayor

Kristina Lowrey, Deputy City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

March 25, 2003
6:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Joe Brennan at 6:00 p.m.

ROLL CALL: Present: Mayor Joe Brennan, Deputy Mayor Don DeHan, Councilmembers Gene Fisher, Kay Lasco, Terry Anderson, Frank Hansen and Will Wurdeman.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Kristina Lowrey, Deputy City Clerk; Craig Ward, Assistant City Manager; Robert McAdams, City Attorney; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Linda Snider, 18700 36th Avenue South, led the Council, staff and audience in the Pledge of Allegiance.

PUBLIC COMMENTS: Tom Dantzler, 19950 International Boulevard, spoke regarding his payments on Local Improvement District (LID) No. 1 in which area his parking lot business was built in August 2001. This year he estimated the Property Taxes as \$100,000, Transaction Parking Tax he estimated at \$52,000, and the Sales tax he estimated at \$185,000. He stated that he presented a check to the City last Thursday for \$112,478 for the third payment for the LID No. 1 for the 24th/28th Avenue project. The 15-year duration of the payments will total \$1.5 million, for the project charged against his property. He added that before he developed the property, his firm relocated an existing but rundown mobile home park and relocated 25-27 tenants in the park, paying the tenants \$385,000, and sold the mobile homes for the tenants to a vendor from Idaho. It then took seven years to get the relocation plan approved through the City, which was then implemented in 30 days. He stated that he mentioned these facts to show that his firm is making a contribution as a business partner with the City, which he is proud of being a part of.

Phyllis Byers, Highline School Board President, spoke on the Highline School District (HSD) No. 401 Levy going before the public on April 22, 2003. This is the same levy that failed by 190 votes on the February 4, 2003 ballot. The levy provides 20 percent of their budget. If the levy fails again, \$16 million will be cut from their budget. She urged the Council to endorse the levy and encourage the community to vote yes on the April ballot. Ms. Byers mentioned some of the items which will be eliminated if the levy fails: 71 teachers will be laid off, as will 108 non-teaching staff and 105 coaching positions, and an hour a day will be cut off the school day.

City Attorney McAdams stated that the Revised Code of Washington (RCW) prohibits the Council or any City time and facilities from being used in opposition or support of a ballot measure unless the ballot issue is given a chance for proponents or opponents to be heard by the Council. The individual Councilmember may vote as private citizens to express their views for or against the measure, as it is a public voting issue. The proponents and opponents of the levy must be allowed to be heard publicly. Council concurred to endorse the levy with time given to public comments for and against the levy.

A Voice Motion was made to support the levy proposition. However, the City Attorney suggested that the statutory procedure for Council political action be followed and the matter was therefore continued to a Special Council Meeting (SCM) to be held on April 1, 2003.

Mayor Brennan requested staff to post a notice of a Special Council Meeting on April 1, 2003 to discuss this issue.

PRESENTATION:

Threat Response Plan

Chief of Police Services Somers and Fire Chief Meyer discussed the plan with the Council. Chief Meyer stated that the Department of Homeland Security and the Federal Government has declared an orange alert for the United States, which means there is a severe potential for retaliation and terrorist threats against the nation. He stated that the Chief of Police Services Somers, City Manager Rayburn and he have been fielding calls of concern from the community. Both Police and Fire have policies to deal with threats to the community. At the airport, cars are now being randomly checked. Both Police and Fire Departments have had several meetings with Port of Seattle (POS) Fire and Police Departments, and the City's Public Works Department to discuss the response measures and possible incidents at the POS that would need back up.

Chief Somers presented the common sense approach of the Threat and Risk Assessments to mitigate and keep this community safe. He outlined the program with these elements: Risks Assessment, Planning Prevention and

PRESENTATION (Continued):

Threat Response Plan (Continued): Deterrence, Disaster, and Mitigation and Recovery. When all these elements are in place toward the end of 2003, the Community Emergency Response Team (CERT) program will be started and the community will become involved in planning and preparing for an emergency and mitigation of damage of the disaster. The existing plans are: the SeaTac Emergency Operation Plan, the Fire Department Standard Operations Guidelines, the King County (KC) Emergency Plan, the Basic Plan, Search and Rescue Plan; and Law Enforcement and Evacuation, the KC Sheriff's Office Policy, and the industry-wide command system, which will eventually become the City's system. Plans are currently in place that need to be reviewed and updated.

Council had some concerns and questions for Police Chief Somers, such as the concern in the community due to the world situation. Councilmember Anderson stated that communication to citizens is vital so they will know where to call in a disaster. Chief Somers stated that from a policy standpoint, he would like to seek direction from the Council as to whether there is more direction that the Council wants.

Councilmember Fisher stated that the CERT program was sponsored by the National League of Cities (NLC). He felt a class on preparing for a disaster and/or a report in the SeaTac Report would be beneficial. He is on The Public Safety & Crime Prevention Police Board. In the local area there are military-trained retirees and Volunteer Firefighters and Police who can be utilized in this time of crisis. With our military men in the Middle East and therefore it would behoove the City to contact these individuals.

Fire Chief Meyer agreed with Councilmember Fisher and stated that the Police and Firefighters in the South County area have been meeting for the last six weeks to establish a CERT program to be started by September 2, 2003. Grant money through the Department of Homeland Security is available to fund the program.

Police Chief Somers stated this community has unique needs with a major airport in its midst. He explained the special training this will entail.

Upon a question posed by Councilmember Anderson, Chief Somers stated certified graduates of the Federal Emergency Management Agency (FEMA) Course would be insured under a hold harmless insurance clause.

Deputy Mayor DeHan stated that about seven years ago the City established an Emergency Response Plan and this plan is an offshoot of that program. At that time it was designed for natural disasters and aircraft incidents. Subsequent to that, pipeline safety was examined, and now it is terrorism. There are lots of avenues since the City first established the plan. He hopes the plan would continue to be updated and presented to Council periodically.

Chief Meyer stated that it is currently being updated which he detailed the element of incorporating terrorism. SeaTac is tied on to KC's Regional Disaster Plan as well as a Regional Hazard Mitigation Plan.

Councilmember Hansen stated that he felt reassured after this presentation. He thanked both Fire Chief Meyer and Police Chief Somers and their staff for their excellent work on this plan.

City Manager Rayburn added that this has and is taking a lot of planning. If the airport receives word of a condition red alert, the City is planning to follow suit. Therefore, additional security will be enacted. If there is a threat, the staff is currently working on a response. The Chiefs both agreed with this statement.

Councilmember Anderson stated her concern with events that create a large gathering of people such as the International Festival. Chief Meyer stated that all that is in the planning process. Traffic on International Boulevard has been examined. Public Works and Police have been looking into this.

City Manager Rayburn stated that the Council was updated on the traffic issue last week.

Deputy Mayor DeHan stated that since Post 9-11, patriotism has been renewed. He questioned whether volunteerism for services during a disaster has been researched. Chief Meyer stated that there is a volunteer clause in the plan to enable the Cities to draw on those resources. The CERT Program is a volunteer program and the County has a plan in place now to bring in experts in various fields as needed.

More discussion ensued as to the various elements on the City's preparedness for a disaster.

Mayor Brennan congratulated City Manager Rayburn for bringing the plan on so timely.

ADDED ITEM: Chief Somers gave a report on the serial bank robber pursuit of last night and his apprehension in the Double Tree Hotel. The robber is in now custody.

CONSENT AGENDA:

·**Approval of claims vouchers** in the amount of \$701,977.54 for the period ending March 20, 2003.

·**Approval of employee vouchers** in the amount of \$371,588.62 for the period ending March 15, 2003.

Approval of Council Meeting Minutes:

·**Special Council Meeting** held March 18, 2003.

Acceptance of Advisory Committee Minutes:

·**Library Advisory Committee Meeting** held February 11, 2003 (Committee approved March 11, 2003).

·**Senior Citizen Advisory Committee Meeting** held February 20, 2003 (Committee approved March 21, 2003).

Approval of the following Agenda Items recommended at the March 11, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2281

A Motion authorizing the Purchase of Computer Hardware for 2003 - Finance

Summary: In the City's Six-Year Capital Improvement Plan (CIP), computer hardware is projected for replacement on the following schedule: Four years: computers and monitors, notebook computers, printers, file & CD-ROM servers; scanners, five years: GIS-related equipment and eight years: printers.

The 2003 Annual City Budget provides for scheduled replacement of the following equipment: 41 computers, two laptop computers, 41 monitors, one file server, and one laser printer.

The budget also provides appropriation for four new computers and monitors that would be located on the Building, Engineering and Planning counters in City Hall's third floor public counter area. These computers are intended to allow staff to assist the public more efficiently by providing access to the City's permitting software directly at the counter, enabling staff to input permit information, look up property information and to check on permit processing status for customers.

Approval is requested to authorize purchase of the above equipment based on three competitive quotes obtained. Computers purchased will have the following minimum specifications: Intel Pentium 4 2.6GHz with 512 MB RAM, 15" LCD monitor, 40 GB hard drive, CDROM and Windows XP Professional. The computers will have a three-year on site warranty.

Computers are replaced based on a methodology established four years ago. All City computer users are categorized into high, medium and low usage categories based on the quantity of work performed on the computer and the actual applications used. New computers are allocated to users in the high category every other year, and the replaced computers, which are generally two years old, are then allocated to medium and low category users.

An appropriation in the amount of \$72,792 is included in the 2003 Budget for the purchase of this equipment. The estimated cost, based on competitive quotes obtained, is \$71,320.

Agenda Bill #2286

A Motion approving the Low Bidder for Cast in Place Concrete for the Police Remodel - Facilities

Summary: This Motion approves the hiring of Mayer Construction Co. Inc. to install the concrete footings for the sally port and holding cell walls for the Police Remodel Project.

Bids were requested from three contractors for the concrete work with two responding. The results are listed below:

| <u>Company</u> | <u>Bid amount</u> | <u>W/ contingency & tax total of 18.8 percent</u> |
|---------------------|-------------------|---|
| Mayer Construction | \$22,413.00 | \$26,823.88 |
| Hilger Construction | \$29,672.83 | \$35,512.47 |

The City Council authorized a total budget of \$989,829.00 for Police Operations at the New City Hall (NCH). The estimate for this work was \$28,710.49 with contingency and tax.

CONSENT AGENDA (Continued):

Agenda Bill #2283; Ordinance #03-1010

An Ordinance amending the 2003 Annual Budget for 2002 Carryovers - City Manager

Summary: 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. Following is a list of each carryover request:

General Fund: Municipal Court Temporary Office Technician - \$15,000; Human Services Contracts - \$5,090; Criminal Justice Area No. 1-3 Funds - \$80,553; Local Law Enforcement Block Grant (LLEBG) Funded Capital Outlay - \$14,953; Fire Facility Machinery/Equipment - \$30,000; Valley Ridge Park Improvements - \$89,400; North SeaTac Park BMX Track - \$6,407; and Facilities Department - \$27,360; Hotel/Motel Tax Fund: Image/Advertising Campaign - \$29,858; Arterial Street Fund: - \$19,951; Municipal Facilities CIP Fund - \$600,000; Transportation CIP Fund - \$2,079,274; and

SWM Construction Fund - \$89,326.

This Ordinance will increase the appropriations in the applicable funds, but will have no effect on year-end fund balance for 2003. These expenditures were anticipated to occur in 2002, and the January 1 fund balance projections were reduced accordingly. Therefore, these amendments simply allow the expenditures to occur in the current fiscal year instead of 2002.

In many cases, the City is contractually obligated for these expenditures. In others, the expenditures can not be made without the additional appropriation authority.

Agenda Bill #2284; Ordinance #03-1011

An Ordinance amending the 2003 Annual Budget for Salary and Benefit Increases - City Manager

Summary: When the 2003 Annual Budget was developed in the fall of 2002, salary and benefits were budgeted at 2002 levels since neither bargaining unit had a contract in place for 2003. Contracts have now been ratified with the International Association of Firefighters (IAFF) Local 2919 and the American Federation of State, County and Municipal Employees (AFSCME) Local 3830, and Council has adopted Ordinance No. 03-1005 providing cost-of-living allowances (COLAs) for non-represented City employees. It is appropriate at this time to amend the 2003 Budget to provide appropriation authority for the salary and benefit increases within each fund and department budget.

In the General Fund, a contingency amount was appropriated in the Non-Departmental section, so this Ordinance only transfers appropriations from one department to another, having no impact on the total General Fund budget. In other operating funds, no such contingency exists, so the fund's total expenditure budget is being increased to provide for these anticipated costs.

The net impact of the Ordinance is to increase total 2003 expenditures, by fund, as follows:

General Fund: \$-0-(individual department increases are offset by a reduction in Non-Departmental); City Street Fund: \$5,640; Arterial Street Fund: \$11,800; Transit Planning Fund: \$-0-; Hotel/Motel Tax Fund: \$1,475; Transportation CIP Fund: \$17,820; Solid Waste Management (SWM) Utility Fund: \$5,200.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2287; Resolution #03-004

A Resolution authorizing an Agreement regarding operation of the Mount Rainier Pool - City Manager

Summary: This Resolution would commit the Mount Rainier Pool Contributors (MRPC) a coalition of the Cities of Des Moines, Normandy Park, SeaTac and the Highline School District (HSD), to continue financial support and would commit the Northwest Center for the Retarded (Northwest) to own, maintain and operate the pool for a period of not less than 33 months, subject to negotiated extension. This Agreement also establishes conditions under which Northwest will own, maintain, and operate the pool for the three-year period including the remainder of 2003 (April 1, 2003 through March 31, 2006). The Agreement provides that the MRPC pay Northwest \$75,000 for the first 12-month period of April 1, 2003 through March 31, 2004 and \$100,000 during each of the following two 12-month periods. Payments can be made in monthly installments.

NEW BUSINESS (Continued):

Agenda Bill #2287; Resolution #03-004 (Continued): If Northwest is, at anytime, unable to raise sufficient funds through the MRPC and other sources to support pool operations, Northwest may act unilaterally to address the increased costs and/or funding shortfall, including mothballing and/or closing the pool. In addition, unless agreement is reached to extend the Agreement and financial contributions by the end of August 2005, the termination date will be advanced to December 31, 2005.

The City's financial obligation toward the cost of operating the pool will have to be addressed through amendment of the Interlocal Agreement (ILA) establishing the MRPC, and an Agreement with KC, which currently operates the pool. Currently, the City's share of the total MRPC contribution is \$25,000. It is likely that, under Northwest's budget, the City's share would be reduced, but a contribution would be required during each of the three 12-month periods.

The financial share of each MRPC member, after 2003, will be dependent upon the HSD's April 2003 Maintenance and Operations Levy election. If the levy should fail, the City's share of the MRPC contribution would increase as the three Cities make up the HSD's share.

A further problem involves the uncertain cost of "mothballing" or demolition. More information regarding financial implications was provided during the staff presentation at this evening's meeting.

It may be noted that Forward Thrust Bond revenues were allocated for construction of this pool and seven others, outside of Seattle, to be located at or near senior high schools or multi-purpose community centers. The MRPC has found no covenants dedicating revenues for operation.

Assistant City Manager Ward briefed on the above summary, adding in the updates to the terms of the Agreement, which were not favorably received by the Council. Mr. Ward explained the details of the continuance of the pool with current conditions of the KC contract. Budget restraints are the real culprit. The possible failure of the HSD Levy would increase the City's share, as the HSD would withdraw from the MRPC. The cost of demolition is also an added cost that has to be considered. He outlined the policy options. 1) limit the City's contribution to \$25,000 per year, regardless of operator; and 2) approve the NW Center Agreement and limit the City's contribution to 11.5 percent of the annual operating and demolition costs equate to \$34,500 per year in 2004-2005, less credit for balance of 2003

Council discussion ensued with staff regarding the status of the pool. It is on the HSD's property but is a KC pool. Neither the HSD nor the KC wants the responsibility of the pool and the HSD would prefer it off their property if a workable agreement is not met. The discussion continued as to the request for more funding by the MRPC members. Council agreed that the City Council previously voted for a \$25,000 annual contribution and that is a generous donation seeing our current budget situation.

MOVED BY HANSEN, SECONDED BY WURDEMAN TO AMEND RESOLUTION NO. 03-004 TO LIMIT THE CITY'S AMOUNT TO \$25,000 PER YEAR FOR THREE YEARS.*

Council discussion continued with staff and it was decided to bring this issue back next week at the SCM.

*AMENDMENT CARRIED UNANIMOUSLY.

MOVED BY DEHAN, SECONDED BY ANDERSON TO PASS THE ORIGINAL MOTION AS AMENDED.

ORIGINAL MOTION AS AMENDED CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Joe Dixon, 19211 35th Avenue South, stated his annoyance with the lighting above the projector screen. It is difficult to see the screen with these lights on.

Phyllis Byers thanked the Council for their participation in the MRPC. She stated she understands their concerns with the costs. She clarified that the HSD is not in swimming pool business. The pool does not belong to the HSD. In 1974, through Forward Thrust Bonds, KC built the pool on Highline School District Property with a four-year lease and it is soon at the end of its expected duration. They do not intend to assume responsibility or liability for the pool. The students and community uses the pool and it is a very important part of the community.

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) he announced the birth of a 10 lbs., 11 oz. baby boy to the City's Senior Programs Coordinator Soraya Lowry, 2) Saturday, March 29 at 10:30 is the date of the 2nd Public Hearing (PH) on the Secure Community Transition Facility (SCTF) at the State Police Training Center. In talking to the Department of Social and Health Services (DSHS) today, the agency wants the parties that did not speak at the first PH to have a turn at speaking, and if time remains, others will be invited to speak; and 3) he mentioned that the City's Chief of Police Services Somers will be promoted from Captain to Major on April 1 at 12:30 p.m. at the State Police Training Center.

COUNCIL COMMENTS: Councilmember Fisher compared the current war situation to the Vietnam War, adding that the demonstrators want peace and that is the same desire of the military forces, who are doing their job to establish peace.

Councilmember Hansen stated that he attended the general assembly of the Puget Sound Regional Council (PSRC) last Thursday. He would like to encourage his fellow Councilmembers to try to attend this event next year. It was confirmed at this event that \$800,000 has been granted for SR 509.

Mayor Brennan stated he polled the Council at the March 18 Study Session and there was not much discussion in favor of the use of the Angle Lake (Hughes) property.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY LASCO TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:34 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

April 1, 2003
6:00 PM

CityHall
CouncilChambers

CALL TO ORDER:The SeaTac City Council Special Meeting was called to order by Mayor Joe Brennan at 6:01 p.m.

ROLL CALL:Present: Mayor Joe Brennan, Deputy Mayor Don DeHan, Councilmembers Gene Fisher, Kay Lasco, Terry Anderson, and Will Wurdeman. Excused absence: Councilmember Frank Hansen.

ADMINISTRATIVE STAFF:Bruce Rayburn, City Manager; Craig Ward, Assistant City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Michael McCarty, Finance Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE:Phyllis Byers, President of the Highline School Board, led the Council, staff and audience in the Pledge of Allegiance.

NEW BUSINESS:

Agenda Bill #2293; Resolution #03-005

A Resolution expressing the City Council's support for Proposition No. 1, Highline School District (HSD) No. 401 Replacement of Expiring Educational Programs and Operation Levy in the sum of \$112 million - Legal

Summary:The Councilmembers present at the Regular Council Meeting (RCM) on March 11, 2003 heard from the Secretary of Highline Citizens for Schools, Cheryl Forbes, who noted that the Council took no action in regard to the replacement Operation Levy, which was defeated by 190 votes at the Special Election of February 4, 2003. Phyllis Byers had previously appeared before the Council at the January 28, 2003 RCM and requested support for the levy prior to that election.

Ms. Byers next appeared before the Council at the March 25, 2003 RCM and requested support from the City Council for the operation levy, which will again be before the voters at the Special Election of April 22, 2003.

A Voice Motion was made to support the levy proposition. However, the City Attorney suggested that the statutory procedure for Council political action be followed and the matter was therefore continued to a Special Council Meeting (SCM) to be held on April 1, 2003.

To validate the collective expression of the Council's position on Proposition No. 1, HSD Replacement of Expiring Educational Programs and Operation Levy, public comments have been solicited for the April 1, 2003 SCM, by notice at the March 25, 2003 RCM and posting of the Agenda. Notice will have been mailed to any known opponents of the Proposition. The Council shall, at the SCM, hear and receive comments for and against the Proposition and may then render its final decision as to support, neutrality, or opposition.

City Attorney McAdams briefed on the above summary. The Council has received information on the pros and cons of the subject levy. There was no organized information found, however, a number of letters to the editor of the Highline Times were found and given to the Council so that they could see both sides of the issue. The prior bond issue was for capital improvements.

Councilmember Lasco spoke in favor of this Resolution. She stated that it is extremely important that the public continue to fund the schools at least at their current level, which she felt was inadequate. She continued by saying that no one would benefit if this levy fails. She urged Council's passage of this Resolution and encouraged everyone to read and inform themselves as to this issue.

MOVED BY LASCO, SECONDED BY FISHER TO PASS RESOLUTION No. 03-005.

MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE SPECIAL COUNCIL MEETING AT 6:06 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk

(The regularly scheduled Study Session immediately followed this Special Council Meeting.)

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

April 8, 2003
6:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Joe Brennan at 6:02 p.m.

ROLL CALL: Present: Mayor Joe Brennan, Deputy Mayor Don DeHan, Councilmembers Kay Lasco, Terry Anderson and Will Wurdeman. Excused Absences: Councilmembers Gene Fisher and Frank Hansen.

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

FLAG SALUTE: Marion Henry, SeaTac resident, led the Council, staff and audience in the Pledge of Allegiance.

PUBLIC COMMENTS: Joe Dixon, 19211 35th Avenue South, expressed his views on how the City is managing taxpayers' money in providing services to the public. His immediate concern was the Community Trade and Economic Development (CTED) Grant for the Demonstration Housing Project. SeaTac was one of four Cities that applied for and won the grant for \$99,500 of taxpayers' money. He stated that he will be following the progress of this project closely and will speak at meetings as to his observance on this issue.

PRESENTATIONS:

•House Bill (HB) 1948, Electronic Gaming

Mr. Bockmier, of Gaming Consultants, Inc., from the Spokane area, spoke on behalf of the Entertainment Industry Coalition. The coalition is made up of the Restaurant Association, Bowling Propitiators Association, Fraternal Order of Clubs (Eagles and Elks), to name some of the affiliated businesses, with the purpose of allowing electronic gaming in non-tribal facilities. Over two years ago, a tribal casino opened in Spokane on trust land and while it has achieved outstanding results for the tribe, it adversely impacted the community in many ways, especially the gaming industry. His restaurant business was down 40 percent in revenues within the first month the casino opened. Mr. Bockmier stated that he has gone to Olympia and to local Cities regarding this situation. By sheer numbers and a grass root movement, they were able to make steady progress. Thus, HB 1948 on this issue is now before the legislature. The bill requests the same product that currently exists in tribal facilities throughout the State. The bill's passage would place gaming machines in businesses restricting patronage to 21 years of age and older, such as the Silver Dollar Card Room. The breakdown of revenue would be 20 percent to the State and five percent to the participating municipalities. A percentage of the State revenue would go to the Washington State Council for the Problem Gaming Program. The projected revenue for one year is \$200 million to the State, and \$50 million to the municipalities. The coalition has requested the same amount (\$15,000) of machines as the tribes. He continued by stating that people are leery of expanding gaming but at the same time, the tribes are expanding, which is draining the economy of communities they surround. He urged Council to support HB 1948

Carol Henry, Gaming Consultants Inc. representative, stated that in SeaTac, air passengers will leave the City to go to the tribes where there are slot machines. So, while the passage of this bill will create new revenue, it will also create redistribution and keep some of the money in the taxpaying populous in the municipality. The tribe in Marysville feels it will not hurt their business because they are building Las Vegas-type casinos.

Upon a question posed by Mayor Brennan, Mr. Bockmier stated that it has been difficult passing this bill in Olympia. However, this is a revenue-producing bill and due to the State's current economic status, people are interested in the financial aspect. It should not be just financial; it should be a fairness and equity situation as well. There is strong support in both the House and Senate but there are still people who will oppose the bill.

Mayor Brennan added that he has heard both sides, some against the bill due to morale grounds and other reasons and others for it. The Silver Dollar Casino brings \$.25 million into the City revenue. The casino also employs 160 people. He stated that he supports the bill mostly for its equality issue. Mr. Bockmier stated that the product is here and will continue to expand regardless and the revenue could help the communities.

Council discussion continued with the speakers and it was decided that the information on this bill would need to be studied further by the Council before voting for or against it.

Councilmember Lasco stated her concern as to the effect more gaming establishments would have on the community. She stated her opposition to the bill. It was her feelings that this recreation sometimes leads to negative social behavior. She cautioned the Council to examine the bill closely before voting either way.

PRESENTATIONS (Continued):

HB 1948, Electronic Gaming (Continued): Chief of Police Services Somers briefed on the status of police activity due to the gaming establishments in the City. He stated that the crime rate has not increased due to the Silver Dollar Casino. As a matter of record, they have proved to be a good business partner in the City.

•Senior Citizens Advisory Committee Update:

Darlene Thompson, committee member, gave an update on the activities and status of the committee:

- 1) The committee has been quite busy working on having a senior center centrally located in the City to convenience the majority of the seniors.
- 2) The event buses now accept seniors who do drive but feel uncomfortable driving to events.
- 3) In 2002, the seniors had bazaars, raffles, rummage sales, and luncheons, with an excellent caterer. Lunches are \$3.25 and the Council is welcome to attend. On Wednesdays, there is dancing to the rhythm of the "Hanky-Pankys". At least 70 people attend this lunch each week.
- 4) Next Saturday, a rummage sale will be held at the North SeaTac Park Community Center (NSTPCC) with the cafeteria open and funds going to support the seniors' Building Program.
- 5) Acoustical tiles have been installed in the dining room for better sound reduction.
- 6) More parking area is needed nearer the center for disabled folks. If this were provided, more of these seniors would come to senior activities.
- 7) A new dishwasher was installed this year.
- 8) A new person has been hired starting today to be in charge of the kitchen staff.

She concluded by stating that basically everything is going well. The main issue for the seniors is still a Senior Center.

•Status of City Fire Stations:

Deputy Mayor DeHan stated that the Fire Station Ad Hoc Committee was established some time ago and this report was given over a year ago but due to unscheduled events, it was not followed up on. In order to proceed with the Fire Facilities Study, it is necessary to give the Council an update. He stated that the presentation would be on the ad hoc committee's mission, background data, information from the study, committee recommendation, and Council direction. The original reason for the ad hoc committee was to determine whether there should be a two station Fire Department or continue with the current three stations to meet needs of City as well as where they should be sited. Regarding calls for service, 75 percent is for medical needs and 25 percent for fire and other response needs. Study data discussed was: equipment; fire response to alarms; five-minute response time; and mutual aid from Burien, Tukwila and the Highline Fire District. Deputy Mayor DeHan illustrated a two versus three station coverage, current service delivery, future considerations, and committee recommendations: 1) not let the current levels of service and response time deteriorate, maintain the current five-minute response time; and 2) decide on the number and locations of the stations. The committee recommends maintaining three station locations to ensure all areas of the City are covered.

Council discussion ensued. A faster response time can be done but it will cost more. The only station to feasibly move would be Station 47 (#3) in the northend, around South 128th Street.

On another subject, Fire Chief Meyer stated there is a study at King County (KC) level to investigate a different way to provide medical service with a fire-based service. Federal Way and Kent are driving the study to provide their own services. SeaTac will have a seat in these discussions. If SeaTac's Fire Department provided Advanced Life Service (ALS), the service would increase. If Medic 4 were housed in one of SeaTac's stations, the service level would not diminish.

Upon a question posed by Councilmember Lasco, Chief Meyer stated that the firefighters provide Basic Life Support (BLS) with automatic defibrillators. The department has transport capability for ALS but no staffing availability.

Council agreed to adhere to the five-minute response time. Council questions ensued as to response times and the different insurance ratings due to response time and survivability ratio. Chief Meyer gave the percentage ratios in the KC study and response time effect. Deputy Mayor DeHan stated that due to the elongated shape of the City, three stations are necessary. Council agreed.

PRESENTATIONS (Continued):

Status of City Fire Stations (Continued): Mutual Aid discussion ensued. Deputy Mayor DeHan stated that if there are two fires, the City would run the risk of inadequate response time. Chief Meyer stated that throughout the nation, fire departments have automatic aid which means the closest unit goes out first. Also mutual aid is used when called upon. He gave details of such an incident recently and how it worked successfully. Councilmember Anderson also recalled another incident with such success. Council agreed with the committee's recommendation on this issue.

Next, the locations of the Fire Stations was discussed. Deputy Mayor DeHan stated the committee recommended Stations

#45 and #46 stay at current locations and Station #47 needs to be looked at as it was initially thought to move it further north. Chief Meyer stated that fire stations are essential buildings to be built according to the Building Code. At this time, none of the stations meet structure requirements.

Deputy Mayor DeHan stated the agreement the City has with KC Medic 4 has been beneficial to the City and its residents. The recommendation of the committee is that the partnership continues.

Deputy Mayor DeHan inquired as to whether the committee should disband or not. The Council's direction was to accomplish a new mission statement which is: The Fire Service AdHoc Committee should study and recommend a priority sequence of events needed to accomplish recommendations to-date considering both public safety and affordability. An expansion of the statement would be: not only the siting of the stations, but the replacement of the stations if required and how that will be accomplished and funded. Chief Meyer stated that the Fire Department will be conducting an accreditation study of the entire Fire Service Delivery System, of which a deployment study will be done. He added that a Vision Statement needs to be developed, as well as development of core values for department services.

Mayor Brennan stated that over two years ago, it was reported that the fire stations are not seismically sound and nothing has been done to correct the situation. He feels the ad hoc committee needs to start discussion on how the City will pay for replacing all three stations, if necessary. He also suggested the ad hoc committee should be expanded to include the rest of the Council's input.

In closing, Deputy Mayor DeHan asked for a consensus that the ad hoc committee be continued. He added that the work completed by the committee and work to be continued is in fact a basic vision statement.

CONSENT AGENDA:

- **Approval of employee vouchers** in the amount of \$569,520.06 for the period ending March 31, 2003.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending March 28, 2003.

Approval of Council Meeting Minutes:

- **Regular Council Meeting** held March 11, 2003.
- **Study Session** held March 18, 2003.
- **Special Council Meeting** held April 1, 2003.
- **Study Session** held April 1, 2003.

Acceptance of Advisory Committee Minutes:

- **Planning Commission Meeting** held March 10, 2003 (Commission approved March 24, 2003).

Approval of the following Agenda Item recommended at the April 1, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2292; Ordinance # 03-1012

An Ordinance amending the Ambulance Operator Regulations of Chapter 5.50 of the SeaTac Municipal Code (SMC) to reference the "Fire Department Dispatch Center" in lieu of the prior "South Communications Center" - Fire

Summary: The City previously contracted with the Federal Way Fire Department's South Communications Center ("South Com") for Fire Department emergency dispatch services.

When South Com ceased providing such dispatch services, Council authorized a Dispatch Agreement with the Valley Communications Center ("Valley Com"), by Agenda Bill No. 1994 effective January 1, 2002.

CONSENT AGENDA (Continued):

Agenda Bill #2292; Ordinance # 03-1012 (Continued): Chapter 5.50 SMC, which provides ambulance operator regulations, makes reference to the previous dispatch provider South Communications Center or "South Com" at a number of Sections. These references should be changed to reflect the transfer of dispatch services from South Com.

However, although it is anticipated that Valley Com will continue to provide dispatch services into the foreseeable future, use of the more generic term "Fire Department Dispatch Center" will alleviate the need for future changes to the SMC in the event there should be a change in dispatch service providers.

MOVED BY DEHAN, SECONDED BY WURDEMAN TO ADOPT ORDINANCE NO. 03-1012.

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2294

An Ordinance relating to Adult Entertainment and amending Restrictions as to Distance Between Adult Entertainers and Patrons and as to Hours of Operation - Legal

MOVED BY DEHAN, SECONDED BY WURDEMAN TO ADOPT AGENDA BILL NO. 2294.*

City Attorney McAdams stated that he would like to continue this agenda item until the April 15 Study Session (SS) and take action at the April 22 Regular Council Meeting (RCM). As the Council is aware, an enforcement action has required issuance of a Notice and Order of license revocation against the one adult entertainment facility in SeaTac. This amendatory Ordinance relates to that enforcement action because there was an agreement in 1995 to permit certain facilities and rules and regulations which have not been followed and as a result there is the current enforcement action pending. This amendatory Ordinance would remove those agreements and bring the City's regulations into accord with those of all the surrounding communities. The matter will go to the Hearing Examiner and after the City prevails, the proponents of the establishment will appeal to the court and at that point in time, if the City has not followed the usual Council procedures, they may make an issue out of that and there is no real reason to act quickly on this matter.

*Upon hearing the advice of the City Attorney and agreeing to it, Deputy Mayor DeHan withdrew his Motion and Councilmember Wurdeman withdrew his second.

Councilmember Lasco request background information on this issue to which City Attorney McAdams stated that he would supply her with the requested data.

PUBLIC COMMENTS: Linda Snider, 18700 36th Avenue South, stated her concerns regarding the Fire Stations presentation. She was surprised to hear that the City's two medic units are unmanned, and that the three Fire Stations are not earthquake-proof. Her concern is that in case of an earthquake, the public will be looking for shelter and aid at the Emergency Operations Center (EOC), which is located at Station 45. Lastly, she stated her appreciation of the City's Police and Fire Departments, having had to use both services.

Joe Dixon, a SeaTac resident since 1956, stated that he had at many time used the old Chinese restaurant, now the Silver Dollar Casino, and Dave's Diner, which were both closed due to the casino. He continued by stating that 50 years ago, there was no lotto and now the State has seven gaming revenue-making options for the public. He adamantly opposes adding more gaming places to the many the State has now.

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) gave a brief report on the fire incident at Emerald Place Apartments, located east of Dave's Diner, which he mentioned, is relocating to another site on South 188th Street. The fire impacted the west building and caused an evacuation of its apartments due to an electrical fire and loss of power. The City offered the NSTPCC for refuge for the victims of the fire, but they opted for other facilities. Repairs are currently being done and it appears the tenants will be able to move back in by the end of the week; 2) Funsters Entertainment establishment has gone from Chapter 13 bankruptcy to Chapter 7 liquidation. Proceeds of sales will be used to satisfy debts in this order: taxes, wages, secured claims, and unsecured claims. It is possible that the entire casino could be purchased by another owner and reopen. However, that may not be likely since the operation has been unable to pay its ongoing debts. The

CITY MANAGER'S COMMENTS (Continued): City is currently owed gambling taxes of approximately \$150,000 accrued in the last six months. The total loss in revenue may be expected to be \$400,000 less casino assets which there may not be funds left due to those owed to the IRS; and 3) regarding the Secure Community Transition Facility (SCTF) proposed to be sited at South 200th Street and Orillia Road, two public meetings were conducted by the Department of Social Health Services (DSHS) with Council and staff testifying. KC Sheriff Dave Reichert addressed the North Bend City Council on April 1. The City threatened to cancel their police contract with KC if the siting was to be in North Bend. Since Sheriff Reichert has already made that presentation, Mr. Rayburn proposed sending a letter to the Sheriff requesting he address the SeaTac Council on April 15 or 22 as to the Orillia site. Council concurred to sending the letter.

COUNCIL COMMENTS: Councilmember Anderson read aloud a letter she received from Jon Fine, President and CEO of United Way of KC, thanking the City's employees and leadership for their commitment to helping people in need in the 2002-2003 campaign, which she read aloud. She also received a letter of appreciation for the same cause from the Resident Manager for Eddie Bauer and President of Ben Bridge.

Councilmember Wurdeman mentioned that in passing Chinook Middle School on the way to this Council Meeting, he saw students rallying passing vehicles asking their support of the school Levy slated for the April 22 ballot. He was pleased to see such enthusiasm and hoped their efforts would be heard and the public would come out and vote on this levy issue.

On this subject, Councilmember Anderson stated that in speaking with members of the Bow Lake Mobile Home Park, some did not receive their absentee ballots and will not be able to vote on the school levy. She wondered if that was the cause of the levy failing in the February ballot.

Mayor Brennan questioned the Council's medical and dental insurance plan and requested that staff look into this matter.

He would like their benefits to match those of the staff. City Attorney McAdams stated that this process was discussed nearly two years ago. He will research and readdress the issue.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY LASCO TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:51 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

**April 22, 2003
6:00 PM**

**City Hall
Council Chambers**

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Joe Brennan at 6:01 p.m.

ROLL CALL: Present: Mayor Joe Brennan, Deputy Mayor Don DeHan, Councilmembers Gene Fisher, Kay Lasco, Terry Anderson, Frank Hansen and Will Wurdeman.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Craig Ward, Assistant City Manager; Robert McAdams, City Attorney; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Steve Comstock, Real Estate Developer, led the Council, staff and audience in the Pledge of Allegiance.

CONFIRMATION OF MAYORAL APPOINTMENT:

Confirmation of Mayoral Appointment of Michael J. Siefkes to the Planning Commission

MOVED BY DEHAN, SECONDED BY HANSEN TO CONFIRM THE MAYORAL APPOINTMENT OF MICHAEL J. SIEFKES AS A MEMBER OF THE PLANNING COMMISSION.

MOTION CARRIED UNANIMOUSLY.

Deputy Mayor DeHan read the certificate and Mayor Brennan presented the document to Mr. Siefkes and thanked him for volunteering to serve the City through this commission appointment.

PUBLIC COMMENTS: Joe Dixon, 11192 35th Avenue South, spoke for a third time before the Council regarding the Demonstration Housing Grant, and Agenda Bill No. 2277, a Motion authorizing Phase II of the project on February 25. Mr. Dixon summarized the agenda bill contents: the public participation of Task Five and the Market Research Report of Task Two. He was concerned that the Focus Group Report was dated December 20, 2002 and the Market Research Report was dated January 30, 2003 and yet the Council did not received these Phase I reports until three to four months after they were published and they were also requested to approve proceeding with Phase II seven weeks after receiving them. He urged Council to review the Focus Group Report, particularly the conclusion on page seven, which he feels is contrary to the contents of the report.

PRESENTATIONS:

Highline Historical Society presentation on topics for the Historical Exhibits in City Hall (*This presentation has been delayed to a later date*)

1st Quarter 2003 Financial Report

Deputy City Manager Spencer updated the Council on the City's financial condition at the close of the 1st quarter 2003 ending on March 31:

| <u>General Fund Revenue</u> | <u>2003 Budget</u> | <u>2003 Year to Date Actual</u> |
|-----------------------------|---------------------|--|
| Property Tax | \$ 7,514,278 | \$ 123,485 (2 nd Quarter will show the actual amount) |
| Sales Tax (Two Months) | \$ 7,000,000 | \$ 1,006,422 (represents 2 months of revenue) |
| Other | <u>\$ 7,000,000</u> | <u>\$ 1,556,258 (on target)</u> |
| Total | \$19,335,022 | \$ 2,686,165 |

| <u>Budget Fund Item</u> | <u>Budgeted Balance</u> | <u>Actual Year to Date</u> |
|--------------------------|-------------------------|--|
| General Fund | \$(3,120,467) | \$ (515,883) [some savings due to attrition of salaries, King County (KC) billings not in, and transfers of funds to other line items and some Capital Outlay (Parks) will be in late spring/early summer] |
| City Street Fund | \$ 70,822 | \$ 94,660 (on target) |
| Arterial Street | \$2,674,722 | \$4,781,049 [significant decrease due to transfer of funds to the Transportation Capital Improvement Program (CIP) Fund] |
| Municipal Facilities CIP | \$(8,314,105) | \$(7,147,816) (providing improvements to the Police Department and Parks/Public Works Maintenance Facility and remaining City Hall projects. Negative Fund Balance is |

PRESENTATIONS (Continued):

1st Quarter 2003 Financial Report (Continued): offset by a temporary interfund loan and is on target. Staff is working

with the State Auditor on ways to present it as using an interfund loan.
)

| | | |
|--|-------------|---|
| Transportation CIP Fund | \$ 527,684 | \$3,533,460 (received bond proceeds in 1994, and receives significant grant revenues for transportation improvements as well as from the Arterial Street fund that represents Parking Tax revenues funding CIP) |
| Surface Water Management (SWM) Utility | \$1,400,159 | \$1,234,224 (50 percent of revenues will come in around the April 30 deadline and 50 percent around the October 31 deadline) |
| SWM Construction | \$ 734,502 | \$2,873,448 (Bond proceeds and transfers from the SWM Utility Fund to fund CIP SWM Utility revenue) |
| Hotel/Motel Tax | \$6,877,698 | \$7,189,268 (slightly higher than plan for the end of the year) |

Mayor Brennan stated that the ILA loan is internal. Ms. Spencer explained the reporting system on this loan. It is a balance sheet transaction. \$13 million is reported. Next year, there will be a change in report in government budgets. Ms. Spencer stated that next year there will be a change in governmental accounting titled Governmental Accounting Standards Board (GASB). State auditors are realizing the preparation that will be needed for all reporting parties who have CIPs that were funded through bonds or any other type of financing. The GASB system synchronizes with the current private sector accounting system. Council questions ensued as to the new reporting system which Ms. Spencer answered.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$389,766.95 for the period ending April 4, 2003.
- **Approval of claims vouchers** in the amount of \$719,497.74 for the period ending April 19, 2003.
- **Approval of employee vouchers** in the amount of \$377,021.10 for the period ending April 15, 2003.

· **Approval of Council Meeting Minutes:**
Regular Council Meeting held March 25, 2003.

· **Acceptance of Advisory Committee Minutes:**
Human Services Advisory Committee Meeting held February 12, 2003 (Committee approved March 12, 2003). **Planning Commission Meeting** held March 24, 2003 (Commission approved April 7, 2003).

