



## City Council Meeting Minutes Archive

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# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

January 8, 2002 - 6:00 PM  
City Hall Council Chambers

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

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

**ADMINISTRATIVE STAFF:** Jay Holman, Acting City Manager; Kristina Lowrey, Deputy City Clerk; Robert McAdams, City Attorney; Bruce Rayburn, Public Works Director; Kit Ledbetter, Parks & Recreation Director; Jim Downs, Fire Chief; and Scott Somers, Chief of Police Services.

**FLAG SALUTE:** SeaTac Fire Explorers Post No. 24 performed the Flag Ceremony and led the Council, staff and audience in the Pledge of Allegiance.

## **NEW BUSINESS:**

### **Agenda Bill #2106; Ordinance #02-1001**

### **An Ordinance Amending Ordinance No. 00-1032 fixing Compensation for City Councilmembers and Mayor - Legal**

**Summary:** The proposed Ordinance amends Ordinance No. 00-1032 to clarify the fact that a newly selected Mayor is entitled to obtain the Mayoral compensation established prior to the date on which an incumbent Councilmember may be selected by the Council to the position of Mayor.

The base compensation paid to the members of the Council had not been increased since incorporation of the City in 1990, except for an annual cost of living allowance (COLA) based upon the consumer price index (CPI) since 1994. However, the State Auditor's Office issued an opinion that automatic increases in Council compensation, based upon the CIP, are in derogation of the prohibition of the Washington State Constitution. Rather than becoming involved in a declaratory judgment lawsuit over that issue, the Council adopted Ordinance No. 00-1032 on July 25, 2000 for the purpose of setting Councilmember compensation at \$800 per month and setting compensation of the Councilmember selected as Mayor at \$1,000 per month.

The State Constitution provides that salaries of elected municipal officials shall not be increased during their current term of office. Notwithstanding that provision, RCW provides an apparent exception to the effect that the compensation of the Mayor may be increased or diminished during the term of office of the Councilmember selected as Mayor so long as the change in compensation occurs before the selection of the Mayor by the Council.

The pertinent language of the RCW is subject to interpretation. There exists no court decisions or Attorney General opinions directly on this issue. Nonetheless, the "term of office" of the Councilmember selected to serve as Mayor runs for two years from the date of selection at the first meeting of the Council on a biennial basis, pursuant to RCW. So long as the Mayor's compensation is not increased or diminished during that term of office, there would appear to be no violation of the State Constitution. The language of the RCW seems to acknowledge that fact by limiting the change in compensation of the Mayor only after the Mayor has been chosen by the Council. Upon an inquiry of the Municipal Research & Services Center (MRSC) the City received an informal opinion in accordance with the foregoing.

Ordinance No. 00-1032 was intended to permit an increase in Councilmembers' and the Mayor's compensation as soon as permitted by State law. It was intended that the provisions of the RCW, in regard to the Mayor's compensation, would be fully effected. However, the wording of Section 1 of the said Ordinance is somewhat ambiguous insofar as it might be interpreted to prevent a new Mayor from obtaining the increased Mayoral compensation. Such was not the intent of the Ordinance.

Because January 8, 2002 is the first biennial meeting of the Council and a new Mayor will be selected for the 2002 - 2003 term of office; it is appropriate that the proposed Ordinance be immediately effective upon adoption. Thus, the Ordinance is designated as an emergency pursuant to the RCW. An immediately effective, emergency Ordinance must be adopted by a majority plus one of the whole membership of the Council.

City Attorney McAdams reviewed the above summary.

MOVED BY HANSEN, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 02-1001.

MOTION CARRIED UNANIMOUSLY.

**COUNCIL ELECTION:**

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

Outgoing Deputy Mayor Gehring-Waters declared the nominations open for Mayor.

Councilmember Brennan nominated Councilmember Kathy Gehring-Waters as Mayor of the City of SeaTac.

When there were no further nominations, Outgoing Deputy Mayor Gehring-Waters declared the nominations closed.

OUTGOING DEPUTY MAYOR GEHRING-WATERS CALLED FOR A VOTE FOR ALL THOSE IN FAVOR OF COUNCILMEMBER KATHY GEHRING-WATERS AS MAYOR. THE VOTE WAS UNANIMOUS AND COUNCILMEMBER GEHRING-WATERS WAS ELECTED AS MAYOR FOR A TWO YEAR TERM.

Mayor Gehring-Waters declared the nominations open for Deputy Mayor.

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

When there were no further nominations, Mayor Gehring-Waters declared the nominations closed.

MAYOR GEHRING-WATERS CALLED FOR A VOTE FOR ALL THOSE IN FAVOR OF COUNCILMEMBER JOE BRENNAN AS DEPUTY MAYOR. THE VOTE WAS UNANIMOUS AND COUNCILMEMBER BRENNAN WAS ELECTED AS DEPUTY MAYOR FOR A TWO YEAR TERM.

**RECESSED:** Mayor Gehring-Waters recessed the Regular Council Meeting to a Reception at 6:08 p.m.

**RECEPTION:** A reception honoring the newly appointed Mayor and Deputy Mayor was held.

**RECONVENED:** Mayor Gehring-Waters reconvened the Regular Council Meeting at 6:33 p.m.

**PUBLIC COMMENTS:** Ted Jackson, 21117 32<sup>nd</sup> Avenue South, stated that just before the Christmas Holiday, a City official was critiquing the appearance of properties in the neighborhood. He received a letter of complaint, as did a number of his neighbors. He questioned why the City, with its fiscal challenges due to the September 11 terrorist attacks, is paying for labor and resources to make complaints against a neighborhood that is basically content and has no concerns.

**PRESENTATION:**

**New City Hall (NCH) Council Chambers / Municipal Court Area (NCH Phase 1) – Parks and Recreation**

Parks & Recreation Director Ledbetter stated that this presentation is for Dave Clark, Architect with Dave Clark Architects, to review three concepts for Phase 1 and to obtain Council consensus as to the most appropriate space use.

Mr. Clark reviewed the three concepts: 1) utilizes separate but adjoining spaces for the Council Chambers and the Court; 2) utilizes same space with Council / Court sharing the same dais; and 3) utilizes same space with Court and Council at separate ends. He stated that these alternatives were derived from staff and executive committee input. All

three alternatives occupy the same footprint.

Concept 1- separate spaces: secondary lobby off the main lobby for court clientele to wait – this space can also be used for a possible art gallery; the chambers is designed for 78 to 94 seats; the court is designed for 50 seats; there are provisions for a future broadcast room that could be used as storage until such time as it is used to broadcast; and there is an additional storage room. This design also allows for the wall between the Court Room and the Council Chambers to slide open, allowing room for larger functions.

Concept 2 - same space, Judge at same end as Council, similar to current set up: secondary lobby; 112 seats; smaller storage and broadcast rooms, more unfinished space.

Concept 3 - same space, separate ends: secondary lobby; ramp on both sides; no future broadcast room; seating for 60 to 90 people (with moving of tables).

Upon a question posed by Councilmember Lasco, Mr. Clark stated that the use of unfinished spaces could be designated at a later date.

Councilmember Fisher questioned the cost differences between the three alternatives. Mr. Clark stated that until Council gives direction on the alternatives, the costs have not been considered. Concept 1 will be more expensive due to less unfinished space.

Mr. Ledbetter stated that the footprint agreed to by Council was 5,000 square feet (sf). The drawings are for 7,000 sf. Mr. Clark stated that they tried to create concepts that would give Council flexibility.

Councilmember DeHan stated that only Concept 1 allows for simultaneous use of the rooms.

Mayor Gehring-Waters stated that the committee preferred concept A.

Councilmember DeHan questioned whether there would be future provisions for a closed circuit TV in the Court Room, allowing for people in the Court Room to view the meeting if more space is needed. Mr. Clark stated that it is very feasible. He also recommended planning for closed circuit TV in other office spaces.

Councilmember Brennan stated that he has been against the use of two rooms, but he feels Concept 1 is feasible.

Councilmember Anderson stated that many people contact the City for meeting rooms, but the City is unable to accommodate them because court is usually in session. Concept 1 allows for the community to use the Chambers while Court is in session.

Councilmember Fisher stated that he is not convinced. He wants to know how much of the cost is duplicated with using two separate spaces.

Council concurred to eliminate Concept 3 and to have Mr. Clark move forward with projecting costs for Concepts 1 and 2.

#### **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$1,428,253.23 for the period ending December 20, 2001.

**Approval of claims vouchers** in the amount of \$176,762.26 for the period ending December 31, 2001.

**Approval of employee vouchers** in the amount of \$370,633.68 for the period ending December 15, 2001.

**Approval of employee vouchers** in the amount of \$585,021.09 for the period ending December 31, 2001.

**Approval of firefighter vouchers** in the amount of \$225.00 for the period ending December 31, 2001.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending January 4, 2002.

#### **Approval of Council Meeting Minutes:**

**Regular Council Meeting** held December 11, 2001.

**Special Council Meeting** held December 18, 2001.

**Acceptance of Advisory Committee Minutes:**

**Planning Advisory Committee Meeting** held November 19, 2001 (committee approved December 17, 2001).

**Senior Citizen Advisory Committee Meeting** held October 18, 2001 (committee approved November 15, 2001).

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

MOTION CARRIED UNANIMOUSLY.