· **Approval of the following Agenda Items recommended at the April 15, 2003 Study Session for placement on this Consent Agenda:**

Agenda Bill #2291

A Motion authorizing the City Manager to execute a Letter of Understanding (LOU) regarding the Police Services Contract Model - Deputy City Manager

Summary: On February 11, 2003, the City Council approved a Motion authorizing the City Manager's Office to negotiate amendatory contract language relating to the City's contract for Police Services. These negotiations were requested by the King County Sheriff's Office (KCSO) based on the City's plan to move to the City Model in mid-2003.

Until 2003, the City contracted for the shared supervision model, which allows for the Cities of Burien and SeaTac to share with KC the cost of administrative and supervisory personnel located at the Burien Precinct. For several years, the City contemplated a move to the City Model with the planned relocation of SeaTac Police staff to the new City Hall (NCH). Following discussion at the City Council Retreat in April of 2002, staff was directed to plan for a change to the City Model in 2003, which is reflected in the 2003 Adopted Budget. Under the City Model, SeaTac's Police Department essentially becomes its own precinct. The City's Police Chief would be a Major, instead of a Captain. The other significant change was that Patrol Officers would be supervised by dedicated Patrol Sergeants, whereas currently the Patrol Sergeants are shared with Burien and KC.

CONSENT AGENDA (Continued):

Agenda Bill #2291 (Continued): In late 2002, KCSO staff approached the City with a proposal to create a Modified City Model, which would blend aspects of both the City Model and the Shared Supervision Model. While the City of SeaTac would still relocate its Police Department staff to the NCH as planned, the City would be able to achieve a small cost savings by continuing to share certain administrative positions with Burien and unincorporated KC. Council action in February allowed the City Manager's Office to pursue additional discussions with the KCSO regarding this proposal, with a final decision to be made by the Council within 60-90 days.

Ms. Spencer and Police Chief Scott Somers have since conducted a series of meetings with the KCSO to discuss this proposal in more detail and to negotiate certain aspects of the proposal. A Letter of Understanding (LOU) has been

drafted to provide a written summary of the agreements that have been made regarding the blended model.

Meetings have also been conducted with the City of Burien, contract City Finance Directors, and the Police Oversight Committee to allow these parties an opportunity to comment on the proposed changes.

The proposed change will result in cost savings to the City of approximately \$60,000 per year, which will fund a second administrative clerk position for the Police Department.

Agenda Bill #2285

A Motion authorizing the City Manager to execute a Contract for Low Voltage/Data Cabling at the new Police Department - Facilities

Summary: The City received proposals from three vendors in response to its Request for Proposals (RFPs) to provide low voltage and data cabling of the Police Department of the NCH building. Following a review of all three proposals, an interview panel conducted interviews with the best vendor only. Based on the proposals submitted and interview question responses, the panel has unanimously recommended that the City proceed with negotiation of a contract with Veca Electric & Communications Co. Inc. to perform the work specified. The firm submitted the lowest proposal cost with the addition of the fiber optics alternate.

The estimated coast was \$27,324. It is recommended that the Council authorize a contract in the amount of \$31,307.20, plus a 10 percent contingency of \$3,130 for a total amount not to exceed \$34,437.20.

Agenda Bill #2298

A Motion approving the Low Bidder for Masonry, Detention Doors and Frames, Detention Hardware, Epoxy Mortar Flooring, Security and Fire Protection System and Fire Sprinklers for the Police Remodel - Facilities Director

Summary: Bids were solicited from several contractors for each portion of the work. The City Council authorized a total budget of \$939,829 for Police Operations for the NCH project. The estimate for this work was \$183,120.62. Total of low bids presented was \$182,945.86. Both numbers included Washington State Sales Tax (WSST) and 10 percent contingency.

Results of Bid Requests for work items for SeaTac Police Remodel: (Low bidder is indicated by asterisk)

| <u>Contractor</u> | <u>Estimated Cost</u> | <u>Bid Amount w/Contingency & Tax Total of 18.8%</u> |
|-------------------------------------|------------------------|--|
| <u>Masonry</u> | | <u>\$43,789.68</u> |
| *Arndt Company Inc. | \$31,900.00 | \$37,897.20 |
| Herbert Masonry | \$33,566.50 | \$39,877.00 |
| Western Masonry | \$39,740.00 | \$47,211.12 |
| <u>Detention Doors & Frames</u> | <u>Estimated Cost:</u> | <u>\$14,731.12</u> |
| *Architectural Building Prod. | \$ 9,458.00 | \$11,236.10 |
| Cascade Door & Hardware | \$15,390.00 | \$18,283.32 |
| <u>Detention Hardware</u> | <u>Estimated Cost:</u> | <u>\$12,830.40</u> |
| *Clark Security Products | \$11,629.83 | \$13,816.24 |
| Contract Hardware | \$12,361.90 | \$14,685.94 |
| Architectural Building Prod. | \$13,994.00 | \$16,624.87 |

CONSENT AGENDA (Continued):

Agenda Bill #2298 (Continued):

| | | |
|------------------------------|------------------------|---------------------|
| <u>Epoxy Mortar Flooring</u> | <u>Estimated Cost:</u> | <u>\$9,013.36</u> |
| *H&H Coatings | \$9,688.00 | \$11,509.34 |
| Armorclad Floors | \$9,840.00 | \$11,689.92 |
| Allied Floors | \$12,272.00 | \$14,579.14 |
| <u>Security & Fire</u> | <u>Estimated Cost:</u> | <u>\$94,588.56</u> |
| *Guardian Security | \$84,292.00 | \$100,138.90 |
| Veca Electric | \$87,615.70 | \$104,087.45 |
| <u>Fire Sprinkler</u> | <u>Estimated Cost</u> | <u>\$8,167.50</u> |
| *Emerald Fire | \$7,027.00 | \$8,348.08 |
| <u>Ace Fire Protection</u> | <u>\$7,500.00</u> | <u>\$8,910.00</u> |
| <u>Total</u> | <u>Estimated Cost:</u> | <u>\$183,120.62</u> |
| Total Low Bids | | \$182,945.86 |

Agenda Bill #2297

A Motion declaring Vehicles Surplus and approving same to be sold at Public Auction - Public Works

Summary: Due to the purchase of new vehicles and an attempt to reduce operating costs, the City now has six surplus vehicles. Once approved, staff will arrange with an auctioneer specializing in vehicle sales to sell these vehicles.

As part of the 2003 Equipment Rental Fund Budget, Vehicles A-1, a 1991 Dodge Spirit; A-2 - a 1991 Dodge Spirit; B-2, a 1991 ¾ Ton Pickup; and B-7, 1993 Ford Econo Van were approved for replacement. A-4 and A-5 will also be surplus to help reduce operating costs. A-4, 1992 Ford Taurus and A-5, 1992 Ford Taurus were scheduled for replacement in 2004.

It is recommended the City Council declare vehicles A-1, A-2, A-4, A-5, B-2 and B-7 surplus and authorize that they be sold at public auction with all proceeds placed in the equipment rental fund.

The salvage value on the books for the surplus vehicles is \$7,486.28. However, after sales costs are deducted from the amount offered at the auction, the payment to the Equipment Rental Fund will most likely be less than this amount.

Agenda Bill #2289

A Motion authorizing the City Manager to sign an Amendment to the Interlocal Agreement (ILA) with King County (KC), the City of Burien, Washington State and the Port of Seattle (POS) for the preparation of a Miller and Salmon Creek Basin Plan - Public Works

Summary: The amendment adds the City of Normandy Park to the Miller and Salmon Creek Basin Plan team as a participating member and reduces the Washington State Department of Transportation (WSDOT) involvement to the status of an interested party. WSDOT will be kept informed of the study progress and recommendations.

Last year, the Cities of SeaTac and Burien, Washington State, KC and the POS entered into an ILA to prepare a basin plan that will address surface water and fish habitat issues within the Miller and Salmon Creek Basins. The goal is to develop an implementation program acceptable for endorsement by the participating agencies. In the early stages of formation, the partnership included Normandy Park. They subsequently withdrew, and at that time, WSDOT indicated they wanted to join the team. The resulting ILA essentially replaced Normandy Park with WSDOT in all aspects (participation cost, input and influence). Now the situation is exactly reversed. WSDOT, due to substantial cutbacks in their budget, can no longer financially participate and Normandy Park wants to rejoin the effort. The attached amendment will add Normandy Park back to the team as was originally intended. As an interested party and property owner, WSDOT will be apprised of the study progress and recommendations.

It is recommended that the Mayor and City Council approve and authorize the City Manager to sign the amendment of the Miller Creek/Salmon Creek ILA.

CONSENT AGENDA (Continued):

Agenda Bill #2289 (Continued): The net result of the amendment does not change SeaTac's commitment of \$20,000 or five percent of the study cost. This amount is already programmed in the 2003 budget. WSDOT's net contribution of one percent is their share up to the time of their withdrawal. Normandy Park contributes nine percent, the remainder of the WSDOT's share. Normandy Park also pays a \$4,000 latecomer's fee that is the estimated administrative staff costs of bringing them into the study at this time. All costs were pro-rated based on the imperious area of each jurisdiction within their portion of the drainage basin.

Agenda Bill #2290

A Motion authorizing the City Manager to enter into an Interlocal Agreement (ILA) with King County, Kent, Renton and Tukwila for the Trans Valley Phase II Implementation Plan - Public Works

Summary: Approval to amend an existing ILA for the development of a Miller and Salmon Creek Basin Plan. The amendment adds the City of Normandy Park to the basin plan team as a participating member and reduces the Washington State Department of Transportation (WSDOT) involvement to the status of an interested party.

(See above Agenda Bill #2289 Summary for more information on this agenda bill.)

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Linda Snider, 18700 36th Avenue South, express the Planning Commission's appreciation of the Council's appointment of Michael Siefkes to the commission. There was a real need for another member on the commission to aid in the decision-making processes and at Public Hearings.

CITY MANAGER'S COMMENTS: City Manager Rayburn stated that the Council Retreat agenda will be in this week's Friday Packet.

COUNCIL COMMENTS: Councilmember Lasco thanked both the Police and Fire Departments for helping her in family incidents. She thanked Fire Chief Meyer on the fine service he provided in helping her father in his challenges. Chief of Police Services Somers sent an officer out to her home last night to help her out. It is very comforting to know the community has such good public services.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 6:33 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

May 13, 2003
6:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Joe Brennan at 6:00 p.m.

ROLL CALL: Present: Mayor Joe Brennan, Deputy Mayor Don DeHan, Councilmembers Gene Fisher, Kay Lasco, Terry Anderson, and Will Wurdeman. Excused Absence: Councilmember Frank Hansen.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Craig Ward, Assistant City Manager; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services;

FLAG SALUTE: Deputy City Manager Spencer led the City Council, staff and audience in the Pledge of Allegiance to the Flag.

PRESENTATION

· Fly Quiet Program Recommendations

Assistant City Manager Ward introduced Stan Shepherd and Shannon Huggins, Port of Seattle (POS) Community Program Managers, Noise Abatement Office.

Ms. Huggins explained the Fly Quiet Program and the Noise Abatement Committee's work: develop and implement noise programs (Part 150), monitor aircraft noise and flight paths, ensure eligibility for Federal funds (\$135 million), provide community relations and outreach, and contribute to other POS efforts, as assigned. Committee members consist of representatives from communities around the airport. The definition of the program is a combination of actions that encourage airlines and pilots to operate aircraft as quietly as possible. The focus of the committee is to: 1) help develop the elements of a Fly Quiet program for Sea-Tac Airport and work with the POS in evaluating and reporting the results; 2) attended the POS-sponsored training program and apply knowledge to assist with analysis, development and implementation of Fly Quiet Programs; 3) monitor established procedures and success rates and create incentive programs for airlines; and 4) the committee will not have the responsibility of recommending new policies to the POS, nor study or recommend changes to flight paths.

Next, the airlines' run-up locations, operations, and ground run-up noise impact were discussed. The committee's recommendations are to reduce ground run-up noise impact and increase compliance with existing noise abatement requirements. There are regulations during the nighttime hours that prohibit ground noise run-ups from 10:00 p.m. to 7:00 a.m. with monetary fines associated with failure to comply. The first offense received a letter of admonishment and the second, a \$100 fine. The committee created a new fine structure whereas the offender receives a letter of admonishment on the first offense, a fine of \$1,000 for the second offense, and \$2,000 for the third offense, with an \$8,000 maximum fine, within one year.

The Fly Quiet Program, which was a follow-up to the Part 150 Study, was established to recommend updates to aircraft compliance, findings, and ground noise impact. Reports will be created and will be available to the public. Mr. Shepherd explained the Airline Incentive Program and scoring system that the POS created for the airlines.

Hush Houses (ground run-up enclosures) on the runway were discussed. SeaTac Airport is a small area for a Hush House. As a result, a location was found south of the airport, called the South Aviation Support Area. A Hush House for the northend is on hold until the northend redevelopment occurs.

Council questions pursued. Councilmember Anderson inquired as to whether the cargo carriers are at a disadvantage in the awards program and Mr. Shepherd concurred. Mr. Ward stated that the point is to recognize those airlines that are flying the quietest airplanes and are flying according to the procedures. Currently, there is only a violation program. In the new program, there are awards and fines. Concerning night takeoffs and landings, a Federal rule allows aircraft to land 24 hours a day. As far as airlines operating during the morning and early evening, it is very difficult to encourage carriers to change their schedule when it is traveling long distances. Weekend mornings are being discouraged for ground run-ups. Regarding run-up locations, they are monitored to be sure no violations are taking place. The FAA can require a run-up prior to takeoff of small aircrafts but that is not in the jet aircraft procedures.

The competition monitoring began in April 2003 and awards will be presented at the beginning of 2004.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$795,043.97 for the period ending May 5, 2003.
- Approval of employee vouchers** in the amount of \$521,119.55 for the period ending April 30, 2003.

·**Approval of Council Meeting Minutes:**

Regular Council Meeting held April 8, 2003

Regular Council Meeting held April 22, 2003

·**Acceptance of Advisory Committee Minutes:**

Human Services Advisory Committee Meeting held March 12, 2003 (Committee approved April 9, 2003).

Planning Commission Meeting held April 7, 2003 (Commission approved April 21, 2003).

Planning Commission Meeting held April 21, 2003 (Commission approved May 5, 2003).

Senior Citizen Advisory Committee Meeting held March 20, 2003 (Committee approved April 24, 2003).

·**Approval of the following Agenda Items recommended at the May 6, 2003 Study Session for placement on this Consent Agenda:**

Agenda Bill #2303, Ordinance #03-1013

An Ordinance amending the 2002 Annual City Budget for an Interfund Loan funding the City Hall Project - City Manager

Summary: This Ordinance amends the 2002 Annual City Budget to estimate resources in the Municipal Facilities Capital Improvement Program (CIP) Fund, and increase budgetary expenditures in the Port of Seattle (POS) Interlocal Agreement (ILA) Fund, as a result of increasing the City Hall Project Interfund Loan for the Police Department Remodel.

On October 8, 2002, the City Council approved Agenda Bill No. 2217, an Ordinance amending the 2002 Annual City Budget for the Police Department Area Remodel at New City Hall (NCH). This budget amendment, submitted by the Parks and Recreation Department, increased the appropriated expenditures in the Municipal Facilities CIP Fund and noted that the expenditures would be funded by increasing the Interfund Loan from the POS ILA Fund previously approved by the City Council to fund the City Hall Project. However, it inadvertently omitted the increase in the estimated resources of the Municipal Facilities CIP Fund for 2002. This omission creates a budgetary fund balance deficit at year-end, which violates RCW requirements.

This budget amendment Ordinance increases estimated resources in the Municipal Facilities CIP Fund by \$989,829, the same amount as the approved appropriation in Agenda Bill No. 2217. It also increases budgetary expenditures in the POS ILA Fund by the same amount.

Agenda Bill #2300; Resolution #03-006

A Resolution confirming the Re-appointment of the Municipal Court Judge and Authorizing the Extension of his Professional Services Contract - Municipal Court

Summary: This Resolution confirms the re-appointment of Paul J. Codd as Municipal Court Judge, who has agreed to serve for at least the first two years of the 2003 through 2006 judicial term.

RCW [35A.13.080](#) (2) requires the City Manager to appoint a Judge of the SeaTac Municipal Court, subject to confirmation by the Council, to a four-year term. Paul J. Codd was appointed and confirmed as Municipal Court Judge, for four-year terms in 1991, 1995, and 1999 and has served admirably in that capacity. Judge Codd has agreed to serve at least two years of another four-year term on the same terms and conditions as his prior appointment and Professional Services Contract. The City Manager desires to re-appoint Judge Codd as Municipal Court Judge to the four-year judicial term from January 1, 2003 through December 31, 2006. Judge Codd has stated that he may retire at the end of the year 2004. If that retirement does occur, it will be necessary to appoint and confirm a new Municipal Court Judge for the remainder of the judicial term.

By agreement in 1999, the City Manager authorized an increase in the Judge's compensation from \$60 per hour to \$65 per hour. This Resolution provides to the City Manager the flexibility to agree to a reasonable subsequent hourly rate, although, at this time, Judge Codd has not requested an increase. Any such increase would be required to be within the budgeted amount for 2003 and in 2004.

CONSENT AGENDA (Continued):

Agenda Bill #2302

A Motion approving the Low Bidder for Automatic Gates, Structural Steel Canopy, and Carpet for the Police Remodel Facilities - Police

Summary: This Motion approves the hiring of subcontractors to perform specific work items for the SeaTac Police Remodel.

Bids were solicited from several contractors for each portion of the work. Results are listed below:

| | | |
|--------------------------------|------------------------------|--|
| <u>Automatic Gates</u> | <u>Estimate: \$33,840.00</u> | <u>w/Contingency & Tax \$40,201.92</u> |
| *Design Gates & Automation | \$20,097.00 | \$23,875.24 |
| Automated Equipment | \$21,625.00 | \$25,690.50 |
| | | |
| <u>Structural Steel Canopy</u> | <u>Estimate: \$15,300.00</u> | <u>w/Contingency & Tax \$18,176.40</u> |
| *Totem Steel | \$13,600.00 | \$16,156.80 |
| Mayer Construction | \$17,453.00 | \$20,734.16 |
| Hilger Construction | \$25,983.27 | \$30,868.12 |
| | | |
| <u>Carpet</u> | <u>Estimate: \$21,079.50</u> | <u>w/Contingency & Tax \$25,042.45</u> |
| *Allied Flooring | \$17,350.00 | \$20,611.80 |
| Pacific Modular | \$20,390.00 | \$24,223.32 |

The City Council authorized a total budget of \$939,829 for Police Operations at the NCH Project. The estimate for this work was \$83,420.77 with contingency and tax. Total of low bids presented is \$60,643.84.

Agenda Bill #2306

A Motion authorizing the City Manager to enter into Contracts with two Economic Development Consultants for Strategic Advice - City Manager

Summary: This Motion authorizes entry into a contract with two economic development consultants to provide strategic advice, with total event costs not to exceed \$12,350 from the Hotel-Motel Tax Fund, to replace the contract with Professor John Kasarda.

On January 28, 2003 Agenda Bill No. 2266 authorized a contract with Professor John Kasarda to advise the City on economic development opportunities associated with locating a business near an airport. Ultimately, the goal of the consultation was to determine which industries and businesses are the biggest demand generators for hotels, in which the Lodging Tax depends. On April 9, Prof. Kasarda terminated the contract. Since that time, the SeaTac Economic Partnership (STEP) has considered other approaches in soliciting such advice, which STEP feels is important to implement in June 2003. Staff presented the recommendations of STEP at the Council Meeting on May 6. A draft scope of work and budget has been developed for the replacement contracts that are equivalent to those previously approved.

Agenda Bill #2295; Resolution # 03-007

A Resolution approving an Interlocal Agreement (ILA) providing for a Jail Advisory Group and authorizing the City Manager to continue negotiations and execute the Agreement - Legal

Summary: This Resolution approves entry into an ILA with 36 other Cities to establish and provide for a Jail Advisory Group (JAG) to administer, implement, interpret, and settle disputes in regard to the Jail Services Agreements with King County (KC) and Yakima County. Although the major contract for the JAG will be in accordance with the current draft ILA, details are still being negotiated, and this Resolution provides for such on-going negotiation.

Most of the 36 Cities have also entered into a jail services agreement with KC, which is not long term inasmuch as KC desires to cease providing jail services to Cities. The various Cities have also entered into an ILA providing for allocation of the minimum bed commitment and allocation of charges for jail services.

The jail services agreements and the ILA between the Cities provide for establishment of a JAG to respond to issues regarding administration, implementation, interpretation, and dispute resolution.

CONSENT AGENDA (Continued):

Agenda Bill #2295; Resolution # 03-007 (Continued):

The proposed ILA establishes the JAG to deal with policy issues; questions and/or disputes involving the administration of the jail services agreements, the disposition of certain real property in Bellevue, and potential creation of new misdemeanor secure jail facilities and non-secure alternative facilities.

The JAG will consist of all 37 Cities, and any Cities that subsequently enter into jail services agreements. An Executive Board will govern JAG. The board will be composed of six members as follows: one each from Seattle and Bellevue and four to be selected by the Suburban Cities Association (SCA). The board will also prepare an annual recommended budget based upon the minimum bed commitment and actual usage as well as the charges set by KC and Yakima County.

An Operation Board is also created to consist of one representative from each City. This board will advise the Executive Board on operational issues in regard to the jail services agreements.

Although the proposed ILA establishes the JAG and its various components, as described above, numerous details of

operation are still being negotiated among the many Cities involved. Therefore, this Resolution, in essence, approves the concept and basic organization of the JAG, but permits the City Manager and designees, to continue negotiations to arrive at a final ILA, which can then be executed. Naturally, if substantial changes in organization, powers, or financial considerations are to be included in the final form ILA, approval by the City Council will again be requested.

The existing jail services agreements and the ILA between the Cities commits each City to pay a portion of the jail charges. As was noted in Agenda Bill No. 2159 in May 2002, savings, perhaps amounting to \$100,000 annually will be reflected in the \$330,000 appropriation to the Non-Departmental division of the General Fund at line item "Intergovernmental Professional Services."

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: The comments all related to New Business, Agenda Bill No. 2294, therefore, they were deferred until the presentation of the following item.

NEW BUSINESS:

Agenda Bill #2294; Ordinance #03-1014

An Ordinance relating to Adult Entertainment and amending the Time, Place, and Manner Restrictions of SeaTac Municipal Codes (SMC) 5.40.160, .170, and .230 as to Distance between Adult Entertainers and Patrons and as to Hours of Operation - Legal

Summary: This Ordinance affects the time, place, and manner restrictions of the adult entertainment regulations at SMC 5.40.160, .170, and .230 in the following respects: 1) eliminates previously allowed nude or semi-nude dancing on elevated "private table stages" within the patron seating area; 2) increases the minimum horizontal distance between adult entertainers and patrons from six feet to ten feet; and 3) amends the 4:00 a.m. to 11:00 a.m. mandatory hours of closure to the hours of 2:00 a.m. until 10:00 a.m.

The amendments of the proposed Ordinance will bring the SeaTac Adult Entertainment Standards into line with those of most of the surrounding jurisdictions.

It is appropriate to provide for uniformity, to the extent possible, in the aforesaid time, place, and manner restrictions applicable to adult entertainment as between SeaTac and other nearby Cities and KC. It is also appropriate to impose those restrictions now upheld by the Courts in order to ensure minimization of the secondary effects of adult entertainment businesses as found by the Council and set forth at SMC 5.40.020.

Mayor Brennan opened the floor for public comments on this issue. The following individuals spoke in strong opposition to the passage of the Ordinance restrictions stated above. They stated adoption of it would end their employment at the Club Extasy: Christine Allen, 1511 SW 116th Street, No. 5; Tanisha Hayes, 1307 57th Avenue

NEW BUSINESS (Continued):

Agenda Bill #2294; Ordinance #03-1014

NE; April Christie, 19800 International Boulevard, No. G-101; Dave Mitchell, Club Manager, 1291 South Gravelly Lake, No.03; Shaleenia Lathrop, 1337 Regents Boulevard, Tacoma; Shawna Adams, 303 16th Avenue E, No. 306, Seattle; and Mary Miller, Co-owner of The Club Extasy, 2935 76th Avenue SE, No. 23B, Mercer Island.

Mrs. Miller further stated that her ex-husband and she built The Extasy Club with high standards. She stated that in arbitration, she won the power of directing the club. She stated she runs a clean establishment and does not allow her entertainers to perform acts that her ex-husband had. She commented that SeaTac is a good community that takes care of its people and she hoped there would continue to be a good relationship with the club and SeaTac.

City Attorney McAdams stated that the Ordinance was liberalized in 1998 by reducing the six-foot rule and this four-year experiment was not successful. The purpose of this Ordinance is simple to bring the standards into compliance with surrounding jurisdictions. This issue was thoroughly discussed at the May 6 Study Session. The owner of the business, Extasy Club, is MarLar Corp., a Washington Corporation. This Ordinance does not have anything to do with a dispute between the two 50-percent shareholders. This Ordinance imposes the 10-foot rule of separation that has been approved by the Courts. From the law enforcement and prosecution perspective, this Ordinance is to ensure that the club continues to run in a proper manner without any unlawful activity.

Council discussion ensued as to the basis for the new amendments. Chief of Police Services Somers stated that with the mentioned issues, it is necessary to: 1) develop Ordinances and community standards that are in line with those of surrounding jurisdictions; and 2) from an enforcement perspective, anytime there is any type of entertainment that requires compliance, there is a need for oversight. He further detailed his police work background in criminal activities

related to this type of establishment, adding that he is concerned for the welfare and safety of the employees and patrons of the club.

MOVED BY DEHAN, SECONDED BY WURDEMAN TO ADOPT ORDINANCE NO. 03-1014.*

Councilmember Lasco stated that she does not support these types of activities; however, she was not convinced that changing from six to 10 feet is going to in anyway benefit our community in its health or safety. She added that she supports changing the hours due to people coming to the club from taverns and bars and causing problems, which is a police issue and is a detriment to the community and to the health and safety of its citizens.

MOVED BY LASCO TO AMEND THE ORIGINAL MOTION TO CHANGE THE HOURS OF OPERATION FROM CLOSURE FROM 2:00 A.M. TO 10:00 P.M.

UPON A ROLL CALL VOTE WITH FISHER, LASCO, ANDERSON VOTING YES, AND WURDEMAN, BRENNAN, AND DEHAN VOTING NO, THE VOTE TIED, AND THEREFORE, FAILED.

*UPON A ROLL CALL VOTE, THE ORIGINAL MOTION CARRIED WITH FISHER, ANDERSON, BRENNAN AND DEHAN VOTING YES, AND LASCO AND WURDEMAN VOTING NO.

Mayor Brennan allowed Mrs. Miller to speak once again. She stated that the Council is entering into a lawsuit. There is no way an entertainment business of this caliber can operate (with this Ordinance restrictions), adding that the Council would be responsible for the closing of this business. She urged the Council to reconsider their vote, stating that the new restrictions will cause the closure of the club.

April Christie spoke again in opposition to the Ordinance's new restrictions, stating that this is taking employment away from the entertainers and forcing them to find employment elsewhere.

Dave Mitchell, club manager, stated that instead of their club, the Council should consider Ordinances on closing taverns where there is alcohol.

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) the Council received a invitation from the POS regarding an Open House to celebrate an upgrade to the airport's satellite transit system, to be held on May 15 at 2:00 p.m. at the airport terminal; and 2) Police Sergeant Tom Flanagan, who has been with the City for several years, will be reporting to the Burien Precinct 4. A short reception is being held for him in the Main Lunch Room tomorrow in the first floor lunchroom.

COUNCIL COMMENTS: Councilmember Fisher stated he was offended for being publicly berated last week over some comment he made about SeaTac losing businesses. He stated that his facts are right. The fact that there are 107 less businesses in 2002 than in 2000 is being researched by staff.

Councilmember Anderson stated that she would not be able to attend the June 3 Study Session or the JAC meeting next week. Secondly, she expressed sadness for Gina Marie Lindsey and family on the disappearance of her son.

Mayor Brennan stated that he has asked Deputy Mayor DeHan to attend the JAC and since there now is another seat open, he asked Councilmember Fisher to fill in.

ADJOURNMENT:

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

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

May 27, 2003
6:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Study Session was called to order by Mayor Joe Brennan at 6:00 p.m.

COUNCIL PRESENT: Mayor Joe Brennan, Deputy Mayor Don DeHan, Councilmembers Gene Fisher, Kay Lasco, Terry Anderson, Frank Hansen and Will Wurdeman.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Craig Ward, Assistant City Manager; Steve Butler, Planning Director; Jack Dodge, Principal Planner; Tom Phillips, Building Official; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Darleene Thompson, SeaTac resident, led the Council, staff and audience in the Pledge of Allegiance to the Flag.

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

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$835,638.84 for the period ending May 20, 2003.
- **Approval of employee vouchers** in the amount of \$379,424.32 for the period ending May 15, 2003.
- **Approval of \$5,000 - \$25,000 Purchase Requests** for the period ending May 16, 2003.

Approval of Council Meeting Minutes:

- **Regular Council Meeting** held May 13, 2003.

Acceptance of Advisory Committee Minutes:

- **Library Advisory Committee Meeting** held March 13, 2003 (Committee approved May 13, 2003).
- **Planning Commission Meeting** held May 5, 2003 (Commission approved May 19, 2003).

Approval of the following Agenda Items recommended at the May 20, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2301

A Motion authorizing Final Acceptance of the South 170th Street Phase II Project (37th Avenue South to Military Road South) - Public Works

Summary: The City Council awarded the project on June 12, 2001 to Tydico, Inc. The contract amount was \$1,289,301, with a contingency of \$128,930, for a total contract budget of \$1,418,231. The improvements consisted of new curb, gutter, sidewalks, a flashing stop signal at 40th Avenue South, street illumination, conversion to underground utilities and storm drainage upgrades. All work on the project has been completed.

Various subcontractors and suppliers have filed liens against the project due to non-payment of project related bills by Tydico. It is in the City's best interest to accept the project as complete at this time. Final acceptance will begin the formal lien period during which subcontractors, suppliers and the State can file liens or claims for project-related costs owed them by Tydico. If the State is owed taxes, they will be paid from the five percent retainage and any balance will be paid into the Superior Court for adjudication of the remaining liens.

Staff is not requesting final approval of the project accounting at this time because the contractor has filed a request for an equitable adjustment in the amount of approximately \$160,000. There is also concern that the contractor may increase the amount of his request. Staff is currently attempting to negotiate a resolution to this matter in an attempt to avoid potential arbitration or litigation. Once this matter has been resolved, it will be brought back to the Council for approval of the project expenditures.

It is recommended that the Council accept the South 170th Street Phase II Project as complete and begin the 45-day lien period as required by law.

| <u>Expenditures</u> | <u>Award Amount</u> | <u>Current Costs</u> |
|---|---------------------|----------------------|
| Construction contract | \$1,289,301 | \$1,273,196* |
| Construction contingency (10%) | \$ 128,930 | --- |
| Puget Sound Energy-underground conversion | \$ 136,461 | \$ 110,000 |

| | | |
|--|-------------|-------------|
| Puget Sound Energy-street illumination | \$ 15,038 | \$ 15,038 |
| TOTALS | \$1,569,730 | \$1,398,234 |

CONSENT AGENDA (Continued):

Agenda Bill #2301 (Continued): *Includes \$160,000 requested by the contractor for an equitable adjustment. The final cost is subject to negotiation or potential arbitration or litigation.

Agenda Bill #2296; Ordinance #03-1015

An Ordinance amending the 2003 Annual Budget and authorizing South Terminal Expansion Project (STEP) Permit Reimbursement Payment Authorization - City Manager

Summary: This Ordinance authorizes payment of \$123,230.24 to reimburse the Port of Seattle (POS) for permit fees paid in 2000 for STEP, and amend the 2003 City Budget to reflect the associated cost.

In 2000, the POS paid fees of \$658,101.07 for the Main Building Permit, Electrical Low Voltage Permit, Main Electrical Permit, Main Mechanical Permit, and Main Plumbing Permit of STEP. Permit reviews were conducted on the Main Building Permit, Main Electrical Permit, Main Mechanical Permit, and Main Plumbing Permit. Subsequently, an agreement was executed between the POS and City that authorized the POS to conduct construction-related permitting on many Port projects, including STEP. City procedures provide that 80 percent of fees may be reimbursed for project permits that are cancelled, provided that no City review has been completed. In this case, initial reviews were completed at the time permitting responsibilities were assigned to the POS for the Main Building Permit, Main Electrical Permit, Main Mechanical Permit, and Main Plumbing Permit. Accordingly, no refund of fees associated with review of those permits is due. Since no permits were issued for the Electrical Low Voltage Permit, Main Electrical Permit, Main Mechanical Permit, and Main Plumbing Permit, 80 percent of the permit fees are due to be refunded.

Agenda Bill #2311

A Motion approving the expenditure of the 2001 Local Law Enforcement Block Grant (LLEBG) Funds - Police

Summary: This Motion authorizes the purchase of equipment, training and required support for an ImageWare Crime Capture System in the City's new Police Station. This system will allow us to identify, book and release low-threat offenders after checking them through a Countywide system, enhance criminal investigations and improve suspect identification. The result is better management of bookings, decreased jail costs, more crimes solved and officers not having to leave the City to book prisoners who are then quickly released.

On December 12, 2000, the City Council approved Agenda Bill No. 1941, a Motion authorizing the purchase of an ImageWare Crimes Capture System for the new Police Station that was being planned. This purchase of equipment and training was funded through a 2000 Bureau of Justice Administration (BJA) LLEBG. The Council later decided to purchase the current City Hall, which delayed the opening of the Police Station. As a result, the 2000 LLEBG was amended and its intended use switched with the 2001 LLEBG so that the funding would not be lost. Total grant funding available is \$48,666, which includes a 10 percent match from the City's General Fund.

This Motion reauthorizes the purchase of the ImageWare Crimes Capture System for \$32,665 (\$27,294.10 cost, \$2,401.88 sales tax and \$2,969.02 contingency), a cost savings of \$20,924 over the original 2000 quote of \$53,589. The remaining \$16,001 will be used to continue support of 1999 LLEBG initiated programs authorized in Agenda Bill No. 1903 on September 12, 2000. This was primarily for cellular phones use to improve communication with and responsiveness to citizens.

The BJA requires that an Advisory Board Meeting and a Public Hearing (PH) be held to help determine how grant funds should be used. The board meeting was held on December 7, 2000. The board was unanimous in their support of this grant funds use. The PH was held at the December 12, 2000 Regular Council Meeting (RCM).

Agenda Bill #2317; Resolution #03-008

A Resolution authorizing the City Manager to enter into an Interlocal Agreement (ILA) with other jurisdictions in King County (KC) to provide Law Enforcement Mutual Aid and Mobilization, a step towards adopting a Statewide Law Enforcement Mutual Aid and Mobilization Agreement - Police

Summary: This action would typically occur during large-scale disasters, acts of terrorism or civil unrest. KC jurisdictions would combine with law enforcement agencies from Kitsap, Mason, Pierce and King Counties to create a South Sound Region. The South Sound Region will combine with other regions of the State that will create a Statewide Law Enforcement Plan that provides for mutual aid and mobilization as outlined in State Senate Bill (SB) 5270 and House Bill (HB) 1216.

CONSENT AGENDA (Continued):

Agenda Bill #2317; Resolution #03-008 (Continued): The Washington Association of Sheriffs and Police Chiefs (WASPC) have worked to enhance agencies' ability to assist one another in times of need since as far back as 1977. The WASPC's Emergency Management-Mutual Aid Committee began work on a Statewide Law Enforcement Mutual Aid and

Mobilization Plan in January 2000. Efforts to enact legislation that would have created the Washington State Law Enforcement Mobilization Plan failed in both 2000 and 2001. Terrorist attacks on September 11, 2001 refocused the attention required to enact the plan. SB 5270 and HB 1216 have been passed and will constitute a new chapter in Title 38 RCW. It provides policy, organizational structure and ability to provide reimbursement to agencies that respond to help each other when disaster strikes. This also achieves the policy direction given by Council to create such agreements after a City of SeaTac team attended the Federal Emergency Management Act (FEMA) Consequences of Terrorism Course in 2002.

The KC Police Chiefs Association and the WASPC support this action.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2308; Ordinance #03-1016

An Ordinance amending the Zoning Code regarding Canopy and Tent Structures - Planning

Summary: Currently, the City does not regulate the location, size, and appearance of residential tent structures. The proposed amendments, at a minimum, will regulate these structures in the following manner: 1) the location where a residential tent structure can be placed on the property; 2) the maximum height of a residential tent structure; 3) the appearance of a residential tent structure; 4) the number of residential tent structures allowed on a parcel of property; and 5) on a corner lot, a canopy tent structure can only be placed in one of the front yards.

There was considerable discussion by the Planning Commission (PC) regarding the location of canopies and tents in the yard setbacks. These discussions included a difference of opinion between the PC and staff regarding the location of canopies in the front yard setback and the location of tents in the side yard setbacks.

The PC recommends that one canopy be allowed within the front yard setback up to the front property line, subject to the approval of adjacent property owners. The PC stated that with many older homes constructed up to the 20-foot front yard setback line and five-foot side yard setback lines; there was no other area to place a canopy on the lot. It was the PC's opinion that these property owners should not be penalized due to the location of the house on the property. Therefore, the PC recommends that a canopy be allowed in the front yard setback, only if there is no other location on the lot where a canopy may be placed. No tents would be allowed in the front yard setback or in front of the house.

Staff recommends that no canopies be allowed within the front yard setback area. It is staff's opinion that allowing the canopies in the front yard setback would lead to a crowding effect on the front of properties. Staff does recommend that one canopy be allowed between the front foundation wall of the house and the back of the 20-foot front yard setback line. No tents would be allowed in front of the house.

The Land Use and Parks Committee (LUP) expressed concern regarding the location of these structures in the front yard setback area. The committee indicated that residential tent structures could be located in the front yard of the house, provided that they could not be located in the front yard setback.

In either case, the property owner would have to receive the approval of the adjacent property owners prior to the installation of a canopy in the front yard or front yard setback area.

The PC recommends that residential tent structures be allowed anywhere in the side yard setback. This will allow the maximum flexibility to the property owner regarding the location of a tent structure.

Staff recommends that a residential tent structure be allowed to intrude no more than two feet into the side yard setback. This would allow pedestrian circulation to and from the back and front yards. The two-foot intrusion is

NEW BUSINESS (Continued):

Agenda Bill #2308; Ordinance #03-1016 (Continued): the same intrusion allowed for bay windows and fireplaces for stick built homes. The LUP Committee indicated they had concerns allowing residential tent structures in the side and rear yard setbacks.

Planning Director Butler stated that this item was placed on New Business in order to allow the two Councilmembers who were unable to attend the May 27 Study Session (SS) to participate in discussion on this topic. In addition, Mr. Dodge recapped the SS briefing (above summary) and staff responded on some issues Council brought forth at the above stated SS.

Council discussion ensued as to the amount of tent structures that could be allowed on one's property. Mayor Brennan was emphatic about not wanting any canopy in the front yard. Mr. Dodge explained the specifics of this issue. He also

answered questions posed by Council at the Study Session.

PC member Linda Snider stated the commission felt that due to the layout of majority of the houses in SeaTac not having access to a side yard or back yard, only a tent structure would be allowed in the front with the back portion of it as close to the house as possible. She added that the appearance on newness requirement is also taken into consideration.

Mr. Dodge further stated that in order to place a canopy structure in the side front yard, the owner has to receive the adjacent property owner's consent (consent form attached to Ordinance). Mr. Butler further explained the elements of the distance between the structure and neighboring property.

Councilmember Hansen stated that this issue has been worked on for years and he felt that the Council should adopt this Ordinance now as it seems to be reasonable and further amending can be done. He also recommended that staff report back to Council in six months as to the results of this Ordinance.

Councilmember DeHan agreed with Councilmember Hansen. He added that under Proposed Residential Tent Structure regulations 15.13.042, it would only be allowed in the front yard if there were no access to the side and back yards.

MOVED BY DEHAN, SECONDED BY HANSEN TO ADOPT ORDINANCE NO. 03-1016.*

MOVED BY DEHAN, SECONDED BY FISHER TO AMEND ORDINANCE NO. 03-1016 TO ALLOW ONLY ONE CANOPY STRUCTURE IN THE FRONT YARD BETWEEN THE FRONT YARD SETBACK LINE AND THE FOUNDATION OF THE HOUSE WHEN THERE IS NO BACK YARD ACCESS.

MOTION CARRIED UNANIMOUSLY.

*ORIGINAL MOTION CARRIED UNANIMOUSLY AS AMENDED.

Agenda Bill #2309; Ordinance # 03-1017

An Ordinance amending the Zoning Code to clarify Regulations regarding Opiate Substitution Treatment (OST) Facilities – Planning

Summary: The proposed amendments to the City of SeaTac Zoning Code create definitions and clarify the City's regulations for OST Facilities. Such facilities would be reviewed through the Conditional Use Permit-Essential Public Facility (CUP-EFF) siting process, and would be considered only in certain high-intensity commercial zones.

OST Facilities are outpatient sites that allow persons recovering from addiction to opiate-based drugs, such as heroin, to withdraw from such addiction through controlled doses of a substitute synthetic drug, such as methadone. The State Law changed in 2001, placing the Department of Social and Health Services (DSHS), rather than each County, in charge of siting these facilities. DSHS is in the process of developing procedures related to siting, but the new law requires that DSHS site such facilities in accordance with City Land Use Ordinances. SeaTac does not have regulations specifically related to these facilities. OST Facilities are considered by the State to be EPFs.

After review with the LUP Committee and the PC, it has been determined that OST Facilities would be appropriate only in certain zones due to potential impacts. This Ordinance would amend the Zoning Code to create regulations

NEW BUSINESS (Continued):

Agenda Bill #2309; Ordinance #03-1017 (Continued): regarding OST, as follows: 1) define OST Facilities; 2) require the review of any OST facility through the CUP-EPF siting process and limit the zones where OST facilities would be considered to High Intensity Commercial Zones: Community Business (CB), Aviation Business Center (ABC), Industrial (I), and Business Park (BP); 3) modify the definition of an EPF to include OST Facilities; 4) clarify the definition of Convalescent Center/Nursing Home to exclude outpatient OST; and 5) add landscaping and parking requirements for OST facilities to the appropriate charts.

Planning Director Butler stated that this item was placed on New Business in order to allow the two Councilmembers who were unable to attend the May 27 SS to participate in the discussion on this topic. Mr. Butler stated that staff and the PC agreed on everything except where to allow OST Facilities as Conditional Use. Staff recommendation was to allow Conditional Use in four zones: CB, ABC, I, and BP and PC recommendation was: Conditional Use in two zones: I and BP.

Council discussed the options and decided to follow the PC recommendation.

MOVED BY HANSEN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 03-1017.*

MOVED BY DEHAN, SECONDED BY FISHER TO AMEND ORDINANCE NO. 03-1017 TO LIMIT THE NUMBER OF OPIATE SUBSTITUTION TREATMENT (OST) FACILITIES IN THE CITY OF SEATAC TO TWO ZONES: INDUSTRIAL (I) AND BUSINESS PARK (BP).

MOTION CARRIED UNANIMOUSLY.

THE ORIGINAL MOTION CARRIED UNANIMOUSLY AS AMENDED.*

PUBLIC COMMENTS: John Thompson, 2504 South 148TH Street, questioned Ordinance No. 03-1016 regarding the allowance of only one canopy structure in the front yard. Mr. Butler stated that only one structure would be allowed in the front yard, however, three would be allowed in the back yard.

CITY MANAGER COMMENTS: City Manager Rayburn stated that he, along with his wife attended the Celebration of Life for Jeremy Houk, son of Gina Marie Lindsey, POS Executive Director of Aviation. It was a very touching ceremony and well attended. Also in attendance were members of the Council and staff.

CITY COUNCIL COMMENTS: Councilmember Fisher stated that the South King County Chamber of Commerce "City Beats" ran an article stating the City of SeaTac opposes the park levy due to the lack of KC funding for North SeaTac Park. He stated the City Council did not vote on such action. City Manager Rayburn clarified that an item in the City Manager's Update of March 21, 2003, titled, City opposing Park Levy was written in the nature of a topic of interest. He read the article and explained how this item was received by the Chamber and ended up in their April 11, 2003 newsletter. Council discussion ensued as to the fact that City was not opposed to the Park Levy but rather the manner in which KC was presenting issues one by one to be voted on by the public.

Councilmember Lasco suggested staff notify the local retailers, which sell the canopies and tent structures, of SeaTac's new Ordinance on these products so their employees can address sales inquires.

Councilmember Anderson stated that: 1) once again neither she nor her husband received their absentee ballots from KC. She understood that there has been some reorganization now taking place in the KC Elections Office; 2) the ceremony for Jeremy Houk was a real tribute to his life. His mother began the eulogy, displaying dignity and courage; and 3) the Highline Times ran an article on the Fire Districts negotiation in which Municipal Fire Departments are currently not involved. This issue was discussed at both the A&F and the Public Safety & Justice (PS&J) Committee Meetings.

Councilmember Hansen stated he was distressed upon first hearing about it in the Highline Times. It is important that this Council be kept informed on such issues in order to make intelligent decisions. He was surprised that SeaTac was not at the table and recommended that Fire Chief Meyer go to the meeting, which he intends to do and show the City's presence.

Deputy Mayor DeHan: 1) suggested that an article on the tent structure amendments in the City should be placed in the upcoming City Newsletter; and 2) an audience participant at a past Council Meeting stated concern as to the

COUNCIL COMMENTS (Continued): trees being removed on International Boulevard (IB) Ph III, adjacent to the Washington Memorial Cemetery. The comment was that there were a lot of beautiful trees eliminated and would the City please replace them. Deputy Mayor DeHan stated that traveling from McMicken Heights, with the older trees removed; the visibility is very attractive looking over the cemetery with all the flowers, flags and greenery. He hoped the new trees would not grow too fast.

Councilmember Anderson added that she, along with Deputy Mayor DeHan, Councilmember Lasco, and Fire Chief Meyer, some staff members, and members of the community, attended the memorial services for former Mayor Shirley Thompson-Selivanoff's husband, Sully, on May 17. The Council and staff also sent flowers.

Councilmember Fisher stated he attended the Memorial Day Ceremony at the Washington Memorial Cemetery, which was a heartwarming event in tribute to the Nation's fallen military personnel.

Mayor Brennan stated the eulogy for Jeremy Houk demonstrated what an extraordinary young man he was, both in private and educational endeavors; and 2) he and his wife, Betty, attended a special dinner in honor of the Black Scottish Rite 33rd Nations at the Double Tree Hotel on Sunday, May 25. It was a grand event well attended.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY WURDEMAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 6:56 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

**June 10, 2003
6:00 PM**

**City Hall
Council Chambers**

CALL TO ORDER: The SeaTac City Council Study Session was called to order by Mayor Joe Brennan at 6:04 p.m.

COUNCIL PRESENT: Mayor Joe Brennan, Deputy Mayor Don DeHan, Councilmembers Gene Fisher, Terry Anderson, Frank Hansen and Will Wurdeman. Absent: Councilmember Kay Lasco. (Her name was called twice by the City Clerk in honor of her passing followed by the Mayor declaring her absent from the meeting.)

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Julie Elsensohn, Assistant City Attorney; Steve Butler, Planning Director; Holly Anderson, Senior Planner; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

·Moment of Silence for Councilmember Kay Lasco

Mayor Brennan requested Councilmember Fisher lead the Council, staff and audience in a moment of silence as a tribute to Councilmember Lasco.

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

·Comments on the Passing of Councilmember Lasco:

Mayor Brennan expressed sorrow for the passing of Councilmember Lasco who will be missed by the Council and staff. The City Hall flags were lowered to half staff in honor of her and her service to the City.

Each Councilmember expressed sorrow for the passing of Councilmember Lasco and sympathy for her family and close friends. Mayor Brennan concluded their expression of grief stating that Councilmember Lasco was not concerned as much with street projects as she was with human services issues. He stated that all of the Council respected her for the service she brought to the Council. At her last meeting, June 3, she led in the flag salute and seemed pleased over being placed on the Public Safety and Justice (PS&J) Committee as well as being presented with a footstool. Ms. Lasco was a short lady so she heightened her chair and had the stool to rest her feet. He finished by saying that Councilmember Lasco will definitely be missed.

Linda Snider, SeaTac citizen and Planning Commission (PC) member, stated that even though she did not know Councilmember Lasco personally, it appeared her last meeting was a good one for her. After hearing the news yesterday, Mrs. Snider stated that maybe all of us can take this tragedy as a reminder to listen to others more carefully and to be kind to someone who needs a little encouragement.

The Bow Lake Mobile Home Park (MHP) Recreation Association Chairperson stated she hoped whoever fills Councilmember Lasco's position on the Council will carry on for her. Park residents will miss her. She concluded by stating peace be with her and all of the Council.

Councilmember Anderson stated that the Bow Lake MHP Recreation Hall will be open from 1:30 to 3:00 p.m. on Friday, June 13 for a reception for Ms. Lasco for all who wish to attend.

Pam Carter, President of the Tukwila City Council, expressed condolence, on behalf of their Council for Councilmember Lasco. She stated that as fellow Councilmembers, they know how many hours Councilmembers work together. It is a great loss to all. Ms. Lasco enjoyed her role as a Councilmember and its challenges. She will be missed.

Frances Dills, 33rd Legislative District Democrat Association Officer, stated she and her husband were active in Councilmember Lasco's campaign as residents of SeaTac and will miss her very deeply as a friend. Her name will be offered in a moment of silence in the King County (KC) Democratic Central Committee Meeting.

Eloise Krueger, SeaTac Community Services Officer, stated she was shocked to hear the news of Councilmember Lasco's passing. On delivering the Council Friday Packets, she enjoyed chatting with her and will miss.

Elizabeth Jones, SeaTac youth, stated that she only met Councilmember Lasco once but she was a really nice lady, adding that she will miss.

Debbie Batchelor, good friend of Councilmember Lasco, stated that Ms. Lasco had been her best friend for years. She loved working on the City Council and wanted so much to make a difference. She loved working for the youth and elderly of the City. Ms. Batchelor stated that she hoped the Council would find someone who has the principles and knowledge that Ms. Lasco had. Ms. Batchelor thanked staff who visited the Lasco family and her yesterday. Ms.

Batchelor concluded that she will dearly miss her.

Comments on the Passing of Councilmember Lasco (Continued): Mac McDonald, Tukwila resident, tried to read an Emily Dickinson poem for Councilmember Lasco but was so saddened that he was unable to finish, "In this Life that lasts but an Hour."

·Memorial Prayer for Councilmember Kay Lasco

Chaplain Lynn White, SeaTac Citizen and Police Officer, paid respect to the memory of Councilmember Lasco, attributing to her the charitable works she involved herself in. She worked diligently to support many community causes. Chaplain White consoled on the possible personal emotions of grief members of her family, friends and the community may experience. Chaplain White concluded his homage with a prayer for Ms. Lasco and for those she left behind, her family, friends, Council and staff and community.

(After a few minutes of departure were given to those who were in attendance for the dedication to Councilmember Lasco, the Regular Council Meeting continued.)

PRESENTATION:

·Update on King County (KC) Budget Advisory Task Force

Deputy City Manager Spencer stated that in March 2003, she presented the Council with an update on the KC Advisory Task Force. It is now a few weeks from recommendations so the following information is being presented as to the Task Force's accomplishments and to request Council approval for a letter to be sent to the Budget Advisory Task Force Co-Chairs in support of the position taken jointly by KC Cities:

The KC Budget Advisory Task Force was formed in November 2002, created by KC Executive Ron Sims, with 13 community leaders of business, labor and legal backgrounds. The group has met bi-weekly since January 2002, regarding KC General (Current Expense) Fund budget issues in light of the budget situation for KC. Their final meeting is scheduled for June 23, 2003 at which time their recommendations will be sent to the KC Executive.

An effort was made by the KC Cities and Suburban Cities Association (SCA) to ensure that Cities' interests and viewpoints were presented to the Task Force and considered during their process. The group developed and presented a Position Paper in April 2003. On April 23, several KC City electives met with the Task Force Co-Chairs to again discuss the issues that were included in the Position Paper. The Group is now asking each individual City to send a letter of support signed by the Mayor expressing support of the principles put forth in the Position Paper.

Ms. Spencer distributed a draft letter for Council review. She detailed the recommendation to eliminate the urban subsidy. The KC Budget Office reports that expenditures in unincorporated areas of KC exceed revenues derived from these areas by \$41 million per year. This amount is funded by revenues generated in incorporated areas, which is designated for regional service delivery (i.e. public health, human services). Regarding unincorporated area services, the Task Force had been encouraged to include in their recommendation that KC adopt a policy that revenues derived from unincorporated areas shall equal the cost of services and to live within their means. It requires difficult budget and service delivery decisions, not unique to KC are shared by all KC Cities. The letter encourages a schedule to extinguish the urban subsidy, recognizing that this problem cannot be fixed in a single year, proposing elimination of urban subsidy within three to five years (i.e. 20 percent per year to be phased out in five years). The letter encourages collaboration with KC Cities, which involves potential annexation areas (PAAs), which Ms. Spencer detailed the 10 areas KC intends to have annexed into Cities by 2008. North Highline is closest to SeaTac to which KC has proposed this area be designated to be annexed by Seattle. KC Cities have encouraged a few principles by which they affect the annexations: The Cities have supported additional revenues for KC, such as an Unincorporated Utility Tax; annexation of PAAs, including temporary use of County Road Tax. KC needs to be willing to contract with Cities adjacent to PAAs; and address each PAA individually. Lastly, a comprehensive review of the County's future should be developed in collaboration with KC Cities. Most of the Cities' positions and recommendations have been included in the draft Position Paper.

Council discussion ensued. Deputy Mayor DeHan questioned under Regional Services, the example of public health and human services as two such services that benefit all KC citizens. After further discussion, Council concurred to send the letter leaving in the examples, only if there will be surveillance by the group to see that the regional services are equally dealt with according to needs.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$3,317,316.33 for the period ending June 5, 2003.
- Approval of employee vouchers** in the amount of \$532,871.75 for the period ending May 31, 2003.
- Approval of \$5,000 - \$25,000 Purchase Request** for the period ending May 30, 2003.

Approval of Council Meeting Minutes:

- Study Session** held May 6, 2003.

·**Regular Council Meeting** held May 27, 2003.

Acceptance of Advisory Committee Minutes:

·**Planning Commission Meeting** held May 19, 2003 (Commission approved June 2, 2003).

·**Senior Citizens Advisory Committee Meeting** held April 24, 2003 (Committee approved May 15, 2003).

Approval of the following Agenda Items recommended at the June 3, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2320; Ordinance #03-1018

An Ordinance amending the 2003 Annual Budget and authorizing Reimbursement of 2000 and 2001 Community Development Block Grant (CDBG) Funds to the King County (KC) Department of Housing and Community Development (HUD) - City Manager

Summary: The 2001 State Auditor's Audit Report included a finding that the City of SeaTac had unsupported personnel costs of \$32,526 during 2000 and \$1,429 during 2001 to a U.S. Department of HUD grant. The total is \$33,955. The City Finance Department has subsequently identified and implemented a comprehensive corrective action plan to remedy the specified deficiencies noted in the 2001 Audit Findings to the satisfaction of the State Auditor's Office. The City contacted KC to obtain verification for the State Auditor that KC had accepted the corrective steps taken by the City. In response, a letter was received from KC asking that the City make reimbursement of the aforementioned funds in order to resolve the matter and meet all U.S. Department of HUD requirements.

Adoption of this Ordinance will have an impact of \$33,955 to the City, reducing Fund Balance in the General Fund.

Agenda Bill #2304; Resolution #03-009

A Resolution authorizing Amendment 2 to the Interlocal Agreement (ILA) establishing the Washington City and County Pipeline Safety Consortium that continues Membership in the Consortium through 2004 - City Manager

Summary: This Resolution extends the City's membership in the Washington City and County Pipeline Safety Consortium through 2004. No fiscal contribution is required for 2003, and none is requested for 2004.

On June 27, 2000, the City Council adopted Resolution No. 00-016 which authorized the City to join the Washington City and County Pipeline Safety Consortium. Consortium membership currently includes: Auburn, Bellevue, Bellingham, Bothell, Kent, Redmond, Renton, SeaTac, Seattle, Tumwater, Woodinville, Clark County and Thurston County. The initial period of membership was for two years. On September 24, 2002 the City Council approved an extension of the Consortium ILA until June 5, 2003.

The Agreement forming the Consortium obligated members to an annual financial commitment of \$5,000 per year, which the City paid only once. The City of Bellevue is the Consortium's fiscal agent. Due to the prudent management of the accumulated financial resources and the success in recruiting members, no payments from Consortium members have been requested in 2003, and none are planned for 2004. For 2003 and 2004, the Consortium will be funded under a grant from the Washington Utilities and Transportation Commission (WUTC) to document the Consortium's experience and data; which will enhance the capability of local governments in Washington State and elsewhere to make pipelines safer. In 2004, the Consortium may reform itself in a manner that will not require ongoing direct financial support from its members.

Adoption of this Resolution has no fiscal impact to the City. Not amending the Resolution would effectively cancel the City's membership in the Consortium.

CONSENT AGENDA (Continued):

Agenda Bill #2319; Ordinance #03-1019

An Ordinance amending and repealing Certain Sections of Chapter 2.35 of the SeaTac Municipal Code (SMC) related to Civil Service - Human Resources

Summary: This proposed Ordinance amends certain sections of the Civil Service Code to comply with the State Civil Service statute and repeals certain sections that are redundant and inconsistent with the Civil Service Rules as promulgated by the Civil Service Commission.

Pursuant to Revised Code of Washington (RCW) [41.08](#), the City established a Civil Service Commission by adoption of Chapter 2.35 of the SMC in 1990. Chapter 2.35 contains many provisions that not only prescribe and detail the duties of the Commission, but contains provisions on how to carry out those duties. A primary purpose of a Civil Service Commission is to promulgate rules to substantially accomplish the purposes of RCW [41.08](#), the State Civil Service Law, and to carry out those rules. The SeaTac Commission created its Civil Service Rules and has been operating under those rules since 1990. Many of the rules contain the same information as Chapter 2.35 SMC and contain the same information of RCW 41.08. Pursuant to State law, the Commission is authorized to change its rules from time to time to carry out its

general purposes or when found to be in the interest of good administration. However, in order for the SeaTac Commission to change its rules, an Ordinance change would also be required so as not to create inconsistencies between Chapter 2.35 and the Rules. Due to burdensome nature of such a process, staff recommends that the duplicative sections of the Ordinance be repealed, thereby freeing the Commission to adopt and amend rules as necessary.

A few minor amendments are also recommended to Chapter 2.35. The first is to require that the Assistant Fire Chief is covered by Civil Service. Currently, the Code excludes the Assistant Fire Chief in contravention of State Law. Additionally, references to the Municipal Police Department have been removed as non-applicable. Lastly, the terms of the Commissioners has been reduced from six years to four years.

Agenda Bill #2318; Resolution #03-010

A Resolution amending Section 10 of the City Council Administrative Procedures in regard to Council Requests for Information – Legal

Summary: This Resolution amends the City Council Administrative Procedures to clarify the means whereby Councilmembers may direct requests for information to City staff or to the City Manager.

The existing provisions of Section 10 of the City Council Administrative Procedures are somewhat unclear. This has, on occasion, led to uncertainty on the part of Councilmembers desiring to obtain necessary information, and on the part of staff members in attempting to respond to such requests and to provide the necessary information.

This Resolution permits submission of questions involving little staff effort directly to Department Directors or staff, but to require more formal procedures when a Councilmember inquiry might reasonably entail diversion from scheduled assignments and the expenditure of more than nominal time.

This matter was discussed by the Councilmembers at the May 3, 2003 Council Retreat and consensus appeared to be in favor of adoption. It was also brought before the Administration and Finance (A&F) Committee.

Pursuant to further discussions at the Council Retreat, additional amendments to the Administrative Procedures will be presented in the near future in regard to Executive Sessions and in regard to participation in Council Meetings by an absent Councilmember through means of telecommunications facilities.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2307; Ordinance #03-1020

An Ordinance repealing Title 16 of the SeaTac Municipal Code and adopting a new Title 16A regarding development review procedures and making other related amendments throughout the SeaTac Municipal Code (SMC) – Planning / Legal

NEW BUSINESS (Continued):

Agenda Bill #2307; Ordinance #03-1020 (Continued): Summary: RCW [36.70B](#), adopted by the State Legislature in 1995, sets forth requirements for City and County development review procedures, including time limits for determining an application is complete, regulations for notifying adjacent property owners, and time limits for issuing decisions regarding permit applications. These requirements were incorporated into the SMC under Title 16, the Development Review Code. It is proposed that Title 16 be repealed and a new development review Code be adopted that is concise, simple and easy for the public and staff to follow. Features of the proposed Development Review Code include: 1) permits are categorized into three types, based on review procedures; 2) permits and procedures are highlighted in several tabular appendices; 3) a Site Plan Review permit is added in conjunction with SEPA; 4) noticing procedures are clarified; and 5) procedures for processing administrative Conditional Use Permits are made consistent with other permits, for simplicity.

In addition, related code amendments are proposed. These changes include: 1) several appeal sections have been modified to incorporate new State Land Use Petition Act requirements, to make appeal timelines as consistent as possible between appeals, and to limit the amount of time for submitting supplemental information to the appeal: A) Section 1.15.160 – Code Enforcement Appeals; B) Section 1.20 – Hearing Examiner Appeals; C) Section 13.30.160 – SEPA Appeals; D) Section 15.22.065 – Appeal Procedures; E) Section 15.05.040 – A requirement is outlined for a Site Plan Review permit for actions subject to Planning Department Standards, where the action is not covered under any other permit; and F) Section 15.22.020 and 15.22.030 – Criteria for administrative variances and conditional use permits have been moved from Title 16 to the Zoning Code.

Mayor Brennan stated that at the June 3 Study Session (SS), the issue of notification of land change and the distance of notification to neighboring properties was discussed but no decision was made so he removed it from the Consent Agenda and placed it under New Business for further discussion.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADOPT ORDINANCE NO. 1020.*

Councilmember Fisher questioned whether the Planning Commission (PC) has discussed these recommendations. Mr. Butler stated that the PC has discussed all other aspects of 16A. This was an issue brought up by at the SS as to the footage area that notices are sent to. The State requires, in most cases, 300 feet. However, a few years ago, Council decided on 1,000 feet radius from site development or land change. Deputy Mayor DeHan stated it was an issue that was addressed reactively years ago. He suggested that it be revisited by the PC to obtain their input.

Councilmember Anderson stated that the incident to cause the 1,000 feet decision was controversy over a Short Plat development.

Mr. Butler recommended Title 16A be adopted with the current notification requirements and the distance issue can be decided upon after PC input. Council concurred.

*MOTION CARRIED UNANIMOUSLY.

On behalf of the PC, member Linda Snider stated that the PC has already made a recommendation. Deputy Mayor DeHan stated this review will only be the distance notification portion of 16A that the Council would like input.

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

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) two upcoming Demonstration Housing Project-related meetings: Riverton Heights area, June 18, 6:30 to 8:00 p.m. at the North SeaTac Park Community Center (NSTPCC) and June 20, 9:30 a.m. to 12:30 p.m. There will be site visits to two or more of the small residential sites; 2) the services for Councilmember Lasco will be held on June 13 at the Acadia Memorial Park at 10:30 a.m. in the Chapel Office located on Bothell Way north of NE 145th Street, Seattle. A reception will be held at Bow Lake Mobile Home Park Club House, 1:00 to 3:00 p.m. In lieu of flowers, donations can be sent to the Southwest Multi-Services Center, Federal Way.

CITY COUNCIL COMMENTS: Councilmember Fisher stated the Public Safety and Justice (PS&J) Committee Meeting was held today and Chief of Police Services Somers reported that local crime incidents are increasing slightly but not nearly to the extent most KC Cities are incurring. Fire Chief Meyer is applying for several grants

CITY COUNCIL COMMENTS (Continued): regarding Fire Department needs. Also, Chief Meyer is taking part in the discussion on Federal Way Fire Department issues.

Deputy Mayor DeHan had the following items of business: 1) there will be an upcoming vote on the Regional Transportation Improvement District. The Tri-County vote will be put forward but will probably not go to public vote until next year after the State Session has concluded; and 2) SR 167 High Occupancy Vehicle (HOV) lanes are being opened to general traffic, 7:00 p.m. to 5:00 a.m. and the South 180th Street project in Tukwila has been completed early and is now open to all traffic.

Mayor Brennan again expressed his regrets to the family and friends of Councilmember Kay Lasco who will be missed by Council and staff.

Councilmember Anderson questioned whether a plant from Council could be planted on City Hall property for Councilmember Lasco. Mayor Brennan stated he received a call from a member of the University Of Washington Chapter Of Women, of which Ms. Lasco was a member. She suggested that since Ms. Lasco worked on the Elda Behm Garden, a funding donation be given to this garden which would be most appreciated. A garden statuary was also suggested. Councilmember Anderson stated that she was always in favor of a Memorial Garden and this would be a good beginning for that endeavor.

City Manager Rayburn stated that the passing of Councilmember Lasco has been a shock to the City and its employees. To help employees with this loss, he has scheduled Alex Smith, an Employee Assistance Program (EPA) consultant, for Wednesday, at 3:00 p.m. to meet with employees who wish to understand people's reaction to a tragic death and to learn ways to cope with the loss. The informal meeting will be held in the Riverton Heights Training Room in City Hall. Councilmembers are also welcome to attend.

RECESSED: Mayor Brennan recessed the Regular Council Meeting to an Executive Session on Potential Litigation / Personnel Issues at 7:11 p.m.

EXECUTIVE SESSION: Potential Litigation / Personnel Issues

RECONVENED: Mayor Brennan reconvened the Regular Council Meeting at 7:46 p.m.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR COUNCIL MEETING AT 7:46 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

June 24, 2003
6:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Joe Brennan at 6:00 p.m.

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

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Kristina Gregg, Deputy City Clerk; Bob McAdams, City Attorney; Steve Butler, Planning Director; Holly Anderson, Senior Planner; Don Monaghan, Public Work Director; Dale Schroeder, Public Works Manager Major Projects; Kit Ledbetter, Parks & Recreation Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

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

PUBLIC COMMENTS: Joe Dixon, 19211 35th Avenue South, reiterated his concern regarding the Demonstration Housing project. He stated that he has studied its implementation and execution and believes that this grant was hastily presented to and approved by the Council. Mr. Dixon feels that serious omissions were made in Phase I, including a lack of public meetings and technical memos. He feels that the grant has been a misuse of taxpayer's money. He suggested that future time sensitive grants be thoroughly reviewed by the Planning Commission (PC) and the Land Use & Parks (LUP) Committee before being referred to the Council.

Ernie Chaves, 15111 31st Place, stated his concerns with the use of fireworks. He suggested that Council review the current Ordinance and tighten up a few items. He feels that a few questions should be dealt with in the Ordinance: 1) children under age 18; 2) supervision; and 3) fireworks on your property, what recourse do property owners have. He also questioned whether the Police Department is receiving calls on this issue and how the calls are being handled. Council suggested that Mr. Chaves speak with Chief of Police Services Scott Somers who was in attendance at the meeting.

PRESENTATIONS:

·Harborview Medical Center (HMC) Update on the Improvement Project from the 1999 Bond

HMC Director of Community Relations Tina Mankowski stated that for over a year, she has been visiting King County (KC) Cities to discuss the HMC. The reason for this is that HMC is a KC-owned facility, although it has been managed by the University of Washington (UW) since 1967. The mission of HMC is to care for all KC citizens. Last year, HMC treated just over 400 in-patients and 15,000 out-patients from the SeaTac area.

HMC's mission population is quite varied, including burn patients, indigents without insurance coverage, mentally-ill patients, non-English speaking, poor, KC Jail inmates, persons with sexually transmitted diseases, specialized emergency care, substance abusers, and victims of trauma, domestic violence, and sexual assault.

KC plays a role at HMC, but provides no direct operating support for the medical center. KC is a conduit for taxpayer's dollars to update and build new facilities. The 1987 Bond issue assisted in the expansion of the HMC's Emergency Department operating rooms, and consolidated intensive care units. Recently, KC provided approximately \$7.8 million in Councilmatic Bonds to fund construction of a 435 car-garage with a rooftop helipad.

HMC's net operating budget is approximately \$365 million per year. HMC provides nearly \$36 million per year in charity and non-reimbursed care, more than any other hospital in the State. With the mission to serve all people regardless of their ability to pay, the hospital maintains a positive operating margin of one percent, or \$3.6 million.

Ms. Mankowski stated that HMC has four centers of emphasis: Trauma Center, Burn Center, Neurosciences and HIV/AIDS. She detailed the four emphasis centers, with HMC being the only Level 1 Adult and Pediatric Trauma Center for a four-State region. HMC has over 85,000 Emergency Department visits and more than 3,000 trauma patients are transferred to HMC each year. Level 1 means that HMC is a teaching and research facility, trauma is a center of emphasis, providing a high level of care while conducting teaching and research activities, and many other services contribute to the trauma mission.

HMC's Chief of Cardiology developed Seattle's Medic One in the 1960s in conjunction with the Chief of the Seattle Fire Department. This was one of the first programs of its kind in the world and is the program most often emulated by other communities. HMC's Medic One trains paramedics for the Seattle and KC Fire Departments as well as other services in

the State.

PRESENTATIONS (Continued):

HMC Update (Continued): Ms. Mankowski also reviewed the other clinics the HMC houses, which includes providing services for assisting the homeless; ensuring providers and patients understand medical and cultural differences; and training clergy and lay-ministers in how to counsel patients and families in traumatic situations.

Ms. Mankowski stated that with the 2000 passage of the \$193 million KC Bond Issue, the public will see in the future: HMC seismic upgrades, addition of 50 beds, and demolition and replacement of unstable buildings.

Human Services Advisory Committee (HSAC) Annual Report

City Manager's Office Administrative Assistant III and HSAC Staff Liaison Kathy Black introduced Karen Kuever, Chair; Colleen Brandt-Schluter, representing the Catch 22 program at Tyee Highschool; and Trish Crocker, Committee member.

Ms. Kuever stated that in 1990, the City conducted an assessment to determine the extent and nature of human services needs within the community. The assessment identified the most serious human services issues, including abuse, family conflict, housing, mental health, and job training. The City, following the goals and policies established in the City's Comprehensive Plan, developed a Human Services program guided by the HSAC. The committee, whose members are selected from SeaTac residents and members of the business community reports to the City Council. The committee is comprised of Trish Crocker, grant coordinator for the KC Community Health Centers; Joe Kraft, manager at Boeing and a SeaTac resident; Janelle McCray, SeaTac resident and dental hygienist; and Darlene Thompson, SeaTac resident and active in the Senior program.

The Human Services program was designed to select projects of value and visibility to the community, maintain and enhance the quality of life for all community members, represent the citizens' values and concerns, identify human services needs, and allocate City funds to ensure successful and accountable delivery of human services. The City meets its most pressing social needs by funding non-profit agencies. The Council has directed that one percent of the City's general fund revenues be allocated to meet these needs which in 2002 amounted to nearly \$200,000. Ms. Kuever listed the services these revenues provided, including pregnancy aid and crisis line services. In addition, in 2002, the City also received \$327,000 in Community Development Block Grants (CDBG). These funds provided additional public services, such as food bank and emergency feeding assistance and capital projects. The actual allocation of these funds was made possible through the HSAC.

Ms. Brandt-Schluter thanked the Council and the HSAC for allocating money to Catch 22. She reviewed the many different ways that the funds are being expended, including providing support for the youth and families coming into this community and providing services to better meet their needs.

Deputy Mayor DeHan stated that the HSAC provides an invaluable service to the Council. It is unfortunate that at this point in time, economic difficulty with shortness of funds causes the Council to make decisions between essential public services and discretionary services.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$1,189,808.81 for the period ending June 20, 2003.
- Approval of employee vouchers** in the amount of \$379,719.65 for the period ending June 15, 2003.

Approval of Council Meeting Minutes:

- Joint City Council / Planning Commission Meeting** held June 10, 2003.
- Regular Council Meeting** held June 10, 2003.
- Study Session** held June 17, 2003.

Acceptance of Advisory Committee Minutes:

- Planning Commission Meeting** held June 2, 2003 (Commission approved June 16, 2003).

Approval of the following Agenda Items recommended at the June 17, 2003 Study Session for placement on this Consent Agenda:

CONSENT AGENDA (Continued):

Agenda Bill #2299

A Motion authorizing the City Manager to execute a Contract for installation of Landscaping at the New Parks and Public Works Maintenance Facility - Parks & Recreation

Summary: This Motion authorizes the City Manager to execute a contract with TruGreen Landcare of Burien, the low

bidder for the landscaping at the New Parks & Public Works Maintenance Facility.

Bids were opened May 28, 2003 and TruGreen Landcare submitted the low bid of \$123,511 that included sales tax. Including a 10 percent contingency, the total cost is \$135,863. The architect's estimate and budget amount was \$225,000. The landscape construction is estimated to start at the end of September and be completed by the completion of the entire facility project in late December 2003. The following bids were received: TruGreen Landcare - \$123,511; Twin Falls Irrigation LLC - \$187,270; Teufel Nursery, Inc. - \$187,885; The Highridge Corporation - \$194,600; and Pacific Earth Works Inc. - \$228,000.

Agenda Bill #2315

A Motion authorizing the City Manager to enter into a Contract with Tucci & Sons, Inc. for construction of the 2003 Annual Overlay Project - Public Works

Summary: This project was advertised for bids with the bid opening held on June 4. Five bids were received. The Engineer's estimate was \$384,433. Tucci & Sons, Inc. submitted the low bid at \$389,418.

This contract is for road repair and overlay of approximately 6,500 lineal feet of City streets. This contract will provide work on the following streets: 1) 32nd Avenue South - Hilton south property line to South 180th Street: repair, overlay and partial reconstruction of the traveled portion, limited concrete curb replacement and new sidewalk on the eastside; 2) South 180th Street - 32nd Avenue South to Dead End: repair, overlay and some concrete curb replacement; 3) South 194th Street - 8th Avenue South to Des Moines Memorial Drive (DMMD) South: repair, overlay and a storm drainage improvement; 4) South 131st Place - Military Road South to dead end: repair and overlay; 5) South 133rd Street - 24th Avenue South to Military Road South: repair and overlay; 6) 27th Avenue South - South 133rd Street to dead end: repair and overlay; and 7) 26th Court South - South 133rd Street to dead end: repair and overlay.

Tucci and Sons, Inc. satisfactorily completed the 1999 Annual Overlay Project for the City.

It is recommended that Council authorize the City Manager to enter into a contract for all bid schedules with Tucci & Sons, Inc. in the amount of \$389,418, authorize a 10 percent contingency of \$38,942 and authorize materials testing in the amount of \$5,000 for a total project budget of \$433,360.

The project expenses are as follows: overlay contract \$389,418, 10 percent contingency \$38,942, and materials testing services, \$5,000, for a total of \$433,360.

Agenda Bill #2327

A Motion authorizing the City Manager to enter into an Interlocal Agreement (ILA) with the Washington State Department of Transportation (WSDOT) to raise the Profile of International Boulevard (IB) in the Vicinity of the SR 509 Undercrossing - Public Works

Summary: This agreement commits SeaTac to redesign the profile of the IB Phase IV Project in the vicinity of the proposed SR 509 undercrossing. In addition, SeaTac will also provide construction management services for the improvements made within the redesigned area. In return, WSDOT will reimburse the City for all costs incurred as a result of the design change.

The WSDOT was allocated \$35 million toward the SR 509 Project as part of the recent five-cent gas tax increase. This funding allows WSDOT staff to proceed with some of the SR509 design, right-of-way (ROW) acquisition and construction elements. SeaTac staff is currently working with the WSDOT staff regarding the undercrossing of SR 509 at IB. A substantial cost saving will be realized if the City incorporates design changes in IB Phase IV Project plans accommodating the future undercrossing of SR 509. These changes involve raising the grade of IB approximately three feet and minimizing the need to relocate underground utilities within the immediate area of the undercrossing. The City will do the redesign work through a supplemental agreement with our design consultant. Staff estimates the Phase IV Project will be delayed three to five months as a result of the redesign

CONSENT AGENDA (Continued):

Agenda Bill #2327 (Continued): work. WSDOT agrees to reimburse the City for all of the redesign associated costs including City staff administrative time. In addition, WSDOT will also pay the City for construction administration costs incurred within the undercrossing area during the construction phase as well as a construction inflation cost for the delay in bidding.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

Ten-Year Transportation Improvement Program (TIP) for 2004-2013 - Public Works

Mayor Brennan opened the Public Hearing at 6:46 p.m.

Public Works Director Don Monaghan stated that the purpose of this Public Hearing is to give public an opportunity to speak on the TIP as required by State statute.

Public Works Manager Major Projects Dale Schroeder stated that each year the City adopts a 10-year TIP. The proposed TIP includes 67 projects. However, the projects are listed as an opportunity. Just because the items are listed on this plan, does not mean they will happen that way.

Mr. Schroeder reviewed the TIP list for the years 2004-2005 as presented at the June 17, 2003 Study Session (SS).

Deputy Mayor DeHan stated that approximately 10 years ago, Council adopted a pedestrian friendly policy where the City would either put in sidewalks, curbs, and gutters, or tightline ditches and put in gravel or blacktop. Since that decision, it has become evident that for lifecycle costs, it is cheaper to put in curbs, gutters and sidewalks than black top or gravel. That is the effort that the City has been moving towards most recently. \$250,000 a year has been devoted to this purpose for many years now. Also, IB Phases I and II received significant awards on their design and implementation. SeaTac has set high standards for any future improvements to Highway 99, Federal Way to Seattle. The Transportation & Public Works (T&PW) Committee recommended the TIP for approval.

Councilmember Fisher stated that there are places all over the northend of the City where children walk in the streets to catch buses because there are no sidewalks. Also, more money is spent on roads than on Human Services, but more citizens are involved in Human Services. He stated that he has tried for three years to get citizens involved. He suggested the City develop a way to tie the amount of pedestrian improvements to the amount of grant money and the amount of money put into the streets and let the citizens decide where to place the sidewalks. He stated that he will vote against this issue, but feels staff has done a great job.

Mr. Monaghan stated that staff takes input all year long from citizens regarding projects and improvements they would like to see developed. That input, as well as comments from the Council, are used to draft the staff recommendations before asking for Council approval.

Marion Henry, 3208 South 198th Street, stated that while campaigning, she could see the north end needs work.

Mark Siegel, 19605 Military Road South, stated that recently Military Road was torn up to place fiber optic. He suggested that in the future the City coordinate with other projects to lessen the expense to the City.

Upon a question posed by Councilmember Wurdeman, Mr. Monaghan stated that staff does try to take advantage of any opportunities. For example, the City just passed an Interlocal Agreement (ILA) tonight with the Washington State Department of Transportation (WSDOT) to coordinate efforts to save tax payers money.

Discussion ensued regarding the intersection at South 200th Street and I-5. Mr. Monaghan stated the original plan was to have that intersection as temporary, to be removed when SR 509 is completed. The City is looking at improving the viability of that intersection and service traffic. Efficiency would be improved with modification.

With no further input, Mayor Brennan closed the Public Hearing at 7:20 p.m.

NEW BUSINESS:

Agenda Bill #2314; Resolution #03-011

A Resolution approving a Ten-Year Transportation Improvement Program (TIP) for 2004-2013 -Public Works

Summary: Annually, the City is required to review its TIP. This review is to include a public hearing and formal adoption of the Program by the City Council.

State law requires the City to adopt a minimum Six-Year TIP to include arterial street construction. Also, the Growth Management Act (GMA) similarly requires adoption by the City of a comprehensive Ten-Year TIP to include a section that lists planned arterial street construction. The proposed ten-year list of projects represents all of the City's transportation projects included and 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 \$1.00 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 and Transportation Equity Act 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. Further, the City in conjunction with the Port, is conducting a JTS. A major component of this study is to update the City and Port transportation/ground access capital improvement programs and 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 HANSEN TO PASS RESOLUTION NO. 03-011.

MOTION CARRIED WITH FISHER VOTING NO.

Agenda Bill #2334; Ordinance #03-1021

An Ordinance amending Chapter 15.31.040 of the Zoning Code to adopt Interim Development Standards for Wireless Telecommunications Facilities (WTF) - Planning

Summary: This Ordinance amends Section 15.31.040 of the Zoning Code to establish Interim Development Standards for WTFs. The proposed standards are intended to ensure that new WTFs are aesthetically compatible with surrounding development. Adoption of the standards implements Goal 5.3B of the Comprehensive Plan.

The purpose of the Comprehensive Plan's Goal 5.3B is to: "Ensure that utility facilities are designed in such a manner as to reasonably minimize adverse aesthetic impacts on surrounding land uses."

The City's existing standards were adopted several years ago. Since then, the technology for wireless communications has evolved to allow for closer spacing of less-intrusive facilities. Greater consumer demand for more sophisticated cellular coverage has resulted in permit applications for new facilities in residential areas. Recent experiences with siting new antennas has led staff to review the regulations for aesthetic impacts.

The proposed interim standards governing WTF would amend the City's existing standards to permit only the least visually intrusive wireless facilities on utility poles throughout the City, including single-family neighborhoods. The proposed regulations: 1) limit the combined height of the utility pole and antenna; 2) prohibit new support structures in low-intensity zones; 3) prohibit panel antennas on utility poles in all zones; 4) require tubular and whip antennas to be enclosed within a cylinder cover; and 5) allow only up to two platforms on a support structure in low-intensity zones, instead of four platforms.

A requirement for a uniform appearance in all zones, compatible with existing utility poles and support structures, will protect the aesthetic character of the City over the long term. Additionally, height standards will meet the City's need for wireless telecommunication service while minimizing negative visual impacts.

Adoption of interim standards allows time for City staff and the PC to further research and formulate permanent development standards that reflect input from industry representatives and the public. Adoption of development standards on an emergency, interim basis also prevents new WTFs from being sited in a manner harmful to the City's visual character.

NEW BUSINESS (Continued):

Agenda Bill #2334; Ordinance #03-1021 (Continued): Although adoption of the interim standards will take place immediately, State law requires a public hearing be held within 60 days of adoption. Interim standards are effective for up to six months.

Planning Director Butler reviewed the above summary.

Councilmember Anderson stated that the LUP Committee recommends adoption of the proposed standards.

Mr. Siegel suggested Council review the possibility of the City receiving revenue from the use of WTFs.

Upon a question posed by Councilmember Anderson, Fire Chief Bob Meyer stated that Nextel is currently the only cell phone company that has interfered with the 800 megahertz radio system. Nextel has made a national commitment to shrink their band width to not interfere with the radios. As part of the planning process when a new cell tower is put up in the City, the Fire Department requires that if there is any interference with the radios, the cell phone company must fix it.

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 03-1021.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Linda Snider, 18700 36th Avenue South, suggested that other options for camouflaging the poles be reviewed. She stated that the paint does not make the pole look like a like a tree, but it looks artificial.

CITY MANAGER'S COMMENTS: Bruce Rayburn had the following items of business: 1) he reviewed the summer recess schedule with Council and asked for Council confirmation of the schedule. Council requested a copy of the schedule be placed in their Friday Packets for review; and 2) general staff meeting was held earlier today with a majority of the time spent on short reports from each department, followed with a presentation by Deputy City Manager Elizabeth Spencer addressing the budget situation.