**UNFINISHED BUSINESS:**

**Agenda Bill #2055; Ordinance 02-1002**

**An Ordinance vacating certain Street Rights-of-Way (ROW) within the City of SeaTac abutted on both sides by Port of Seattle (POS) and State of Washington Property (*Street Vacation No. 6*) - Public Works.**

**Summary:** The City has agreed with the POS, as documented in the POS/City Interlocal Agreement (ILA) dated September 4, 1997 as amended, to vacate certain ROW. In exchange, the POS would reimburse the City based on fair market value of the ROW being vacated up to a maximum of \$6,500,000. The Washington State Department of Transportation (WSDOT) has indicated that it will need the ROW adjacent to its ownership in connection with the construction of SR 509. These ROW are only a portion of the ROW listed in the ILA.

A public hearing was held on October 23, 2001 to consider the merits of vacating the ROW identified in this Ordinance. The passage of this Ordinance will document the City Council's concurrence in vacating these ROW.

The procedures for vacating a public ROW are defined in the Revised Code of Washington (RCW). A public hearing is to be 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 September 25, 2001 with the notice being posted on October 2, 2001. Per the RCW, the date of the public hearing will not be more than 60 days nor less than 20 days after the date of the passage of the Resolution setting the date for the public hearing. The date of October 16, 2001 was the first regularly scheduled City Council meeting that met the criteria. The date of November 27, 2001 was the last regularly scheduled City Council meeting that met the criteria.

All the utilities serving the City were given notice of this request to vacate these ROW. The Highline Water District has requested that the City reserve easements for their facilities in the streets being vacated. The POS and WSDOT have agreed to these easements.

The POS had the Lamb Hanson Lamb Appraisal Associates, Inc. appraise the ROW to be vacated to establish the fair market value. This appraisal has determined that the fair market value of these ROW is \$693,700. Staff reviewed the appraisal and concurs with the findings of the POS's appraisal. This will be the final payment on the \$6,500,000 for the ROW the City agreed to vacate in the ILA. The actual payment will be \$359,557.

Public Works Director Rayburn stated that this issue was discussed in October 2001. At that time, Council deferred it to a future date. Mr. Rayburn reviewed the above summary.

Council Anderson questioned if there are any other City streets that may need vacating that the City will not receive any additional money for due to the fact that the City has used the \$6.5 million dollars agreed upon in the 1997 ILA. Mr. Rayburn stated that in the agreement there were a total of 90 ROW to be vacated. With the action tonight, approximately 9 or 10 specific ROW areas will need to be vacated. The reason the City used the funds as quickly as it did was because of a legislative change in the law on the value of ROW to be compensated to the City. It use to be the 50 percent rule and is now 100 percent of the appraised value.

MOVED BY DEHAN, SECONDED BY HANSEN TO ADOPT ORDINANCE NO. 02-1002.

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS:**

**Agenda Bill #2100**

## **A Motion authorizing the City Manager to execute the Contract for purchase of a Fire Department Records Management System - Fire**

**Summary:** This Motion authorizes the City Manager to execute the contract for purchase of a Records Management System for the Fire Department; to consist of software, installation, and services including a one-year warranty of components and services. The total cost is \$26,023.56 (\$24,594 contract fee and \$1,426.56 sales tax). A project amount of \$31,000 was allocated in the adoption of the 2002 budget as an approved decision card.

The Fire Department has identified a critical need to replace the existing Records Management Software. Now is the opportune time to update due to a new Washington State Law mandating the reporting annually of fire statistics, through a revised program referred to as SunPro 5.0, and transfer to Valley Comm in February 2002 for contracted dispatch services. The existing system does not provide for accurate record keeping, analytical performance reports, and is not compatible with Valley Comm's Computer-aided dispatch interface. These problems were identified and addressed as part of the South Comm to Valley Comm transition.

A request for bids resulted in only two responses: 1) Aether Corporation - \$32,948.76; and 2) Cherokee Associates - \$24,594 + \$1,429.56 (tax). Both bids are identical in scope, however Aether Corporation refused to extend their quote past December 31, 2001 and increased their bid by \$6,925.20.

Fire Chief Downs reviewed the above summary.

MOVED BY BRENNAN, SECONDED BY HANSEN TO ACCEPT AGENDA BILL NO. 2100.

MOTION CARRIED UNANIMOUSLY.

### **Agenda Bill #2102**

## **A Motion accepting the Grant from the Medic One Foundation and authorizing the City Manager to purchase four Automatic External Defibrillators/Monitors (AED) utilizing a Sole Source Bid, trade-in four existing Fire Department AED's and invoice the Medic One Foundation for the \$12,000 Grant - Fire**

**Summary:** This Motion formally accepts the \$12,000 Medic One Foundation grant and authorizes the City Manager to accomplish several items relevant to the purchase of four AED's: 1) authorize the sole source purchase of four LifePak 12 AED's from a local vendor; 2) authorize the trade-in of four existing AED's at \$1,000 each and removing them from asset inventory; and 3) authorize invoicing the Medic One Foundation for reimbursement of the \$12,000.

The Fire Department's existing defibrillators, which are critical to providing emergency medical services to this community, have exceeded their recommended life cycle and are no longer dependable. Current technology has improved virtually every aspect of design and use. New defibrillators are smaller, charge faster and administer patient shock more effectively. Additionally, they offer computerized data storage, transmission and retrieval capabilities and improved screen displays for cardiac rhythm recognition and liability protection.

The 2002 City's Capital Improvement Plan (CIP) provides for Fire Department's replacement AED's. The bid from Medtronic Physio-Control is for \$47,488 + \$4,214.14 in sales tax and includes four units with all accessories, software, one-year warranty, and all necessary training. The price reflects a trade-in credit of \$1,000 for each of the existing four defibrillators.

Use of a sole source bid approving Medtronic is being recommended for the following reasons: The LifePak 12 is the unit recommended and used by King County Medic One paramedics and by surrounding local Fire Departments and assuring continuity of patient care. Medtronic is a local company that provides immediate service and product support. The approximate \$12,000 unit price is competitive as reflected in the grant of \$12,000 for one unit, reflective of Medic One's quantity purchases.

The fiscal impact is \$47,488 plus \$4,214.14 in sales tax, less the \$12,000 grant, with a total net impact of \$39,666.94 to the City's budget.

Fire Chief Downs reviewed the above summary, adding that Fire Marshall Bob Meyer spoke with Medtronic Physio-Control and was able to obtain a reduction of \$1,741, for a new total net impact of \$37,925.44.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2102.

MOTION CARRIED UNANIMOUSLY.

Councilmember Anderson questioned whether a listing compiled years ago, regarding elderly people needing help during emergencies, had been updated in recent years. Fire Chief Downs stated that staff had solicited information to maintain the list. Additional information will be included in an upcoming SeaTac Report in order to be sure the list is as up-to-date as possible.

**RECESSED:** Mayor Gehring-Waters recessed the Regular Council Meeting to an Executive Session on Personnel Issues at 7:26 p.m.

#### **EXECUTIVE SESSION: Personnel Issues**

**RECONVENED:** Mayor Gehring-Waters reconvened the Regular Council Meeting at 8:10 p.m.

#### **NEW BUSINESS (Continued):**

##### **Agenda Bill #2101**

##### **A Motion appointing Jay D. Holman to the Position of Acting City Manager and approving an Employment Agreement - Legal**

**Summary:** Due to the voluntary departure of City Manager Calvin P. Hoggard, this Motion appoints Jay D. Holman as Acting City Manager and approves an Employment Agreement negotiated between the City Council and Mr. Holman.

Calvin P. Hoggard commenced employment as City Manager effective May 1, 1996. He served in that capacity for five and one half years. However, Mr. Hoggard tendered his resignation in order to take a position with the King County Executive. By agreement with the Council, the termination was effective December 31, 2001.

[RCW 35A.13.150](#) authorizes the Council to designate a qualified administrative officer of the City to perform the duties of City Manager, following termination of the Manager, pending the selection and appointment of a new City Manager. Before entering upon the duties of office, the Acting City Manager must sign an oath or affirmation for the faithful performance of his or her duties and a bond in favor of the City must be executed. Pursuant to SeaTac Municipal Code (SMC), the City secures the necessary bond through the City's insurance broker of record.

Assistant City Manager Holman has been employed by the City since June 19, 1996 and has the administrative qualifications necessary to perform the duties of City Manager pending the selection and appointment by the Council of a new City Manager. Mr. Holman has agreed to accept the position, on an acting basis. Accordingly, the City Council finds it appropriate to appoint Mr. Holman as Acting City Manager pending the selection and appointment of a new and permanent City Manager.

The Council intends to negotiate an appropriate Employment Agreement with Mr. Holman, which will specify compensation and conditions of employment as Acting City Manager. It is anticipated that terms of the agreement will be finalized in Executive Session during the Regular Council Meeting of January 8, 2002, prior to final action on the proposed Motion herein.

City Attorney McAdams stated that in the Executive Session, the qualifications of Jay Holman were discussed by the Council, followed by consideration of the proposed employment agreement. Both the Council and Mr. Holman are satisfied that an appropriate employment agreement has been negotiated.