CITY COUNCIL COMMENTS: Councilmember Anderson had the following items of business: 1) attended a Human Services Awards Luncheon today with Mrs. Black where she received the following statistics – a) regarding the Demonstration Housing Project, the average salaries have been reported at \$70,000 a year, when in fact, the average income in South KC is approximately \$42,000 a year; and b) on any given day, if you were to fill Safeco Field three times with children, that would not equate to the number of children in KC that are living below the poverty level; and 2) read a book titled Leadership and the Common Good which suggests what leaders should be doing and what people are expecting of leaders in the future.

Councilmember Hansen stated that Councilmember Wurdeman and he attended the Association of Washington Cities (AWC) Conference in Spokane last week. He stated that an excellent presentation on the budget process was given and many Cities are in the same financial situation as SeaTac.

Councilmember Wurdeman stated that there were several sessions at the AWC Conference that made it interesting to attend as a new member and to learn some of the concerns of other Cities. It was also interesting to see how Cities of various sizes and the Councilmembers representing these Cities looked at some of the situations.

Mayor Brennan spoke regarding the filling of Council Position No. 2. He requested Council input. He stated that the City had excellent candidates for the filling of Council Position No. 5 and he suggested that the applications received be used in addition to advertising for any new candidates. He suggested the notice be placed in the local paper stating that the position will close July 15, 2003. He stated that he would like to have the new Councilmember appointed prior to the summer recess.

Upon a question posed by Deputy Mayor DeHan, City Attorney McAdams stated that anyone appointed to fill a position, if more than 28 days before the next General Election, that individual is in office until the election. Then, the elected individual will commence with certification of the election results.

Councilmember Wurdeman questioned whether the Council needs to afford an opportunity for new people to apply. Mr. McAdams stated that there is no law requiring any form of notice or advertising, but the best course of action would be to provide some notice and get as many qualified candidates as possible.

COUNCIL COMMENTS (Continued): Councilmember Anderson stated that those wanting to run for the General Election must file by July 28.

Council discussion ensued regarding the previous applicants. It was decided that those applicants should at least reaffirm their interest, but did not need to interview.

Council concurred that anyone interested should let the City Clerk know by July 15. All new applicants will be interviewed at the July 22 Council Meeting followed by appointment of the new Councilmember.

Council also concurred that a letter be sent to the previous applicants stating that their application is on file and if they wish to be considered for the appointment of Council Position No. 2, they need to reaffirm their interest.

Mayor Brennan stated that he had mentioned at the June 17 SS regarding sidewalks at Madrona Elementary. He questioned if any action had occurred.

Mr. Monaghan stated that he spoke with Highline School District (HSD) Director of Facilities Alan Schmidt from the Highline School District (HSD) after the June 17 Transportation & Public Works (T&PW) meeting. Mr. Schmidt indicated that the HSD would be interested in deferring the sidewalks, however they have no interest if that involved reopening the public hearing. The Legal Department is researching whether the City can defer the sidewalks. In their opinion, which Legal is preparing a memo on, it would require that the public hearing be reopened in order to reconsider the sidewalk issue.

Mr. McAdams stated that this issue is rather problematic and a final answer will be given in the near future. Council has a formal policy for requiring off-site improvements in this sort of procedure, specifically including sidewalks. In addition, if a deferral is entered into, there are certain requirements, and he is not sure that the HSD is at all able to comply with those requirements. In addition, the Council has, by Ordinance, granted the Hearing Examiner the authority to impose the conditions under a major Conditional User Permit (CUP). The Hearing Examiner has done that. There is some concern

with the independence of the Hearing Examiner from the Legislative Body if the Legislative Body decided to change those conditions.

Council discussion ensued regarding the sidewalks and whether Council should seek an exception to the policy.

Deputy Mayor DeHan stated that the T&PW Committee was of the opinion that it was not in Council's hands, but up to the discretion of the HSD if they would appeal. The HSD has opted to not appeal and it is their intent to go ahead. He stated he would not want to change the policy unless the HSD requests it. He also stated that the Legal Department is working on a Legal Opinion. He felt the Council should wait for the opinion to decide anything.

City Manager Rayburn suggested the Council visit the site and see it first hand. Then, hopefully the Legal Department will have a final Legal Decision by the July 1 SS.

Mr. McAdams stated that the easy answer is that the Council makes that decision irrespective of the HSD or the citizens. The Council itself imposed the requirements of Chapter 13.35 of the SeaTac Municipal Code (SMC) and the Council can amend that Ordinance, and amend it such that there would be certain parameters where the off-site improvements would not be required. It would be appropriate to review the property and to decide when it is you want that requirement to be waived. Waiving a requirement of the code for one school district or one project would probably be in opposition of the constitution prohibition against special privileges and immunities.

EXECUTIVE SESSION: Personnel Issues (*cancelled*)

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY HANSEN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:15 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Kristina Gregg, Deputy City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

July 8, 2003
6:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Joe Brennan at 6:01 p.m.

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

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith Cary, City Clerk; Bob McAdams, City Attorney; Steve Butler, Planning Director; Jack Dodge, Principal Planner; Kit Ledbetter, Parks & Recreation Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

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

PRESENTATION:

Discussion regarding sidewalks adjacent to the new Madrona Elementary School

City Attorney McAdams outlined the subject areas of concern. At South 202nd Street, east to west, there are seven houses abutting this street. The seven property owners signed a petition to the City's Hearing Examiner (HE) objecting to the proposed sidewalk improvement project for a number of reasons and seeking to retain the dead end at western portion of the right-of way (ROW) near the apartments. To the north, there are three fourplexes and an apartment complex with a number of school age children living there.

Most of the South 202nd Street property owners testified at the Public Hearing (PH) as well as having signed a petition. The Madrona teachers and parents did not appear at the hearing. No one objected to the improvements on 30th Avenue South. Mr. McAdams presented the site plan for the new school. At the north end at South 202nd Street, midway, there is a fire gate which leads to a fire lane running north to south through the property with no pedestrian access. To the west, on 30th Avenue South, is the student drop-off area and visitor parking and to the south is the school bus loop and staff parking. To the east along 30th Avenue South, is the multi-purpose field and softball field in the northwest quadrant. The entrance is midway on the property opening on to 30th Avenue South and a system of walkways into and around the fields and throughout the campus. 30th Avenue South is used as a parking lot on game days with excess parking on the unimproved shoulders of the ROW. A sidewalk there would promote the safety of children and parents during ball games and school hours. Looking west of South 202nd Street, is a substandard half street of paving with no curbs, ditches, sidewalks or planting stripes. At the end of this street on the west end is a half cul-de sac with numerous cars parked in this area, making it difficult for safety vehicles to access the area. A conditional use permit (CUP) is required in order for a school to be placed in a residential zone. Approval and conditions has been granted to the City HE. Notice has been provided to the residents within 1,000 feet of the area. The HE decision must be consistent with the SeaTac Municipal Code (SMC), such as offsite frontage improvements must be placed around any substantial new construction or renovation of an existing building.

Mr. McAdams explained that in order to provide the HE with a means of eliminating the required conditions of offsite improvements, it is necessary that the Council not attempt to make an exemption to the SMC for one particular project but to make an appropriate change by an Ordinance that would be uniformly applied. He recommended it would be best to enact a new section of the Ordinance which would provide that a public school building may be under the CUP process, and may not be required to construct the offsite street improvements within any ROW with the following conditions: 1) upon a petition of all the owners of the abutting properties; and 2) finding by the City Manager or designee for the minor CUP or by the HE for the major CUP, that the improvements would not be of significance and vehicle or pedestrian traffic and safety would not be jeopardized. The school officials and the contracting manager are willing to submit a revised site plan to the HE. Once this is done, the HE would have the authority to make a change. The HE agreed that this process would not hold up their pending application for a building permit, thus not hold up the construction.

Deputy Mayor DeHan questioned if Council approves this SMC change, would Kenworth Northwest Trucking Company, located on 30th Avenue South, which has a major building project on their property, have an argument to not put in the same kind of improvements on their side of the roadway. City Attorney McAdams stated they would. The City would be forced to fall back on the constitutional provision that require equal protection of laws, except as to other municipal

corporations. Cities can lawfully apply laws differently to municipal government

PRESENTATION (Continued):

·**Discussion regarding sidewalks adjacent to the new Madrona Elementary School (Continued):** make the same argument corporations, such as school districts, than to private corporations. Although they certainly would be expected to as well as arguments based upon whether their new facility would require the improvements as a direct result of the project.

Further discussion ensued as to the need for the sidewalk improvements and the cost of the project. Public Works Engineering Technical Supervisor Dixie Hallenberger stated that the subject area amounts to approximately 300 feet of sidewalk on 30th Avenue South with full frontage at a cost of approximately \$60,000.

Councilmember Hansen suggested that sidewalk improvements be made to 30th Avenue South and forego South 202nd Street improvements. It would allow for a good turnaround of vehicles from the ballfield traffic.

Mr. McAdams stated he does not recommended that their decision be based on Kenworth's input. If the Council desires not to have those improvements put in, the language in the Ordinance can be adjusted so that it is possible for the Hearing Examiner to agree with the change

Mayor Brennan polled the Council on the two areas of proposed improvements: 1) South 202nd Street, the Council concurred with no improvements with Councilmember Wurdeman abstaining from the vote; and 2) 30th Avenue South, a tie vote allows improvements to be made on this street. An agenda bill on these decisions will be brought back to Council for consideration at the July 15 SS and to the vote at the July 22 Regular Council Meeting (RCM).

PUBLIC COMMENTS: JB Freer, 18925 37th Avenue South, had the following items of concern: 1) speeding on South 188th Street needs to be monitored again; 2) City property on South 188th Street and 37th Avenue South needs to be mowed; 3) requested a radar scanner be placed on 37th Avenue South where the speed limit is 25 mph; 4) upkeep of Dave's Diner landscaping needs to be addressed with the owner; and 5) residents at 3631 South 192nd Street elected her to speak for them: a) they have been living next to a neighbor at 3703 South 192nd Street for years. Every Thursday night, his band plays music loudly and disturbs the neighborhood. They called the police non-emergency line but do not want to have to call in every Thursday night; and b) this same person has a huge overgrowth of blackberry bushes in his backyard that is destroying their fence.

Councilmember Anderson asked Ms. Freer if she heard of a homeless person living behind her house on City property. JB Freer stated she was unaware of this happening.

Marion Henry, 3208 South 198th Street, inquired as to whether the Police Department has trouble with deserted vehicles on 30th Avenue South because it is a deserted street. Also, if there is a new Code in the City that cars can not park on grass, her neighborhood needs to be investigated on this issue.

Linda Snider, 18700 36th Avenue South, stated her approval of the tied vote on the 30th Avenue South improvement issue. The City has previously partnered with the HSD and put improvements on several elementary school ballfields. The presentation depicted an entrance on 30th Avenue South that would provide more protection for the children. She does not feel this is a waste of taxpayers' money when safety is the issue. Irrigation and upkeep has been provided. She commended the Council's decision on this issue.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$744,882.22 for the period ending July 3, 2003.
- Approval of employee vouchers** in the amount of \$563,059.63 for the period ending June 30, 2003.

Approval of Council Meeting Minutes:

- Study Session** held June 3, 2003.
- Regular Council Meeting** held June 24, 2003.

Acceptance of Advisory Committee Minutes:

- Planning Commission Meeting** held June 16, 2003 (Commission approved June 30, 2003).

Approval of the following Agenda Items recommended at the July 1, 2003 Study Session for placement on this Consent Agenda:

CONSENT AGENDA (Continued):

Agenda Bill #2321

A Motion to apply for a 2003 King County (KC) Youth Sports Facility Grant (YSFG) for Bow Lake Elementary School Ballfield Improvements - Parks & Recreation

Summary: This Motion directs staff to apply for the 2003 KCYSFG to fund the renovation of an existing ballfield at Bow Lake Elementary School.

The YSFG program provides matching grant funds to community and youth organizations that partner with a public agency such as a school district or City parks department to develop, renovate, or repair sports facilities primarily serving persons under 21 years of age. City staff has identified the Bow Lake Elementary School ballfield improvements as an appropriate project for grant funding and South Highline American Little League (SHALL) has agreed to be a partner with the City in the effort.

If the City is successful in being awarded the grant, the funding would pay for upgrading the existing practice field to make it a Little League-sanctioned field. Improvements would include upgrading the infield surface by removing grass and installing an all-weather infield mixture. New fencing would be installed starting at the existing backstop and run parallel to the baselines and benches would be added for the players. The project is a continuation of the Bow Lake Elementary Ballfield Master Plan Improvements which was funded by the Community Development Block Grant (CDBG) in 1999 and the KCYSFG in 2000. With the funding of the grant awarded in 2000, the funds allowed for the installation of an irrigation system in 2001 and it provided the community with year round capabilities of utilizing the field and scheduling many youth groups. Bow Lake Elementary School currently has one ballfield so upgrading the practice field to a game field would give Little League and the community two quality fields to schedule games.

Field maintenance responsibilities have been established between the City and the HSD in 2000 when the irrigation system was installed. Per the agreement, the City conducts all repairs and controls water use with a computerized irrigation system. The HSD pays the water bill and mows the grass. In addition, SHALL assumes the responsibilities of the ballfield improvements during the season for no less than 10 years.

The City meets all of the requirements to be eligible for the funding and by serving a low to moderate income community area. The City may request a match reduction of one to four (\$1 for every \$4 requested). The City of SeaTac's grant request is \$27,350 with the City's matching fund being \$6,290 in professional services, equipment and SHALL volunteer hours. The City will provide in-kind services that include the Assistant Parks and Recreation Director managing the project, park maintenance installing materials to the field with assistance by the volunteers from SHALL. Because the City meets the requirements to receive the one to four match reduction, there is no monetary cost to the City. The only commitment from the City is in-kind services.

It is recommended that the City Council approve this agenda bill to direct staff to apply for funding for the Bow Lake Elementary School ball field improvement project. With passage of this bill, the project will begin in 2004.

Agenda Bill #2324; Resolution #03-012

A Resolution authorizing the City Manager to enter into an Agreement with Serve Our Dog Areas (S.O.D.A) to operate an Off-Leash Dog Area at Grandview Park and authorizing the City Manager to accept the Grandview Park Deed from King County (KC) and authorizing an Agreement among the Task Force Cities and King County - Parks & Recreation

Summary: The proposed Resolution authorizes the City Manager to: 1) accept the deed for Grandview Park from KC; 2) enter into a Park Use Agreement with SODA to operate the park as an off-leash dog area; and 3) authorize the City Manager to negotiate and enter into an Agreement among the Task Force Cities and KC.

In January 2001, several South KC Cities, in partnership with the KC Parks Department, formed a task force in response to public demand for an off-leash dog park site in south KC. Cities represented on the Task Force include Auburn, Burien, Des Moines, Federal Way, Kent, Renton, SeaTac and Tukwila. KC Parks staff and KC Animal Control staff also serve on the Task Force.

The South County Task Force has been working closely with SODA to provide an off-leash dog park. SODA has agreed to pay all operating costs of an off-leash dog park at Grandview Park which is currently owned by KC. The

CONSENT AGENDA (Continued):

Agenda Bill #2324; Resolution #03-012 (Continued): County will not keep open any park inside any City limits. Therefore, KC is unwilling to work with SODA to open Grandview Park. The only possibility to create the off-leash dog area is for the City to accept the deed from KC for Grandview Park and to enter into the Agreement with SODA. The Agreement will be for one year but would be extended for a longer term if everything works well.

KC and the eight Cities of the Task Force have agreed to contribute a total of \$35,697 toward the cost of developing the park as an off-leash area. SeaTac's share is \$1,275 based on relative population of the eight KC Cities contributing 50 percent, which is \$17,848.

The most crucial aspect of converting Grandview Park into an off-leash area will be to fence the property to provide safe exercising of dogs. The majority of capital costs will go to purchasing fencing materials, which will be installed by volunteers and as Eagle Scout projects. SODA will pursue fencing and/or home improvement companies to donate or provide discounted materials to minimize start-up costs. SODA will pay all operating costs. However, the Task Force Cities are agreeable to donating up to 16 hours each of personnel and equipment time for agreed additional construction, restoration, and special maintenance projects. The Agreement is still being drafted.

It is unlikely that Grandview Park will ever reopen under KC's ownership. If SeaTac accepts the deed and the off-leash area fails, the City could proceed to give the park back to the National Parks Service as is called for in the deed. Grandview Park has been closed since January 1, 2002. The City Council's concern for not originally accepting the Grandview Park deed was the inability to make the park financially self-sustaining. The off-leash dog park provides a solution to reopening Grandview Park on a financially self-sustaining basis, and to providing a much needed community service. The City would contribute \$1,275 toward necessary development costs.

Agenda Bill #2329

A Motion authorizing the City Manager to enter into a Supplemental Agreement with CH2M Hill for Design Services to raise the profile of International Boulevard (IB) in the vicinity of SR 509 Undercrossing - Public Works

Summary: This Supplemental Agreement amends the IB Phase IV design contract with CH2M Hill, Inc. With this amendment, CH2M Hill will redesign the profile of the IB Phase IV Project in the vicinity of the proposed SR 509 undercrossing. This is a companion bill to Agenda Bill No. 2327, the Interlocal Agreement (ILA) with the Washington State Department of Transportation (WSDOT), to redesign the IB Phase IV profile accommodating a future undercrossing of SR 509. WSDOT is reimbursing the City for all costs incurred as a result of the design change.

WSDOT was allocated \$35 million toward the SR 509 project as part of the recent five cent gas tax increase. This funding allows WSDOT staff to precede with some of the SR 509 design, ROW acquisition and construction elements. SeaTac has entered into an ILA with WSDOT committing the City to redesign the profile on IB Phase IV accommodating the future undercrossing of SR 509 and resulting in less disruption, removal of improvements and cost when SR 509 is constructed. These changes involve raising the grade of IB approximately three feet and minimizing underground utilities within the immediate area of the undercrossing. Staff proposes to do the redesign work through the Supplemental Agreement with the design consultant, CH2M Hill. WSDOT agreed to reimburse the City for all of the redesign-associated costs, including City staff administrative time.

There will be no fiscal impact to the City as a result of performing this additional work on WSDOT's behalf. All City costs related to the redesign work, including administrative costs, will be reimbursed by WSDOT. WSDOT will reimburse the City for the actual cost of the design revision and the construction of the improvements, plus an administrative 15 percent fee.

Agenda Bill #2325; Resolution #03-013

A Resolution amending the City Council Administrative Procedures in regard to Executive Sessions - Legal

Summary: This Resolution amends various sections of, and adds a new Section 12 to, the City Council Administrative Procedures to provide a more detailed guide to setting and conducting Executive Sessions.

CONSENT AGENDA (Continued):

Agenda Bill #2325; Resolution #03-013 (Continued): The Revised Code of Washington (RCW) requires that the Council shall determine its own rules and order of business and may also establish rules for the conduct of meetings and the maintenance of order. In conformance with those statutes, the Council has previously adopted Administrative Procedures, most currently by Resolution No. 00-006 on April 11, 2000, as amended by Resolutions No. 02-004, No. 02-007, and No. 03-010.

At the May 3, 2003 Council Retreat, the Council discussed, with Municipal Research and Services Center (MRSC) Senior Legal Consultant Pat Mason and the City Attorney, the Open Public Meetings Act (OPMA) and the rules governing the scheduling and conduct of Executive Sessions. Councilmembers were also provided with copies of MRSC publications and other information relating to the OPMA.

It was noted that the OPMA is now frequently being employed as a means to challenge governmental actions taken by City Councils and County Commissions. Clearly, the opportunity for an award of penalties against elected officials and the ability to recover court costs and attorney's fees make the claim of OPMA violations very attractive to plaintiffs. In addition, OPMA violations can result in final actions taken by Councils or Commissions to be declared null and void.

The Council's current Administrative Procedures provide for Executive Sessions but do not set forth a comprehensive guide to scheduling or calling and conducting these closed-door sessions. These amendments and addition of a new Section 12 are intended to provide such guidance to ensure understanding and compliance with all OPMA provisions.

Agenda Bill #2328; Resolution #03-014

A Resolution reappointing Agents to whom Statutory Notices of Claim must be presented, and rescinding prior Resolutions No. 01-020 and No. 03-001 – Legal

Summary: This Resolution reappoints, by position title rather than by individual names, the statutory agents to whom notices of claims for injury or damages must be presented. Prior Resolutions regarding the same subject are rescinded.

Prior to filing a lawsuit against a Code City, such as SeaTac, a person alleging injury or damage by reason of an act or negligence of the City or a City employee must, pursuant to RCW [35A.31.010](#), file a notice of claim "in the manner set forth in RCW [4.96.020](#)". No lawsuit can be commenced against the City until a claim has been on file for sixty days, per RCW [35A.31.030](#). The 60-day period provides the City an opportunity to investigate, determine liability, and make payment, if deemed appropriate.

RCW [4.96.020](#)(2) requires that the governing body of each governmental entity appoint an agent to whom notices of claim must be presented. In compliance with that statute, the Council previously adopted Resolution No. 01-020 which appointed Judith L. Cary, City Clerk, as the agent and Kristina M. Lowrey, Deputy City Clerk, as alternative agent. The Resolution also provided the address of the previous City Hall. Following occupancy of the New City Hall, Resolution No. 03-001 was adopted for the purpose of providing notice as to the address of City Hall and the location of the agents.

Ms. Lowrey has since married and has taken her spouse's last name. Rather than changing her name, the proposed Resolution makes the reappointments by position title. This should minimize future changes.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2330; Ordinance #03-1022

An Ordinance amending the Zoning Code regarding Domestic Animals and Horses, increasing the number of Domestic Animals allowed, providing criteria for the replacement of Legal Nonconforming Horses, and changing the criteria to apply for a "Horse Overlay Zoning District" - Planning

Summary: This Ordinance amends four major sections of the SeaTac Municipal Code (SMC):

1. Domestic Animals: The definition in SMC 15.10.180 provides substantial limitations regarding the type and

NEW BUSINESS (Continued):

Agenda Bill #2330; Ordinance #03-1022 (Continued): number of indoor and outdoor animals on a single-family lot. These amendments would allow a greater variety and number of indoor and outdoor animals.

2. Horse/Equine Animals: Chapter 15.21 (Nonconformance and Reuse of Facilities) of the SMC does not provide specific criteria regarding the re-introduction of a legal nonconforming horse onto a parcel of property, once the previous nonconforming horse has been removed from the property. The Code amendments create a new section to Chapter 15.21 to provide criteria regarding the re-introduction of a nonconforming horse onto a property.

3. Horse Overlay District: The standards to create a "Horse Overlay District" in SMC 15.28.060 B requires that at least four property owners on contiguous parcels must apply for the district before a district overlay is considered by the City. This amendment to SMC 15.28.060 B. changes this requirement to a minimum of two property owners, or one property owner with at least 30,000 square feet (sq ft) of lot area.

4. Domestic Animals: The definition limits these animals to animals that are commonly thought of as domesticated animals, to include dogs, cats, snakes, small rodents (rats, gerbils, guinea pigs), and birds. Staff has found that other non-traditional animals, such as pygmy goats, can have lesser impact in a residential zone than the traditionally defined domestic animals. Non-traditional animals include rabbits, goats and pygmy goats, sheep, chickens, ducks and other fowl, and miniature horses. In one code enforcement case, a property owner was required to remove two pygmy goats from his property. The owner indicated that the goats were on the property to control invasive blackberry bushes on the property eating the bushes and keeping the blackberry bushes down. The owner preferred the pygmy goats because they were smaller than a large dog, did not impact the neighbors, and they provided a natural way to remove the blackberries from the property. Without the goats, herbicides would be needed to remove the blackberry bushes. The Code provisions do not allow the non-traditional animals and limited the defined domestic animals to only three outside animals, but did not limit indoor animals. The number of inside animals would also be limited based on type and lot size. The limitations are cited in Section 2, Page 2 of the Ordinance.

It should be noted that the amendments would allow chickens on a single-family lot. Whether or not to allow roosters

resulted in considerable discussion. It was the consensus of the Planning Commission (PC) that roosters were less noisy and annoying than barking dogs, and therefore, roosters should be allowed. The Council should be aware that current Code complaints regarding chickens have, to a large extent, resulted from a rooster next door.

MOVED BY BRENNAN, SECONDED BY WURDEMAN TO ADOPT ORDINANCE NO. 03-1022.*

Planning Director Butler stated that this topic was discussed at length at the July 1, 2003 SS. There were some issues that the Council wanted to resolve, one concerning the allowing of roosters. Council discussion ensued as to the allowable amount of chickens on a lot. Principal Planner Dodge stated that under the KC Fire Codes, prior to SeaTac incorporation, three chickens were allowed on a person's property. With Code Enforcement actions in past dealing with chickens, if the chickens were brought on prior to adoption of the current Codes, three chickens would be allowed. With this Ordinance's adoption, five chickens are allowed.

Deputy Mayor DeHan inquired as the lot size needed for a horse under the current Code. Principal Planner Dodge explained that under the current code, there must be a minimum of 10,000 sq ft to accommodate two horses and an additional 10,000 sq ft for each additional horse.

Bruce Jones, 2218 S 136th Street, spoke regarding the issue of domestic animals. He stated that for the average family, this Ordinance is probably good. However, they have 14 chickens, a duck, a pigeon, a goat, a dog, five horses and two cats. They were in compliance with the old Code but will not be with the new Code. He would like to declare a sanctuary to protect what he has. Now that the new Code is being proposed, he will be able to conform to the new regulations of numbers of allowable animals once they expire which is opposite of what he has done in the past. His children enjoy the animal and he would like to protect them. He knows there are other property owners who have more animals that are pets. He would like to work with City on this issue.

Mr. Dodge stated that currently Code Enforcement is on a complaint basis. Mr. Jones stated that this is not a problem with his neighbors. He added he owns three properties and the animals are spread out between the combined 80,000 sq ft.

NEW BUSINESS (Continued):

Agenda Bill #2330; Ordinance #03-1022 (Continued): Mr. Dodge mentioned this Ordinance is more lenient than the past Ordinance. With the three adjacent properties and sq. footage, Mr. Jones could apply for a horse overlay district. Planning Director Butler added that this is correct regarding horses in a horse overlay district except it currently does not apply to domestic animals, i.e., number of chickens. The horse overlay district could be expanded to include other types of animals.

MOVED BY BRENNAN, SECONDED BY WURDEMAN TO AMEND THE ORIGINAL ORDINANCE TO ELIMINATE ROOSTERS FROM BEING IN THE CITY AND DISTURBING THE PEACE.

THE MOTION FAILED WITH A TIE VOTE WITH BRENNAN, ANDERSON AND WURDEMAN VOTING YES AND HANSEN, FISHER AND DEHAN VOTING NO.

*THE ORIGINAL MOTION CARRIED WITH FISHER, ANDERSON, HANSEN, WURDEMAN AND DEHAN VOTING YES AND BRENNAN VOTING NO.

Agenda Bill #2326; Resolution #03-015

A Resolution adding a new Section 13 to the City Council Administrative Procedures in regard to Councilmember Travel Expenses and Reimbursements, and amending Article III, Section (1)(B) of the Travel Policies, Regulations and Procedures to prohibit reimbursement for Alcoholic Beverage expenses - Legal

Summary: At the May 2, 2003 Council Retreat, the Councilmembers discussed adding provisions relating to Councilmember travel expenses and reimbursements to the procedures. The primary purpose of the new provision would be to provide for each Councilmember's necessary travel expenses and to assist each Councilmember in maintaining a record of his or her expenses and reimbursements.

The new Section should be read in conjunction with the City of SeaTac amended Travel Policies, Regulations, and Procedures, Article III, Section (1) (B) by eliminating the provision that reimbursement for alcoholic beverage expenses could be approved by the City Council or City Manager. The prohibition against reimbursement for such beverages will henceforth be absolute. This amendment was recommended by the Administration & Finance (A&F) Committee at its July 1, 2003 meeting, and was discussed at the Study Session of the same date.

City Attorney McAdams briefed on the above summary adding that the basic purpose was to clarify the accounting procedures to assist Councilmembers in budgeting and monitoring their own travel expenses and reimbursements. At the A&F Committee Meeting and SS, there were two changes requested: 1) Section 13 of the Council Administrative

Procedures such that in the event a Councilmember is about to exceed his/her estimated travel expenses, approval shall be obtained from the full Council. Originally, it stated, approval by the A&F Committee. In addition, the consensus of the Council was to also amend Article 3, Section 1.b. of the City Travel Policies, Regulations, and Procedures which provided reimbursement for City Officials' or employees' alcoholic beverages expenses is prohibited unless approved by the City Council or City Manager. That language has been eliminated so that if a Councilmember or employee at a City function such as a conference has an alcoholic beverage with a meal, the individual shall pay for any such beverage and not be reimbursed.

MOVED BY HANSEN, SECONDED BY DEHAN TO PASS RESOLUTION NO. 03-015.

MOTION CARRIED UNANIMOUSLY

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

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

CITY COUNCIL COMMENTS: Councilmember Anderson suggested some action be taken regarding the shooting off fireworks without a permit. The fireworks on Angle Lake this year were massive and very dangerous with the wind blowing them into trees and roofs and were completely out of hand. The two permitted displays were well controlled and beautiful.

Councilmember Hansen had the following items of business: 1) it was a great 4th of July but Angle Lake was like a war zone with billows of smoke from fireworks being shot off from various locations on the lake. 2) his expensive and unique bicycle was stolen from his garage on the 4th of July. He hopes to recover it; and 3) he mentioned that

CITY COUNCIL COMMENTS (Continued): the Kiddies' Parade at Angle Lake had a great response from the SeaTac Fire Department but the Police Department has not participated for the last few years. He would like to see this department take part in the event. Police Captain Somers acknowledge Councilmember Hansen's request.

Deputy Mayor DeHan, Chair of the A&F Committee, stated that the Position Vacancy Review Board (PVRB) recommended hiring of a new entry level firefighter to fill a vacancy due to the promotion of Battalion Chief Brian Wiwel to Assistant Fire Chief. This recommendation was brought to the A&F Committee for their review. The committee asked for a comparative cost of hiring of a new entry level firefighter vs. using overtime to cover the work shifts. This was brought before Council for their consensus on this issue. The annual cost over a two year period does not vary (\$155 for two years) with either choice. After the first two years, the initial cost of training is deleted which will lessen the yearly cost of the firefighter. After much discussion with Council, Fire Chief Meyer and Human Resources Director Mahaffey regarding the academy training, overtime issues and related costs, Council agreed to fill the position.

RECESSED: Mayor Brennan recessed the meeting to an Executive Session on Contract Negotiations / Personnel Issues at 7:47 p.m.

EXECUTIVE SESSION: Contract Negotiations / Personnel Issues

RECONVENED: Mayor Brennan reconvened the Regular Council Meeting at 9:59 p.m.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 10:00 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

July 22, 2003
3:30 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Special Meeting was called to order by Mayor Joe Brennan at 3:37 p.m.

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

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith Cary, City Clerk; Bob McAdams, City Attorney; Kathy Black, Administrative Assistant III; Kit Ledbetter, Parks & Recreation Director; Julie Elsensohn, Assistant City Attorney; Steve Butler, Planning Director; Holly Anderson, Senior Planner; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

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

INTERVIEW BRIEFING: Prior to the following interviews, Human Resources Director Mahaffey briefed the City Council on the process of evaluating the candidates.

COUNCIL POSITION NO. 2 CANDIDATE INTERVIEWS:

Council interviewed the following candidates with each responding to Council questions: Christopher Wythe, David A. Warf, Ralph Shape, and Mark Davis Siegel. (Along with these candidates, previous candidates for Council Position No. 5 who requested to be considered for Council Position No. 2 will be considered for this position. They are: Marion L. Henry, Mel C. Markham, Michael J. Siefkes, and Rodger May.)

RECESSED: Mayor Brennan recessed the Special Council Meeting to an Executive Session at 4:53 p.m. to evaluate the qualifications of the candidates for Council Position No. 2.

EXECUTIVE SESSION: Evaluation of Qualifications of Candidates for Council Position No. 2.

RECONVENED: Mayor Brennan reconvened the Special Council Meeting at 5:48 p.m.

NOMINATIONS FOR COUNCIL APPOINTMENT TO POSITION NO. 2:

Mayor Brennan declared the nominations open for Council Position No. 2.

Councilmember DeHan nominated Ralph Shape.

Councilmember Wurdeman nominated Michael Siefkes.

Councilmember Hansen nominated Mark Siegel.

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

MAYOR BRENNAN CALLED FOR A VOTE FOR MICHAEL SIEFKES AS COUNCILMEMBER FOR POSITION NO. 2.

COUNCIL UNANIMOUSLY APPOINTED MICHAEL SIEFKES.

Mayor Brennan, on behalf of the Council, extended appreciation to all the candidates who ran for Position Nos. 5 and 2 and urged them to apply for the various Citizens' Advisory Committees. Due to the Council appointment of Michael Siefkes, his membership on the Planning Commission (PC) ends this evening. Mayor Brennan recommended the PC membership be changed from five to seven members. Councilmember Anderson stated that Tom Dantzler would also be leaving the PC in September; therefore, there will be four vacancies. Mr. Dantzler has been a long standing Commissioner and will be missed by the PC as well as by the Council.

PUBLIC SWEARING IN:

Public Swearing-in of the Newly Appointed Councilmember for Position No. 2 effective July 22, 2003

Municipal Judge Paul Codd administered the Oath of Office to newly appointed Councilmember Michael Siefkes, who then signed the Oath of Office with City Clerk Cary. Councilmember Siefkes then assumed his role at the Council dais as Councilmember, Position No. 2.

Deputy Mayor DeHan further explained the need to increase the PC membership from five to seven members to ensure that the PC has an adequate number of members to form a quorum for decision and voting purposes.

PRESENTATIONS:

American Heart Association's King County (KC) Heart Walk

Jenny Faubion, Legislative Aide to KC Councilmember Pete von Reichbauer, gave a briefing on the statistics relating to heart disease in KC and on the upcoming American Heart Walk in KC.

Casey Mazoni, Regional Director of the American Heart Association, stated that the association is the largest medical financial resource in the Country. She gave a brief history on the agency and its accomplishments to reduce the number of heart disease victims through prevention as well as through care for those with the disease. Ms. Mazoni urged the City of SeaTac to form a team and participate in the 3.2 mile and a 1 mile non-competitive Walk for Cancer event to be held on September 20 at Safeco Field in Seattle.

Mayor Brennan thanked the presenters for the information and stated that this cause is dear to him, having had heart problems himself.

2nd Quarter Financial Report

Due to a technical problem with the projector, Deputy City Manager Spencer was unable to present the report. City Manager Rayburn stated that the report will be given at the August 12 Regular Council Meeting (RCM) and a hard copy will be distributed in this week's Council packets. Council concurred with this alternative.

PUBLIC COMMENTS: Linda Snider, 18700 36th Avenue South, congratulated Michael Siefkes to the appointment of Councilmember, and added that as a member of the PC, she will regretfully miss his input on the commission. Secondly, Ms. Snider stated that having a seven-member PC would be of great help. However, their next meeting is scheduled for September 8, and if Council approves the change to a seven members before that meeting and the vacancies are not filled, there will not be a quorum.

Patrick Dooley, 4614 South 166th Street, stated his concern as to the efforts of the Code Enforcement (CE) being imposed on his property's upkeep. He produced photos of his and neighboring properties, mostly City properties. He stated that he has a meeting with the City Manager on July 23 to discuss this issue. He detailed the issues the CE had with his property, which he felt was being overzealously enforced.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$1,305,679.80 for the period ending July 18, 2003.
- **Approval of employee vouchers** in the amount of \$416,607.60 for the period ending July 15, 2003.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending July 18, 2003.

Approval of Council Meeting Minutes:

- **Study Session** held July 1, 2003.
- **Council Budget Workshop I** held July 8, 2003.
- **Regular Council Meeting** held July 8, 2003.

Acceptance of Advisory Committee Minutes:

- **Human Services Advisory Committee Meeting** held June 11, 2003 (Committee approved July 9, 2003).
- **Planning Commission Meeting** held June 30, 2003 (Commission approved July 14, 2003).

Approval of the following Agenda Items recommended at the July 15, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2338

A Motion authorizing the purchase of furnishings for the Police Department Remodel at City Hall - City Manager

Summary: With the relocation of the Police Department from the Burien Precinct to the SeaTac City Hall, it is necessary to purchase various office furnishings. Effort has been made to acquire additional used furnishings as was done with the City Hall project. New furnishings are being acquired from Bank & Office Interiors off the State Contract.

It is estimated that the cost of furnishings for the Police Department will total \$48,800, which is less than the original project budget approved by the City Council on October 8, 2002.

CONSENT AGENDA (Continued):

(The following agenda bill was removed to allow further discussion on this issue under New Business.)

Agenda Bill #2336

A Motion authorizing transfer of funding for SeaTac Senior Center Design from the Community Development Block Grant (CDBG) Capital Project to the CDBG Planning and Administration Category - City Manager / Parks & Recreation

Agenda Bill #2332

A Motion accepting for further consideration the 2003 Final Docket of Proposed Comprehensive Plan Amendments - Planning

Summary: This Motion establishes the 2003 Final Docket of Comprehensive Plan amendments. The City of SeaTac procedures for amending the Comprehensive Plan provide for consideration of proposed amendments for the 2003 calendar year in two stages: 1) the Preliminary Docket requires that all proposed amendments be evaluated according to the following criteria: A) the proposal is consistent with requirements of the Growth Management Act (GMA) and Countywide Planning Policies; B) the proposal was not proposed in either of the previous two calendar years unless: B1) conditions have changed substantially in the immediate areas, or B2) the proposal was eliminated in the previous year due to incomplete information; and C) is not in conflict with an adopted Comprehensive Plan Policy; is not redundant with, or duplicative of, an adopted Comprehensive Plan Policy; or is not clearly out of character with the goals of the adopted Comprehensive Plan.

In addition to the above criteria, proposed map changes are evaluated against some additional criteria: 1) the proposal is or can be adequately served by sewer, water and roads; 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 these criteria are not recommended to be included in the Final Docket as potential 2003 amendments to the Comprehensive Plan. Conversely, all proposed amendments that satisfy these criteria, along with the 2003 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 Protection Act (SEPA) review, public notice requirements, and considered in a Public Hearing to be held by the PC. The City Council is scheduled to act upon the Final Docket in December 2003. At that stage of the process, they may elect not to adopt the proposals included in the Final Docket.

Agenda Bill #2316

A Motion authorizing the City Manager to enter into a Contract with C.W. Williams Construction Co. for construction of the South 204th Street Detention Pond Repair - Public Works

Summary: This contract is for repair of the existing divider in the South 204th Street Detention Pond. The project was advertised for bids from June 11 to 25, 2003. The bid opening was on June 25 and eight bids were received. The engineer's estimate was \$27,500. C. W. Williams Construction Co. submitted the low bid at \$16,060.

It is recommended that City Council authorize the City Manager to enter into a contract with C. W. Williams Construction Co. in the amount of \$16,060 and to authorize a 10 percent contingency of \$1,606 for a total project budget of \$17,666. The budgeted amount is \$60,000.

Removal of Agenda Bill No. 2336:

Councilmember Fisher requested that Agenda Bill No. 2336 be removed from the Consent Agenda and placed under New Business for discussion purposes.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ACCEPT THE CONSENT AGENDA WITH THE REMOVAL OF AGENDA BILL NO. 2336 TO NEW BUSINESS.

MOTION CARRIED UNANIMOUSLY.

Mayor Brennan, on behalf of the audience who are new to the Council decision making process, explained that the agenda bills listed under the Consent Agenda have all been through various Council Committees and Study Sessions (SS) prior to being voted on at a Council Meeting. Items can be removed by a Councilmember to New Business and discussed further.

PUBLIC HEARING:

·Contract for Garbage Services – Public Works

Mayor Brennan opened the Public Hearing at 6:26 p.m.

Public Works Director Monaghan stated that the community is being requested to fill out a three-part survey on what they would like to have in the City for garbage service. The survey is divided into three parts: General Garbage, Recycling, and Rates. The current rates are set by the Washington State Utilities and Transportation Commission (WSUTC). The Cities have no say as to adjusting those rates to deal with community issues. Waste Management Services asked of the City if they would be interested in negotiating a contract with a hauler for garbage service, which would take the decision process away from the WSUTC. Staff would be interested in researching this alternative. Staff is looking for direction from the community and Council as to what services and rates would best benefit the residents and businesses, whether it would be mandatory or voluntary service. If the City is employing service, the survey asks questions such as whether

garbage and yard waste be combined or garbage and recycling be combined and yard debris be separate or all services independently contracted. Such questions as should rates be lower for low-income senior and/or disabled residents also needs to be decided.

Mr. Monaghan concluded that the next step is that the surveys will be compiled and brought back to Council at the September 23 SS to develop a strategy with a hauler.

Council discussion ensued regarding some of the survey questions to which Mr. Monaghan replied that the survey questions are being presented to the public for input and the Council will have the final decision with the aid of the answers from the citizenry.

Joe Dixon, 19211 35th Avenue South, former member/chair of the sunsetted Solid Waste Advisory Board (SWAB) in the early 90's, stated that at that time, the board had recommended the City contract with a hauler and not use the WSUTC. He added that he still recommends negotiations with a hauler; however, he felt the services should be voluntary and not include yard debris, which is sporadic, and with a hauler, whether it be Rabanco or Waste Management. He added that Rabanco has always provided very good customer service.

Pat Carter, 3041 South 201st Street, was concerned as to the cost of a Citywide garbage service. Some residents recycle and some use the City's recycling events. She felt that a change would not keep people from having trash in their backyards. She suggested doing as Seattle has done and have a mandatory garbage service. Right now, SeaTac garbage service is working out well.

When there was no further input, Mayor Brennan closed the Public Hearing at 6:44 p.m.

NEW BUSINESS:

Agenda Bill #2288; Ordinance No. 03-1022

An Ordinance repealing Chapters 13.40 and 13.45 of the SeaTac Municipal Code (SMC) related to Dangerous Buildings and Housing, and adopting and amending the International Property Maintenance Code to replace the repealed Chapters - Public Works

Summary: This Ordinance repeals the Uniform Code for the Abatement of Dangerous Buildings and the Uniform Housing Code and replaces them with the International Property Maintenance Code (IPMC) and further amends the Code by adding additional regulations for vacant buildings.

The Uniform family of Codes is no longer being published and has been replaced by the new International family of Codes published by the International Code Council (ICC). As part of this Code development process, the ICC combined the Uniform Code for the Abatement of Dangerous Buildings and the Uniform Housing Code into the IPMC. This Code will better interface with the new International Building Code that was recently chosen by the State of Washington to succeed the Uniform Building Code (UBC).

This Ordinance also amends the IPMC by adding more regulations for vacant buildings. Specifically, the Ordinance requires vacant buildings to maintain an appearance of being occupied and remain secured and safe to the public.

Public Works Director Monaghan stated that a presentation on this issue was given at the July 15 SS.

NEW BUSINESS (Continued):

Agenda Bill #2288; Ordinance No. 03-1022 (continued): Deputy Mayor DeHan requested staff bring this item back (from July 15 SS) and place on this meeting's agenda under New Business allowing time for staff to compile statistics on surrounding jurisdictions. The Washington State UBC will soon be eliminated and replaced by the International Building Management Code (IBMC) for more clarity. One of the main reasons for using the IBMC is to protect the public health and safety and quality of life.

Council discussion ensued as to the need for the change. Councilmember Fisher stated his concern that an owner might be out of the area when the City determines the property is not being kept up or is vacant. Mr. Monaghan replied that there is a process that the City goes through as part of CE, i.e. notice is given and letters are sent out notifying the property owner. The primary element is to get the building secured and prevent it from deteriorating and open to vandals and vagrants. Under the current Code, the aesthetic elements of the building are more detrimental to the value of the neighborhood than appropriate and this is the reason this item is coming before Council. Some buildings have been abandoned for eight to 10 years.

Councilmember Siefkes stated that this issue went before the PC and there were a lot of questions. This is a decreased version of what was first brought before the PC. Public Works Building Official Phillips stated that staff was asked by Council to go before the PC and get its input and incorporate that input into the Ordinance, take the Ordinance to the

Transportation & Public Works (T&PW) Committee and then bring it to the Council.

MOVED BY DEHAN, SECONDED BY HANSEN TO ADOPT ORDINANCE NO. 03-1022.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2322; Ordinance No. 03-1023

An Ordinance adopting the 2002 National Electrical Code (NEC) and amending the City's Electrical Permit Fee Schedule - Public Works

Summary: The NEC is revised every three years by the National Fire Protection Association. It is also amended and adopted by the State. The City must adopt it locally to legally enforce it and to provide consistency to the construction industry. The Ordinance also increases the City's electrical permit fees, which have not been adjusted since the City's incorporation. It is estimated the annual fee revenue will increase approximately \$34,000 per year.

Mr. Monaghan stated this issue went before T&PW Committee and was recommended for Council action at the July 22 SS and is now being brought back to Council for further discussion. Deputy Mayor DeHan added that there was a request to review the fee schedule comparing it to surrounding jurisdictions. Mr. Monaghan stated that that question was answered and the committee asked that staff bring it back in line with the surrounding jurisdictions. This has been done and was presented to the T&PW Committee in July and the rates fairly well emulate what is happening in the surrounding area.

MOVED BY HANSEN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 03-1023.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2340; Ordinance No. 03-1024

An Ordinance providing for waiver of Off-site Improvements, under specified circumstances, in regard to Public School Buildings - Legal

Summary: This Ordinance adds a new Section 13.35.015 to the SMC providing a procedure for the City's Hearing Examiner (HE) to waive off-site improvements on rights-of-way (ROWs) adjacent to public school projects under certain limited conditions.

A question arose at meetings of the T&PW Committee, and at meetings of the full Council, in regard to waiving imposition of the usual requirements for off-site construction of streets, curbs and gutters, planting strips, and sidewalks surrounding the new Madrona Elementary School project of Highline School District (HSD) No. 401 with funds from the voter-approved \$189.5 million capital improvements bond issue of 2002.

Siting of the elementary school in an Urban Low Density Zone (UL) is subject to the major Conditional Use Permit (CUP) process of SMC 15.22.030. The said Section grants to the HE the authority to issue such permits conditioned as may be deemed necessary following a quasi-judicial hearing and subject to the criteria of SMC

NEW BUSINESS (Continued):

Agenda Bill #2340; Ordinance No. 03-1024 (Continued): 15.22.030(D). Under present circumstances, there exists no authority for the HE to waive the off-site improvements mandated by SMC 13.35.010.

The HE held an open-record public hearing on March 27, 2003 and a re-opened public hearing on May 1, 2003. Notices of the hearings were posted, published in the Seattle Times, and were mailed to all owners or occupants of real property located within 1,000 feet of the school site, pursuant to SMC 16.07.010(B)(3)(b).

The HE placed into evidence a petition signed by all seven owners of residences on the north side of South 202nd Street, expressing concern about the possibility of installing a sidewalk on the south side of the street as a result of the new school construction. The petitioners stated that they were against the sidewalk for a number of reasons. There was no testimony or comments regarding off-site improvements on other adjacent ROWs.

Following conclusion of the public hearings, the HE issued his Findings, Conclusions, and Decision, which eliminated the requirement for construction of the extension of South 202nd Street through the unimproved portion of the ROW westerly to intersect with 30th Avenue South. His rationale was based upon testimony of the residents of South 202nd Street that impacts would result by opening South 202nd Street to 30th Avenue South, even if only for pedestrians, and would dramatically change the character of the cul-de-sac. Otherwise, the off-site improvements on all four surrounding streets and ROWs were required.

Subsequently, the Council discussed the possibility of waiving the frontage improvements, specifically including sidewalks, on South 202nd Street and on 30th Avenue South. At its July 8, 2003 RCM, Council concurred that the off-site

frontage improvements on South 202 Street were not warranted and elimination could involve a savings up to \$200,000 of the District's taxpayer funds, which money could be diverted to more important and useful capital improvements on the school site. Accordingly, the Council requested the Ordinance provide a means by which the HE could waive the otherwise required improvements when requested by the abutting residential property owners, if any, and when elimination of the improvements would not compromise safety.

The HSD has indicated its willingness to submit a revised site plan to the HE, for the purpose of reopening the public hearing for the limited determination of whether the frontage improvements on South 202nd Street should be eliminated pursuant to this new Ordinance. Staff has assured the HSD that reopening of the public hearing will not delay processing of its previously submitted application for building permit. Rather, if the improvements are waived, the building permit will simply be revised accordingly.

However, to ensure that the HE has the requisite authority to waive the off-site improvements required by SMC 13.35.010, it is essential that the Ordinance be effective immediately in support of existing public institutions. In compliance with the former statute, the Ordinance must be passed by unanimous vote of the Council.

Pursuant to Council consensus at its July 8, 2003 RCM, it is recommended that the proposed Ordinance be adopted to be immediately effective.

City Attorney McAdams briefed on the above summary.

MOVED BY HANSEN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 03-1024.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2336

A Motion authorizing transfer of funding for SeaTac Senior Center Design from the Community Development Block Grant (CDBG) Capital Project to the CDBG Planning and Administration Category - City Manager / Parks & Recreation

Summary: The City applied for and was granted 2003 CDBG funds in the amount of \$41,195 for the purpose of performing a program design study for a senior center as a capital project. It has been determined by KC that the program design study does not qualify as a CDBG Capital Project since it will not result in an architectural and engineering bid package. KC has determined that the project qualifies as a planning activity under the CDBG Planning and Administration category. There is a total of \$14,959 in Planning and Administration funds available in 2003 and a similar amount is estimated to be available in 2004. The Parks and Recreation Department has concluded that the Senior Center Design study could be accomplished within a two-year time frame with the

NEW BUSINESS (Continued):

Agenda Bill #2336 (Continued): approximately \$30,000 in funding available (\$15,000/year). This change in funding will not impede nor delay the Senior Center Design Study.

Approximately \$30,000 in Planning and Administration funds will be used to complete the design study. The amount of \$41,195 in CDBG Capital Project funds will be available to reallocate to a capital project of the City's choosing in 2003 or 2004.

City Manager Rayburn briefed on the above summary.

Councilmember Fisher stated he had this item pulled from the Consent Agenda in order that he could vote against this grant. He felt the study has been studied all over the States and is general in nature. Since it is not specific in location, he felt it did not warrant a yes vote.

MOVED BY HANSEN, SECONDED BY WURDEMAN TO ACCEPT AGENDA BILL NO. 2336.

UPON A ROLL CALL VOTE, THE MOTION CARRIED WITH FISHER VOTING NO.

PUBLIC COMMENTS: Tracy Wythe, 14204 24th Avenue South, commented on Agenda Bill No. 2288, relating to dangerous buildings and housing, which was passed by Council this evening. Her concern is for the safety and well being of the community. She feels this is a good objective. However, she had an issue as to the property owners' rights being violated. The Ordinance should have power over the outside of the property but the inside is the owner's right, not the City's.

Linda Snider stated that she hoped SeaTac would elect to stay with Rabanco Disposal, adding that Waste Management has poor customer service.

Chris Wythe, 14204 24th Avenue South, concurred with his wife, Tracy's remarks on Agenda Bill No. 2288, the issue on

vacant buildings. The amendments give increased power to CE Officers, who are policing the neighborhoods. The problem is that the police go through extensive screening. He did not think this process is set up for CEs. He felt the Ordinance should have included additional protection for the citizens.

CITY MANAGER'S COMMENTS: City Manager Rayburn reminded Council that August 12 is the next date the Council will meet. It will be a SS/RCM. August 5, which would have been a SS, has been cancelled due to Council attendance at the National Night Out (NNO) in the community. Following the August 12 meeting, the next meeting will be held on September 9 for a SS/RCM.

CITY COUNCIL COMMENTS: Mayor Brennan added that Councilmembers, who need a ride on NNO, could contact the Police or Fire Departments.

Councilmember Fisher stated that the Council candidates were all excellent and anyone of them would be an excellent candidate for the PC. He added that the PC is very important and he will vote for a seven-member PC.

Newly appointed Councilmember Siefkes stated that he would like to compliment the PC. The members really care about the future of SeaTac. They are well versed on the land issues of the City. He added that he hoped between now and November, he can contribute to making SeaTac policies and be worthy of the Council seat he was appointed to.

Councilmember Anderson agreed that any of the candidates could well serve on the PC. Secondly, she mentioned that the United Services Organizations (USO) are in dire need of volunteers who could help the older retired volunteers with the transporting of food items. Apparently the access to the building is difficult and food has to be transported to this area. She hoped younger persons would volunteer to help out.

Deputy Mayor DeHan congratulated Councilmember Siefkes and concurred with Council comments that the slate of candidates was excellent and the City could use their willingness to serve on any one of the Citizens Advisory Committees.

Mayor Brennan concurred, adding that working on any of the Citizens' Advisory Committees is very important to the City and the Council.

ADJOURNMENT: MAYOR BRENNAN ADJOURNED THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 7:26 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

August 12, 2003

Immediately followed the Study Session

**City Hall
Council Chambers**

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Joe Brennan at 8:00 p.m.

COUNCIL PRESENT: Mayor Joe Brennan, Deputy Mayor Don DeHan, Councilmembers Gene Fisher, Michael Siefkes, Terry Anderson, Frank Hansen and Will Wurdeman.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Craig Ward, Assistant City Manager; Judith Cary, City Clerk; Bob McAdams, City Attorney; Kathy Black, Administrative Assistant III; Kit Ledbetter, Parks & Recreation Director; Julie Elsensohn, Assistant City Attorney; Steve Butler, Planning Director; Holly Anderson, Senior Planner; Jack Dodge, Principal Planner; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: The Flag Salute took place at the Study Session held prior to this meeting.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$837,867.73 for the period ending August 5, 2003.
- **Approval of employee vouchers** in the amount of \$522,728.25 for the period ending July 31, 2003.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending August 8, 2003.

Approval of Council Meeting Minutes:

- **Study Session** held May 20, 2003.
- **Regular Council Meeting** held July 22, 2003.

Acceptance of Advisory Committee Minutes:

- **Planning Commission Meeting** held July 14, 2003 (Commission approved July 21, 2003).

Approval of the following Agenda Items recommended at the August 12, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2345

A Motion approving the Low Bidder for installation of a Sheet Metal Roof on Valley Ridge Community Center (VRCC) – Facilities

Summary: Staff sent out specifications and received bids from eight vendors. The low bidder was Hawkins Heating & Sheet Metal Co., located in Tacoma. This firm was one of several commercial installers who were on a list provided by the manufacturer of the sheet metal roofing. Installing a new metal roof on VRCC will make a better esthetic fit as it will match the existing roof on the restroom that was installed in 1999.

The bid results are as follows:

| <u>Contractor</u> | <u>Base Bid</u> |
|-----------------------------------|-----------------|
| Hawkins Heating & Sheet Metal Co. | \$23,657 |
| MD Sheet Metal, Inc. | \$23,700 |
| SQI, Inc. | \$25,863 |
| Orion Sheet Metal | \$27,885 |
| Exterior Metals, Inc. | \$28,980 |
| Metal Systems, Inc. | \$37,346 |
| Metal Roof Specialties, Inc. | \$38,396 |
| CHG Building Systems, Inc. | \$38,873 |

It is recommended that the City Council approve Hawkins Heating & Sheet Metal Co., the low bidder, for installing the sheet metal roof on the VRCC.

The total cost of this project is \$28,313, including sales tax and a 10 percent contingency. The approved budget for this project is \$35,000 from the General Fund.

Agenda Bill #2350

A Motion approving the Low Bidder for Ornamental Fencing at City Hall Parking Lot – Facilities

Summary: This Motion approves a contract to remove the existing chain-link fence at the north side of the City Hall

parking lot and replace it with ornamental fencing to match that on City property on the other side of the off-ramp.

CONSENT AGENDA (Continued):

Agenda Bill #2350 (Continued): Bids were solicited from several contractors. The results are as follows:

| <u>Contractor</u> | <u>Bid</u> | <u>W/Contingency & Tax</u> |
|-------------------|------------|--------------------------------|
| Mocon | \$26,989 | \$32,062.93 |
| Quality Fence | \$27,140 | \$32,242.32 |
| Olympic Fence Co. | \$29,870 | \$35,485.56 |

It is recommended that the City Council approve Mocon, the low bidder, to install the fencing.

Agenda Bill #2256; Ordinance #03-1026

An Ordinance amending the City's Sign Code to extend the Amortization Period for Nonconforming Signs – Legal / Planning

Summary: This Ordinance extends the amortization period for nonconforming signs for three years, until December 15, 2006.

The City adopted its original Sign Code in 1992. The original Ordinance included an amortization period of nine years for nonconforming signs. It also provided that a sign inventory would be conducted throughout the City and sign and property owners would be notified which of their signs were nonconforming. Due to the fact that those sign inventories were not conducted and tabulated until 1994, the amortization deadline was determined to be October, 2003.

A recent court decision determined that local jurisdictions along primary State Highways and Interstates are subject to the Scenic Vistas Act which statute provides that jurisdictions must compensate a sign or property owner upon the requirement of the removal of any sign, including nonconforming signs. Due to the large number of nonconforming signs within the City along International Boulevard (IB), a primary State Highway, the court decision could have significant financial implications upon enforcement of the amortization period. Therefore, a three-year extension on the amortization period is proposed, allowing time to follow the pending cases in order to fully assess the potential financial and programmatic impacts and to explore other options.

After a public hearing on July 21, 2003, the Planning Commission (PC) voted to recommend the amortization period be extended as proposed.

Agenda Bill #2351; Resolution #03-016

A Resolution ratifying amendments to the King County (KC) Countywide Planning Policies (CPP) – Planning

Summary: The KC Council adopted the following Ordinances on May 19, 2003:

- 1) Ordinance No. 14652, ratifying amendments to the CPP detailed in Growth Management Planning Council (GMPC) Motion No. 02-4, adding Policy FW-12c to Section III. C of the CPP, affirming that long-term water supply planning efforts in the region must be ongoing;
- 2) Ordinance No. 14653, ratifying GMPC Motion No. 02-1 amending Sections III.C and III. F of the CPP relating to the process for distributing the Washington Office of Financial Management 20-year population growth projection for KC, and the Puget Sound Regional Council's year 2020 employment forecast, to the KC Cities and the unincorporated areas of KC as Growth Targets; and ratifying amendments to the CPP detailed in GMPC Motion No. 02-2, recommending the Household and Employment Growth Targets be adopted in the CPP to revise the household growth targets to reflect the target extension to 2022; and ratifying amendments to the CPP detailed in GMPC Motion No. 02-3 recommending the Household and Employment Growth Targets be adopted in the CPP to revise the employment growth targets to reflect the target extension to 2022;
- 3) Ordinance No. 14654, ratifying amendments to the CPP detailed in GMPC Motion No. 02-5, amending the Urban Separator Map in the CPP, specifically related to the Renton Urban Separator;
4. Ordinance No. 14655, ratifying amendments to the CPP detailed in GMPC Motion No. 02-6, designating Totem Lake as an Urban Center; and
- 5) Ordinance No. 14656, ratifying amendments to the CPP detailed in GMPC Substitute Motion No. 99-3, designating Agricultural Production District lands.

These Ordinances amend the CPP to reflect the new 20-year growth projection, as required by the Growth Management Act (GMA), and identify a process for distributing that growth to KC Cities and unincorporated areas. City staff participated in a technical work group from September 2001 to June 2002 which recommended

CONSENT AGENDA (Continued):

Agenda Bill #2351; Resolution #03-016 (Continued): the distribution of growth targets to Cities and the unincorporated areas. The group's recommendation was adopted by the GMPC. Policy LU-25a (Ordinance No. 14653, Motion 02-1) specifies that the targets will be used to plan for and accommodate growth within each jurisdiction, not to obligate a jurisdiction to guarantee that a given number of housing units will be built or jobs added during the planning period.

The Ordinances related to amending the Urban Separator Map (Ordinance No. 14654), to designating Totem Lake as an Urban Center (Ordinance No. 14655), and to designating Agricultural Production Districts (Ordinance No. 14656) do not have any effect on the City of SeaTac.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS:

Proposed Award of 2003 Community Development Block Grant (CDBG) Funds - City Manager

Mayor Brennan opened the Public Hearing at 8:03 p.m.

Assistant City Manager Ward stated that the staff report was provided at the Study Session (SS) held prior to this meeting. He added that he would be happy to answer any questions from Council or the public.

Ralph Shape, 3757 South 194th Street, stated that this issue has changed since it was originally proposed. The original \$41,000 came from KC for the purpose of studying a senior center in SeaTac. KC had decided this was not the proper use of the money but came up with an additional \$15,000 for 2003 and 2004. He felt that the original money rightfully belonged toward the study. He was hopeful a fund could be set aside so some of the money could go to pursue architectural development of a center. He hoped this decrease in funding would not curtail any future senior center development. He added that the use of the \$41,000 is going to two worthy causes.

Administrative Assistant III Black replied that it appears Mr. Shape does understand that there are monies available. This year there will be \$14,959 available. There is a smaller amount allotted for next year. The City is using the maximum this year under the CDBG Program for this program. The Parks Department has prepared a Request for a Consultant to begin the work this year. The department has determined that this study can be completed with the reduced funding, to be partly completed by the end of this year and the rest completed early next year. Mayor Brennan stated that Mr. Shape can connect with Ms. Black if he has any further questions.

Marilyn Smith, Abused Deaf Women's' Advocacy Services (ADWAS) representative, 2627 Eastlake Avenue East, Seattle, thanked the Human Services Advisory Committee for their recommendation to fund their agency. This Transitional Housing Program is the first of its kind and will serve all of KC, including SeaTac. She added that she hopes to see the Council at their Open House on June 2005.

Mayor Brennan closed the Public Hearing at 8:10 p.m.

NEW BUSINESS:

Agenda Bill #2339

A Motion to reallocate 2003 Community Development Block Grant (CDBG) Funds recaptured in 2003 to Capital Projects and to Public Services – City Manager

Summary: The recaptured CDBG funds of \$41,195 and \$33,955 (total \$75,150) are available to reallocate in 2003. Of that total, \$4,782 is available to allocate to the Public Services category. After reducing the total by \$14,959 (for Senior Center Design) and \$4,782 (for Public Services), there remains a balance of \$55,409 available for 2003 Capital projects. If the following recommendations are approved, a balance of \$14,604 would be returned to KC for reallocation to SeaTac in 2004.

The City of SeaTac currently has \$55,409 in recaptured 2003 CDBG funds available for reallocation to Capital Projects and \$4,782 in 2003 CDBG funds available for allocation to Public Services. These funds may be designated for 2003 projects and services. Recommendations for funding were based upon an assessment of need in the SeaTac community for various human services and an allocation of resources to best meet those needs.

NEW BUSINESS (Continued):

Agenda Bill #2339 (Continued): Factors considered include: currently funded City projects and services and 2004 CDBG application requests. The following recommendations are consistent with the objectives and policies of the KC Consortium Consolidated Housing and Community Development Plan and Federal regulations. The Human Services Advisory Committee supports allocations to the following non-profit agencies. A staff proposal to increase ADWAS funding from \$10,195 to \$20,000 occurred subsequent to the committee's meeting. The recommendations are as follows:

- \$20,805 for KC Major Housing Repair Program to provide financial assistance to SeaTac low- and moderate-income homeowners for interest free deferred payment loans and grants for emergency housing repairs;
- \$20,000 for acquisition of land to construct the first of its kind facility in the U.S., "A Place of Our Own," for ADWAS. The facility, to be located at 8623 Roosevelt Way NE, Seattle, would provide accessible services to deaf and deaf-blind victims of domestic violence and sexual assault. In 2002, two percent of ADWAS clients came from

- SeaTac. The project, costing 1.7 million, has received support from other KC Cities; and
- \$4,782 for Des Moines Area Food Bank to serve approximately 2,557 additional meals to low and moderate-income residents.

In 2004, the City will receive \$26,684 in CDBG funds in excess to meeting 2004 application requests. The recaptured funds of \$14,604 from 2003, in addition to the \$26,684, would provide the City with a total of \$41,288 over and above funding requests for 2004. The 2004 CDBG recommendations for funding will be presented to Council on September 9.

MOVED BY HANSEN, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 2339.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (Continued):

Interim Wireless Telecommunication Facilities (WTF) Standards - Planning

Mayor Brennan opened the Public Hearing at 8:11 p.m.

Joe Dixon, 19211 35th Avenue South, referenced the previous PC meeting at which a representative of the WTF industry spoke on the area required for the facilities in addition to the poles and antennas. The representative stated 463 square feet (s.f.) would suffice but would prefer 500 s.f. Some Cities have as little as 100 sq. ft. Mr. Dixon claimed that cell phone users in the City have no problems with their communications. This is a very competitive and profitable business. He gave a brief history on electronics of years past. He added that the City should be examining placing the poles and housing in industrial areas rather than in residential areas. He felt hiring an unbiased consultant, as suggested earlier, would be in the City's best interest.

Linda Snider, 18700 36th Avenue South, clarified that her comments are as a SeaTac resident and not as a PC member. The PC meeting at which the representative spoke raised many concerns for her. In the presentation given this evening, two poles were shown but not with a building housing connecting equipment. He explained for each antenna, there has to be a unit box on the ground. His intent was to persuade the Council to increase the size of the box. She felt this is a more serious issue than the poles. She felt after hearing this information, that poles in residential areas would not be acceptable. She urged the Council to agree that the box has to be underground. She also started noticing poles along I-5 with no boxes above ground. As for multiple servicers on one pole, the industry would not be favorable to that idea, adding if they did share a pole, they would not share the same box. She feels an unbiased consultant should be hired to serve in the City's best interest.

Councilmember Fisher stated he agreed with Ms. Snider's comments; there are more issues that need addressing.

Councilmember Hansen stated that he understands that this issue is to extend the moratorium. He felt staff needs to obtain more facts before taking any further action.

Councilmember Anderson agreed and added this item was before the Land Use & Parks (LUP) Committee. She added that when Councilmember Fisher wanted to place it on this agenda, he explained this was being done now in order to prevent the older style poles from continuing to be put in place.

PUBLIC HEARINGS (Continued):

Interim WTF Standards (Continued): Deputy Mayor DeHan added that staff and the PC need to review this issue further, go before the PC in October for their recommendation and present to the Council for their decision-making. This agenda bill is only a means for time to be given to study the issue

Councilmember Wurdeman questioned the use of a consultant to assist the City with this issue. Deputy Mayor DeHan replied that prior to considering such action, the staff and PC need to look at the issues and if they feel a consultant is needed, they will bring the request back to Council for its approval.

Mayor Brennan concluded that this issue will affect the City and needs a qualified consultant to serve in the best interest of the City. He commended the staff and PC for their diligent work on this issue. He added that he would like the issue brought back to Council every two months for update and discussion.

Mayor Brennan closed the Public Hearing at 8:30 p.m.

NEW BUSINESS (Continued):

Agenda Bill #2341; Resolution #03-017

A Resolution adopting Findings of Fact in support of the Interim Development Standards for Wireless Telecommunications Facilities (WTFs)

Summary: This Resolution adopts findings of fact to justify the City's Interim Development Standards for WTFs, as required by statute.

On June 24, 2003 the City Council adopted Interim Development Standards for WTFs under Ordinance No. 03-1021. The standards became effective June 24, 2003 and will remain in effect for a period of six months, providing that, pursuant to statute, a public hearing is held within 60 days and findings of fact are made in support of the interim standards. The following items are included in the interim standards:

- Revised regulations for "utility pole swap outs" that limit the type and appearance of antennas on utility poles, and limit the height of replacement poles to 45 feet in low-intensity zones and 55 feet in high-intensity zones;
- New regulations for low-intensity zones that prohibit the location of new monopoles/support structures within those zones; and
- Amended definition of low-intensity zones to include the Neighborhood Business (NB) and Office/Commercial/Mixed Use (O/C/MU) zones in addition to residential zones.

The standards were adopted on an interim basis to allow sufficient time to develop permanent WTF regulations without declaring a moratorium on new wireless facilities. Updated WTF regulations are necessary to keep pace with evolving wireless technology while protecting the aesthetic character of the City's low-intensity land use zones.

The Interim Standards are intended to ensure that wireless communications projects will be consistent with the City's Comprehensive Plan and compatible with surrounding development. The City's previous WTF development standards were adopted eight years ago. Recent projects have given the City experience with the aesthetics of various antenna types. The interim standards improve upon the previous WTF regulations and provide greater compatibility, especially in residential areas.

The findings of fact in the Resolution identify the Comprehensive Plan policies that support the Interim Standards.

MOVED BY HANSEN, SECONDED BY DEHAN TO PASS RESOLUTION NO. 03-017.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (Continued):

Proposed amendments to the City/Equitable Capital Group Development Agreement - Planning

Mayor Brennan opened the Public Hearing at 8:31 p.m.

The staff report was presented at the prior SS.

No public input was brought forth.

Mayor Brennan closed the Public Hearing at 8:32 p.m.

NEW BUSINESS (Continued):

Agenda Bill #2342; Resolution #03-018

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

Summary: This Resolution amends an existing Development Agreement between SeaTac and ECG related to a commercial parking lot located at 2701 South 200th Street. This agreement allowed a departure from some interior parking lot landscaping requirements for a period of five years. The amendment would change the deadline for submitting a Building Permit from five years to a time coincident with the construction of a future Light Rail Transit (LRT) station. It also adds South 200th Street Station, LLC as an owner of portions of the property.

In addition, the legal description of the property and the tax parcel numbers were not included with the original Development Agreement as filed with the KC Recorder. It is appropriate that this information be included with a Restated Development Agreement.

MOVED BY DEHAN, SECONDED BY ANDERSON TO PASS RESOLUTION NO. 03- 018.

MOTION CARRIED UNANIMOUSLY.

Tom Dantzer, president of ECG, thanked the Council for their passage of Resolution No. 03-018.

CITY MANAGER'S COMMENTS: City Manager Rayburn requested Council's consideration of a joint meeting of the Council and the PC on September 30 (5th Tuesday of the month) from 4:30 – 5:30 p.m. following the Budget Workshop. Council concurred with this request.

CITY COUNCIL COMMENTS: Councilmember Anderson stated that the Bow Lake Mobile Home Park held an

appreciation function for the Police Department on Sunday, August 10. The residents brought many teddy bears for the officers to hand out to children during crisis situations. While talking with some of the residents, they mentioned they were not able to attend the City Hall Open House. Also, at the City's National Night Out (NNO) event, she heard the same comment from other residents. Councilmember Anderson suggested a tour of the new City Hall be conducted from 5:00-6:00 p.m., sometime in the fall of 2003.

Deputy Mayor DeHan gave a report on the South County Area Transportation Board (SCATBd) meeting held earlier today. The meeting minutes and other relative information will be placed in the Council's Friday Packet. A presentation was given by the "Citizens for King County Monorail" which is another people mover system that is in its development stage. He would like to place this item on a future SS agenda; and 2) NNO was a great event and thanked the staff and community for the wonderful participation.

ADJOURNMENT:

(MOTION TO ACCEPT AGENDA BILL NO. 2337.)

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

September 9, 2003

Immediately following the Study Session

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Joe Brennan at 6:30 p.m.

COUNCIL PRESENT: Mayor Joe Brennan, Deputy Mayor Don DeHan, Councilmembers Gene Fisher, Michael Siefkes, Terry Anderson, and Will Wurdeman. Excused absence: Councilmember Frank Hansen.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Craig Ward, Assistant City Manager; Judith Cary, City Clerk; Robert McAdams, City Attorney; Michael McCarty, Finance Director; Kathy Black, Administrative Assistant III; Kit Ledbetter, Parks & Recreation Director; Steve Butler, Planning Director; Jack Dodge, Principal Planner; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Betty Brennan, Mayor Brennan's wife, led the Council, staff and audience in the Pledge of Allegiance.

PUBLIC COMMENTS: John Thompson, 2504 South 148th Street, stated that he realizes a large part of the City's revenue comes from the parking tax. He explained that when he was in line to pick up his passenger at the airport last week, he was forced to go in the parking garage and pay a parking fee. It was not his intention to park but rather to pick up a traveler. He hoped the City does not support this action by the Port of Seattle (POS) Police.

Mayor Brennan stated that the POS have their own Police Department. However, this matter will be brought up with the POS at the next Joint Advisory Committee.

Darlene Thompson, 2504 South 148th Street, stated that YMCA Representative Jim Miller spoke at the last Senior Citizens Advisory Committee Meeting regarding building the YMCA in the City. Ms. Thompson told him the seniors would agree with the YMCA's plans if they get a center as well. They want to be on the committee and would like the facility to be centrally-located. The South 188th Street location would be centrally located.

Councilmember Anderson stated that Mr. Miller is scheduled to speak at the Land Use and Parks (LUP) meeting on Thursday, September 11 at 2:30 p.m. He gave his commitment that if all programs were in one building, there would be a separate entrance for the seniors. She stated she would be like Mrs. Thompson to attend this meeting.

Mayor Brennan stated he spoke with Mr. Miller a month ago on this subject as to whether to build a senior center within the YMCA or have a separate stand-alone building next to the YMCA. Mayor Brennan added that in talking with Councilmember Anderson, she felt it was better connected to the YMCA building to share the kitchen facilities cost and use. He added that the seniors are an intricate part of the discussions.

Councilmember Wurdeman stated that Tukwila has modified its community center to accommodate their seniors. The senior activities are on the westerly portion of the facility with the kitchen between two facilities. He agreed with the sharing of the kitchen.

Deputy Mayor DeHan stated that when the City staff reviews the lease soon for Council consideration, part of the lease includes an adhoc committee of a diverse group of individuals to include seniors, residents of the area, and business persons who will recommend what goes into the design and how it gets built.

CERTIFICATES OF APPRECIATION:

·Certificates of Appreciation to outgoing Planning Commission Members Michael Siefkes and R. Dean Brinton

Mayor Brennan stated that due to a prior commitment, outgoing Planning Commission (PC) member R. Dean Brinton was unable to attend the meeting to receive his certificate. It will be mailed to him.

Mayor Brennan presented Michael Siefkes with a Certificate of Appreciation for his service to the City on the PC.

CONFIRMATION OF MAYORAL APPOINTMENTS/REAPPOINTMENTS:

·Confirmation of Appointments and Reappointments to various Citizen Advisory Committees

MOVED BY DEHAN, SECONDED BY ANDERSON TO CONFIRM THE MAYORAL REAPPOINTMENTS OF MARGO MINARD AND GEORGE ISHII TO THE HUMAN RELATIONS ADVISORY COMMITTEE AND LINDA SNIDER TO THE PLANNING COMMISSION AND THE MAYORAL APPOINTMENTS OF JOSEPH DIXON AND MARK SIEGEL TO THE PLANNING COMMISSION.

CONFIRMATION OF MAYORAL APPOINTMENTS/REAPPOINTMENTS (Continued):

MOTION CARRIED UNANIMOUSLY.

Deputy Mayor Don DeHan read the certificates and Mayor Brennan presented the certificates to the attending appointees. Due to prior commitments, Margo Minard and George Ishii were unable to attend to receive their certificates. They will be mailed to them.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$1,487,367.78 for the period ending August 20, 2003.
- **Approval of claims vouchers** in the amount of \$211,111.81 for the period ending August 29, 2003.
- **Approval of claims vouchers** in the amount of \$1,988.31 for the period ending August 30, 2003.
- **Approval of employee vouchers** in the amount of \$420,940.98 for the period ending August 15, 2003.
- **Approval of employee vouchers** in the amount of \$527,931.36 for the period ending August 31, 2003.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending September 5, 2003.

Approval of Council Meeting Minutes:

- **Study Session** held August 12, 2003.
- **Regular Council Meeting** held August 12, 2003.

Agenda Bill #2305; Resolution #03-019

A Resolution authorizing substitution of a new Interlocal Agreement (ILA) for the original ILA establishing the Des Moines Memorial Drive (DMMD) Advisory Committee and to execute subsequent ILA amendments - City Manager

Summary: On May 24, 2000, Council adopted Agenda Bill No. 1821 by Motion which authorized the City to join the DMMD Advisory Committee which seeks to develop and implement a plan to preserve and promote the history of DMMD in collaboration with the Cities of Burien, Des Moines, Normandy Park, and King County (KC).

The amendments to the ILA revise the following: 1) membership of the committee to include a Trustee Member of the Highline Historical Society, a representative of the Des Moines Historical Society; 2) the definition of a quorum in order to make official decisions; and 3) the appointment of ex-officio members from utilities including one representative each from Puget Sound Energy (PSE) and Seattle City Light (SCL). Various other edits were made for readability and content, including subsequent amendment and/or termination of the ILA.

Agenda Bill #2362; Resolution #03-020

A Resolution authorizing and establishing a third option Deferred Compensation Plan for eligible City Employees and Elected Officials - Finance

Summary: The City Council has previously authorized two Deferred Compensation Plans for eligible City employees and elected officials through the ICMA Retirement Corporation and the State of Washington Committee for Deferred Compensation. These plans provide tax benefits to participants in the program, and act as an incentive to voluntarily set aside and invest portions of current income to meet future financial requirements and supplement retirement income.

During the labor negotiation process for the 2001-2003 contract, the International Association of Fire Fighters (IAFF) Local 2919 requested that one additional plan be offered to all eligible employees and elected officials. City management considered this request and agreed to the establishment of a third Deferred Compensation Plan. Local 2919 selected the IAFF Financial Corporation Deferred Compensation Plan, administered by Nationwide Retirement Solutions, as a third option. This Plan would operate essentially in the same manner as the two existing plans, with participants directing his/her voluntary contributions among various investment options.

Agenda Bill #2346

A Motion authorizing the City Manager to enter into a Local Hazardous Waste Management Grant Program Agreement with the Seattle-King County (KC) Department of Public Health for continued funding of the City's Waste Reduction and Recycling (WR/R) Programs - Public Works

Summary: The City is eligible to receive \$9,486.85 from the Seattle-KC Department of Public Health's Local Hazardous Waste Management Program (LHWMP) Grant for continued funding of the City's WR/R Programs for a one-year period (2004).

The \$9,486.85 for the grant will further the development and/or enhancement of local WR/R projects including residential and commercial WR/R education programs, business assistance programs and special recycling events.

CONSENT AGENDA (Continued):

Agenda Bill #2346 (Continued): The City has entered into similar agreements with the Seattle-KC Department of Public Health since 1997. These funds will provide the revenue that was projected as part of the budget process for the proposed programs and staff salaries from January 1, 2004 through December 31, 2004.

The City would not incur any additional costs by accepting this grant.

Agenda Bill #2347

A Motion authorizing the City Manager to enter into a Coordinated Prevention Grant (CPG) Agreement with the Washington State Department of Ecology (WSDOE) for continued funding of the City's Waste Reduction and Recycling (WR/R) Programs – Public Works

Summary: The City of SeaTac is eligible to receive \$30,201 from the WSDOE CPG Program for continued funding of the City's WR/R Programs for a two-year period 2004-2005.

The \$30,201 grant will further the development and/or enhancement of local WR/R projects including residential and commercial WR/R education programs, business assistance programs and special recycling events. The City has entered into similar agreements with the WSDOE since 1996. These funds will provide the revenue that is projected as part of the budget process for the proposed programs and staff salaries from January 1, 2004 through December 31, 2005.

The City would not incur any additional costs by accepting this grant.

Agenda Bill #2356

A Motion authorizing the City Manager to enter into a Waste Reduction/Recycling (WR/R) Grant Program Agreement with the King County (KC) Solid Waste Division for continued funding of the City's Waste Reduction and Recycling (WR/R) Programs – Public Works

Summary: The City of SeaTac is eligible to receive \$72,789 from the KC Solid Waste Division's WR/R Grant Program for continued funding of the City's WR/R Programs for a two-year period 2004-2005.

The \$72,789 budget for the grant will further the development and/or enhancement of local waste reduction and recycling projects including residential and commercial WR/R education programs, business assistance programs and Special Recycling Events. The City has entered into similar agreements with the KC Solid Waste Division since 1996. These funds will provide the revenue that is projected as part of the budget process for the proposed programs and staff salaries from January 1, 2004 through December 31, 2005.

The City would not incur any additional costs by accepting this grant.

Agenda Bill #2348

A Motion authorizing the City Manager to enter into an Agreement with the Washington State Department of Transportation (WSDOT) to accept Grant Funding to support the City's Commute Trip Reduction (CTR) Program - Public Works

Summary: The City of SeaTac is eligible to receive funding through WSDOT, continuing implementation of the City's CTR plans and its programs for a two-year period from July 1, 2003 to June 30, 2005.

The agreement provides \$30,739 the first year to the City to develop Ordinances, plans and programs to reduce Vehicle Miles Traveled and Single Occupant Vehicle commute trips and thereby reduce vehicle-related air pollution, traffic congestion and energy use. The City and KC have entered into similar agreements since 1993.

Agenda Bill #2357

A Motion authorizing Final Acceptance of the South 204th Street Detention Pond Repair Project – Public Works

Summary: On July 22, 2003, Council awarded the South 204th Street Detention Pond Repair contract to C.W. Williams Construction Co. in the amount of \$16,060 plus 10 percent contingency of \$1,606 for a total budgeted amount of \$17,666. Work began on July 31 and reached physical completion on August 4. The project consisted of the construction of a new filter channel and repair of the existing divider in the Detention Pond.

The City 406 Surface Water Management (SWM) Capital Expense fund currently has \$60,000 budgeted for the South 204th Street Detention Pond. The expenditures for this project are as follows:

| | Award Amount | Final Cost |
|---|--------------|------------|
| Construction Contract (including 10 percent contingency) | \$17,666 | \$16,060 |

CONSENT AGENDA (Continued):

Agenda Bill #2357 (Continued): It is recommended that the Council accept the South 204th Street Detention Pond Repair Project as complete and begin the 45-day lien period as required by State law.

Agenda Bill #2349; Resolution #03-021

A Resolution amending Resolution No. 90-155 relating to the Law Enforcement Officers' and Firefighters' (LEOFF) Plan I Disability Board – Legal

Summary: This Resolution amends the method of electing members to the LEOFF I Disability Board to comply with a 2003 legislative change.

As required by the Revised Code of Washington (RCW) [41.26.110](#) a LEOFF Disability Board was established by City Resolution No. 90-155 on December 11, 1990. The Board has authority over health matters and medical expenses of retired firefighters covered by LEOFF Plan I.

The Statute provided membership of the Disability Board as follows: two members of the City legislative body appointed by the Mayor; one firefighter elected by the active and retired firefighters employed or previously employed by the City; one police officer elected by the active and retired police officers employed or previously employed by the City; and one member from the public at large, who resides within the City, to be appointed by the other four appointed members.

Because the City did not, and does not, directly employ police officers, the aforesaid Resolution No. 90-155 provided for election of two firefighters, one from the LEOFF Plan I membership and one from the LEOFF Plan II membership. All firefighters, regardless of LEOFF Plan membership, have been eligible to vote for the two firefighter members to the Disability Board.

However, in 2003, the State Legislature amended RCW [41.26.110](#) to provide that only members of LEOFF Plan I are eligible to vote and elect members to the Disability Board. Similarly, it was clarified that all active or retired firefighters of the City are eligible for election to the Board, irrespective of Plan membership.

The Resolution specifically provides that only LEOFF Plan I active or retired members of the Fire Department may vote for firefighter representatives to the Disability Board. This Resolution continues the previous practice of requiring election of a LEOFF Plan I member, active or retired, to the position statutorily assigned to a police officer. In the event that no Plan I member is willing or able to serve, then the position may be filled by a Plan II member.