MOVED BY DEHAN, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 2101.

MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENTS:** There were no public comments.

**CITY MANAGER'S COMMENTS:** Acting City Manager Holman reminded Council of the following Wednesday, January 9, 2002 meetings: Hotel/Motel Committee Meeting at 10 a.m. and the NCH Executive Committee Meeting at 1 p.m.

**COUNCIL COMMENTS:** Mayor Gehring-Waters stated that the Suburban Cities Association (SCA) is having its Regional meeting on January 16 from 6 - 8 p.m. in the Tukwila Council Chambers. SCA has requested that the City designate a spokesperson. Mayor Gehring-Waters requested that Councilmember Anderson represent the City, adding that any Councilmember may attend the meeting.

Councilmember Anderson stated that the City has received the annual dues invoice from SCA. The budgeted amount was \$7,425. The invoice is for \$8,286. The pricing is now based on per capita and the increase is due to the 2000 census, which increased the City's population.

Mr. McAdams questioned whether there was enough money in the budget to pay the increased price or whether a budget amendment would be necessary.

Council concurred to have staff either pay the bill or bring a budget amendment to Council at a future meeting.

Councilmember Lasco stated that she is thrilled to be working with the Council and looks forward to a long and productive association with the citizens of SeaTac.

Councilmember Anderson stated that she was at the Bow Lake Mobile Home Park (MHP) on January 6 when a lady fell. She requested that Fire Chief Downs acknowledge the firemen who answered the call for their quick response, gentleness, and kindness.

Mayor Gehring-Waters thanked the Council for their vote for her as Mayor.

**ADJOURNMENT:**

MOVED BY LASCO, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:13 P.M.

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring-Waters, Mayor  
Kristina Lowrey, Deputy City Clerk



# SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

January 12, 2002 (Saturday) - 10:00 AM  
City Hall Conference Room 401G

**CALL TO ORDER:** The SeaTac City Council Special Meeting was called to order by Mayor Gehring-Waters at 10:15 a.m.

**ROLL CALL:** Present: Mayor Kathy Gehring-Waters, Councilmembers Gene Fisher, Kay Lasco, Terry Anderson, Frank Hansen, Joe Brennan, and Don DeHan (arrived during the executive session).

**ADMINISTRATIVE STAFF:** Kristina Lowrey, Deputy City Clerk

**RECESSED:** Mayor Gehring-Waters recessed the Special Council Meeting to an Executive Session on Personnel Issues at 10:16 a.m.

**EXECUTIVE SESSION: Personnel Issues**

**RECONVENED:** Mayor Gehring-Waters reconvened the Special Council Meeting at 1:29 p.m.

**ADJOURNMENT:**

MOVED BY ANDERSON, SECONDED BY HANSEN TO ADJOURN THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 1:30 PM.

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring-Waters, Mayor  
Kristina Lowrey, Deputy City Clerk

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

January 22, 2002 - 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 6:05 p.m.

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

**ADMINISTRATIVE STAFF:** Jay Holman, Acting City Manager; Judith Cary, City Clerk; Robert McAdams, City Attorney; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Kit Ledbetter, Parks & Recreation Director; Tom Gut, Assistant Engineering Manager; Craig Ward, Assistant City Manager; Jim Downs, Fire Chief; and Scott Somers, Chief of Police Services.

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

**PUBLIC COMMENTS:** The following SeaTac citizens spoke in opposition to the proposed agreement with the Port of Seattle (POS) regarding redevelopment of 54 acres of the North SeaTac Park (NSTP) area: Wayne Knutsen, 2604 South 144<sup>th</sup> Street; Craig Homan, 12809 24<sup>th</sup> Avenue South; Chris Konker, 14018 29<sup>th</sup> Avenue South; Duane Skipworth, 2441 South 132<sup>nd</sup> Street; Brett Fish, 19236 35<sup>th</sup> Avenue South; Chris Wythe, 19204 24<sup>th</sup> Avenue South (submitted a petition with 130 signatures opposing the land trade); Tracy Wythe, 19204 24<sup>th</sup> Avenue South; Lori Corkman, 14210 26<sup>th</sup> Lane South (submitted photographs of subject area and current activity); Bruce Jones, 2218 South 136<sup>th</sup> Street, and Paul Takashima, 11840 Roseburg Avenue South. Many concerns were aired such as: the land trade agreement would diminish the value, acreage, and current recreational activities of the NSTP. They expressed wanting the park to remain as it is for the various public recreational uses mentioned at the October 16, 2001 Study Session held especially at the NSTP Community Center to accommodate the concerned citizens on this same issue. There were also concerns as to the loss of homes in that area, the added traffic, particularly commercial trucks, and added to this specific concern, environmental impact due to the diesel fumes and the repeated concern for the safety of children crossing the street to access the park, additional lighting that would be needed and the needed sewer system would impact the area. A suggestion was made that the park be made a regional park. A strong concern was voiced that having commercial business adjacent to the normal park activities would impact the park setting. A major objection to the passage of this proposal at this time was to allow more time for citizen input. There was concern expressed that the POS's past undertakings with the City have not benefited the City as much as they benefit the POS.

David Puki, 14039 31<sup>st</sup> Avenue South, agreed with the above comments. He then directed his comments to the issue of parking standards for vehicles in single-family zones. At the January 15 Study Session, this issue was presented by staff and Mr. Puki had explained his residential situation with numerous vehicles. This evening, he stated that he has suffered in the past, numerous vandalism of his home and vehicles. With the joint effort of neighbors, they have taken measure to make the area much safer. He concluded that he feels the issue is not just the number of vehicles parked in the neighborhood but was the commercial trucks using these roads and parked rundown vehicles, causing unsightly and environmental issues.

Councilmember Brennan responded to Mr. Knutsen's remark that the public was not being adequately informed of the proposed land trade. He stated that this issue has been discussed publicly for at least five years and a Study Session on October 16, 2001 was held at the community center for public comments on this issue as requested by a concerned citizen of SeaTac.

## **PRESENTATIONS:**

**Progress Report on an Agreement with the Port of Seattle (POS) regarding Redevelopment of 54 Acres of the North SeaTac Park (NSTP) Area**

Assistant City Manager Ward gave an overview of the proposed agreement between the City and the POS as well as a status report on redevelopment issues since the Council was briefed in October 2001, as well as benefits to the City and to the POS. Mr. Ward outlined, on a display map, the proposed redevelopment, which consists of 55 acres to be traded to the POS and 4.22 acres that would be dedicated to the City for its maintenance shop site. In return for the 55 acres, the POS would also fund the development of the Westside trail staff preferred route would be along Des Moines Memorial Drive (DMMD) as committed in the POS/City Interlocal Agreement (ILA). In addressing redevelopment concerns by the POS and the City, the boundaries and buffers were adjusted to protect the wetlands. These adjustments affect the botanical gardens allotted area and will in fact, be more ideal for the gardens. The City would still retain 125 acres of NSTP, including all ballfields and a new BMX track.

Mr. Ward further explained the access design, site uses, development standards, existing uses, trail commitment and costs, and Federal Aviation Authority (FAA) and permitting concerns. There was strong concern of truck access to the site and the safety of residents, especially children, on 24<sup>th</sup> Avenue South. With the boundaries being proposed, there would be no ability for driveways to be built on the roadway. Truck access to the site would only be allowed on South 142<sup>nd</sup> Street, such as what has been successfully applied on the Boeing Spares site. Customer access to the site may have an alternate entry on 18<sup>th</sup> Avenue South / South 136<sup>th</sup> Street. Site uses would be air cargo using the City's Business Park Standards, with very limited parking for employees only. Mr. Ward explained the landscaping with a 20-foot buffer and a maximum building height of 50 feet. Best Management Practices were discussed as to hours of business and other operation issues.

The existing uses of the site will continue until the redevelopment occurs. The equestrians can continue use of their area until redevelopment occurs. The BMX track and other NSTP areas will be potentially available until future redevelopment. The POS has no plans for development at this time. A provision has been made in the agreement for community review of the proposed redevelopment plans.

The trail commitment and costs have been complicated to deal with which has a lot to do with available land on the westside of DMMD on the wetlands and street plans and standards. Alternative locations for a trail have been explored by City staff, which will be brought to Council in the future. A POS commitment letter has been sent to the City stating their obligations to build the Westside Trail.

FAA and permitting concerns were discussed. FAA support needs to be reconfirmed pending permit review with no other known site constraints. This will be addressed by the POS. This includes POS storm water and wetland protection standards. The FAA support is also needed for commitment under the ILA.

Mr. Ward outlined the benefits to the City and POS. City: 1) saves purchasing a site for the maintenance shop; 2) improves efficiency of managing NSTP; 3) enhances economic development; 4) obligates POS to Westside Trail; 5) retains 125 acres of NSTP with all ballfields; and 6) new BMX track. POS: 1) increases developable property; 2) adjacent to existing roads and access to SR 518 via DMMD; and 3) consistent with airport-compatible uses.

In conclusion, Mr. Ward added that staff will be presenting this issue at the February 5 Study Session for further discussion and the February 12 Regular Council Meeting for Council action on this issue.