This matter was discussed by the Disability Board at its July 24, 2003 meeting and an appropriate change to the Board's Policy and Procedure Manual was approved. In addition, the Disability Board approved a recommendation to the City Council that the Resolution be enacted.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

·Allocation of 2004 Community Development Block Grant (CDBG) Funds - City Manager

Mayor Brennan opened the Public Hearing at 6:50 p.m.

City Manager Rayburn stated that this item was discussed at previous meetings and at the Administration and Finance (A&F) Committee prior to this meeting and at the previous Study Session. He highly supports the allocation of the 2004 CDBG funds as presented by staff.

Hearing no further discussion on this issue, Mayor Brennan closed the Public Hearing at 6:51 p.m.

NEW BUSINESS:

Agenda Bill #2337

A Motion recommending the allocation of City of SeaTac 2004 Community Development Block Grant (CDBG) Funds – City Manager

Summary: This Motion authorizes the City Manager to allocate 2004 CDBG funds in the amount of \$318,469 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.

NEW BUSINESS (Continued):

Agenda Bill #2337 (Continued): On June 20, 2003, the City Manager agreed to accept CDBG funds as a Pass-through City and administer them in support of Public Services and Capital Projects for 2004. The Council is being asked to consider recommendations for allocating 2004 CDBG funds of \$318,469 and 2003 recaptured funds of \$14,604. The total of funds that may be awarded in 2004 is \$333,073.

SeaTac has been awarded 2004 CDBG funds in the amount of \$318,469. 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 has reviewed the applications and made recommendations for allocating 2004 CDBG funds, and a contingency plan in the event of an increase or decrease in funding levels.

Of the \$333,073 in 2004 CDBG funds to be allocated, \$20,000 is available to the City for reimbursement of administrative costs and \$13,182 available to provide for the second year of consultant services to complete the Senior Center Design Study.

MOVED BY DEHAN, SECONDED BY WURDEMAN TO ACCEPT AGENDA BILL NO. 2337.

MOTION CARRIED UNANIMOUSLY.

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

CITY MANAGER'S COMMENTS: City Manager Rayburn announced that Deputy City Manager Spencer has accepted another position with Highland Park, Illinois (north of Chicago). Her last day with the City of SeaTac will be October 3. She will be genuinely missed. Her work on the City's budget has been a tribute to the City, winning awards for excellence.

CITY COUNCIL COMMENTS: Mayor Brennan stated, on behalf of the Council and staff, that they will all miss Ms. Spencer and her excellent work for the City.

Councilmember Fisher echoed the Mayor's comments.

Councilmember Siefkes stated the same and added that she is always quick with answer to questions. He added that she will be hard to replace. Finance Director McCarty will, however, do a good job in her stead.

Councilmember Anderson stated she will miss her professionally and as a friend.

Councilmember Wurdeman stated his compliments to Ms. Spencer, adding that she can still reconsider.

Deputy Mayor DeHan thanked Ms. Spencer for all she has contributed to the City, adding that she has laid out the template for the Finance Department in the assembly of the budget process that will stand the City in good stead for years to come.

Mayor Brennan stated that the 2004 Budget Workshop II was held today with more to come in October for final completion anticipated by the end that month. The budget process has been led by Ms. Spencer. Year after year, the City received awards for excellence due to the diligent work of Ms. Spencer, Finance Director McCarty and his staff. He added that he knows Mr. McCarty will continue to produce an excellent product.

RECESSED: Mayor Brennan recessed the meeting to an Executive Session on Contract Negotiations at 6:58 p.m.

EXECUTIVE SESSION: Contract Negotiations

RECONVENED: Mayor Brennan reconvened the meeting at 8:29 p.m.

ADJOURNMENT:

MAYOR BRENNAN ADJOURNED THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:30 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk



SEATAC CITY COUNCIL REGULAR MEETING MINUTES

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City

Council

September 23, 2003

Hall

6:00 P.M.

Chambers

CALL TO ORDER: The SeaTac City Council Regular 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, Michael Siefkes, Terry Anderson, Frank Hansen, and Will Wurdeman.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Craig Ward, Assistant City Manager; Judith Cary, City Clerk; Robert McAdams, City Attorney; Michael McCarty, Finance Director; Kathy Black, Administrative Assistant III; Kit Ledbetter, Parks & Recreation Director; Steve Butler, Planning Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Joe Dixon, SeaTac citizen, led the Council, staff and audience in the Pledge of Allegiance.

CERTIFICATES OF APPRECIATION:

·Certificates of Appreciation to outgoing Library Advisory Committee Members Taryn Hill and Ralph Jones

Mayor Brennan stated that due to prior commitments, the outgoing committee members are unable to attend the meeting to receive their certificates. The documents will be mailed to the outgoing committee members.

CONFIRMATION OF MAYORAL APPOINTMENT:

·Confirmation of Appointment of Peter Kiewit IV to the Library Advisory Committee

MOVED BY ANDERSON, SECONDED BY WURDEMAN TO CONFIRM THE MAYORAL APPOINTMENT OF PETER KIEWIT IV TO THE LIBRARY ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Deputy Mayor Don DeHan read the certificate and Mayor Brennan presented the certificate to Mr. Kiewit. Mr. Kiewit stated he was pleased to be appointed to the Library Advisory Committee. He added that he strongly believes in the library system and was looking for a way to give back to the community that would help the library move forward and get more people actively involved. It is a resource that taxpayers pay for and need to utilize on a regular basis.

PROCLAMATIONS:

·Domestic Violence (DV) Awareness Month

Mayor Brennan stated that on Sunday, September 21, 2003, Councilmember Anderson and he attended a Domestic Abused Women's Network (DAWN) picnic. The DAWN agency houses women and children in distress which affects the whole community.

Mayor Brennan read the proclamation declaring October as DV Awareness Month. He then presented the proclamation to the City's Victim Advocate Chris Peterson.

Councilmember Anderson relayed the fact that the fastest growing segment of DV is to seniors. She added that Mayor Brennan was a real support to the attendees of the picnic, encouraging them to take care of themselves.

Mayor Brennan stated that DAWN representatives gave inspiring speeches on the background of DAWN and the homes that are now being provided to these women, giving them a safe refuge from the harm they had experienced. He added that City Hall has two DV advocates who help victims prosecute their abuser.

·Day of Concern for the Hungry

Mayor Brennan read the proclamation and Deputy Mayor DeHan presented it to Joe Tice, Director of the Tukwila Pantry Food Bank, who thanked the Council for the City's support and Human Services Liaison Kathy Black's work on funding their cause. He added that they will be at the Safeway Store in McMicken Heights this Saturday collecting donations for this worthy cause.

PUBLIC COMMENTS: Darlene Thompson, 2504 South 148th Street, spoke regarding the YMCA. She stated that she reviewed the revised Agenda Bill No. 2282 revision and had some questions. 1) on the ground lease agreement, item No. 1 Premises Para 2: How much land would be set aside for a senior center?; 2) Para 3: If the conceptual design of the building takes all the property, there is nothing left for the seniors; 3) Item 3: Rent - In 2009, when the building is completed and the YMCA would be using the property, they will start paying rent. Between 2004-2005, it states there is an interim period where it will be used in an interim manner but it does not

PUBLIC COMMENTS (Continued): state how it will be used or how much rent they will pay for this period of time; 4) Exhibit B. General Terms and Conditions - Item 7: Indemnity - It states that the YCMA, nor City, is responsible for incidents that may happen. If a member or staff member is injured and it is due to a design flaw, can the City be sued; 5) The City is doing a pre-design study for the senior center. If the YMCA is going to take over senior activities, is the City out of line spending the money for the work? She concluded by apologizing for an incorrect statement she made at last week's Study Session (SS), that there was a \$50 membership fee and \$240 yearly fee. The \$50 is only paid once and not every year. Mayor Brennan stated that the City Manager or the City Attorney will contact Mrs. Thompson with answers to her concerns.

The following individuals gave their comments favoring the YMCA in SeaTac for various reasons, giving the youths a healthy place full of activities and adult supervision, senior speakers expressed maintaining good health, and good atmosphere full of family activities:

Tim Burns, PO Box 930, Seahurst, volunteer at the YMCA and retired KC Police Officer;

Bill Gulden, 19611 Marine View Drive SW, Normandy Park, Senior, member of YMCA;

Jim Bement, 1218 SW 153rd Street, Burien, senior, member of YMCA;

Mike Moor, Highline Federal Way, YMCA instructor, and Alaska Airline employee;

Annette Miller, 22020 41st Place South, Kent, Alaska Airlines employee, YMCA member;

Noel Edwards, 203 South 182nd Street, Burien, YMCA member, retired US NAVY; and

Taylor Halverson, Des Moines, YMCA employee

Joe Dixon, 19211 35th Avenue South, thanked the Mayor for recounting his military career during the WWII during 1940-46. (*Mayor Brennan had mentioned this at the beginning of the meeting.*) He added some very interesting facts as to his years in the service. Secondly, Mr. Dixon continued his comments from the last SS by commenting on the "phantom" revenue the City would get from the YMCA for leasing City property. He congratulated the author of the revised Agenda Bill No. 2282. He had since heard that the rent was increased from \$100 to \$25,000. In running the figures, if the taxpayers bought the land at \$1,400,000, the YMCA would pay \$27,000 annually and that means in 50 years, the City would break even. Therefore, he no longer objects to the YMCA property lease.

Larry Johnson, Village at Angle Lake employee at 4040 South 188th Street, stated that this facility is an intergenerational campus and when completed, will offer child care, a medical clinic, immigrant refugee services, consulting, divorce lifeline, home care for the elderly and disabled, and a family support center. Construction is scheduled to begin in approximately one year. Presently on the site is a three-story 80-unit affordable senior housing complex being built by Lutheran Alliance to Create Housing scheduled to open in May 2004. The Lutheran Community Services (LCS) has a goal of raising \$7.3 million to complete the project. To date, they are at \$2.7 million. There are a few major grant sources to be heard from and the agency is investigating a number of other fronts. Mr. Johnson thanked the City for its key partnership in the project. Of the \$2.7 million, \$207,019 has been funded through Community Development Block Grants (CDBG) applied for by the City of SeaTac. He thanked the Council and the invaluable staff of Elizabeth Spencer, Deputy City Manager; Soraya Lowry, Senior Project Coordinator; and Kathy Black, Human Services Liaison for their roles with the grant funding.

CONSENT AGENDA:

·**Approval of claims vouchers** in the amount of \$594,495.76 for the period ending September 5, 2003.

- **Approval of claims vouchers** in the amount of \$1,263,091.47 for the period ending September 18, 2003.
- **Approval of employee vouchers** in the amount of \$397,400.74 for the period ending September 15, 2003.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending September 12, 2003.

Approval of Council Meeting Minutes:

- **Budget Workshop II** held September 9, 2003.
- **Study Session** held September 9, 2003.
- **Regular Council Meeting** held September 9, 2003.

CONSENT AGENDA (Continued):

Acceptance of Advisory Committee Minutes:

- **Planning Commission** meeting held July 21, 2003 (Commission approved September 15, 2003).
- **Senior Citizen Advisory Committee** meetings held May 15 and July 17, 2003 (Committee approved September 4, 2003).

Approval of the following Agenda Items recommended at the September 16, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2361

A Motion authorizing Final Acceptance of the SeaTac Police Remodel - Facilities

Summary: This Motion accepts the completion of construction of the SeaTac Police Precinct remodel. The project involved renovation of existing first floor space in City Hall into a Police Precinct.

Several construction contracts were awarded by the City Council. The contractor, budgeted amount and total contract amounts are listed below:

| <u>Contractor</u> | <u>Budget Amount</u> | <u>Total Contract</u> |
|-------------------------------|----------------------|-----------------------|
| D.L. Henriksen (Partitions) | \$ 47,686.32 | \$ 41,646.46 |
| Arndt Co. (Masonry) | \$ 43,789.00 | \$ 37,808.00 |
| Design Gates & Automation | \$ 40,202.00 | \$ 21,865.54 |
| MacDonald Miller (HVAC) | \$ 84,514.32 | \$ 98,693.57 |
| Superior Electric | \$132,970.00 | \$109,006.17 |
| Hillstrom Cabinets | \$ 80,225.64 | \$ 74,375.00 |
| Allied Floors | \$ 29,566.94 | \$ 18,876.80 |
| Veca Electric (Date) | \$ 27,324.00 | \$ 31,307.20 |
| Mayer Construction (Concrete) | \$ 26,823.88 | \$ 26,487.36 |
| Guardian Security | <u>\$100,138.90</u> | <u>\$ 94,219.71</u> |
| TOTAL | \$613,241.00 | \$554,285.81 |

Final acceptance will have no fiscal impact beyond payment of retainage as budgeted.

Agenda Bill #2367; Ordinance #03-1027

An Ordinance amending the 2003 Annual Budget and authorizing the City Manager to enter into a Contract for Construction for 2nd Floor Tenant Expansion (Guardsmark) - Facilities

Summary: This Ordinance amends the 2003 budget to appropriate funds for tenant improvements from the Building Management Fund. This action also awards a contract to DP Inc. to perform the tenant improvement work.

In August 2003, Colliers International, working as the City's agent, received a request from Guardsmark LLC to expand their tenant space into the vacant area next door. Bids were solicited by Colliers from contractors who had performed successfully on previous tenant improvements in the building. Those contractors are:

| <u>Contractor</u> | <u>Bid</u> | <u>w/Contingency & Tax</u> |
|----------------------|-------------|--------------------------------|
| DP Inc. | \$17,516.55 | \$20,809.66 |
| Pacific Construction | \$20,343.64 | \$24,168.24 |

The City entered into a second amendment to the Guardsmark lease which provided for the construction of the improvements. The cost of the improvements will be recouped over the three-year

term of the lease through the increase in the monthly rental. In addition, there is a five percent commission of \$9,999 due to Colliers International as brokers of the lease agreement. The total amount of this request is \$30,808.66

The funding for this project will come from the tenant rents in the Building Management Fund. The rent for this space will increase an additional \$1,450 per month upon occupancy. Total additional rent over the three-year term is \$56,745.

CONSENT AGENDA (Continued):

Agenda Bill #2352; Resolution #03-022

A Resolution amending the Fee Schedule - Planning

Summary: This Resolution amends the fee schedule to adopt a sliding fee scale for the new Site Plan Review Permit. In June 2003, the Council adopted Ordinance No. 03-1020. The Ordinance adopted a new SeaTac Municipal Code (SMC) Title 16A which clarified the methods to review land use development permits within the City. Title 16A superceded Title 16. Under Title 16A, a new land use permit was created: the Site Plan Review Permit. The Site Plan Review Permit covers land use actions not covered by any other City permits, such as the re-stripping of parking lots or the removal of existing landscaping.

The current fee schedule does not contain a fee for the Site Plan Review Permit. Staff is recommending that the following sliding fee schedule, based upon the value of a project, be adopted.

| | |
|--------------------------|-------|
| \$0 to \$25,000 = | \$175 |
| \$25,001 to \$100,000 = | \$250 |
| \$100,001 to \$500,000 = | \$400 |
| \$500,001 + = | \$550 |

The revenue to partially off-set staff time costs to review land use actions was reviewed under the Site Plan Review Permit.

Agenda Bill #2363

A Motion approving Contracts for Mobile Data Computer System - Fire

Summary: This Motion authorizes the City Manager to execute contracts with two vendors to develop, install and maintain software and mapping information for Fire Department computers in vehicles.

The City of SeaTac received grant funding from the Federal Emergency Management Agency (FEMA) in February 2003 to procure and install software and hardware for their Mobile Data Computer project.

The Fire Department has been working on this project since 2002 when the change for dispatch services to Valley Communications was achieved. These contracts are for consultants (Opus and Group 1) to develop, install and maintain software for use in Fire Department vehicles for emergency response. The software also ties in with the City's Geographic Imaging System (GIS) for information on streets, fire hydrants and building plans. These software packages will interface with the CISCO wireless network system for use with the Mobile Data Computers.

The financial impact to the City for the Opus contract for services is \$16,577 of which the City will have a matching fund of 10 percent, or \$1,657. The contract for the Group 1 software is \$24,900 of which the City will have a 10 percent matching fund, or \$2,490. These funds for the City match as well as the FEMA grant funds are identified and available in the capital budget for the Fire Department. The City authorized the 10 percent matching funds in Agenda Bill No. 2271 approved February 11, 2003.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

(Mayor Brennan brought the following Agenda Bill forward due to the many people in the audience waiting to hear the discussion on this agenda item.)

Agenda Bill #2282

A Motion approving a Lease of City Property at 3521 to 3543 South 188th Street to the YMCA for construction and operation of a Community Recreation Facility – Legal

Summary: This Motion approves a long-term lease to the YMCA of City property, which includes the following terms: the City and the YMCA shall agree upon an interim use; YMCA shall construct an aquatics center and recreation facility at its cost; annual rent shall equal the real estate tax which the City would receive if the property was developed with single-family residences; and the YMCA shall release a portion of the land when the City is

NEW BUSINESS (Continued):

Agenda Bill #2282 (Continued): prepared to construct a Senior Center on the premises. From a financial standpoint, construction of the senior center will likely not occur until a bond issue is approved by the voters.

Numerous possibilities exist as to various public/private partnership arrangements, and possible use of Hotel/Motel Tax Revenue Bond proceeds; services for persons of low income, persons with disabilities, and the elderly; special programs designed for and contracted to the City; education and training; youth programs; daycare services; senior activities and meals; and many others. The YMCA, with 125 years of providing outstanding community benefits, is particularly well suited to join with the City in providing the public with expanded recreational, educational, and social services. It should be noted that the City and the YMCA will work closely together to coordinate any and all programs offered at the YMCA facility with similar programs offered at the City's North SeaTac Park Community Center (NSTPCC).

On September 23, 1998, the City purchased two parcels of unimproved land, totaling 6.54 acres, fronting upon the south margin of South 188th Street at approximately the intersection with 36th Avenue South, addressed as 3521 South 188th Street and 3543 South 188th Street. The purchase price was \$1.25 million. The property was acquired for siting of a City hall or other public facility. However, no suitable use has yet been determined.

For some time, Councilmember DeHan has kept the Council advised as to the interest of the YMCA of Greater Seattle in obtaining a long-term Lease, at nominal cost, together with an obligation on the part of the YMCA to construct and operate an aquatics center and recreation facility on the property.

At the October 8, 2002 Regular Council Meeting (RCM), the subject of such a potential lease and improvement was discussed. Consensus was reached to authorize the City Manager to execute a Letter of Intent which would provide for negotiation of a lease, construction of the facility, and agreement as to programs and services of benefit to the residents of the City and of the surrounding area. The Letter of Intent was then executed on behalf of the City and the YMCA.

The Planning Commission (PC) considered the matter on May 19, 2003 and again on June 16, 2003, at which meeting the Commission heard from Jim Miller, the Executive Director of the YMCA's Highline Branch. The Commission favored permitting the YMCA use on residential zoned property such as the subject site.

A clarification to the Zoning Code should be accomplished in regard to Section 15.10.515 which defines the term "Recreation, Community (Recreational Center)" in the following terms: A recreational use, building, or event maintained and operated by a nonprofit club, or an organization whose membership is for a specified group.

The definition should be made more clearly applicable to the YMCA by changing the term "nonprofit club" to the term "nonprofit corporation or other nonprofit organization". The PC recommended approval of this change.

Entry into the lease will produce annual revenue, after construction of the facility, in an amount equal to the ad valorem real estate taxes which the City would receive if the property were fully developed. That sum is currently estimated at \$27,000.

Councilmember Anderson requested this agenda item be tabled until the October 14, 2003 RCM.

MOVED BY ANDERSON, SECONDED BY SIEFKES TO TABLE AGENDA BILL NO. 2282 UNTIL THE OCTOBER 14 REGULAR COUNCIL MEETING TO ENSURE TIME FOR DISCUSSION ON THIS ITEM.

UPON A ROLL CALL VOTE, THE MOTION PASSED WITH FISHER, SEIFKES, ANDERSON, AND WURDEMAN VOTING YES AND HANSEN, BRENNAN AND DEHAN VOTING NO.

Council discussion ensued as to the right procedure allowing for dialogue on this agenda item.

City Attorney McAdams stated that the Motion to Table is non-debatable and the majority rules. The matter cannot be considered until it is brought back to the table.

Councilmember Anderson stated that if that is the case, she would withdraw her Motion.

MOVED BY ANDERSON, SECONDED BY SIEFKES TO WITHDRAW THE MOTION TO TABLE AGENDA BILL NO. 2282 TO ALLOW FOR FURTHER DEBATE ON THIS MATTER.

NEW BUSINESS (Continued):

Agenda Bill #2282 (Continued):

MOTION CARRIED UNANIMOUSLY.

MOVED BY DEHAN, SECONDED BY WURDEMAN TO HAVE DISCUSSION ON AGENDA BILL NO. 2282 AT THIS MEETING AND AT THE OCTOBER 7, 2003 STUDY SESSION WITH FINAL ACTION TAKEN AT THE OCTOBER 14, 2003 REGULAR COUNCIL MEETING.

MOTION CARRIED UNANIMOUSLY.

Council discussion ensued as to the value of having the YMCA in the City and as to a senior center in with the YMCA facility. Debate at the September 16 SS and this evening assured the Council that more clarification and discussion. Concern was voiced as to the financial aspect of a separate senior center and what would become of the NSTPCC if the YMCA is sited in the City.

Mayor Brennan stated that the Senior Center Study will determine whether it should be built or be part of the YMCA. He added that the senior center and the YMCA are each separate subjects. The Council is sworn to represent the broad spectrum of the City.

Agenda Bill #2344

A Motion authorizing the City Manager to execute a Contract for leasing Photocopiers – City Manager

Summary: The City currently leases 12 photocopiers from two vendors. With eight copier leases expiring in August 2003, a Request for Proposals (RFP) was issued in June. Five vendors submitted proposals in response to the RFP, and a three-person staff committee attended demonstrations by each of the vendors. Based upon the committee’s assessment of the products and pricing submitted by each vendor in their proposals, the City identified two finalist vendors – Ikon Office Solutions with a Canon product, and Pacific Office Automation with a Toshiba product.

Each finalist was invited to complete a walk-through and assessment of operator needs and locations of copiers used at all City facilities. Each vendor was asked to submit a “right-sizing” proposal taking into account information obtained during the assessment as well as average usage history for each existing machine to ensure that the City would be utilizing the new equipment at the optimum efficiency level. In addition, each finalist firm was asked to provide two demonstration copiers on site for a one-week trial period, to allow a large number of City Hall staff to use the equipment.

The City’s staff Technology Committee met on September 17 to consider the right-sizing proposals submitted and to share feedback from their individual department users. Pacific Office Automation submitted a proposal to provide brand new copiers for all 12 locations and included costs associated with the cancellation of the City’s existing leases in their proposal. Monthly costs for a 48-month lease for copiers were proposed as follows:

| | <u>Ikon Office Solution</u> | <u>Pacific Office Automation</u> |
|--------------------------|-----------------------------|----------------------------------|
| Base cost per month | \$3,463.02 | \$3,680.00 |
| Sharp copier lease – CMO | 485.00 | cancelled |
| Network 2 copiers | <u>130.00</u> | <u>118.00</u> |
| Total Monthly Cost | \$4,078.02 | \$3,798.00 |

It was the opinion of the Technology Committee that Pacific Office Automation offered brand new equipment and more features at a lower price.

It is recommended that the City Manager execute a lease with Pacific Office Automation for 12 photocopiers and authorize the early termination of four existing leases through Ikon Office Solutions

and one existing lease with Pacific Office Automation.

Lease payments for photocopiers are budgeted in the Non-departmental section of the General Fund under Operating Rentals and Leases. The proposed agreement with Pacific Office Automation will result in a budgetary savings of approximately \$ 19,000 per year.

Ms. Spencer briefed on the above summary and added that this item was introduced at the September 16 SS, however, it was placed on New Business of this meeting pending determination of final staff recommendation.

NEW BUSINESS (Continued):

Agenda Bill #2344 (Continued):

Councilmember Fisher questioned why 12 copiers are needed to which Ms. Spencer explained that six are located at City Hall (two on the 1st floor and four on the 3rd floor) one at each of the three Fire Stations, one at the NSTPCC and one to be located at the new maintenance facility.

MOVED BY HANSEN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2344.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2366

A Motion authorizing entry into a Contract with Pierce Manufacturing, Inc. for purchase of a Triple Combination Pumper - Fire

Summary: This Motion authorizes the City Manager to enter into a contract with Pierce Manufacturing Inc. for the purchase of a Triple Combination Pumper, with trade-in of a 1987 Pierce Lance pumper, pursuant to the mandatory competitive bidding process.

The Fire Department is in need of a replacement pumper, as a first line suppression apparatus at Fire Station 46. A Call for Bids was published; two bids were received and were opened on August 27, 2003. One of the bids, from Northwest Fire Service Inc., was found by Fire and the City Attorney to not be in compliance with specifications. With the credit options, the low bidder was Pierce Manufacturing, Inc. The bid received from this firm was for \$430,903, without sales tax and was in compliance with all specifications. Pierce is a respected and qualified manufacturer of fire apparatus.

The pumper will replace City Apparatus 102, a 1987 Pierce Lance Pumper, which is included as a trade in. This replacement is budgeted in the City's Capital Improvement Plan, and the Fire Departments Apparatus Replacement Plan.

Award of Contract has been recommended by Administration and Finance (A&F) Committee.

A total cost of \$513,720 is as follows: a base bid of \$453,153, less credit options of \$22,250 for a net cost of \$430,903, plus sales tax of \$37,919 and auxiliary equipment costing \$44,898.

For budgeting purposes, \$150,000 is included in the 2003 budget as a partial prepayment; and the contract balance, sales tax, and auxiliary equipment is budgeted for in Fiscal Year 2004.

Assistant Fire Chief Brian Wiwel briefed on the above summary, adding a few more facts to clarify the need for purchase and related costs. He stated that this item was addressed at the September 16 SS.

Councilmember Fisher stated that the Public Safety & Justice (PS&J) Committee discussed this agenda bill at their meeting today and recommended the purchase. He stated that he had questions as to why the pumper was so specific in design. Assistant Chief Wiwel briefed him on the fact that standardization of Fire vehicles is an important issue.

Councilmember Hansen reiterated his concern as to the fact that there were only two bidders and one bidder was disqualified and secondly, why the City is paying twice the amount as Seattle is paying for their rigs. He feels he has not to date received a satisfactory explanation.

Councilmember Fisher stated there were no more bidders. He explained his experience with manufacturers and how hard it is to find a contractor who will qualify in being able to construct a pumper to meet the needs of the Fire Department. Assistant Chief Wiwel stated that he spoke to the losing bidder and felt that it was not in the best interest of the City to consider this firm.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2366.

MOTION CARRIED WITH HANSEN VOTING NO.

NEW BUSINESS (Continued):

Agenda Bill #2360; Resolution #03-023

A Resolution authorizing the City Manager to negotiate Agreements with the Port of Seattle (POS), City of Burien and/or City of Seattle to manage or relocate the Seike Memorial Japanese Garden – City Manager

Summary: Approval of this Resolution would authorize the City Manager to negotiate agreements with the POS, City of Burien (Burien) and/or City of Seattle to manage or relocate the Seike Memorial Japanese Garden.

The POS notified SeaTac in September of 2002 that the POS had acquired the Des Moines Way Nursery in SeaTac, which includes the Garden. The POS purchase price recognized the artistic and cultural value of the Garden as well as the commercial value of its elements (plants, artwork, structures and materials). At that time, the POS stated its intention to sell the Garden, preferably to a single buyer, but that if it was unable to find a buyer, the POS would consider transferring the Garden's elements to another public agency that could either maintain the Garden in place or relocate the plants. Preference was to be given to an agency that would accept the entire Garden. If the POS was unable to sell or transfer the Garden, the POS's demolition contractor could auction individual Garden elements to agencies and/or the public under the contractor's the salvage rights.

Subsequently, the City actively pursued several options to acquire and relocate the Garden in whole or in part to the Highline Botanical Garden. The City of Seattle's Kubota Japanese Garden (Kubota) has expressed an interest in joining with SeaTac to acquire rights to all of the Garden's elements, which could result in some of elements being permanently acquired and relocated to Kubota, and other elements becoming the property of the City to be located at the City's discretion. Costs of this arrangement have not been resolved, but are estimated at \$50,000 plus in-kind staffing and equipment costs from Kubota and the City. Kubota has agreed that retaining the Garden in place is the best possible option, but if that is not possible, they are prepared to negotiate an agreement with the City to dismantle the Garden and relocate its elements off-site.

In August 2003, the City proposed to the POS and Burien that SeaTac assume responsibility for managing the Garden in place and making it available as a public amenity. Estimated costs are \$20,000 in one-time capital costs and approximately \$10,000 in annual operating costs. On September 8, Burien committed by Council Resolution to contribute \$5,000/year for four years toward the capital costs if the City assumes annual maintenance costs of \$10,000. The POS has not finalized its response to this proposal. If the POS is prepared to accommodate the City's proposal, agreements will be required to formalize the City's responsibilities with the POS and with Burien. If the POS is not prepared to accept operation of the Garden in place, an agreement with the POS and Kubota may be appropriate if the Council wants to retain some control of some of the Garden's relocated elements.

Subject to final approval by the Council of any resulting agreements, adoption of the proposed Resolution would tentatively obligate the City to estimated costs of approximately \$20,000 in capital expenses, and \$10,000/year for maintenance and operational support (\$4,000 for contract landscape services and \$6,000 for staff time). Offsetting these expenses would be \$5,000/year from the City of Burien for the capital expenses. The capital and operating expenses are projected to occur in 2004.

Assistant City Manager Ward stated that he gave a presentation to the Council on this subject at the September 16 SS. He again briefed on the preservation of the garden until it has to be moved when the third runway construction begins, sometime in the future. The staff preference is to keep the garden in its current location until such time. The POS is considering that alternative. If this cannot be accomplished, there is the option of the Kubota Gardens.

Council discussion ensued as to the value of the garden and the best plan for it. Mr. Ward stated that the POS had to price out the value of the garden based on an offer they made to the Seike family to either pay them the value of relocation of the garden or the Seike's family would relocate it to a location of their choosing. The family chose the money. A cost estimate was made of the garden was \$1 million that the POS paid the family. The City did a cost estimate relocating the garden to the

Highline Botanical Garden site. Preserving the garden would be the cheapest way. Seattle has the heavy equipment to remove the large trees and plants. The POS will probably want cash value for some of the plants. The POS is paying for irrigation and security, to the amount of \$2,000 a month for minimal care. Due to the POS's fiscal situation at the airport, they are not willing to continue to maintain the garden.

NEW BUSINESS (Continued):

Agenda Bill #2360; Resolution #03-023 (Continued): Deputy Mayor DeHan stated that Burien is contributing \$20,000 within four years and SeaTac would be contributing \$4,000 a year for professional pruning and \$6,000 a year for staff time, with about four years to find a solution that will save this historic garden.

Councilmember Wurdeman stated that in studying the history of this garden, it is a WWII memorial to a family and that should be taken into consideration.

MOVED BY HANSEN, SECONDED BY WURDEMAN TO PASS RESOLUTION NO. 03-023.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Linda Snider, 18700 36th Avenue South, commended the Council for this evening's constructive discussion on the proposed YMCA lease, and asking the hard questions and making the audience aware of the issues.

John Thompson, 2504 South 148th Street, stated that he is not anti-YMCA, but he was concerned that all who spoke at the start of tonight's meeting during Public Comments, were non-residents of SeaTac.

Mayor Brennan questioned the number of SeaTac seniors vs. other attendees who use the senior programs. City Manager Rayburn will check into this figure. Mayor Brennan added that this situation is the same for senior trips but the SeaTac seniors get first choice to sign up for the trip a day ahead of out-of-towners.

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) the next Joint Advisory Committee (JAC) meeting is Thursday, September 25; 2) there will be a field trip to the Sea-Tac Airfield on Friday at 8:00 a.m. for Councilmembers and staff; and 3) Thursday, September 25 at 5:45 p.m., the third and final softball game between the Cities of Burien and SeaTac will be held (each has won one game).

CITY COUNCIL COMMENTS: Councilmember Siefkes will attend the JAC Meeting.

Councilmember Anderson stated she thought the Opening of Boeing Field was to be held Friday, September 26 at 10:00 a.m.

Deputy DeHan stated that he had the good fortune of being in the Navy during a period in this nation's history when there were no conflicts. He added that he welcomed in the USN Carl Vincent ship last weekend. His son was on the boat and his grandson was on his shoulders. It was a terrific experience.

Mayor Brennan stated that he too served in the Navy on a destroyer escort that was home-based in Tacoma.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:46 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk



SEATAC CITY COUNCIL REGULAR MEETING MINUTES

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October 14, 2003
Hall
6:00 P.M.
Chambers

City
Council

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Joe Brennan at 6:01 p.m.

COUNCIL PRESENT: Mayor Joe Brennan, Deputy Mayor Don DeHan, Councilmembers Michael Siefkes, Frank Hansen, and Will Wurdeman. Excused Absence: Councilmembers Gene Fisher and Terry Anderson.

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

FLAG SALUTE: Pat Patterson, Facilities Manager, led the Council, staff and audience in the Pledge of Allegiance.

PRESENTATIONS:

Proclamation declaring the week of October 20 - 26 as Reflex Sympathetic Dystrophy (RSD) Awareness Week
Mayor Joe Brennan read the proclamation and stated the document will be sent to David E. Wilson of North Carolina, a caregiver for an individual with RSD.

Award by the Washington State Department of Transportation (WSDOT) for the SR-509 Value Engineering Study

Susan Everett, WSDOT SR-509 Project Manager, stated her appreciation of the City of SeaTac for its long-term partnership with WSDOT on the project. The team has been working on this project for many years with tremendous progress with the partnership the WSDOT has had with the Cities of SeaTac and Des Moines, King County (KC), the Port of Seattle (POS) and the Des Moines Creek Basin Plan. Because of the City's original visionary and courageous insight on solving water quality problems in the creek basin, the WSDOT had an environmental sound water quality plan to partner with for improvements on SR-509. The City began its process in 1994 and has been one of the financial leaders keeping this visionary plan going. It is becoming the "Hallmark Plan" and the plan that other agencies throughout the State are copying. It has gotten extreme praise from the Washington State Department of Ecology (WSDOE) and other resource agencies. WSDOT entered into a Value Engineering Study with several agencies, including the City of SeaTac last year. Through this study, a plan was finalized to partner with the Des Moines Creek Basin Plan and the local Cities and by doing so, approximately \$18 million was saved on the SR-509 project. The project received from the American Association of State Highway Transportation Officials (AASHTO) the National Value Engineering Honorable Mention Award for the most value added proposal. The award goes to both the WSDOT and the City of SeaTac. Councilmember Hansen (former SR-509 Executive Committee Chair), City Manager Rayburn (former Public Works Director), and current Public Works Director Monaghan were acknowledged for their diligent work on this project.

Deputy Mayor DeHan stated that Councilmember Hansen was instrumental in the creation and continued development of the SR-509 project. Councilmember Hansen stated his appreciation of Ms. Everett who has been the driving force of this project.

Parks and Public Works Maintenance Facility Update

Facilities Manager Patterson presented a slide show on the facility's construction development, depicting the facility's buildings and grounds of the facility to date. There are four structures on the complex: administration building, maintenance building, garage and wash bay. The completion date is scheduled for late December 2003. Mr. Patterson gave costs to date on the project: Building and Site Costs: \$3,309,116.82; Change Orders to date: \$99,879.85; Additions: \$188,991; Washington State Sales

Tax on Additions: \$16,631.21; Soft Costs: \$410,308.17; Total Actual Costs \$4,024,927.04; Approved Project Budget \$4,217,680.91; Balance: \$192,753.87.

PUBLIC COMMENTS: Mike Colello, representing the Bo Colello Produce Stand, 19616 Des Moines Memorial Drive, spoke on a zoning violation placed upon the business. The family-owned fruit stand (the only one in SeaTac) has been in business for many years in the City and he would like a special variance to allow the fruit stand to operate year round. He submitted a petition with over 550 signatures of local people wanting this stand to stay open. He urged the Council to consider his request.

Lisa Kious, Lutheran Alliance to Create Housing (LATCH), Housing Developer of an 80-unit senior apartment building at 42nd Avenue South and South 188th Street, spoke on behalf of the LATCH, offering full support of the proposed YMCA sited for the property across the street from their facility. Ms. Kious stated that LATCH is

PUBLIC COMMENTS (Continued): excited about the opportunity the residents of their complex will have in taking advantage of the YMCA's programs. LATCH will look forward to partnering with the YMCA on various programs and opportunities to enrich the lives of their residents. She urged the Council to give the YMCA the same support, which was given to LATCH's development with financial and political support that has helped to make their project a reality. She submitted a letter of support from LATCH.

Councilmember Hansen commented that he has worked with Ms. Kious for the last several years in her role as Director of LATCH. He stated that it is gratifying to see the senior housing complex being built in SeaTac. Ms. Kious has been the driving force for this project and the community owes her a great debt of gratitude for making the project a reality.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$48,643.17 for the period ending September 30, 2003.
- Approval of claims vouchers** in the amount of \$388,305.14 for the period ending October 3, 2003.
- Approval of employee vouchers** in the amount of \$567,088.75 for the period ending September 30, 2003.
- Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending October 3, 2003.

Approval of Council Meeting Minutes:

- Joint City Council / Hotel/Motel Tax Advisory Committee / SeaTac Economic Partnership Work Session** held June 12, 2003.
- Study Session** held September 16, 2003.
- Regular Council Meeting** held September 23, 2003.
- Budget Workshop III** held September 30, 2003.

Acceptance of Advisory Committee Minutes:

- Planning Commission** meeting held September 15, 2003 (Commission approved October 6, 2003).

Approval of the following Agenda Items recommended at the October 7, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2369; Resolution #03-024

A Resolution authorizing the approval of an Interlocal Cooperation Agreement (ILCA) for the Regional Affordable Housing Program (RAHP)

Summary: This Resolution allows the City of SeaTac to participate in an ILA in which KC could administer a regional fund to support the affordable housing initiative in the County.

In March 2002, Substitute House Bill 2060 was passed by the State Legislature that provides for a surcharge of \$10 per instrument charged by the KC Auditor for each real property document recorded. Sixty percent of the revenue will be retained by KC and deposited into a fund that must be used by KC and its Cities for housing projects that are affordable to low-income households at or below 50 percent of the area's medium income. The local portion of the funds must be allocated between KC and its Cities, consistent with Countywide and local housing needs.

The agreement establishes the RAHP to be administered by KC in cooperation with participating KC Cities. Each City in the RAHP is entitled to have a staff person on the RAHP/HOME Working Group. The group shall make annual RAHP fund allocation recommendations to the Joint Recommendation Committee (JRC). The group shall examine the percentages of RAHP fund distribution and

recommend actions to achieve geographic equity by the time the RAHP Agreement expires in 2006. KC agrees to pay the costs of administering the RAHP.

Adoption of the proposed Resolution has no fiscal impact to the City.

Agenda Bill #2368

A Motion authorizing the City Manager to execute a Contract with King County (KC) for reimbursement of funds for the revision of the City's Emergency Operations Plan (EOP)

Summary: This Motion authorizes entry into a contract with KC Emergency Management for the purpose of revising the City's EOP to comply with State standards and reimburse the City for its costs up to \$2,500 and to add annexes for Terrorism and Weapons of Mass Destruction. The contract is for the City through the use of a

CONSENT AGENDA (Continued):

Agenda Bill #2368 (Continued): consultant to revise the plan. The City will then submit a payment request to KC to reimburse those expended funds. The funding for this reimbursement is through the Department of Homeland Security and the State of Washington Emergency Management Division. KC is the administrating agency in KC for the State.

There is \$3,000 budgeted for the revision of the EOP in the Fire Department's budget for 2003. This grant would reimburse the City for the actual expenditures up to \$2,500. It is believed the EOP can be revised for \$2,500.

Agenda Bill #2364; Ordinance #03-1028

An Ordinance amending certain sections of Chapter 9.25 of the SeaTac Municipal Code (SMC) related to vehicle impounds for suspended drivers, providing for discretionary impounds and limiting early release of impounded vehicles

Summary: This Ordinance amends Chapter 9.25 of the SMC relating to vehicle impounds of suspended drivers providing for discretionary impounds by Police Officers and limitations for early release of impounded vehicles in certain situations.

The City adopted its Vehicle Impound Ordinance No. 00-1008 in 2000, mandating the Police to impound the vehicles of persons arrested for Driving While License Suspended. Since that time, the Washington Supreme Court ruled in *All Around Underground Inc. vs. Washington State Patrol*, 148 Wn.2d 145 (2003), that Police agencies must have discretion in deciding whether the vehicle driven by a suspended driver is impounded. The City's current Vehicle Impound Ordinance does not allow for Police discretion on this issue. This Ordinance makes changes to remedy this conflict. Furthermore, the Legislature amended the State Impound Statute to limit early vehicle release in order to avoid discriminatory application. The Ordinance amends SMC 9.25 to reflect the current status of State law by only allowing early release of impounded vehicles in cases where the registered owner of the vehicle was not the driver, the registered owner had not received a prior early release of an impounded vehicle, and the registered owner did not know that the driver was driving with a suspended driver's license, or based on economic or personal hardship to the spouse of the vehicle operator.

Agenda Bill #2365; Ordinance #03-1029

An Ordinance repealing SMC 8.05.200 relating to False Alarms, and adopting a new Chapter related to False Alarms which imposes duties upon Alarm System Users, Alarm Businesses, and Alarm System Monitoring Companies, proscribes penalties for excessive False Alarms, and provides for an Administrative Appeal for False Alarm Determinations

Summary: This Ordinance repeals SMC 8.05.200 related to false alarms, and adopts a new Chapter 8.20, which imposes duties upon alarm system users, alarm businesses, and alarm system monitoring companies, proscribes penalties for excessive false alarms, and allows for an administrative appeal for false alarm determinations.