Council discussion with staff ensued regarding the buffers, parking, and additional traffic, including commercial trucks, to 24<sup>th</sup> Avenue South's current traffic load. Mr. Ward stated that the POS does not have a site plan as of yet and it's the City's schedule driving the agreement.

Councilmember Brennan responded to some the residents' concerns. He stated that the greatest usage of the park comes from individuals outside of SeaTac, which includes senior meals, as well as all the other City sponsored activities. The western side of the park borders Burien and the north borders King County and yet, neither entity contributes to the maintenance of the park. The taxpayers of SeaTac contribute 100 percent of the funding for care of the park. SeaTac had the hardest impact of all Washington Cities by the September 11, 2001 terrorist attacks. Every stream of revenue the City gets in sales tax related to parking tax from major businesses such as the airlines, Double Tree Inn and Boeing, have been affected. The airline industry plans to go before the State Legislature this session to

request a tax break and the entity that will pay 100 percent of that action will be SeaTac. The 2001 budget was the most difficult one since the City incorporated. This includes the potential layoff of 20 City employees and a 10 percent decrease in departmental budgets. Council is striving for the layoffs not to occur. If this agreement is signed, it will bring in revenue for park maintenance and development of the rest of the trail to the Des Moines Creek Trail. This will be a tremendous City and regional recreational source to this area. King County has closed all their 40 parks this January until the end of February to be closed again on November 1, 2002. So financial support from the County is not an alternative. There is still time to work on mitigating this issue. The City has to consider all City functions in spending its funds, not just for one issue or area. The Council and staff will work to find the best answers for its financial situation and the good of the City.

Councilmember Lasco inquired as to the land exchange with the POS for the development of the westside trail and maintenance shop location. Parks & Recreation Director Ledbetter replied that the City has been studying a site for the shop for over four years and this site is the most ideal in location and has the least economic impact to the tax rolls. Mr. Ward further summarized the ILA between the POS and the City as to the land trail. Satisfying the FAA's requirements has also been another factor of this agreement. Mr. Holman added that the economic aspect is a major part of this agreement.

### **March 12, 2002 Highline School District (HSD) Bond Measure**

Phyllis Beyers, School Board Director, a SeaTac resident and former graduate of SeaTac Schools and currently has two children in this school district. She congratulated the newly elected Councilmembers and the support of the community, making it a great place to live and work. She continued with a summary of the upcoming School Bond Election. The School District is placing a \$189.5 million bond before the local voters. Last September, this same bond was rejected by 149 votes. This was a heartbreaking loss to the School District staff, teachers, and students. If the measure passes, the first school to be redeveloped is Madrona Elementary. The new building will not only serve the students but also be used as a community resource center. The District is proud of the schools' improvements in education due to the dedicated work of teachers, students and staff. However, she is concerned as to the safety and well being of the students and staff and feel that they deserve the best learning environment possible. The District has some of the best teachers in the area and in order to keep them; a sound learning environment is essential. SeaTac has provided enormous support to the schools with very positive results. The School Resource Officers (SRO) at Chinook Middle and Tyee High Schools are of tremendous assistance to the welfare of the students and staff. She stated that the POS has passed a Resolution of endorsement for the Bond, as has the Southwest King County Chamber of Commerce. The POS has pledged \$150 million for noise related issues in 15 affected schools. Ms. Beyers encouraged the Council to vote in favor of the School Bond for the benefit of the students and the future of SeaTac and local area.

Cheryl Forbes, Secretary of Highline Citizens for Schools and SeaTac resident, concurred with Ms. Beyers' comments regarding the failed September 18 2001 bond measure which failed with 59.4 percent of the votes with a requirement of 60 to pass. The District schools have deteriorated to an unsafe point for the children and are not a good learning environment.

Council discussion ensued with the speakers as to the basis for priority selection of schools to be funded for construction if the measure passes. Councilmember DeHan questioned the use of past funding to maintaining the schools rather than to educating the students. Ms. Beyers briefed Council on the statistics of student education in comparison to other schools in the State. In testing the students, four areas of educational elements were scored as less proficient, not being proficient, proficient, and above proficiency and judged on a basis of improvement: the five SeaTac elementary schools scored proficient in all four areas of testing, Chinook Middle School was proficient in three areas and Tyee was proficient in all four areas. Councilmember DeHan stated that in the report he read for last year on Chinook, between 75-80 percent of the students scored below standard. Ms. Beyers stated that may be true but the numbers are misleading as they have to be desegregated to see where the improvements are. She stated the school tracks the development of the students such as moving from level I to level 2. She added that SeaTac has a high transient population of up to 85 percent and that affects the learning curve. She will be sending the Council some desegregated information on the positions the SeaTac schools placed in the State.

Councilmember Hansen suggested that the Council vote in support of this important school bond due to the poor condition of the school buildings. The financial support of the State, FAA and POS is hanging on the passage of this

ballot measure. It would make a dramatic change in the Highline Schools.

City Attorney McAdams stated that this issue could be voted on under New Business on this evening's agenda.

Upon a question posed by Council as to the order in which the schools will be redeveloped and the use of the funding, Ms. Beyers stated that a 68-member Citizens Bond Committee took one year to study the schools and put together a prioritized list of schools in the most dire need. The \$189.5 million would allow eight schools to be funded for construction. A Citizens Oversight Committee has been formed to oversee the distribution and use of the funds for which the School District is accountable to.

### **Briefing on Highline Community College's Strategic Plan**

Dr. Priscilla Bell, President of Highline Community College, was schedule to brief the Council on this topic but was unable to attend this evening. The briefing will be rescheduled.

### **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$143,667.90 for the period ending January 11, 2002.

**Approval of claims vouchers** in the amount of \$784,902.89 for the period ending January 18, 2002.

**Approval of employee vouchers** in the amount of \$366,331.84 for the period ending January 15, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending January 18, 2002.

### **Approval of Council Meeting Minutes:**

**Regular Council Meeting** held November 27, 2001.

**Regular Council Meeting** held January 8, 2002.

**Special Council Meeting** held January 12, 2002.

### **Acceptance of Advisory Committee Minutes:**

**Civil Service Commission Meeting** held October 8, 2001 (Commission approved January 14, 2002).

**Human Relations Advisory Committee Meeting** held October 17, 2001 (Committee approved January 9, 2002).

**Human Services Advisory Committee Meeting** held November 8, 2001 (Committee approved January 14, 2002).

**Library Advisory Committee Meeting** held December 6, 2001 (Committee approved January 15, 2002).

**Planning Advisory Committee Meeting** held December 17, 2001 (Committee approved January 14, 2002).

**Senior Citizen Advisory Committee Meeting** held November 15, 2001 (Committee approved January 17, 2002).

### **Approval of the following Agenda Items recommended at the January 15, 2002 Study Session for placement on this Consent Agenda:**

#### **Agenda Bill #2104; Resolution #02-001**

**A Resolution approving and authorizing entry into an Interlocal Agreement (ILA) with the City of Tukwila for Tourism and Marketing Services - City Manager**

**Summary:** This Resolution authorizes the approval of a joint Tukwila/SeaTac Visitor Tourism Marketing Plan. Agenda Bill No. 2087, approved on November 13, 2001, directed an appropriation of \$350,000 from the Hotel/Motel Tax Fund be made in 2002 for such a plan and similar appropriations in 2003 and 2004. These appropriations were subject to Council approval of the ILA.

The ILA provides for tourism and marketing services between the Cities of Tukwila and SeaTac. SeaTac desires to purchase tourism and marketing services to increase awareness of SeaTac as a tourist destination and to improve hotel occupancy. Tukwila is willing to expand its tourism and marketing services to include SeaTac. This cooperative venture will start February 1, 2002, with Council approval. Services include, but are not limited to, providing visitor information services to tourists and implementing annual marketing and media plans. The two Cities will share operational expenses based on the outlined expenses in the ILA.

Additionally, the Cities will implement joint special projects. The Hotel/Motel Tax Advisory Committee recommends approval of this Resolution. If the respective Cities wish to extend the initial three-year term, that decision is to be made prior to April 30, 2004.

Previously authorized bond proceeds are not to be used for tourism promotion, but only for facilities. Tourism promotion is to be financed from current Hotel/Motel Tax Revenues.

**Agenda Bill #2098**

**A Motion authorizing Final Acceptance of Bow Lake Elementary Irrigation Project - Parks & Recreation**

**Summary:** This Motion accepts completion of construction of the Bow Lake Elementary Irrigation Project. Improvement included installing an irrigation system at the ballfields located at Bow Lake Elementary School. Construction was completed by Twin Falls Irrigation, LLC.

The construction contract was awarded on October 9, 2001 for the total amount not to exceed \$39,603.00. The total construction cost from Twin Falls Irrigation, LLC is \$39,249.00, which includes all change orders. The City received a \$325 credit due to a portion of asphalt that did not need to be cut and patched. The construction project was substantially complete on December 19, 2001. All items were completed on January 9, 2002.

Final acceptance will have no fiscal impact beyond payment of retainage, as budgeted.