The City adopted SMC 8.05.200 in 1990, which incorporated by reference Chapter 12.32 of the KC Code (KCC), establishing crimes related to false alarms. The KCC does not adequately address the responsibilities of each party and it provides for appeals of false alarm determinations to the KC District Court.

The number of false alarms in the City continues to increase. According to Police Department data, 460.5 hours of Police Officer time, at a cost of over \$25,617, was spent responding to false alarms in the one-year period ending July 31, 2003. Additionally, from January 1, 2001 to December 31, 2002,

2,084 alarm calls were received and dispatched in the City, with less than five of these alarms the result of criminal activity. Staff believes that it is in the best interest of the City to adopt its own False Alarm Code to better address the false alarm problem.

This Ordinance imposes duties upon alarm users, such as requiring the user to submit a contact card with the Police Department's communication center, maintain the alarm premises as to minimize false alarms, and to make an effort to respond to the alarm site upon the request of law enforcement.

The Ordinance requires alarm monitoring companies to attempt to verify if an actual crime is in progress at the alarm site prior to requesting police dispatch. The existing Code does not contain requirements for the verification process. This Ordinance establishes specific guidelines for the verification process.

CONSENT AGENDA (Continued):

Agenda Bill #2365; Ordinance #03-1029 (Continued): The Ordinance also establishes requirements for alarm businesses. Under it, alarm businesses must provide the Police Department with copies of their standard user-instructions and information about the nature of its alarms. Furthermore, alarm businesses would be required to provide users with copies of the alarm use instructions, in order to ensure that the alarm users know the proper use of the alarm system.

The Ordinance imposes a penalty of \$100 for the second and successive false alarm in a consecutive six-month period, rather than a fluctuating penalty under the past Code. A standard penalty will require less administrative bookkeeping. This Ordinance continues to impose no penalty for the first false alarm in a six-month period.

The existing Code provides that the alarm user appeal any violation of the past False Alarm Ordinance to the KC District Court. The City of SeaTac does not contract with the District Court for these services, and therefore, the District Court has no jurisdiction to hear these appeals. Furthermore, any penalties collected under the past Ordinance are submitted to KC instead of the City of SeaTac. This Ordinance allows the SeaTac Police Chief to act as an Administrative Hearings Officer to determine appeals of the validity of a false alarm or imposition of any penalties for excessive false alarms, and that any penalties assessed are payable to the City.

This Ordinance, similar to the past Code, provides that the Police Department will not respond to premises in which there are excessive false alarms. Under the new Ordinance, the Police Department may initiate the no response process after the fourth false alarm in a consecutive six-month period, or when the alarm user fails to pay any outstanding penalties imposed under the Ordinance. The Ordinance sets forth specific procedures for the Police Department to follow when initiating a no response to alarm premises. This provides an alarm user who is subject to the no response process ample opportunity and notice to correct deficiencies with their alarm system, and to appeal a false alarm determination. The Ordinance continues to provide a method for alarm users to apply for reinstatement of Police response upon application to the Police Department and a finding that the alarm user has made a reasonable effort to correct the cause of the false alarms.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2282

A Motion approving a Lease of City Property at 3521 to 3543 South 188th Street to the YMCA for construction and operation of a Community Recreation Facility

Summary: The lease provides that the YMCA will accomplish certain actions within the initial five years (or shorter, if construction can begin earlier). These "mile posts" are as follows: 1) April 1, 2004 - the YMCA will commission a Design Advisory Ad Hoc Committee composed of representatives from the business and residential communities (which may include discrete age groups), YMCA, City staff, and the Architect; 2) June 1, 2004 - submit interim land usage plan; 3) September 2004 - City Council approves interim use plan; 4) December 2004 - Capital Feasibility Study is completed; 5) 2005/2007 - Capital Campaign is in process; 6) September 2006 - Program design; 7) January 2007 - Schematic design; 8) March 2007 - Design development; 9) May 2007 - begin construction plans; 10) March 2008

- Groundbreaking; and 11) April 2009 - YMCA facility opens.

This lease requires that the YMCA release a portion of the property back to the City when the City is prepared to enter into construction of a Senior Center at the site. From a financial standpoint, construction of the Senior Center will likely not occur until the voters approve a bond issue.

Within the first five years of the term of the lease, the YMCA shall construct, at its cost (currently estimated to be in the area of \$10 million) an aquatics center and recreation facility.

The YMCA shall coordinate the conceptual design with the City and both parties shall exercise good faith in negotiating mutual agreement as to facilities and amenities to be provided within and about the premises. Upon construction and commencement of operations of the facility, the YMCA shall annually pay to the City rent in a sum equal to the ad valorem real estate taxes, which the City would receive if the property was fully developed as a single-family residential subdivision with the maximum of 38 lots and houses. That sum is presently estimated

NEW BUSINESS (Continued):

Agenda Bill #2282 (Continued): to be \$27,000. However, the lease provides for escalation based upon the annual average increase in value as determined by the KC Assessor within the SeaTac area.

Numerous possibilities exist as to various public/private partnership arrangements, and possible use of Hotel/Motel Tax Revenue Bond proceeds; services for persons of low income, persons with disabilities, and the elderly; special programs designed for and contracted to the City; education and training; youth programs; daycare services; senior activities and meals; and many others. The YMCA, with 125 years of providing outstanding community benefits is particularly well suited to join with the City in providing the public with expanded recreational, educational, and social services. It should be noted that the City and the YMCA will work closely together to coordinate any and all programs offered at the YMCA facility with similar programs offered at the City's North SeaTac Park Community Center (NSTPCC).

For some time, Councilmember Don DeHan has kept the Council advised as to the interest of the YMCA of Greater Seattle in obtaining a long-term lease, at nominal cost, together with an obligation on the part of the YMCA to construct and operate an aquatics center and recreation facility on the property.

The Planning Commission (PC) considered the matter on May 19, 2003 and again on June 16, 2003, at which meeting the PC heard from Jim Miller, the Executive Director of the YMCA's Highline Branch. The PC favored permitting the YMCA use on residential zoned property such as the subject site.

A clarification to the Zoning Code should be accomplished in regard to Section 15.10.515 which defines the term "Recreation, Community (Recreational Center)" in the following terms: A recreational use, building, or event maintained and operated by a nonprofit club, or an organization whose membership is for a specified group.

The definition should be made more clearly applicable to the YMCA by changing the term "nonprofit club" to the term "nonprofit corporation or other nonprofit organization". The PC has recommended approval of such a change.

Assistant City Attorney Mirante briefed on the above summary. The facility would be available to all residents of all ages as well as to hotel patrons, businesspersons and people from the entire region. This issue has been extensively discussed by the Council, including a video presentation by the YMCA at the October 7 Study Session.

MOVED BY HANSEN, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 2282.*

Councilmember Siefkes gave a slide presentation on his opposition to this lease as it is being proposed at this time. He opposes having the City give the YMCA \$1.4 million worth of land since the land is not surplus but is a valuable asset to the City. He presented City alternatives: 1) use the land; 2) sell the property; 3) collect interest on the \$1.4 million in the amount of \$28,000 a year; 4) collect property taxes after the land is developed at a rate of \$28,000 a year; or 5) the City would immediately collect tax value on the undeveloped land.

Deputy Mayor DeHan stated that the City has been entertaining this proposed lease with the YMCA for over two years. Several different scenarios have been proposed with a final proposal of a 50-year lease

with two ten-year options. The YMCA has been willing to bring in a \$10 million facility, which will benefit our City's residents of all ages. The property tax on this land is approximately \$27,000 a year and a land lease benefits both the YMCA and the City. In addition there are many intangible benefits that one cannot put a dollar amount on. The City will have it as an asset. The property will stay in the City's inventory and it will have it as an asset if the YMCA ever decides they no longer have an interest in occupying the property.

Councilmember Wurdeman questioned if this project goes forward, what are the seniors going to get out of this and how soon. It will be another 10 years before they get their request for a senior center met.

Councilmember Hansen stated that originally he opposed the lease to the YMCA but after much deliberation, and hearing all sides of the case, he has come to realize the benefits of this project. Municipal government does have a responsibility to its residents to seek out opportunities that will benefit all its citizens. He added the City would be giving the youths of this City a nice recreational place to go. He added that he feels this is the best way to get a senior center. The current senior programs are excellent but this is probably the only way the seniors will get a

NEW BUSINESS (Continued):

Agenda Bill #2282 (Continued): senior center in the near future. The City has made great progress since its incorporation. He looks to South 188th Street to become a visionary boulevard for the City. The YMCA facility will be a wonderful addition to the City.

Mayor Brennan stated that he feels strongly about the seniors' request for a senior center. A Senior Study is in the process of being started. There are many activities that the seniors are being given at the NSTPCC. The City is in a strong fiscal state with the main revenue coming from the hotels. Time and time again, the City Officials and staff hear that there is nothing to do in SeaTac. This facility will definitely be an asset in that regard. The YMCA and senior program are separate issues and should not have been co-mingled, as it has been stated. This will be a facility residents of all ages will have access to use. Fiscally, the City can lease the property to the YMCA with no impact to its economy. Mayor Brennan concluded by stating that the senior center proposal is still in the making and will not be forgotten. He added that 40 percent of the seniors that participate in the City's senior program are not residents of SeaTac.

Councilmember Wurdeman suggested creating a Resolution that would tie the Senior Center to the NSTPCC to coincide with the completion of the YMCA so senior programs can continue at both the community center and at the YMCA.

Deputy Mayor DeHan stated that since the inception of the partnership with the City and the YMCA, the idea was that the programs will compliment each other and will work to maintain that status. When the YMCA facility is completed, there will be a non-competition clause so the same classes are not coinciding with each facility.

***MOTION CARRIED UNANIMOUSLY.**

Jim Miller thanked the Council for their support and feels this will be a great partnership. Duane Steber, former YMCA Management Board President, also gave his appreciation of the Council and staff's work in this decision-making process.

PUBLIC COMMENTS: John Ancell, Chair of the Senior Citizens Advisory Committee, stated if the YMCA defaults, the City would get the building, it will be a responsibility to the City or it will have to be torn down. The seniors have been promised a senior center for 10 years and now the YMCA project is being approved by the Council to build on City property before the Senior Center is approved. The cost of construction goes up yearly and now the City is doing a study for \$40,000.

Linda Snider, 18700 36th Avenue South, inquired as to when the acceptance of the September 23 Joint Council/PC Meeting Minutes would be on the Consent Agenda. The Planning Commission would like a copy to accept at their meeting.

Betty Brennan, wife of Mayor Brennan, thanked the Council for their approval of the land lease to the YMCA. If the youth are kept busy, they are less likely to get into trouble. Taking care of the youth today will help develop strong citizens in the future. She added that she has used the facilities in other

local Cities and has paid the same amount as their residents.

CITY MANAGER'S COMMENTS: City Manager Rayburn stated that in the October 10 City Manager's Weekly Update, he addressed the Mt. Rainier Pool's financial situation. The City of Des Moines explained that because of the lower than expected outside funding efforts, the pool is \$35,000 short for the last quarter payment on the annual contract of \$217,000 to KC for operation of the pool. The shortfall could mean that SeaTac may be requested to contribute an additional \$6,000 to keep the pool open through the end of 2003. He added that the City has already committed to \$25,000 for 2003. He asked the Council three questions to deliberate on: 1) are they willing to contribute additional funds to keep the pool open through 2003; 2) are they willing to take complete or joint ownership of the pool in the future; and 3) are they willing to continue the annual \$25,000 contribution beyond the three years.

CITY COUNCIL COMMENTS: Councilmember Siefkes stated he received a call last week from Code Enforcement Officer Donna Locher who stated that some of the staff were planning on donating their time to an elderly couple to bring their property up to Code. He joined in the effort and wanted to recognize what industrious and caring employees the City has.

Mayor Brennan commented on the Mt. Rainier Pool and its financial situation. He stated that he does not want the City to own the Mt. Rainier Pool. That was stipulated when the Council agreed to contribute the \$25,000. The City's commitment is for three years.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY WURDEMAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:08 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk



SEATAC CITY COUNCIL REGULAR MEETING MINUTES

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City

Council

October 28, 2003

Hall

6:00 P.M.

Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Joe Brennan at 6:00 p.m.

COUNCIL PRESENT: Mayor Joe Brennan, Deputy Mayor Don DeHan, Councilmembers Gene Fisher, Michael Siefkes, Terry Anderson, and Will Wurdeman. Excused Absence: Councilmember Frank Hansen.

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

ANNOUNCEMENT: Mayor Brennan announced the City Police Department Open House will be held this Thursday, October 30, beginning with tours at 5:00 p.m. to be followed by a dedication in the Council Chambers at 6:00 p.m.

FLAG SALUTE: Chief of Police Services Somers led the Council, staff and audience in the Pledge of Allegiance.

PUBLIC COMMENTS: Bo Colello, owner of the Bo Colello Fruit Stand, 19616 Des Moines Memorial Drive (DMMD), restated his son, Mike Colello's request at the October 14 Regular Council Meeting (RCM), for a variance on their family business in order for it to stay in operation. Mr. Colello stated that after receiving a letter from the Planning Department, he is requesting a code change in a residential zone to allow his stand to remain open. He added that his stand has been in operation for 25 years with produce from local farmers, himself included. A second petition is being signed (125 or more signatures to add to the 550 already submitted to the City). Mr. Colello urged Council's support on keeping this family business open. The letter stated that he has until November 19 to submit an appeal to continue operation of his business. The coding issues that this letter outlines and the expenses he would incur would put him out of business. He requested an extension on his 90-day permit due to his circumstances.

Bill Colello, son of Bo Colello, 19616 DMMD, asked for special consideration for an extension of the above stated permit so his family can continue to operate the business. Mayor Brennan requested Mr. Colello speak with the City Manager on this matter.

City Manager Rayburn stated that the Planning Department has been working with the Colellos but they are welcome to call him tomorrow and discuss the issue further. He will also have the information on the issue in the Council's Friday packet for their review.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$904,823.53 for the period ending October 20, 2003.
- Approval of employee vouchers** in the amount of \$393,898.77 for the period ending October 15, 2003.
- Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending October 17, 2003.

Approval of Council Meeting Minutes:

- Joint City Council / Planning Commission Work Session** held September 30, 2003.
- Budget Workshop IV** held October 7, 2003.
- Budget Workshop V** held October 14, 2003.
- Regular Council Meeting** held October 14, 2003.

Acceptance of Advisory Committee Minutes:

- Hotel/Motel Tax Advisory Committee** meeting held July 9, 2003 (Committee approved October 8, 2003).
- Planning Commission** meeting held October 6, 2003 (Commission approved October 20, 2003).
- Senior Citizen Advisory Committee** meeting held September 4, 2003 (Committee approved October 16,

2003).

Approval of the following Agenda Items recommended at the October 21, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2370

A Motion authorizing the City Manager to execute a Contract for City Voice/Data Network maintenance and support

Summary: In 2002, the City purchased a new Cisco Systems voice/data network from NEC Business Network Solutions in conjunction with the move to the new City Hall Facility. At the same time, the voice and data systems

CONSENT AGENDA (Continued):

Agenda Bill #2370 (Continued): were replaced at the three fire stations. In 2003, the North SeaTac Park Community Center and the Police Precinct at City Hall were added to the voice/data network, and the new Maintenance Facility will be accommodated with completion of that project.

The initial purchase of the system included a one-year maintenance contract, which expires in November 2003. The Finance Department has been exploring various options to continue providing critical technical support for the system, over and above the service in-house Information Services staff is able to provide. The two options available are to extend the maintenance and support contract or pay for time and materials on an as-needed basis. The maintenance and support contract provides the best protection for the City's investment to ensure that the voice/data network operates efficiently on a continuous basis.

The City obtained quotes from two vendors that could provide this service through Cisco Systems. It became apparent during the process that the most cost-advantageous option was to obtain a three-year maintenance and support contract. NEC Business Solutions provided a quote of approximately \$62,500 for the three-year period. Qwest provided a proposal in the amount of \$54,468 for the same three-year maintenance and support agreement.

The proposed contract from Qwest provides for an increasing discount off the list price for maintenance if we opt for a three-year contract. The discount in year one is 15 percent, year two is 17 percent, and year three is 19.5 percent. Equipment for the addition of the Police headquarters and the Community Center was purchased in August 2003, and the maintenance for this equipment expires in August of 2004. In order to maintain all of the equipment on the same schedule, the cost of maintenance on equipment purchased in 2002 will be prorated to coincide with the recently purchased equipment. The resulting costs from the discounts and the appropriations are as follows: contract amount for November 2003 to August 2004 - \$14,042; September 2004 to August 2005 - \$20,522; and September 2005 to August 2006 - \$19,904, for a three-year contact totaling \$54,468.

\$19,000 has been appropriated in the 2003 Non-Departmental budget for voice/data network maintenance and support. The contract amount to be paid from the 2003 Budget is \$14,042. The necessary appropriation has been included in the proposed 2004 Preliminary Budget, and will be included in 2005 when that year's budget is developed.

Agenda Bill #2376

A Motion authorizing Final Acceptance of the South 188th Street / Military Road Project

Summary: On August 13, 2002, Council awarded the South 188th Street/Military Road Contract to G. A. Goodman Construction for a contract amount of \$1,298,280 plus a 10 percent contingency of \$129,828 for a total construction budget of \$1,428,108. Additional construction related activities plus the design work already accomplished at that time brought the total budget to \$1,677,534. Work began in early October 2002 and reached substantial completion (open to traffic) by April 2003. The project was physically completed on October 17, 2003.

The project included road repair and overlay of approximately 1,150 lineal feet of South 188th Street between 46th Avenue South and Military Road. Also included were curb, gutter and sidewalk along the City Hall frontage on both roads, traffic signal modifications, additional traffic lanes, one additional eastbound lane on South 188th Street and one additional southbound to eastbound left turn lane on Military Road. The project is now complete including cleanup and punch list items. The final costs of the construction contract were slightly higher than the contract bid amount but well within the

budgeted amount. Additional landscape work in the median on South 188th Street and along the Valley View Park frontage was added to the project and account for most of the additional construction costs. The Washington State Department of Transportation (WSDOT) review and inspection charges were also significantly higher than anticipated.

It is recommended that the Mayor and City Council move to authorize final acceptance of the South 188th Street/Military Road Project and establish a 45-day lien period as required by state law.

The design contract with David Evans was approved and budgeted under a separate Agenda Bill No. 2086. It is shown here to indicate total project cost including design.

CONSENT AGENDA (Continued):

Agenda Bill #2376 (Continued):

| <u>Contractor</u> | <u>Budget</u> | <u>Final Cost</u> |
|--|-----------------------|-----------------------|
| Design Contract (David Evans & Associates) | \$ 209,426.00 | \$ 209,426.00 |
| Construction Contract (C.A. Goodman) | \$1,298,280.00 | \$1,342,609.00 |
| Construction Contingency (10%) | \$ 129,828.00 | 0.00 |
| Street Lights (estimate) | \$ 20,000.00 | \$ 20,000.00 |
| Additional Inspection (WSDOT required) | \$ 5,000.00 | \$ 19,022.79 |
| Material Testing | <u>\$ 15,000.00</u> | <u>\$ 17,611.13</u> |
| TOTALS | \$1,677,534.00 | \$1,608,668.92 |

Agenda Bill #2377

A Motion authorizing Final Acceptance of the 2003 Annual Overlay Project

Summary: On June 24, 2003, Council awarded the 2003 Annual Overlay contract to Tucci & Sons for a contract amount of \$389,418 plus a 10 percent contingency of \$38,942 for a total project budget of \$428,360. Work began in late August 2003 and reached substantial completion by September 19, 2003. The project included road repair and overlay of approximately 6,533 lineal feet of residential streets throughout the City. The actual costs of the project were lower than the contract amount. The project was physically completed September 30, 2003.

It is recommended that the City Council authorize final acceptance of the 2003 Annual Overlay Project and establish a 45-day lien period as required by state law.

| <u>Expenditures</u> | <u>Bid Amount</u> | <u>Final Cost</u> |
|-----------------------|-------------------|-------------------|
| Construction Contract | \$ 389,418 | \$333,117 |
| Contingency (10%) | \$ 38,942 | \$0 |
| Totals | <u>\$428,360</u> | <u>\$333,117</u> |

Project Funding

| <u>BARS ACCOUNT</u> | <u>Bid Amount</u> | <u>Final Amount</u> |
|---|-------------------|---------------------|
| #102.000.15.595.30.63.086, Street Overlays | \$399,816 | \$322,651 |
| #102.000.15.595.61.63.035, Pedestrian Improvement Program | \$ 13,458 | \$ 10,466 |
| #406.000.28.595.40.63.054, Spot Drainage Improvements | \$ 15,086 | \$ 0 |
| Totals | <u>\$428,360</u> | <u>\$333,117</u> |

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2375

A Motion authorizing the City Manager to execute a Contract to employ a Consultant to complete the Senior Center Pre-design Program Study

Summary: The City sent out numerous Requests for Proposals (RFPs) relating to the Senior Center Pre-design Program Study. Six Requests for Proposals (RFPs) were received. The interview team was comprised of Councilmember Terry Anderson, Senior Citizen Advisory Committee member Darlene

Thompson, Kit Ledbetter and Lawrence Ellis. This team interviewed all six consultants on October 2, 2003 and unanimously decided to select ARC Architects to complete the study.

The City completed a Senior Center survey in June 2002. The Senior Center Pre-design Program Study should complete the process of site selection, including the recommended square footage of the proposed center as well as the estimated cost to build and maintain it. The selected firm will give a brief presentation and answer questions at the Study Session.

It is recommended that the City Council authorize the City Manager to execute a contract with ARC Architects in an amount not to exceed \$27,000.

NEW BUSINESS (Continued):

Agenda Bill #2375 (Continued): The budget for the study is funded by Community Development Block Grant (CDBG) funds. The total budget is \$27,000 with an additional \$1,141 to be held by the City for contingencies including printing and other unknown costs. The funding will be disbursed as follows: \$14,959 in 2003 and \$13,182 in 2004. Angle Lake was chosen as the most desired location for the facility.

Councilmember Fisher stated his reasons for opposing this agenda bill. He had suggested options to obtain information such as from various surveys completed by other agencies, i.e., Senior Housing Authority Group (SHAG) rather than spending taxpayers' money obtaining the same information. He added that there are probably many studies that have been made already and indicated that this study was unproductive and the \$27,000 could be put to better use.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2375.*

Councilmember Anderson stated that this is a design study for a modular building, not a study to find out what the seniors want.

Parks & Recreation Director Ledbetter stated the difficulty is that if the City felt the YMCA was the location, how large should the facility be, and how much will it cost. These and many more questions are answered through the study.

*MOTION CARRIED WITH FISHER VOTING NO.

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

CITY MANAGER'S COMMENTS: City Manager Rayburn reminded the Council, staff and audience of the Police Department Open House tour times and dedication ceremony.

CITY COUNCIL COMMENTS: Deputy Mayor DeHan thanked everyone for their sincere thoughts and prayers on the passing of his 96 year old mother, Agnes DeHan.

RECESSED: Mayor Brennan recessed the Regular Council Meeting to an Executive Session on Personnel Issues at 6:22 p.m.

EXECUTIVE SESSION: Personnel Issues

RECONVENED: Mayor Brennan reconvened the Regular Council Meeting at 6:49 p.m.

ADJOURNMENT:

MAYOR BRENNAN ADJOURNED THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 6:50 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

November 12, 2003 (Wednesday)
6:00 P.M.

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Joe Brennan at 6:00 p.m.

COUNCIL PRESENT: Mayor Joe Brennan, Councilmembers Gene Fisher, Michael Siefkes, Terry Anderson (was excused at 6:25 p.m.), Frank Hansen and Will Wurdeman. Excused Absence: Deputy Mayor Don DeHan.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Judith Cary, City Clerk; Steve Butler, Planning Director; Mike Scarey, Senior Planner; Kit Ledbetter, Parks & Recreation Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Fire Chief Meyer led the Council, staff and audience in the Pledge of Allegiance.

PUBLIC COMMENTS: Linda Snider, 18700 36th Avenue South, spoke regarding Agenda Bill No. 2382. She was concerned about King County's (KC) agreement to take back the ownership of the Mt. Rainier Pool at a future date, which would make KC responsible for the demolition of the pool. She suggested wordage in the contract to read that the City will not take any form of ownership, nor will the City incur any demolition cost.

Mayor Brennan responded that the City will not take ownership, which will be documented in the agreement nor will the City take responsibility for any demolition cost at the time of the pool's destruction.

PRESENTATIONS:

·Master Builders Association on Condominium Liability Insurance Crisis

Scott Hildebrand, Master Builders Association Public Policy Director for KC and Snohomish County, spoke about the problems concerning multi-family housing in the region. He gave an overview of what will be transpiring regarding this issue through State legislation and local government support that would allow this type of housing to move forward. HB 5536 addressed this issue last session, and a new HB will be presented to the Legislature this year. Condominiums are becoming in short supply, and soon will become out of reach for the average buyer. Building permits for such housing have declined over the last few years primarily due to insurance companies not wanting to take a risk on them. On the other hand, land is at a premium and needs to be used in a more efficient manner, which means multi-family housing. Affordability is a goal of the Growth Management Act (GMA) and the only way to achieve this goal is to use less land per residential unit. The GMA requires builders to build a perfect building, which is not possible. Waves of property damage suits were filed. Most insurance carriers left the market and the two insurance carriers at this time are surplus carriers. Builders cannot afford the insurance costs. As a result, condo building is declining, new carriers charge significantly more and builders cannot afford or obtain liability insurance. Major builders have stopped building condos due to not being backed by the standard insurers. Mr. Hildebrand further explained the State situation on that issue and what is being done to reform the laws on condominiums. The homeowners are faced with making up with reasonable inspections. If not performed, those issues can be used as an affirmative defense by the builder to overrule a claim for negligent building. Arbitration is a short and more economical way to tackle these issues rather than through the court system. The insurers are leery of buying condominiums because they do not know how to risk going to court and achieving a settlement. They would like to see a more certain system, which can be done through arbitration and/or caps on damages. This proposed and revised bill will be going before the Legislature again this year and is supported by several government entities and private industry. He urged Council's support for the legislation to promote more attached ownership housing for the region.

Councilmember Fisher stated that the southend has more than its share of apartments and he would like to see more condos built. Mr. Hildebrand agreed that this area needs more self-ownership housing. Mayor Brennan stated that he spoke with Mr. Hildebrand six weeks ago and he supports the issue. Mr. Hildebrand stated that there is a four-year statute of repose on suits to be filed on builder defects. State legislative action will be the only way to relieve the situation.

(At this time, Councilmember Anderson requested to be excused from the meeting due to another obligation.)

·2003 Proposed Comprehensive Plan Amendments and related SeaTac Municipal Code (SMC) Changes

Planning Director Butler stated that an overview of the proposed amendments was given to Council at the November 4 Study Session (SS). This evening's presentation reviewed two basic aspects: 1) the proposed Capital Facilities Amendments processed annually; and 2) Zoning Code Amendments pertaining to Environmentally

PRESENTATIONS (Continued):

2003 Proposed Comprehensive Plan Amendments and related SMC Changes (Continued): Sensitive Areas. Senior Planner Scarey distributed information on the Capital Facilities background report, which is the City's Capital Facilities Plan (CFP) annual update for 2004-2009. It is an analysis of all City-owned facilities based on adopted levels-of-service (LOS). The GMA requires a financially balanced plan. For each type of facility the City owns, there is a section for it in the plan. Each of those sections has three tables: 1) inventory of available facilities; 2) LOS analysis which is the adopted LOS calculated against current and future population; and 3) sources and uses of funds for proposed projects. He exemplified the three tables using community parks.

The amendments to the CFP the staff proposes results in a financially balanced plan with no deficiencies in the facilities and only a minor amount of adjustments in LOS. Upon a question posed by Councilmember Fisher regarding how the formula for the three tables was developed, Mr. Scarey stated that it was developed by the Council through a series of workshops in 1994 prior to the adoption of the plan and have been amended some over the years. Councilmember Fisher requested a comparison of other local Cities' LOS, which will be gathered and placed in the Council packet.

Mr. Scarey continued with the Zoning Code Amendments. Environmentally Sensitive Areas amendments bring the City's Development Regulations into compliance with State Best Available Science (BAS) requirements. Staff proposed three amendments: 1) provide the City more discretion in requiring special studies; 2) specify contents of special studies; and 3) clarify City's preference for enhancement over replacement of wetlands. Mr. Butler added that an excellent example of enhancement over replacement is the Washington Mutual Training Center project where the wetlands were preserved and enhanced

Councilmember Fisher stated that the State makes all the environmental laws. Mr. Scarey stated the State gives recommendations, but each jurisdiction is able to develop its own regulations. Basically, the wetland and stream buffers stay the same under the proposed amendments. However, the amendments also incorporate the State's BAS requirements

Mr. Butler added that this item will go to the December 2 Special Council Meeting for Council consideration.

ADDITIONAL ITEM OF BUSINESS: Councilmember Hansen requested a moment of silence for the passing of Bob Hankins, senior citizen in the City and the lead guitar for the band, "The Hanky Panky's." He is survived by his wife, Maxine, also a band member.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$1,091,476.35 for the period ending November 20, 2003.
- **Approval of employee vouchers** in the amount of \$520,120.83 for the period ending October 31, 2003.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending October 31, 2003.

Approval of Council Meeting Minutes:

- **Study Session** held October 7, 2003.
- **Regular Council Meeting** held October 28, 2003.

Acceptance of Advisory Committee Minutes:

- **Planning Commission Meeting** held October 20, 2003 (Commission approved November 3, 2003).

Approval of the following Agenda Items recommended at the November 4, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2378; Resolution #03-025

A Resolution accepting and approving the City of SeaTac's designated portion of the Regional Hazard Mitigation Plan (RHMP), upon approval by Federal Emergency Management Agency (FEMA)

Summary: The City Council, by Agenda Bill No. 2261, passed on February 11, 2003, allowed the City to participate in the KC RHMP. The plan is required by FEMA in order, in the future, to receive funding for a declared disaster, and to be eligible for grant funding for hazard mitigation associated with natural and technological disasters anticipated in the City.

CONSENT AGENDA (Continued):

Agenda Bill #2378; Resolution #03-025 (Continued): A task force representing many governmental agencies in KC has been working on this plan. The City committee from Fire, Public Works, Police, and Planning Departments met to develop the City's portion of the plan. The basics of the plan have been reviewed by Public Safety and Justice (PS&J) Committee. The KC plan must be submitted to and approved by FEMA before becoming effective. FEMA requires City of SeaTac Council's approval of its section prior to submission.

Agenda Bill #2381

A Motion approving purchase of a Generator for the new combined Maintenance Facility

Summary: This Motion approves the purchasing of a generator for the Maintenance Facility under State Contract terms.

The State Contract amounts allowed for a 125KW generator and additional materials required for installation:

| | |
|----------------------------------|--------------------|
| 125KW generator with accessories | \$26,400.00 |
| Installation materials and labor | \$15,000.00 |
| Contingency | \$ 4,140.00 |
| Wash. St. Sales Tax | <u>\$ 3,643.20</u> |
| Total | \$49,183.20 |

This new generator is strongly recommended for continued Park and Public Works operations in the event of an emergency.

The City Council authorized a total budget of \$4,217,680.91 for construction of the new Maintenance Facility. At 75 percent completion, the project contains a contingency in excess of \$200,000.

Agenda Bill #2387

A Motion approving Budgets for Furniture and Related Items for the new combined Maintenance Facility

Summary: This Motion approves the purchasing budget for furnishings and fuel storage tanks for the new Parks/Public Works Maintenance Facility.

The City is securing proposals for new and nearly new furniture. In order to take advantage of used furniture opportunities, it is suggested that a budget be pre-approved. The following are the budgets proposed:

| | |
|-----------------------|--------------------|
| Furniture | \$25,000.00 |
| Storage racks | \$10,000.00 |
| Visual display boards | \$ 5,000.00 |
| Fuel storage tanks | <u>\$15,000.00</u> |
| Total | \$55,000.00 |

The City Council authorized a total budget of \$4,217,680.91 for construction of the new maintenance facility. \$40,000 of the purchase request is accounted for in this budget. \$10,000 is allocated from the 2003 Public Works budget. \$5,000 is allocated from the 2003 Parks budget.

Agenda Bill #2382

A Motion authorizing the City Manager to execute a Contract for continued Membership with the Mount Rainier Pool Contributors (MRPC)

Summary: (See summary under New Business.)

Agenda Bill #2270; Resolution #03-026

A Resolution authorizing amended Bylaws of the SeaTac Planning Commission (PC)

Summary: This Resolution authorizes PC Bylaws, which would update and provide clarity to the operating rules of the PC and make them consistent with the SMC.

The amendments to the bylaws are intended to: 1) eliminate language discrepancies between the bylaws and portions of the SMC relative to the PC; 2) update them to better reflect the duties and procedures of the PC; and 3) clarify some minor housekeeping issues. After careful review, the PC voted to recommend that the City Council authorize the amended bylaws, in accordance with the PC's recommendations in Resolution.

CONSENT AGENDA (Continued):

Agenda Bill #2310; Ordinance #03-1030

An Ordinance amending the SMC to accommodate changes to the SeaTac PC Bylaws

Summary: The PC has proposed revisions to its bylaws, in order to update and provide clarity to the operating rules of the PC and to make them consistent with the SMC. Two of the bylaw changes are not consistent with the SMC. Therefore, the SMC would need to be amended in order to accommodate these two bylaws revisions: 1) Section 2.15.040 would enable the Council to make six or more absences by a PC member in a calendar year grounds for dismissal; and 2) Section 2.15.140 would provide more flexibility for the PC to transmit public hearing information to the Council. In situations where quick legislative action is desired, the revision would allow a reduction in the two-week minimum timeframe for the Council to receive a written Public Hearing Summary, by an oral summary report to the Council by a PC member or the Planning Director.

Agenda Bill #2383

A Motion authorizing the City Manager to execute a Contract for Audio/Visual (A/V) Equipment maintenance and support

Summary: This Motion authorizes the execution of a contract with Delta A/V for maintenance and support of the City's A/V equipment in the Council Chambers, Court Room, Lobby, and Executive Conference Room.

In 2002, the City purchased an A/V system from Delta A/V in conjunction with the move to the new City Hall Facility. The initial purchase of the system included a one-year maintenance contract, which expires November 20, 2003. The City Clerk's Office has been exploring various options to continue providing critical technical support for the system. The options available are: 1) have the in-house Information Services staff provide support; 2) pay for time, travel, and materials on an as-needed basis; 3) enter into a preventive maintenance contract with one- or three-year options; 4) enter into a priority service contract with one- or three-year options; and 5) enter into an extended warranty contract with one-, two-, or three years options.

It has been determined by staff that the three-year extended warranty contract provides the best protection for the City's investment to ensure that the equipment operates efficiently on a continuous basis. The extended warranty contract includes preventive maintenance, priority service, labor for service calls, and the parts and other costs to repair or replace failed equipment.

The contract provides for a 10 percent discount off of each year if the City enters into a three-year contract, totaling a savings of \$2,440 over the three-year period.

Although the contract commences November 21, 2003, the City is receiving the first six weeks free and therefore will not pay until 2004. The cost for each year is 2004 - \$6,775; 2005 - \$7155; and 2006 - \$8055 for a total of \$21,985. The necessary appropriation has been included in the proposed 2004 Preliminary Budget, and will be included in the 2005 and 2006 budgets when those budgets are developed.

MOVED BY HANSEN, SECONDED BY WURDEMAN TO ACCEPT THE CONSENT AGENDA WITH THE REMOVAL OF AGENDA BILL NO. 2382 TO BE DISCUSSED UNDER NEW BUSINESS.

MOTION CARRIED AS AMENDED.

NEW BUSINESS:

(The following item was removed from the Consent Agenda to be discussed by Council under New Business.)

Agenda Bill #2382

A Motion authorizing the City Manager to execute a Contract for continued Membership with the Mount Rainier Pool Contributors (MRPC)

Summary: This Motion approves a long-term lease to the YMCA of City property at 3521 to 3543 South 188th Street, which includes the following terms: 1) SeaTac and YMCA shall agree upon an interim use; 2) YMCA shall construct an aquatics center and recreation facility at its cost; 3) annual rent shall equal the real estate tax which the City would receive if the property was developed with single-family residences; and 4) YMCA shall release a portion of the land when the City is prepared to construct a Senior Center on the premises.

The lease provides that the YMCA will accomplish certain actions within the initial five years (or shorter, if construction can begin earlier). These "mile posts" are as follows: 1) April 1, 2004: YMCA will commission an

NEW BUSINESS (Continued):

Agenda Bill #2382 (Continued): Ad Hoc Design Advisory Committee composed of representatives from the business and residential communities (which may include discrete age groups), YMCA and City Staff, and the Architect; 2) June 1, 2004: submit interim land usage plan; 3) September 2004: Council approves interim use plan; 4) December 31, 2004: Capital Feasibility Study is completed; 5) 2005/2007: Capital Campaign is in process; 6) September 2006: program design; 7) January 2007: schematic design; 8) March 2007: design development; 9) May 2007: begin construction plans; 10) March 2008: groundbreaking; and 11) April 2009: YMCA facility opens.

The YMCA shall coordinate the conceptual design with the City and both parties shall exercise good faith in negotiating mutual agreement as to facilities and amenities to be provided within and about the premises. Upon construction and commencement of operations of the aquatics center and recreation facility, the YMCA shall annually pay to the City rent in a sum equal to the Ad Valorem Real Estate Taxes which the City would receive if the property was fully developed as a single-family residential subdivision with the maximum of 38 lots and houses. That sum is presently estimated to be \$27,000. However, the proposed Lease provides for escalation based upon the annual average increase in value as determined by the KC Assessor within the SeaTac area.

The City will, of course, be free to enter into future agreements with the YMCA for City or joint City and YMCA programs and activities.

It should be noted that the City and the YMCA would work closely together to coordinate any and all programs offered at

the YMCA facility with similar programs offered at the City's North SeaTac Park Community Center.

MOVED BY HANSEN, SECONDED BY FISHER TO ACCEPT AGENDA BILL NO. 2382.*

Parks & Recreation Director Ledbetter stated that the Cities of Des Moines and Normandy Park will take ownership from KC in a separate contract. In the contract, it will state that if the pool is closed and the operator fails after 120 days, it will go back to KC. When KC takes the ownership back, the demolition will take place. The City of SeaTac is not part of that contract.

*MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS:

Interim Wireless Telecommunication Facilities (WTF) Standards – Planning

Mr. Butler stated that staff gave a presentation on the proposed extension of interim WTF Standards at the November 4 SS. There are two options that can be made before the public hearing: 1) make another presentation; or 2) turn the issue back to the Council to open the public hearing.

Mayor Brennan opened the Public Hearing at 6:52 p.m.

Linda Snider, 18700 36th Avenue South, spoke regarding the two Agenda Bill Nos. 2371 and 2372 related to this issue. After reviewing this topic at the last meeting and the PC meeting, she favored this system. Then she noticed that this issue is on the Land Use and Parks (LUP) Committee meeting agenda to be held tomorrow. She agrees with the standards but is concerned as to Agenda Bill No. 2372. She was concerned as to whether the Council will be voting on the scope of work presented at the last SS or can more be added to it.

Mr. Butler answered that it was placed on the LUP and PC agendas to brief both groups as the process moves forward. As to the scope of work, it will be basically the same as presented last week.

Councilmember Fisher stated that he agrees with Ms. Snider regarding contracts being signed without much discussion on the issues and in this case, a WTF consultant.

Mr. Butler stated that staff has been asked to move on a fast track. Three meetings have been scheduled with the consultant; the first is on November 24. Staff recommends approving the contract.

Councilmember Fisher agrees with scope of work but would like to see the contract. Councilmember Wurdeman agreed. He also was concerned that the full Council is not present. Mayor Brennan stated that only attending Council vote on the issues.

PUBLIC HEARINGS (Continued):

Interim WTF Standards (Continued): City Manager Rayburn stated that the Motions Council passes typically state, "authorize the City Manager" to do something. It does not state, "direct the City Manager" with a time certain to do anything, therefore, the contract(s) can be held over until he is certain as to its contents before he signs it. If the work in the contract is not performed, the consultant does not get paid. Mayor Brennan explained that the cell tower industry has a lot of leverage and will use it if the City does not take this action. He added that the City will only learn from an expert in the field. This consultant appears to be a good one.

Councilmember Hansen stated that the public hearing is being heard now. He added that PC member Mark Siegel, who is an expert in this field, would be willing to comment on this issue if more information were needed.

PC member Joe Dixon stated that he feels the City needs to go through with this contract with this consultant. There are not many WTFs in the City. Under the interim standards, no applications have been made to date for installing WTFs. He feels the scope of work needs to be brought forward for further discussions. All the questions are not answered yet. The City needs to hear the consultant's comments and Council feedback.

Senior Planner Anderson stated that the Interim Standards are in lieu of a Moratorium. They set a basic level of service, adding that the City has received some applications that meet those standards.

Mayor Brennan closed the Public Hearing at 7:15 p.m.

NEW BUSINESS (Continued):

Agenda Bill #2371; Resolution #03-027

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

Summary: This Resolution extends the Interim Development Standards for WTFs for a period of six months. The extension allows for consultant input on the standards, as outlined in Agenda Bill No. 2372. Interim Standards were

adopted under Ordinance No. 03-1021 on June 24, 2003 for an initial period of six months. They are due to expire on December 24, 2003.

On August 12, 2003, Council requested that staff obtain consultant input on the standards, and on strategies that the City may use to generate revenue from the WTFs. The process of hiring a consultant and scheduling time for the consultant work has resulted in a need to extend the interim standards.

Consultant expertise will enhance the City's ability to adopt permanent standards that are in the best interest of the City, its citizens, and the wireless industry. Since the adoption of the Interim Standards, two meetings have been held with representatives of the wireless industry. Input from the consultant would assist in resolving concerns, and would strengthen the City's ability to regulate the location and appearance of facilities. Additionally, consultant input will provide recommendations regarding revenue generation, which would need to be complemented by the regulations. Extension of the Interim Standards will allow time for these activities to occur.