**Agenda Bill #2103**

**A Motion approving the Low Bidder for printing the Parks & Recreation Quarterly Activities Guide - Parks & Recreation**

**Summary:** Staff sent out specifications and received bids from eight vendors for printing the Parks & Recreation Quarterly Activities Guide. The low bidder was Consolidated Press, a firm located in Seattle. This firm has printed the City's activities guide for the past five years. Staff has been pleased with their quality of work at a low price. The bid includes an annual contract for four issues. The City has the option to extend this contract in one-year increments for a maximum of three additional years. In the event of an annual increase, the increase cannot exceed five percent annually and must be justified with documentation. Printing for the first issue of the guide on this contract would be scheduled in February 2002.

The bid results are for each quarterly brochure and are as follows (Base Bid): Consolidated Press - \$5,168, Color Printing Systems - \$6,200, South County Journal - \$7,641, Southgate Press - \$8,168, Glacier Printing & Graphics - \$8,650, Valco Graphics, Inc. - \$9,045, Olympic Reprographics - \$10,244, and Printing Control Graphics - \$11,487. It is recommended that the City Council approve the low bidder for printing the Parks & Recreation Quarterly Activities Guide.

The Parks and Recreation Department has an approved budget of \$28,380 from the General Fund for budget year 2002 for this project. The total impact of this request is approximately \$23,500 that includes anticipated additional printing fees and sales tax.

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

MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARING:**

**Vacation of Street Rights-of-Way (ROW) abutted on both sides by Property owned by Gateway Investments LLC. - Public Works**

Mayor Gehring-Waters opened the Public Hearing at 7:49 p.m.

Public Works Director Rayburn gave a briefing on Agenda Bill No. 2091 with the aid of a detailed map. This item has been before Council over the last two months and was briefed at the January 15 Study Session and at Council Committee Meetings. The ILA states that before the street will be vacated by the City to Gateway Investments LLC, the developer will construct and fund an extension of South 172<sup>nd</sup> Street from 31<sup>st</sup> Place South to 31<sup>st</sup> Avenue South.

Zeena Singh, 17046 31st Avenue South, spoke in opposition to the project due to the fact that their home is located in the project area. She would like 31<sup>st</sup> Avenue South to remain as it is, as the proposed route will create a hardship in accessing her property and that of the other remaining two homes.

M. Singh, 17046 31<sup>st</sup> Avenue South, reiterated Mrs. Singh's comments, detailing the route they would have to take to access South 170<sup>th</sup> Street and if some emergency occurred, public safety vehicles would have a difficult time reaching their home in a timely manner. He urged Council to vote against this project.

Mr. Rayburn clarified the access route and instead of a two-block access to the three homes, it would be approximately four blocks.

Mayor Gehring-Waters closed the Public Hearing at 7:56 p.m.

#### **NEW BUSINESS:**

##### **Agenda Bill #2091; Ordinance #02-1003**

##### **An Ordinance vacating certain Street Rights-of-Way (ROW) within the City of SeaTac abutted on both sides by Property owned by Gateway Investments LLC. - Public Works**

**Summary:** The City has agreed with Gateway Investment LLC, as documented in the amendment dated June 1, 2001 of the ILA dated May 26, 1998, to vacate certain ROW. Gateway Investment LLC owns all the property abutting the ROW requesting to be vacated. In exchange for vacating the ROW, Gateway will dedicate the ROW and construct, at their expense, a new connecting street. The street will be a westerly extension of South 172<sup>nd</sup> Street, between 31<sup>st</sup> Place South and 31<sup>st</sup> Avenue South.

The procedures for vacating a public ROW are defined in the Revised Code of Washington (RCW). A public hearing is to be 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 November 27, 2001 with the notice being posted on January 3, 2002. Per RCW, the date of the public hearing will not be more than 60 days nor less than 20 days after the date of the passage of the Resolution setting the date for the public hearing. The date of January 8, 2002 was the first regularly scheduled City Council Meeting that met the criteria and January 22, 2002 is the last regularly scheduled City Council Meeting that will meet the criteria.

All the utilities serving the City were given notice of this request to vacate these ROW. ValVue Sewer District, Highline Water District and AT&T Broadband have requested that the City reserve easements for their facilities in the streets being vacated. The applicant has agreed to these easements in the ILA.

MOVED BY HANSEN, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 02-1003.

UPON A ROLL CALL VOTE, THE MOTION CARRIED WITH FISHER, ANDERSON, HANSEN, BRENNAN, DEHAN, AND GEHRING-WATERS VOTING YES AND LASCO VOTING NO.

#### **Agenda Bill #2099**

##### **A Motion authorizing the City Manager to execute a Contract with SCI Infrastructure, LLC for the International Boulevard (IB) Phase III Improvement Project (South 152<sup>nd</sup> to 170<sup>th</sup> Streets) - Public Works**

**Summary:** The project was advertised for bids from November 12. The bid opening was held December 20 and the engineer's estimate was \$9,380,000. SCI Infrastructure, LLC was the low bidder with a total bid of \$8,303,893.58 to include a 15 percent contingency of \$1,245,584, for a total contract budget of \$9,549,477.

CH2M Hill designed the project and prepared the bid documents. The project consists of new curb, gutter, sidewalks, street trees, landscaped median, street illumination, underground utilities, improved storm drainage, upgraded traffic signalization at South 160<sup>th</sup> Street and a new traffic signal at the 16600 block of IB. The new roadway section will consist of two through lanes each way, a southbound HOV lane from South 160<sup>th</sup> to South 170<sup>th</sup> Streets and an

additional northbound general-purpose lane from the 16600 block of IB to the SR 518 entrance ramp. Improvements north of the SR 518 Bridge are limited to completing pedestrian walkways and pavement overlay. The full level of improvements north of the bridge, e.g., landscaping and overhead utility conversion to underground, have been deferred to the future Sound Transit Link Light Rail Station Project at South 154<sup>th</sup> Street and the Washington State Department of Transportation (WSDOT) redevelopment of the SR 518 / IB interchange. The project also includes infrastructure improvements for the POS. Sewer stubs will be installed for future connection at the South 170<sup>th</sup> Street and South 160<sup>th</sup> Street intersections along with additional underground electric power capacity. The POS will reimburse the City for the additional work per the terms of an ILA. The contract specifies the work shall be done within two years. There were only two bids received. After the bids were reviewed and corrected for mathematical errors, SCI Infrastructure, LLC was determined to be the low bidder at \$8,303,893.58. The low bid was 11.5 percent below the engineer's estimate. SCI Infrastructure has satisfactorily completed two projects for the City: 1) various spot drainage improvements, and 2) minor street and sidewalk work on South 178<sup>th</sup> Street. SCI Infrastructure is headquartered locally in the City of SeaTac.

The total construction cost, including construction contract, contingency, material testing, additional inspection time and electric underground conversion is \$10,180,978. The project is to be funded by a Federal grant of \$6,177,000, State Transportation Improvement Board (TIB) grant funds of \$1,398,417, WSDOT paving reimbursement of \$761,648, utility reimbursements and City funds of \$731,732 (parking tax).

MOVED BY HANSEN, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 2099.\*

Mr. Rayburn briefed on the above summary, stating that the IB Phase III development runs from South 170<sup>th</sup> Street to the north City limits at South 152<sup>nd</sup> Street. A bid opening was held on December 20 with only two bids, as detailed in the above summary.

Councilmember Fisher questioned whether the other bidder would contest the bid since it was so close in costs. Mr. Rayburn stated that if the needed corrections to the low bid were to make a difference in the cost, a chance for debate could occur.

Councilmember DeHan stated that this item went before the Transportation & Public Works (T&PW) Committee prior to this meeting and the committee recommended Council approval. If this project is delayed, the City risks losing over \$7 million of matching funds. He requested that consideration be given commercial businesses in this project area during this phase of work as was done in Phase II.

\*MOTION CARRIED UNANIMOUSLY.

**ADDED NEW BUSINESS ITEM:**

MOVED BY HANSEN, SECONDED BY BRENNAN TO DIRECT THE CITY ATTORNEY TO PREPARE A RESOLUTION STATING THE CITY COUNCIL'S SUPPORT FOR THE HIGHLINE SCHOOL DISTRICT BOND LEVY AT THE MARCH 12, 1002 SPECIAL ELECTION.\*

Councilmember DeHan stated that he would support this measure, however, he would hope the School District would carefully monitor the use of this immense amount of funding.

\*MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENTS:** There were no public comments.

**ACTING CITY MANAGER'S COMMENTS:** Acting City Manager had the following items of business: 1) regarding the reconstruction efforts to the new City Hall (NCH), the design stage is proceeding along well. The first phase will include the Council Chambers and Municipal Court areas on the first floor. A demolition of unneeded walls is scheduled for Wednesday, February 6, at noon. There will be a luncheon for Council and staff. Eric Mathison, Highline Community Newspaper reporter, is also invited to the event; and 2) an advertisement for a NCH Construction Manager will be placed in Sunday and Wednesday's Seattle Times newspaper.



**COUNCIL COMMENTS:** Councilmember DeHan stated that the King County Transportation Coalition has sent some key transportation measures to the 2002 State Legislature regarding transportation issues with their message that their choice is clearly to invest in transportation to reinvigorate the local economy and help maintain our quality of life by allowing for more jobs to stabilize and more businesses to stay in the area. He had data from the coalition to be distributed to the Council in their mail.

**RECESSED:** Mayor Gehring-Waters recessed the Regular Council Meeting to an Executive Session on Personnel Issues at 8:12 p.m.

**EXECUTIVE SESSION: Personnel Issues**

**RECONVENED:** Mayor Gehring-Waters reconvened the Regular Council Meeting at 8:37 p.m.

**ADJOURNMENT:**

MOVED BY DEHAN, SECONDED BY HANSEN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:40 PM.

MOTION CARRIED UNANIMOUSLY.

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

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

February 12, 2002 - 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 6:04 p.m.

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

**ADMINISTRATIVE STAFF:** Jay Holman, Acting City Manager; Kristina Lowrey, Deputy City Clerk; Robert McAdams, City Attorney; Michael McCarty, Acting Finance Director; Don Monaghan, Assistant Public Works Director; Tom Phillips, Public Works Building Official; Steve Butler, Planning Director; Holly Anderson, Senior Planner; Julie Elsensohn, Assistant City Attorney; Kit Ledbetter, Parks & Recreation Director; Lawrence Ellis, Assistant Parks & Recreation Director; Steve Mahaffey, Human Resources Director; Craig Ward, Assistant City Manager; Bob Meyer, Fire Marshall; and Scott Somers, Chief of Police Services.

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

**PUBLIC COMMENTS:** Jeff Titus, 12203 31<sup>st</sup> Avenue South, and John Vrotney, 1807 South 118<sup>th</sup> Street, spoke in regards to a community service project titled Lights Out in SeaTac. This covers an area from Military Road South to South Des Moines Memorial Drive (DMMD), between South 128<sup>th</sup> and 156<sup>th</sup> Streets. Within a two-week span, they monitored the area in the evening, recording streetlights that were out or blinking. A total of 42 lights were found to be out, which is a safety issue. Mr. Vrotney submitted a diagram of the neighborhoods.

The following SeaTac citizens spoke in opposition to the proposed agreement with the Port of Seattle (POS) regarding redevelopment of approximately 55 acres of the North SeaTac Park (NSTP) area: Brett Fish, 19236 35<sup>th</sup> Avenue South; Tracy Wythe, 14204 24<sup>th</sup> Avenue South (submitted photographs of subject area and current activity, and a petition opposing the land trade); Becky Stanley, 4108 48<sup>th</sup> Avenue South, Seattle, representing the Sierra Club; Bruce Jones, 2218 South 136<sup>th</sup> Street; Chris Wythe, 14204 24<sup>th</sup> Avenue South; Dan Norton, 19719 Military Road South; Wayne Knutsen, 2604 South 144<sup>th</sup> Street; Claire Hanson, 12414 Military Road South; James Copfer, 14426 28<sup>th</sup> Lane South; Lenard Howze, 1171 Beacon South; Betsy Hamil, 11650 Roseburg Avenue South; Lori Corkum, 14210 26<sup>th</sup> Lane South; Elizabeth Jones, 2218 South 136<sup>th</sup> Street; Susan Altengarten, 14420 28<sup>th</sup> Lane South; Patrick Heier, 2412 South 140<sup>th</sup> Street; Ann Grande, 23127 Marine View Drive South, Des Moines; and Joe Coomer, 16857 Des Moines Memorial Drive, Burien. Concerns aired at the January 22, 2002 Study Session were reiterated: the land trade agreement would diminish the value, acreage, and current recreational activities of the NSTP. They expressed wanting the park to remain as it is for the various public recreational uses. There were also concerns as to the loss of green space and the safety of citizens on 24<sup>th</sup> Avenue South. Many comments were made expressing that many citizens are willing to volunteer their time at the parks so the City would not be financially impacted. A major objection to the passage of this proposal at this time was to allow more time for citizen input. There was concern also expressed that the POS's past undertakings with the City have not benefited the City as much as they benefit the POS.

Councilmember Brennan responded to various remarks made that the public had not been adequately informed of the proposed land trade. He stated that this issue has been discussed publicly for at least five years, including at the October 16, 2001 Study Session and the January 22, 2002 Regular Council Meeting (RCM).

Seiichi Adachi, 19223 34<sup>th</sup> Avenue South, submitted a petition from the SeaTac Badminton Group, asking the City to reconsider the closing of the NSTP Community Center gym on Saturdays.

## **PRESENTATIONS:**

### **7<sup>th</sup> Annual Youth Art Contest Winners**

Assistant Parks & Recreation Director Ellis stated that this year there were 49 entrees submitted in the contest. Each entry submitted was judged on artistic ability, originality and creativity. Mr. Ellis read the certificates and Mayor Gehring-Waters presented the certificates to the winners/honorable mentions:

Winners: Kyle Horst - Chinook Middle School; Jane Kim - Pacific Christian High School; Carmen Swift - Seattle Christian High School; Cassidy Weakley - Seattle Christian; and Michael Solomon - Tyee High School (not in attendance); and Honorable Mentions: Caroline Radacina - Tyee High School; and Rachel Giffey-Brohaugh - Pacific Christian High School (not in attendance).

### **Remodel of New City Hall (NCH)**

Architect Dave Clark reviewed the Council Chambers / Courtroom alternatives: A) separate rooms and B) combined room. He also discussed the differences in pricing for the two alternatives. Alternative A is estimated to cost \$1,032,000 with alternative B estimated at \$986,070.

Council discussion ensued regarding the two alternatives with Council concurring that alternative A appears to be the best use of space and money.

### **Added Item:**

#### **Potential Amendments to the Zoning Code regarding Signs (including A-Frame Signs, Banners and Temporary Signs)**

Planning Director Butler reviewed the background on this issue: banners, most A-frames and streamers/ pennants are currently prohibited; Council suspended code enforcement for 60 days (through mid-February) to allow for review of signs; and the Southwest King County Chamber (SWKCC) of Commerce and City sponsored three meetings with the business community to gather input.

Business comments favored allowing some temporary signage or advertising in addition to business identification stating that A-frames are at eye level and catch attention; banners and A-frames are cost-effective; multiple-colored flags are attractive and provide better business identification than American or State flags; and pennants, other colors or decoration distinguish car sales lots from parking lots.

The goals of these possible amendments are to promote and encourage business; have attractive, well-scaled signage; and avoid visual clutter.

Senior Planner Anderson reviewed the following discussion items/options:

The Zoning Code does not allow for A-frames signs. The business community would like one on-site portable sign allowed per site, per street frontage, within three feet of vehicular entrance only during hours of operation.

The current Code also does not allow A-frames off-site. Real estate open house signs often need to be displayed off-site to direct traffic to the open house. It is being proposed that the City allow off-site directional A-frames on weekends only (maximum size 2 feet by 2 feet). An alternative that could be considered, if promoted by a separate group, would be to allow permanent off-site directional signs if controlled by the City (similar to the blue highway signs). It was noted that the Code currently provides a variance process for off-site signage.

The current Code allows banners only for grand opening displays of one week. The proposed Code would allow one 32-square foot (sf) banner per property per street frontage for placement on buildings, on fences, over existing fixed signs for new businesses only for 60 days, and not between trees, or on posts in the ground. Banners would need to be sturdy, well-maintained, professionally lettered, non-flapping (four corners secured) and made of non-rigid materials (vinyl, fabric, plastic).

Another category for temporary signs is advertising businesses for sale, for lease, or under construction. The Code currently allows these signs and specifies different sizes of signs depending on the advertising. The proposed Code would make it more consistent by specifying one size for all multi-family and commercial businesses (32 sf) and then

one size for single-family residential (eight sf). These would be allowed, instead of a banner, while a property is for sale, for lease or under construction.

The current Code allows for an unlimited amount of government flags, but only one flag of a commercial institution. In addition to existing standards, the proposed Code would allow up to four decorative flags (no text or logos) per 100 linear feet (lf) of frontage to be mounted on a pole, on one side (no strings of flags). The maximum size would be 20 sf, with a minimum size of five sf.

The proposed Code for pennants/streamers has three proposed options: 1) allow only for certain businesses, such as vehicle sales; allow strings of pennants but not strings of streamers; and only non-reflective material; and allow on antennas; 2) do not allow; and 3) allow both strings of pennants and strings of streamers for any business, but only non-reflective material.

Council discussion ensued regarding the three options. Councilmember Brennan stated that he has no objections to the Pennants/Streamers, as long as they are kept neat. Council concurred with Option 1.

Upon a question posed by Mayor Gehring-Waters, as to who is responsible for making sure that the pennants are kept neat, Mr. Butler stated that Code Enforcement would enforce the Code.

It was suggested that other types of sales lots not allowed to use pennants and streamers, be allowed to use pole-mounted decorative banners., displayed at an elevated height. This option would allow one banner for each 25 feet of street frontage. Standards would be set for size and mounting height (City seasonal banners are 30 inches x 72 inches; mounted at 20 feet).

Staff has heard from both apartment complexes and car sales lots that they would like to be able to display balloons, which are not allowed in the current Code. The proposed Code would limit it to two displays of five balloons per site. Council concurred with this proposal.