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. The public hearing was held prior to this Agenda Bill.

MOVED BY HANSEN, SECONDED BY FISHER TO PASS RESOLUTION NO. 03-027.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (Continued):

Local Law Enforcement Block Grant (LLEBG) Funds - Police

Mayor Brennan opened the Public Hearing at 7:16 p.m.

Police Captain Dymerski stated that an advisory committee was formed and met in October to discuss acceptance of the LLEBG funds that has been in force since 1998. This Public Hearing was set for this evening to discuss the Federally funded program to help the Police Department with technological and other crime prevention needs. Agenda Bill No. 2380 to be voted on following this public hearing is requesting the acceptance of LLEBG funds from the US Department of Justice, Bureau of Justice Assistance (BJA) to continue operation of cell phones and other technological equipment and programs for the Police Department to better serve and protect the community.

Mayor Brennan closed the Public Hearing at 7:19 p.m.

NEW BUSINESS (Continued):

Agenda Bill #2380

A Motion authorizing the acceptance of 2003 Local Law Enforcement Block Grant (LLEBG) Funds

Summary: This Motion authorizes the execution of documents accepting fiscal year 2003 LLEBG funds from the US Department of Justice, BJA.

The City has received notice from the BJA on August 7 and accepted it on August 11, 2003. The City has 90 days to formally accept the 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 award will reimburse the City 90 percent of its qualifying expenditures to a maximum of \$24,880. The grant requires the City to contribute matching funds of \$2,764 for a total of \$27,644.

The Police Department has submitted a decision card for appropriation of the qualifying expenditures in the 2004 Annual City Budget.

MOVED BY HANSEN, SECONDED BY WURDEMAN TO ACCEPT AGENDA BILL NO. 2380.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2372

A Motion authorizing the City Manager to execute a Contract for a Wireless Telecommunications Consultant

Summary: Pursuant to a City Council request, the Planning Department issued a Request for Proposals (RFP) and interviewed consultants to assist in evaluating the revenue generating potential of WTF, and in reviewing the City's Interim WTF standards. The Planning and Public Works Departments recommend entering into a \$20,000 contract for consulting on WTF issues with CityScape Consultants, Inc.

On June 24, 2003, City Council adopted Interim Standards related to WTFs. On August 12, 2003, the Council requested that the Planning Department hire a consultant to assist in evaluating the potential of generating revenue from WTFs and also to assist in review of the interim standards.

The Planning Department published a RFP for a wireless telecommunications consultant and recently interviewed four respondents. One firm, CityScape Consultants, Inc. stood out as having planning, legal and engineering expertise in the

area of WTF planning. They have assisted Cities in several States in developing master plans that evaluate the potential for revenue generation and recommend strategies. Further, the firm is experienced at assisting Cities in developing wireless regulations that direct both the types and placement of facilities as desired by the City and its citizens. It is recommended that the Council authorize the City Manager to enter into a \$20,000 consultant contract with CityScape.

Planning Director Butler stated that a draft contract can be distributed at the LUP Committee Meeting tomorrow.

MOVED BY HANSEN, SECONDED BY WURDEMAN TO ACCEPT AGENDA BILL NO. 2372.

MOTION CARRIED UNANIMOUSLY.

Planning Director Butler stated that the consultant has suggested the following schedule: November 24, 2003, (morning session of staff and PC and 3:30 – 5:00 for the Council; Public Workshop on the week of January 12, 2004; PC Public Hearing in February 2004; and Council adoption on February 3, 2004.

PUBLIC COMMENTS: Joe Dixon, 19211 35th Avenue South, referred to the balancing of the budget for the six year plan on the deficits and the Capital Plan for the Public Works and Parks Facilities under one item. It appears that by the year 2009, the City will need approximately \$1 million for this plan. On the use of funds in 2005, there are three new picnic table areas in Angle Lake Park Phase II Improvements to come out of the General Fund at \$300,000. He stated his opposition to this amount.

Linda Snider stated her agreement with Mr. Dixon. This issue has been discussed with the PC and the members have asked for a cost breakdown of picnic areas and picnic shelters. Mayor Brennan stated that Mr. Ledbetter could better explain the breakdown. Lastly, she clarified that she was not questioning the knowledge of the City Manager or staff as to the WTF Consultant Contract. She thought the scope of work was complete but Mr. Butler has since explained to her that the contract is in draft and needs final reviewing before it is finalized.

CITY MANAGER'S COMMENTS: City Manager Rayburn stated that regarding the Joint Advisory Committee (JAC) Meeting with the Port of Seattle (POS) November 13, he suggested that the pre-meeting convene at 9:30 a.m. rather than the scheduled 9:00 a.m., since the main meeting is at 10:30 a.m. Mayor Brennan agreed. Councilmember Anderson has been made aware of this time change.

CITY COUNCIL COMMENTS: Councilmember Hansen stated his appreciation for the Council and staff support.

Mayor Brennan acknowledged Chris Wythe in the audience, as the apparent newly elected Councilmember for Position No. 2.

ADJOURNMENT:

MOVED BY WURDEMAN, SECONDED BY HANSEN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:29 P.M.

MOTION CARRIED UNANIMOUSLY.

Joe Brennan, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

November 25, 2003
6:00 P.M.

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Council Meeting was called to order by Mayor Joe Brennan at 6:00 p.m.

COUNCIL PRESENT: Mayor Joe Brennan, Councilmember Gene Fisher, Terry Anderson, and Frank Hansen, Outgoing Councilmember Will Wurdeman, Incoming Councilmembers Chris Wythe and Ralph Shape. Excused Absences: Deputy Mayor Don DeHan and Outgoing Councilmember Michael Siefkes.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Judith L. Cary, City Clerk; Kristina Gregg, Deputy City Clerk; Mary Mirante, City Attorney; Mike McCarty, Finance Director; Pat Patterson, Facilities Manager; Steve Butler, Planning Director; Doug Reynolds, Crime Prevention Officer; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Eric Matheson, Highline Times Newspaper Editor, led the Council, staff and audience in the Pledge of Allegiance.

PRESENTATIONS:

Plaques of Appreciation to outgoing Councilmembers Michael Siefkes and Will Wurdeman

Mayor Brennan read and presented the service plaque to Outgoing Councilmember Wurdeman. Outgoing Councilmember Siefkes was unable to attend this meeting to receive his plaque. It will be delivered to him. Mayor Brennan stated his appreciation of the work both outgoing Councilmembers gave to the City at a much-needed time, assisting in development of the 2004 budget.

Public Swearing-in of Christopher Wythe to Position No. 2 and Ralph Shape to Position No. 5 as newly Elected Councilmembers

The Oaths of Office were administered to newly elected Councilmembers Wythe and Shape by City Clerk Cary, followed by the signing of the Oaths of Office. Councilmember Wythe thanked all concerned for the support he received during his campaign, giving special thanks to his wife, Tracy and his daughter, Johanna. Councilmember Shape thanked those who worked on his campaign and those who voted for him. He introduced his wife, Judy, his daughter and son-in-law, Lori and Michael Spenser, and grandson, David. Unable to be at his swearing in were his granddaughter, Stefany, a high school senior and his son, Marty, an Army Sergeant, currently stationed in New York with the 10th Mountain Division after recently returning from Afghanistan. He wished all of the Nation's military personnel a safe and speedy return home, to which the Council concurred.

PUBLIC COMMENTS: Sheila Lenge, Highline Times Newspaper Advertising Consultant, urged Council to participate in a publication produced by the Highline Times and Robinson Newspapers commemorating the region's 100 years of powered flight. The magazine will be a commemorative document that includes the specific growth in the region and how it has flourished due to the impact of flight and all its related elements, such as Boeing Field and the Sea-Tac International Airport. The newspaper is urging businesses' support by buying advertising in the magazine. She suggested the City advertise on the glossy back page depicting the new City Hall. Mayor Brennan stated that the Council would need to concur with this expenditure. Councilmember Shape inquired as to the rates. Ms. Lenge offered a 20 percent discount off the original cost of \$2,800, for this layout. The publication will be distributed to over 90,000 homes and businesses. Councilmember Hansen suggested that the Mayor, Chair of Hotel/Motel (H/M) Tax Advisory Committee, speak to the other committee members regarding funding this magazine. Councilmember Fisher added that the volumes of readers will be extensive. It will be well worth the small cost of advertising, and would promote the local area and its benefits of living and working here. Mayor Brennan stated that this appears to be a General Fund Budget item. He will, in the meantime, contact the H/M Committee members as to advertising space. The Port of Seattle (POS) will be participating in the commemoration. There will be considerable information as to the School of Flight. The magazines will be passed out to commemoration attendees. Councilmember Fisher stated he backs this project and City contribution.

SUSPENSION OF THE RULES:

MOVED BY HANSEN, SECONDED BY FISHER TO SUSPEND THE RULES TO VOTE ON THE EXPENDITURE OF CITY FUNDS FOR A MAGAZINE ADVERTISING LAYOUT COMMEMORATING THE 100 YEARS OF FLIGHT.

MOTION CARRIED UNANIMOUSLY.

AUTHORIZATION OF EXPENDITURE:

MOVED BY FISHER, SECONDED BY HANSEN TO AUTHORIZE THE EXPENDITURE OF \$2,240 FROM THE GENERAL FUND FOR A FULL BACK PAGE GLOSSY COLOR LAYOUT IN THE 100 YEARS OF FLIGHT COMMEMORATION MAGAZINE.*

Further Council discussion ensued as to whether the funds should be taken from the General Fund or the H/M Tax Fund. Councilmember Hansen stated that this magazine is a vehicle to commemorate the 100 Years of Flight in the Puget Sound area. This would definitely be an economic development promotion. It was decided that the funds will be taken from the General Fund and if it is determined by the H/M Committee that it is an economic development item, it will be transferred from the General Fund to the H/M Tax Fund.

In answer to City Manager Rayburn's question regarding payment, Ms. Lenge stated that the billing will occur after the first of January 2004.

*MOTION CARRIED UNANIMOUSLY.

CONSENT AGENDA:

- **Approval of claims vouchers** in the amount of \$2,720,455.02 for the period ending November 20, 2003.
- **Approval of employee vouchers** in the amount of \$377,386.32 for the period ending November 15, 2003.

Approval of Council Meeting Minutes:

- **Budget Workshop VI** held October 21, 2003.
- **Budget Workshop VII** held October 28, 2003.
- **Regular Council Meeting** held November 12, 2003.

Acceptance of Advisory Committee Minutes:

- **Hotel/Motel Tax Advisory Committee Meeting** held October 8, 2003 (Committee approved November 12, 2003).
- **Library Advisory Committee Meeting** held May 13, 2003 (Commission approved November 4, 2003).
- **Planning Commission Meeting** held November 3, 2003 (Commission approved November 17, 2003).

Approval of the following Agenda Items recommended at the November 18, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2379

A Motion authorizing the City Manager to execute a Contract to the Low Bidder for construction of McMicken Heights Elementary School Play Yard Improvements

Summary: This Motion authorizes the execution of a contract with the low bidder, Wyser Construction, Inc. of Bothell for construction of play yard improvements at McMicken Heights Elementary School.

The Parks and Recreation section of the City's Capital Facilities Plan includes making improvements to most of the elementary school play yards in SeaTac over the next six years. It is less expensive to use the school property and make improvements than to purchase additional property and make improvements. The McMicken Heights improvements include an asphalt play court extension, new loop path, drinking fountain, new access paths, installation of basketball system, relocation of existing tetherball posts, play area preparation, irrigation modifications, and installation of new backstop, line fence, dugout fences, gates, and players' benches.

The project bid opening was November 3, 2003. Bid results are as follows:

| <u>Company Name</u> | <u>Bid Amount Including 8.8 Percent Sales Tax</u> |
|--------------------------------|---|
| Wyser Construction, Inc. | \$64,140.27 |
| DL Asahara Co., Inc. | \$67,828.00 |
| Mayer Construction Co., Inc. | \$72,734.98 |
| L.W. Sundstrom, Inc. | \$76,573.44 |
| Precision Earthworks, Inc. | \$79,914.00 |
| A-1 Landscaping & Construction | \$84,042.48 |
| Gary Harper Construction, Inc. | \$90,956.80 |
| South Pacific Construction | \$18,943.75 (Concrete & Basketball Pole only) |

CONSENT AGENDA (Continued):

Agenda Bill #2379 (Continued): It is recommended that the City Council authorize the execution of a contract with Wyser Construction, Inc. for \$64,140.27 plus a 10 percent contingency. The budget amount is \$98,975 from the 2003 Parks Capital Fund, all of which is reimbursable by Community Development Block Grant (CDBG) funds. The low bid is \$70,554.30 including sales tax and contingency, leaving a remaining balance of \$28,420.70 that is intended for purchase and installation of playground equipment that will be bid separately.

Agenda Bill #2388; Ordinance #03-1031

An Ordinance amending Section 11.20.020 of the SeaTac Municipal Code (SMC) to provide for payment by the City up to \$3,400 to defray the cost of each parcel of land required to connect services to newly undergrounded Electric and Communications Facilities

Summary: This Ordinance mandates up to \$3,400 per individual parcel of property, both residential and commercial; to defray the cost of connecting to newly undergrounded facilities in the public rights-of-way.

Ordinance No. 98-1023 provided that the City was required to subsidize the private property owners up to \$2,500 when conversion of overhead facilities to underground facilities is initiated by the City as part of a road improvement project. Staff now seeks to increase the amount of reimbursement to the property owner from \$2,500 to \$3,400, upon two factors: 1) 2.3 percent inflation rate for six years totaling \$370, and 2) Puget Sound Energy (PSE) residential connection charges have increased by an estimated \$530 through PSE Electric Tariff G – Schedule 85 for service lines, which is currently on file with the Washington Utilities and Transportation Commission (WUTC). Therefore, staff recommends amending SMC 11.20.020 to increase the payment by the City from \$2,500 to \$3,400.

Adoption of this Ordinance will increase the total cost of future road improvement projects that include utility undergrounding in an amount not to exceed \$900 per parcel of property.

Agenda Bill #2389

A Motion declaring Vehicle Surplus and approving same to be sold at Public Auction

Summary: Due to the purchase of a new truck and an attempt to reduce operating costs, the City now has one surplus Vehicle B-9 (1994 Chevrolet S-10 Pickup). Staff will arrange with an auctioneer specializing in vehicle sales to sell this vehicle. As part of the 2003 Equipment Rental Fund budget, this vehicle has been approved for replacement.

The salvage value on the books for the vehicle is \$1,109.01. However, after sales costs are deducted from the amount offered at the auction, the payment to the fund will most likely be less than this amount. All proceeds will be placed in the Equipment Rental Fund.

Agenda Bill #2385

A Motion authorizing the City Manager to enter into an agreement between the City and Stewart, Beall and MacNichols, Attorneys at Law for after-hours Public Defense Services

Summary: This Motion confirms the agreement to provide after-hours Public Defense Services for qualified indigent defendants.

The United States Constitution and the Constitution of the State of Washington, laws and court rules require that indigent defendants charged with a crime, for which a jail penalty may be imposed, are entitled to legal representation by a public defender. This Motion authorizes entry into an agreement between the City and the law firm of Stewart, Beall, and MacNichols for after-hours public defense services at \$200 per month.

Agenda Bill #2386

A Motion authorizing the extension of the Public Defense Services Contract between L. Stephen Rochon and the City

Summary: This Motion authorizes extension of the Professional Services Contract between L. Stephen Rochon and the City in order to provide qualified indigent defendants legal representation January 1, 2003 through December 31, 2004.

The United States Constitution and the Constitution of the State of Washington, laws and court rules require that indigent defendants charged with a crime, for which a jail penalty may be imposed, are entitled to legal

CONSENT AGENDA (Continued):

Agenda Bill #2386 (Continued): representation by a public defender. The City, through its Municipal Court Budget, has contracted with L. Stephen Rochon for public defender services since 1993.

The contract specifies that the City will pay the following for public defense services: 1) \$110 per appointment for all phases of representation except for jury trials; 2) \$315 for each jury trial; and 3) \$225 for each appeal to Superior Court.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

·2004 Annual City Budget

Mayor Brennan opened the Public Hearing at 6:34 p.m.

Finance Director McCarty gave a short briefing on the results of the seven Budget Workshops as shown in the summary following in Agenda Bill No. 2354.

Mayor Brennan stated that this budget had reserves in the General Fund amounting to over \$14 million. There is probably not another City in the State that has such an excellent balance sheet. This reserve fund is now at \$755,000 as well as funds for 4 months of reserves at all times. Currently, the City has approximately eight months of reserves to run the City. In the last few years, reserves have been used due to the 9-11 incident and the decline in the travel industry. The City's property taxes have been as low as \$2.78 with surrounding Cities being at \$3.10. SeaTac is currently at \$2.88. There will be funds for future studies and projects. The City has always had a high rating with the bonding firms. He concluded by stating this budget is an outstanding effort.

Councilmember Fisher gave a rundown of 2004 State revenues and expenses and issuance of abundant funds that is now all depleted. He feels that the City just has to look at the State, County and other government entities to see that SeaTac still needs to watch the funds carefully. He stated he does not plan to vote affirmatively on the 2004 budget, but feels the staff and Council have worked very hard on this.

Councilmember Hansen complimented all the Council and staff for the hard work to contain the budget spending. Generally, he added that he could support the budget but not the three new Firefighters when all the departments were asked to cut back on their budgets.

Councilmember Shape stated although he was not part of the budget process but would like to thank Mr. McCarty, the staff and Council for all their hard work on this conservative budget. Several positions in the City are vacant and if these positions are not filled by the end of the year, there will be a substantial savings in that area of expenditures. That, of course, needs to be monitored carefully to ensure that the City does not suffer in the services to the citizens. As to hiring additional Firefighters, he can understand objection to this in difficult times, however, he felt it was more the case of working conditions, quality of life for the Firefighters and bringing the department standards up to the same as surrounding Cities. He feels he can support the budget as it is.

Wendy Morgan, Vice President of the Highline Botanical Garden Foundation Board, thanked the City, in particular, Parks & Recreation Director Kit Ledbetter and City Manager Rayburn, for working with the board to develop a plan to maintain and preserve the garden through 2004 while they continue their search for support. She is looking forward to working with the City in developing supervision of the volunteers and continuing to work on future planning. She stated her appreciation of the part-time employee to assist with the garden.

Mayor Brennan closed the public hearing at 7:07 p.m.

NEW BUSINESS:

Agenda Bill #2354; Ordinance #03-1032

An Ordinance establishing the 2004 Annual City Budget

Summary: This Ordinance establishes the 2004 Annual Budget for all City Funds.

NEW BUSINESS (Continued):

Agenda Bill #2354; Ordinance #03-1032 (Continued): The City Council and staff have been working on preparation of the budget since July. Seven Council budget workshops have been held and the 2004 Preliminary Budget document, detailing funding recommendations for the budget, was formally presented at the November 18 Study Session (SS).

Since the terrorist attacks of September 11, 2001, the City has experienced significant declines in revenues, highlighting our reliance on the air travel industry. With the expectation that a large portion of the revenue decrease is temporary, the Council chose to use \$3.3 million of its \$16.9 million General Fund balance in 2003 to maintain the level of services to the community. Through a combination of moderately higher than projected revenues and significant expenditure savings, the decrease in General Fund balance at the end of 2003 is estimated at approximately \$858,000, not \$3.3 Million.

The 2004 Preliminary Budget was prepared assuming use of \$4.85 million of the \$16.1 million General Fund balance in 2004 in order to maintain the current level of services that the community enjoys. This amount is \$155,000 less than the \$2.0 million in the recovery plan recommended at the May 2003 Council Retreat. As was the case in 2003, revenue collections will continue to be monitored closely and all staffing vacancies will be scrutinized prior to positions being filled, in the hopes that layoffs may be avoided in 2005. In addition, the City Council's target fund balance of four months of operating expenditure will be preserved. In fact, the projected ending fund balance at December 31, 2004, will still exceed the Council's target by \$7.1 million or a Utility Tax (six percent allowed by law). This action will allow for an additional year during which revenue collections may continue to rebound.

The 2004 Preliminary 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. 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 2004 Preliminary Budget anticipates a few increases in service levels for General Fund operations. Three additional Firefighters are being recommended for funding, as are three additional temporary positions in other departments. These include a part-time position in the Municipal Court, a part-time Help Desk Intern in Finance & Systems, and a nine-month position for the Parks and Recreation Department to assist with maintenance of the Highline Botanical Garden and Park Facilities.

The 2004 Preliminary Budget proposes total Citywide expenditures of \$41.9 million, of which \$11.7 million represent capital projects related to equipment and vehicle replacement, park improvements, transportation improvements, SWM projects, and completion of the new Public Works/Parks Maintenance Facility. The fund balance of the City's 22 funds at December 31, 2004 is projected to total \$42.3 million. Preparation of a six-year Capital Improvement Plan (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 2004 provides for total City revenues of \$36,907,744 and expenditures totaling \$41,851,550, resulting in fund balances at December 31, 2004, in the amount of \$42,299,789.

MOVED BY ANDERSON, SECONDED BY SHAPE TO ADOPT ORDINANCE NO. 03-1032.*

Mayor Brennan read a message for the record from Deputy Mayor DeHan stating his support for the 2004 Budget, adding that it follows the budget plan agreed upon at the May 2003 Council Retreat.

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

Approving a \$5,000-\$25,000 Purchase Request for the New Maintenance Facility Data Contract

Facilities Manager Pat Patterson stated this item is being included under New Business for discussion purposes since it did not go to a committee or a SS. This special request is for the data work on the telephone and computer equipment to be installed in the new maintenance facility. Three bids were received with a low bid from VECA

NEW BUSINESS (Continued):

Approving a \$5,000-\$25,000 Purchase Request for the New Maintenance Facility Data Contract (Continued):

Communications for \$10,850, with tax and contingency, \$12,895. A City estimate was made at \$25,000 as it was thought fiber optics was needed. They were not and this reduced the cost considerably. Staff recommends this low bid from VECA which successfully installed the same equipment in the Police Department. Work is scheduled to begin next week.

COUNCIL UNANIMOUSLY APPROVED a \$5,000 - \$25,000 PURCHASE REQUEST FOR A CONTRACT FOR INSTALLATION OF DATA WORK AT THE NEW MAINTENANCE FACILITY.

Agenda Bill #2359; Ordinance #03-1033

An Ordinance adopting new Title to the SeaTac Municipal Code (SMC), Title 17, Crime Prevention Through Environmental Design (CPTED) and related Zoning Code Amendments

Summary: This Ordinance amends the SMC to establish standards related to CPTED and allows permits for construction to be reviewed for approval by Police Services staff, in addition to current review staff.

CPTED policies for other jurisdictions have been shown to reduce crime, and the perceived threat of crime. A CPTED Ordinance for the City of SeaTac would be a cost effective measure to reduce crime and increase the sense of safety by residents. Implementing CPTED principles would increase the capability of Police Services to minimize crime and allow residents to be an active part of crime deterrence. CPTED only applies to new development, additions, and significant redevelopment.

CPTED addresses issues of: 1) designs that create a sense of territoriality to define public and private space; 2) Natural Surveillance to and from properties to keep intruders under observation; 3) decreasing accessibility to areas by criminals through access control; 4) activity support by placing the activity where the individuals involved in that activity are a part of the natural surveillance system; and 5) maintenance of the building and landscape to keep a sense of pride in the area.

This Ordinance establishes design standards and procedures for the review of development permit applications. The CPTED standards focus primarily on the following: 1) lighting - uniform distribution of light, maximum and minimum levels; reduction of glare; and height limit for light pole/luminaries; 2) landscaping - set standards for landscaping around doors and windows; provide landscaping that sets a natural border to show property ownership; trim trees in certain situations to provide for visibility to and from buildings; and 3) security - adopt Uniform Building Security Code for multi-family residences; provide standards for vision panels or an eye viewer at exit doors in public areas; and provide

standards for windows at street level in retail and commercial uses.

The CPTED Ordinance applies to commercial, industrial and multi-family land uses. Two options are being presented for consideration by the Council with regard to single-family land uses. Option 1: land uses pertaining to single-family residences shall be exempt from this title; or Option 2: land uses pertaining to single-family residences shall be exempt from this title except for SMC Chapter 17.16, standards specified by the Uniform Building Security Code.

Based upon comments made by the City Council and the City Attorney at the November 18, 2003 SS, the following minor changes have been made to the Ordinance: 1) Chapter 17.08, a severability clause has been included and sections have been rearranged; 2) Chapter 17.44.020b, criteria established for the lighting of building facades; 3) Chapter 17.56.020e, criteria established for the pruning up of coniferous trees; and 4) Chapter 17.60.030a, clarified to apply to retail/commercial uses outside the City Center.

There are no direct fiscal impacts. Adoption of the CPTED standards might result in reduced calls for Police services in the long term.

Planning Director Steve Butler briefed on the above summary.

Planning Commission (PC) member Linda Snider stated that the PC thoroughly reviewed this item with staff answering their many questions in detail. The PC recommended Option 2 for Council approval. Councilmember Shape stated his agreement with these standards, only wishing the POS would comply with the program to bring all areas in SeaTac up to the same standards.

NEW BUSINESS (Continued):

Agenda Bill #2359; Ordinance #03-1033 (Continued): Upon a question posed by Councilmember Anderson, Mr. Butler clarified that the standards apply primarily to new construction, or if a square footage of 80 percent or more is being added to the building, the entire building would have to comply. Another area of compliance is parking lots having less building and more land based on the assessed valuation.

Mayor Brennan thanked Crime Prevention Officer Doug Reynolds for his diligent work on the CPTED Program for over five years. The program will save lives as well as prevent thefts and robberies.

MOVED BY WYTHE, SECONDED BY SHAPE TO ADOPT ORDINANCE NO. 03-1033 WITH OPTION TWO TO INCLUDE SINGLE FAMILY STRUCTURES.

MOTION CARRIED UNANIMOUSLY.

ADDITIONAL NEW BUSINESS:

Councilmember Fisher proposed a rotation schedule for the selection of the Mayor. He stated he was bringing this item to Council this evening so that it can be placed on the next Administration and Finance (A&F) Committee agenda and the December 2 SS and Special Council Meeting (SCM) for a vote on a Resolution to change the selection process of Mayor. Revised Code of Washington (RCW) 35A.13.030 states the Deputy Mayor is to be elected by the Council. However, the law specifically states that the Mayor can be chosen by the Council. He added that he chooses to be out of the rotation for the 2004-2005 terms. Currently the election of the Mayor is accomplished with a majority vote within the Council. Councilmember Fisher explained the reasons for his request feeling the rotation system is a fairer one.

Mayor Brennan stated that this Council has been unique from the beginning and those Councilmembers who have been on the Council the longest have held the seat of Mayor. It seems proper that the Deputy Mayor steps up to the position of Mayor. This system has worked successfully throughout the years since incorporation.

Councilmember Hansen stated that this item is scheduled to be discussed at the A&F Committee Meeting on Tuesday, December 2, and immediately reported to the Council. Councilmember Fisher would like it to be on the following SS and SCM. Mayor Brennan stated that he will put it on the agenda for the December 2 SS.

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) at the December 2 A&F Committee Meeting to be held at 4:00 p.m., he would like the whole Council to hear the information from the Joint Transportation Study that City and POS staff have been working on for some time. There is information in the study that would be relevant to all Councilmembers; 2) Council had requested the draft contract between the City and CityScape be provided in last Friday's Council Packet. He requested they let him know before next Tuesday if there is any input; and 3) after the A&F Meeting, a photo session is scheduled for the Council and individual photos taken of the new Councilmembers. It was decided that the individual photos be taken but to wait on the group shot until the Mayor is chosen due to seating placement of the Mayor in the group.

COUNCIL COMMENTS: Councilmember Wythe stated that the budget represents a great deal of work and he recognizes the effort that was put into it by all involved. It is probably the best that could be done. But in the budget process, he

feel the issue of what it takes to have a balanced budget should be thoroughly examined and decide whether that goal is to be met and what level of service would be lost or retained. He added that he believes that in recessions, deficit spending can be necessary.

Councilmember Hansen stated that Councilmember Wythe is right in looking at priorities. He added that no one wants to eliminate needed personnel, i.e. Firefighters, but priorities throughout the City have to be considered in the budget process. The Human Services Committee needs funds too during this economic recession. He complimented Mr. McCarty and staff for their excellent work on the budget.

Councilmember Hansen introduced his new wife, Janet. They were married on November 1, 2003.

Councilmember Shape echoed Mayor Brennan's compliments to the outgoing Councilmembers for their fine work while they were on the Council and he hoped they will continue in their efforts to support the City.

COUNCIL COMMENTS (Continued): Mayor Brennan had the following items of business: 1) he attended the excellent presentation on the Wireless Telecommunication Facilities (WTF) given by CityScape yesterday. One of the main topics was how the City can make money on this rather than the commercial companies. There was also discussion as to public health issues with cell towers. There is more danger in handheld telephones and cell phones than in these towers. The concern is the visual effect to which there are many ways to disguise the towers; and 2) regarding the request for the three Firefighters, the first is a replacement, the other two are to alleviate costly overtime with Firefighters on long shifts they will continue to endure if three new ones are not hired. The risk is burnout by the Firefighters, which is a safety factor. As a note, it is a law that to enter a burning building, it requires two men in and two men out.

ADJOURNMENT:

MAYOR BRENNAN ADJOURNED THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:48 P.M.

Joe Brennan, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL

SPECIAL MEETING MINUTES

December 2, 2003

Immediately following the Study Session

**City Hall
Council Chambers**

CALL TO ORDER: The SeaTac City Council Special Council Meeting was called to order by Deputy Mayor Don DeHan at 6:35 p.m.

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

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.

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

CONFIRMATION OF MAYORAL APPOINTMENTS:

·Mayoral Appointments of Marion Henry to the Library Advisory Committee and Bill Blazer to the Senior Citizens Advisory Committee

Deputy Mayor DeHan suggested, with Council concurrence, not acting upon the Mayoral Appointments this evening and instead placed them on the next Study Session (SS). Mayor Brennan will be informed of this delay of action prior to the December 6 SS. Council concurred.

CONSENT AGENDA:

·Approval of claims vouchers in the amount of \$24,554.65 for the period ending November 26, 2003.

Approval of Council Meeting Minutes:

·Study Session held November 18, 2003.

The following agenda items were reviewed at the December 2, 2003 Study Session and placed on this Consent Agenda:

Agenda Bill #2384; Ordinance #03-1034

An Ordinance amending the Classification and Compensation Plan for Non-represented Employees of the City to provide a Cost of Living Allowance (COLA) for 2004

Summary: This Ordinance provides a COLA increase of 90 percent of the Consumer Price Index-Washington (CPI-W), Seattle-Tacoma-Bremerton index (.81 percent) effective January 1, 2004 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 2004.

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.

The budget impact of the proposed COLA is approximately \$23,947.

Agenda Bill #2390; Ordinance #03-1035

An Ordinance amending the 2003 Annual City Budget for the City Hall Project

Summary: This Ordinance increases the 2003 Annual City Budget for the City Hall Project in the Municipal Facilities Capital Improvement Plan (CIP) Fund by \$175,000 for the City Hall Construction/Remodel Project.

The City moved to its existing location in November 2002. As a result of incorrect adhesives used to apply the carpeted areas in the building, the flooring contractor spent a lot of time in late 2002 and early 2003 attempting to correct the problem. The City held up paying the contractor until the carpet installation was judged satisfactory, which finally happened in April 2003, and the Finance Department processed a payment of \$189,681.38 on May 5, 2003 to the contractor, Dupont Flooring Systems.

This expenditure was anticipated to be paid from the City Hall Construction/Remodel Budget in 2002. This line item, which was appropriated at \$3.4 million in the 2002 Annual Budget, finished the year with expenditures in the amount of \$2.4 million. \$475,000 of the 2002 unexpended \$1 million balance was included in the Ordinance amending the 2003 Budget for 2002 carryovers to complete the construction work on the City Hall project. However, the unpaid invoice to the flooring contractor was inadvertently omitted from the calculation estimating the amount of carryover necessary to complete the project in 2003.

CONSENT AGENDA (Continued):

Agenda Bill #2391; Resolution #03-028

A Resolution ordering the Cancellation of outstanding Municipal Checks

Summary: At the Exit Conference for the 2002 Annual Audit, the field auditor noted that the City had a number of stale checks that should be cancelled. The Finance Department has made every reasonable attempt to resolve these outstanding checks and has been successful in some cases. However, 38 checks still remain unresolved. Revised Code of Washington (RCW) 39.56.040 requires that stale checks be cancelled by Resolution. In the future, the Finance Department will annually follow this process and have outstanding checks over one year old declared cancelled by Resolution.

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 \$2,763.85.

State law requires the City to take this action, and the Washington State Auditor will be following up during the 2003 Annual Audit to ensure the City is complying.

Agenda Bill #2355; Ordinance #03-1036

An Ordinance tentatively establishing the 2004 Ad Valorem Property Tax Levy

Summary: This Ordinance establishes the 2004 ad valorem property tax levy, based on the assessed valuation of property in the City, as certified

by the King County (KC) Assessor's Office.

Initiative 747, voter approved 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 2004 is 1.84 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 2004 Budget was adopted on November 25 based on a property tax revenue estimate in conformance with the provisions of Initiative-747.

As of December 2, the KC Assessor's Office has not certified assessed valuations, nor will they provide an exact date for this information to be released. 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 2004. Staff recommend that this Levy Ordinance be adopted, which levies that amount - \$9,303,262 - for 2004, due to the fact that later revisions can only reduce, not increase, the tax levy amount. The City Council will be afforded an opportunity at a later date to revise the tax levy amount down once certified assessed valuations are received.

This Ordinance provides for a 2004 tax levy of \$9,303,262. The resulting levy rate cannot be determined until assessed valuations are certified. In 2003, the tax levy rate is \$2.88.

Agenda Bill #2373; Ordinance #03-1037

An Ordinance adopting the 2003 Zoning Code Amendments pertaining to Environmentally Sensitive Areas

Summary: State law allows Cities to amend local Zoning Codes. The 2003 amendments are of the Zoning Code test from the staff, and bring the City's Development Regulations into compliance with the State's "best available science" requirements.

By Ordinance No. 98-1034, Council authorized the Planning Department to implement procedures for amending the Zoning Code, which provide for consideration of proposed amendments annually.

The City's procedures for amending the Zoning Code include completion of State Environmental Protection Act (SEPA), review by the City Attorney, and consideration of public testimony by the Planning Commission (PC) in a Public Hearing.

SEPA review (SEP03-00021) of the proposed Zoning Code amendments was completed November 21, 2003. The proposed amendments reflect consideration of public comments received at a Public Hearing held before the PC on November 3, 2003. The PC made its recommendation of amendments on November 17, 2003.

Agenda Bill #2374; Ordinance #03-1038

An Ordinance adopting the 2003 Comprehensive Plan Amendments

Summary: State law allows Cities to amend local Comprehensive Plans one time annually. The 2003 amendments are from staff, both to the text of the Comprehensive Plan document and to the Phasing Map.

By Resolution No. 97-001, Council authorized the Planning Department to implement procedures for amending the Comprehensive Plan, which provide for consideration of amendments for the 2003 calendar year in two stages.

CONSENT AGENDA (Continued):

Agenda Bill #2374; Ordinance #03-1038 (Continued): The recommended amendments were evaluated according to the preliminary and final docket criteria.

The City's procedures for amending the Comprehensive Plan include completion of environmental review (SEPA), review by the City Attorney, and consideration of public testimony by the PC in a Public Hearing.

SEPA review of the proposed Comprehensive Plan amendments was completed November 21, 2003. The amendments reflect consideration of public comments received at a Public Hearing held before the PC on November 3, 2003. The PC made its recommendation of the proposed amendments on November 17, 2003.

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

MOTION CARRIED UNANIMOUSLY.

COUNCIL COMMENTS: Deputy Mayor DeHan stated his apology for not being able to attend the November 25 RCM for the swearing in of SeaTac's newly elected Councilmembers Chris Wythe and Ralph Shape.

RECESSED: Deputy Mayor DeHan recessed the Special Council Meeting to an Executive Session on Contract Negotiations at 6:39 p.m.

EXECUTIVE SESSION: Contract Negotiations

RECONVENED: Deputy Mayor DeHan reconvened the Special Council Meeting at 7:05 p.m.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY FISHER TO ADJOURN THE SPECIAL COUNCIL MEETING AT 7:06 P.M.

MOTION CARRIED UNANIMOUSLY.

Don DeHan, Deputy Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

December 16, 2003

Immediately following the Study Session

**City Hall
Council Chambers**

Due to Health issues, Mayor Brennan requested Deputy Mayor DeHan conduct tonight's meeting.

CALL TO ORDER: The SeaTac City Council Special Council Meeting was called to order by Deputy Mayor Don DeHan at 6:49 p.m.

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

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Kristina Gregg, Deputy City Clerk; Mary Mirante Bartolo, City Attorney; Mike McCarty, Finance Director; Bob Meyer, Fire Chief; and Greg Dymerski, Police Captain.

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

CONFIRMATION OF MAYORAL APPOINTMENTS:

·Mayoral Appointments of Marion Henry to the Library Advisory Committee and Bill Blazer to the Senior Citizens Advisory Committee

MOVED BY HANSEN, SECONDED BY SHAPE TO CONFIRM THE MAYORAL APPOINTMENTS OF MARION HENRY TO THE LIBRARY ADVISORY COMMITTEE AND BILL BLAZER TO THE SENIOR CITIZENS ADVISORY COMMITTEE.

Deputy Mayor DeHan read the certificate and presented the document to Marion Henry. Mr. Blazer was unable to attend tonight's meeting. His certificate will be mailed to him.

Deputy Mayor DeHan stated that there are three local Councilmembers who were defeated and will not be in their position for 2004: Rose Clark, City of Burien; Clare Nordquist, Port of Seattle (POS); and Mary Gates, City of Federal Way. He distributed cards for each Councilmember to sign, thanking the outgoing Councilmembers for their years of service.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$838,030.06 for the period ending December 5, 2003.
- Approval of employee vouchers** in the amount of \$ 501,011.16 for the period ending December 5, 2003.
- Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending December 12, 2003.

Approval of Council Meeting Minutes:

- Joint SeaTac City Council / Hotel/Motel Committee Work Session** held September 23, 2003.
- Study Session** held October 21, 2003.
- Regular Council Meeting** held November 25, 2003.
- Study Session** held December 2, 2003.
- Special Council Meeting** held December 2, 2003.

Approval of the following Agenda Item recommended at the December 16, 2003 Study Session for placement on this Consent Agenda:

Agenda Bill #2394; Ordinance #03-1039

An Ordinance repealing SeaTac Ordinance No. 03-1036 and setting the 2004 Property Tax Levy Rate

Summary: This Ordinance repeals SeaTac Ordinance No. 03-1036, which tentatively established the 2004 ad valorem property tax levy, and establishes the final 2004 property tax levy and rate, based on the assessed valuation of property in the City, as certified by the King County (KC) Assessor's Office.

On December 2, 2003, the SeaTac City Council approved Ordinance No. 03-1036, tentatively establishing the amount to be levied in 2004 by taxation on the assessed valuation of property in the City. The tentative levy amount of \$9,303.262 was the maximum allowable levy, as estimated by the KC Assessor's Office. Due to the fact that property valuations had not yet been certified by the KC Assessor, no tax rate could be established. The tax levy was established at the maximum allowable amount because subsequent City Council action can only reduce, not increase, the tax levy.

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 2004 is 1.84 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 2004 Budget was adopted on November 25, 2003, based on a property tax revenue estimate in conformance with the provisions of I-747.

Prior to I-747, the SeaTac City Council had approved reductions in the property tax levy rate, forgoing additional revenues that would have resulted if the rate had been maintained at the statutory maximum of \$3.10, as many other Washington Cities did.

On December 12, the City received certification of assessed valuations for the tax year 2004 from the KC Assessor's Office in the amount of \$3,275,213,279. This amount represents an increase of 3.86 percent as compared to the 2003 assessed valuation total.

The 2004 Annual Budget projects an operating deficit of \$1.8 million in the General Fund, a deficit of \$1.1 million when transfers to other funds are excluded. Due to this fact and the continuing uncertainty of revenue collections given financial difficulties of airline companies, it is recommended that the City Council adopt a 2004 tax levy in the maximum amount allowable by law, as determined by the KC Assessor's Office, which is \$9,303,235. This levy would result in a 2004 tax levy rate of \$2.84, which is lower than the rate levied in every year of the City's existence except for 2002, when the rate was set at \$2.80. The rate would decrease by four cents, or 1.39 percent, from the 2003 levy rate of \$2.88.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Marion Henry, 3208 South 198th Street, stated that Bud Gray, a volunteer at Bingo at McMicken Heights and other community events, died December 15. A service for Mr. Gray will be held at Washington Memorial on Friday, December 19 at 12:30 p.m.

JB Freer, 18925 37th Avenue South, had the following items: 1) stated that with all of the recent rain, she ended up with a water problem in her basement. Contractors have commented that part of the problem may stem from no drains on her street. Her house sits lower than the road. She requested a staff member talk with her about what can be done; 2) the traffic light at South 192nd Street only allows two cars through on a green light; 3) commented on the Resolution regarding change of Mayor selection, adding that change is hard, but she felt it should have at least been discussed.

Deputy Mayor DeHan, on behalf of the Council, wished everyone a Happy Holiday.

RECESSED: Deputy Mayor DeHan recessed the Special Council Meeting to an Executive Session on Personnel Issues at 6:59 p.m.

EXECUTIVE SESSION: Personnel Issues

RECONVENED: Deputy Mayor DeHan reconvened the Special Council Meeting at 7:13 p.m.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADJOURN THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 7:14 P.M.

MOTION CARRIED UNANIMOUSLY.

Don DeHan, Deputy Mayor

Kristina Gregg, Deputy City Clerk