Ms. Anderson reviewed the next steps in this process: send draft Code to State for 60-day review; Planning Advisory Committee (PAC) Public Hearing scheduled for March 4; and Council action in late April.

Discussion ensued regarding extending the Code Enforcement suspension until after Council action. Council concurred with this extension.

#### **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$307,644.03 for the period ending January 31, 2002.

**Approval of employee vouchers** in the amount of \$489,354.41 for the period ending January 31, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending February 8, 2002.

#### **Approval of Council Meeting Minutes:**

**Regular Council Meeting** held January 22, 2002.

#### **Acceptance of Advisory Committee Minutes:**

**Planning Advisory Committee Meeting** held January 14, 2002 (Committee approved January 28, 2002).

#### **Approval of the following Agenda Items recommended at the February 5, 2002 Study Session for placement on this Consent Agenda:**

##### **Agenda Bill #2110**

**A Motion authorizing the purchase of a 15-Passenger Replacement Van for the Parks & Recreation Department - Parks & Recreation**

**Summary:** It is requested that the Council authorize the purchase of a 15-passenger van through the Office of State Procurement. Through the competitive bid process with the Office of State Procurement, a 2002 Chevrolet Express 15-passenger van was selected. The 1993 van currently is limited to local transportation and trips, due to several

maintenance concerns and re-occurring problems and is scheduled for replacement. The cost of the new van is \$28,287, which is included in the \$121,000 approved vehicle replacement fund budget. The new van meets all the specifications for transporting seniors and youth; ie: rear bench seating, rear shoulder harness, heavy duty passenger side running boards and emergency exit window.

**Agenda Bill #2113; Ordinance #02-1004**

**An Ordinance amending the 2002 Annual City Budget for the New City Hall (NCH) Remodel Project - Finance**

**Summary:** The 2002 Annual Budget was adopted on November 29, 2001 without providing an appropriation in Fund 306, the Municipal Facilities Fund, for the necessary remodel work at the Valley Ridge Corporate Center (VRCC). As the City prepares to begin work on Phase I of the project, it is necessary to provide appropriation authority in the budget to pay associated design and construction costs.

This budget amendment provides an appropriation of \$3,000,000. It is anticipated that this will not provide the entire amount that will be necessary to complete the project, and a budget amendment with additional appropriation authority will be presented at a future date. Agenda bills will be brought to the Council throughout the project for approval of various contracts related to the work performed.

The Municipal Facilities Fund currently carries a balance of approximately \$5 million that will be used for this project. The purchase of the VRCC was funded with a temporary loan from the City's Port Interlocal Agreement (ILA) Fund that will be repaid, with interest, upon issuance of bonds in late 2002.

**Agenda Bill #2111**

**A Motion authorizing the installation of Fiber Optic Cabling for the New City Hall (NCH) - Parks & Recreation**

**Summary:** As part of its franchise agreement with the City, AT&T Broadband agreed to provide fiber optic cabling to several existing and future City facilities. The project was completed, with termination of the network placed at the previous NCH site at 37<sup>th</sup> Avenue South and South 188<sup>th</sup> Street.

After the fiber optic cabling was completed, the decision to purchase the Valley Ridge Corporate Center was made. In order to utilize the fiber optic cabling to network City facilities, the termination point of the network will need to be relocated from its existing location to the NCH site.

This project will involve adding to the existing cable, splicing, de-lashing and re-lashing the cable, boring under the South 188<sup>th</sup> Street off ramp, and pulling cable into the building. The total estimated cost is \$39,722.88 plus a ten percent contingency for a total of \$43,695.17.

**Agenda Bill #2085**

**A Motion authorizing Final Acceptance of the 28<sup>th</sup>/24<sup>th</sup> Avenue South Arterial Project - Public Works**

**Summary:** This Motion formally accepts the construction and completion of the corridor improvements on 28<sup>th</sup> Avenue South between South 188<sup>th</sup> and 202<sup>nd</sup> Streets.

The project was awarded on January 25, 2000 to the firm of Gary Merlino, Inc. The contract bid was \$8,923,416.22 and an additional 10 percent contingency was approved by City Council for a total construction contract budget of \$9,815,758.22. Improvements included a total reconstruction of 28<sup>th</sup> Avenue South to a four-lane facility with a landscaped/water quality median, new underground electrical facilities, drainage, water and gas utilities and curb/gutter/sidewalk. Several major surface water detention facilities were also constructed. Right-of-way (ROW) acquisition was a substantial element of the project. Construction began March 20, 2000 and the project was substantially complete August 31, 2001, within the contract time of 360 working days. At this time, all punch list items are done and the project is physically complete. Both the construction project cost and the total project costs are within approved budget amounts.

**Agenda Bill #2112**

**A Motion authorizing the City Manager to enter into a Contract with King County (KC) for continued funding for the City's Waste Reduction/Recycling (WR/R) Programs - Public Works**

**Summary:** Grant funding is available to all KC suburban Cities that operate under the KC Comprehensive Solid Waste Management Plan in order to further the development and/or enhancement of local waste reduction and recycling projects. KC will provide funding of \$74,266.00 to the City of SeaTac for a two-year grant period.

The \$74,266.00 budget for the 2002-2003 KC Solid Waste Division WR/R Program Grant agreement will continue to further the development and/or enhancement of local WR/R projects. The WR/R grant will fund the following projects 100 percent: City's Special Recycling Events, food and yard waste composting classes/bins, Integrated Pest Management classes, and WR/R activities.

**Agenda Bill #2105**

**A Motion authorizing surplus of a 1992 Ford Taurus Sedan and approving same to be sold at Public Auction - Public Works**

**Summary:** As part of the 2002 Budget deliberation, the number of vehicles that would be assigned to the Building Division would be reduced by one vehicle. A-6, a 1992 Ford Taurus Sedan, is the oldest unassigned vehicle in the Building Division and the vehicle chosen to surplus. If approved, the vehicle will be taken to an auctioneer specializing in vehicle sales to sell this vehicle. The auctioneer is located in Tacoma and has sold other vehicles for the City in the past at good prices.

**Agenda Bill #2095; Ordinance #02-1005**

**An Ordinance amending certain Sections of Chapter 7.15 of the SeaTac Municipal Code (SMC) related to Property Maintenance - Public Works**

**Summary:** This Ordinance amends the property maintenance chapter of the SMC in two ways. First, it simplifies and clarifies the intent of the Code by removing unneeded and redundant language and reordering portions of the chapter as needed. Second, it clarifies that indoor furnishings and appliances cannot be stored outdoors if visible from neighboring property. Decks, carports and open garages will be considered outdoors. The current Code language prohibits the outdoor storage of these items only if they have been discarded. Someone could store appliances or indoor furniture in their yard claiming they plan to use them in the future. Currently this would be legal since the appliances or furniture have not been discarded. The outside storage of such items has been a continuing problem that is unpleasant to view and devalues neighboring properties.

**Agenda Bill #2096; Ordinance #02-1006**

**An Ordinance amending the Zoning Code to set Standards for the Parking of Vehicles in the Single-family Zones - Planning / Public Works**

**Summary:** This Ordinance amends the Zoning Code to regulate the maximum area of a single-family lot that may be occupied by vehicles.

Currently within the single-family zones, there are no Code provisions that regulate the number of vehicles on a piece of property if the vehicles are licensed and in operable condition. This means that, especially on larger lots, a large number of cars can be placed on a lot, provided they are licensed and operable.

Proposed single-family parking regulations have been reviewed by the Transportation & Public Works (T&PW) Committee, Land Use & Parks (LUP) Committee, and the PAC. The T&PW Committee in their discussions took into account the variety of options that had been expressed by other committees and recommend the proposed regulations within the proposed Ordinance. The following issues were discussed: Applicability of the Proposed Regulations; Off-street Parking - Construction Standards; Vehicle Parking - Total Lot Coverage; Front Yard Vehicle Parking; Front Yard Vehicle Parking - On A Corner Lot; and Screening of Vehicles From Adjacent Properties.

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

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS:**

*(This item was moved forward to accommodate the audience.)*

**Agenda Bill #2054; Resolution #02-002**

**A Resolution approving amendments to North SeaTac Park (NSTP) so as to alter the Park Boundaries and to amend other Lease Provisions and authorizing the City Manager to execute the Amendment and an Agreement for the Development of certain Port-Owned Properties adjacent to NSTP - City Manager**

**Summary:** This Resolution authorizes execution of an amendment to a NSTP lease with the POS, altering the boundaries in order to effect the transfer of control of approximately 55 acres of NSTP to the POS for aviation-related uses, in consideration of uses by the City of 4.22 acres as a combined maintenance facility for the Public Works and Parks Departments, and to execute an agreement for the development of the approximately 55 acre area adjacent to NSTP.

The POS and the City entered into a lease covering the City's occupancy of several hundred additional acres, all of which is now known as NSTP. The September 4, 1997 POS/City ILA between provides that the parties would cooperate to revise the leases at NSTP to allow commercial development by the POS of approximately 55 acres of the site on mutually acceptable terms. The parties have determined to provide the City with 4.22 acres as a maintenance shop. Also, the POS committed to developing a trail on the westside as outlined in the ILA. This amendment to the lease and the ILA would implement these provisions, subject to approval by the Federal Aviation Administration (FAA), the POS, the City Council and the City Manager.

In the interests of furthering the City's plans to construct a maintenance facility for the Public Works and Parks Departments, and to enhance economic development of the City and Port, this proposed Resolution precedes the adoption of a specific trail plan for the Westside. The Port would continue to be bound by the requirements of the ILA regarding the Trail, and will work with the City to design and construct the trail consistent with the outcomes of joint planning and permitting processes for the affected area.

Although this action would make some undeveloped area unavailable as open space and for future recreation uses, these amendments would benefit the City by supporting economic development and removing City costs and liability for maintaining and policing undeveloped parkland. The City is not a regional park provider, and reducing the size of NSTP would allow our limited staff to maintain the remaining parklands more efficiently. It would also make available, at no cost to the City, a 4.22 acre site, with an approximate value of \$400,000 – \$500,000 for development as a maintenance shop. In addition, the Port will continue to be obligated to either build, or contribute up to \$1,500,000 toward City construction of, a Westside regional multi-use trail. These benefits would appear to compensate for the loss of open space that this action would entail.

In the interest of protecting adjacent land uses and properties from the impacts of development on the approximately 55 acres identified as the "Deleted Property" in the proposed lease amendments, development would be subject to development standards for Port-owned property provided for in the ILA, as addressed in the draft agreement between the two parties. This agreement would define development conditions, including controlling access to the property, defining acceptable truck routes, limiting permitted land uses, and imposing Best Management Practices for construction and development activities.

MOVED BY HANSEN, SECONDED BY BRENNAN TO PASS AGENDA BILL NO. 2054.\*

Councilmember Fisher stated that he has concerns with this issue. The agenda bill states that there will be no fiscal impact on the City. The staff has done a tremendous job negotiating from a difficult position. The POS knows the City needs the maintenance facility now and they can wait for the land. The City could have strengthened its bargaining position by considering alternatives. The City is proposing to spend \$2,000,000 for construction on land it will never own. No political, let alone monetary support has been offered from Des Moines, Normandy Park, Burien, King County (KC), for the trail, let alone confirmation for costs relating to maintenance and security. The trail, with no other physical support, appears to be a City legacy. No one has given the City an estimate of their revenue as to what the

citizens can expect to receive for the POS development. Councilmember Fisher stated that he promised in both his 1995 and 1997 campaigns to try and improve the northend neighborhoods. He stated that until he receives better information, until the City knows exactly what it is getting into, he will vote no.

Councilmember Hansen stated that he is distressed when he hears comments that sound like "them against us". That should not be the case. He is proud of the Parks & Recreation Department and the Council over the last ten years that this project has been worked on. The Council has always been very supportive of creating a magnificent park in the northend, even if it is probably way above what should be done financially. If anyone would tour this City, they would see that the City is doing many good things, including International Boulevard and NSTP. There is no sense in criticizing the POS because they have a mission and they are going to work towards fulfilling their mission, but the City does have a \$10,000,000 beautification program as part of the ILA.

The POS paid for the community center and they are going to pay for the trail. Rather than criticizing everybody, let us work together to make these good things happen. SeaTac has been very receptive to green spaces and parks, way out of proportion to a City of this size. He stated his support of this item.

Mayor Gehring-Waters stated that the NSTP is 220 acres and approximately 55 acres are being traded. The City has worked on this issue for a long time. This is the best way to get a maintenance facility. Less than seven percent of SeaTac citizens use the park. She stated that citizens should come to the Council with options. The purchase of a school would not be in the City's best interest. To take out asbestos in the old schools would cost too much money.

Councilmember Brennan stated that if the horse coral needs to be moved, it can be moved, the botanical garden has been enlarged, and the BMX trail has already been moved. The Council is doing the best it can. If this is postponed for 90 days, the City and its citizens would be in the same situation as tonight. He stated his support of this issue.

Councilmember Lasco stated that she does not support this item. She stated that when she first heard comments about lack of notification, she did some. She feels that there was a lack of notification, public meetings, and public input requested for this whole process. She requested that Council allow the 90 days postponement due to lack of notification.

\* UPON A ROLL CALL VOTE, THE MOTION CARRIED WITH GEHRING-WATERS, HANSEN, AND BRENNAN VOTING YES AND FISHER AND LASCO VOTING NO.

**PUBLIC COMMENT:**

**Proposition No. 1, Highline School District No. 401 School Capital Facilities Improvement Bonds, in the sum of \$189,500,000 – Legal**

Mayor Gehring-Waters opened the Public Comments at 8:10 p.m.

City Attorney McAdams' reviewed the summary for Agenda Bill No. 2109 (see below).

Phyllis Beyers, School Board Director, and SeaTac resident; Cheryl Forbes, Secretary of Highline Citizens for Schools, and SeaTac resident; Vipi Dorland, Bow Lake Elementary School Principal; and Stewart Gener, 200 Southwest 178<sup>th</sup> Street, Normandy Park, reiterated comments that were made at the January 22, 2002 RCM in support of the School Bond.

Mr. Coomer spoke in opposition of the bond. He stated that this same issue failed last September. The proponents spent \$130,000 to support the bond, yet it still failed. That says there is something wrong with the school district. He stated that he would like to support this bond issue, but he feels there is a lack of accountability. The previous public speakers spoke about the problems with maintenance of the schools, that the facilities only receive a minimum amount of maintenance, which after years, deteriorates the buildings.

Mayor Gehring-Waters closed the Public Comments at 8:30 p.m.

**NEW BUSINESS (Continued):**



**Agenda Bill #2109; Resolution #02-003**

**A Resolution expressing the City Council's support for Proposition No. 1, Highline School District (HSD) No. 401 School Capital Facilities Improvement Bonds, in the sum of \$189,500,000 - Legal**

**Summary:** This Resolution expresses Council's support for Proposition No. 1, HSD No. 401 School Capital Facilities Improvement Bonds in the sum of \$189,500,000 to be presented to the electorate at the Special Election of March 12, 2002.

The Council heard from Ms. Beyers, President of the Highline School Board, and Secretary of Highline Citizens for Schools Ms. Forbes, during the RCM of January 22, 2002. Ms. Beyers explained that the bond proceeds would be used to replace eight schools, including SeaTac's Madrona Elementary, and renovation and improvement of other facilities. Passage of the proposition could also permit receipt of \$150,000,000 from the POS, the FAA, and the State of Washington, to be used for noise-related improvements to schools. Ms. Beyers requested support for Proposition No. 1 from the City Council. The Council was in agreement with the need to replace, repair, and renovate school buildings and facilities.

A Motion was made to support Proposition No. 1. However, the City Attorney was requested to draft the appropriate language of support. Accordingly, the motion was accepted by City staff as a direction to prepare a statement of the Council's collective position.

RCW 42.17.130 forbids use of city facilities to assist promotion of or opposition to any ballot proposition, such as a special school bond and excess levy proposition. Subsection (1) of the said statute exempts from the aforesaid prohibition official Council action, providing that certain mandatory procedural steps are taken, in the following language:

Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.

The foregoing statute does not, of course, prevent an elected official from supporting or opposing any ballot proposition at an open press conference, in response to a specific inquiry, or by expression of opinion as an individual voter.

To validate the collective expression of the Council's position on HSD's Proposition No. 1, public comments have been solicited for the RCM of February 12, 2002, by notice published and posted. A copy of the notice will be mailed to known proponents and opponents of the Proposition in relation to the previous vote at the 2001 primary election. The Council shall, at that time, hear and receive comments for and against the proposition and may then render its final decision as to support, neutrality, or opposition.

**MOVED BY BRENNAN, SECONDED BY HANSEN TO PASS RESOLUTION NO. 02-003.\***

Councilmember Brennan stated that Madrona Elementary School was as decrepit the last time that the HSD Bond was passed as it is now. Instead, a Performing Arts Center was built. A Performing Arts Center is wonderful, but Madrona Elementary needed renovation at that time. Bow Lake and McMicken also need total reconstruction. This City pays over a third of the revenue to the HSD, but the City is getting only one school redone that should have been done 15 years ago. Councilmember Brennan stated that he will support this issue, but hopes that the school board does what is right.

Councilmember Lasco stated that she is concerned about schools and the school system itself as education is one of her top priorities. She stated that she supports this bond.

Councilmember Fisher stated it is a known fact that the schools need repairing, but all of the money seems to be campaigning to tell everyone that the schools need repairing. He stated that the money should instead be spent on

informing people how the repairs are to be done. He also stated his support of the bond.

Councilmember Hansen stated that he supports this bond and concurred with Councilmember Brennan's comments about wanting to see something in SeaTac in view of the contribution of tax money.

\*MOTION CARRIED UNANIMOUSLY.

### **Agenda Bill #2116**

#### **A Motion approving the New City Hall (NCH) Construction Manager - Parks & Recreation**

**Summary:** This Motion authorizes a Contract with Pat Patterson to complete the Construction Management of the NCH project.

The City Council at the December 18, 2001 City Council meeting directed staff to hire a Construction Manager for the NCH project. The Construction Manager position was advertised in the Seattle Times on January 23 and 27, 2002. Proposals were received from URS Corporation, KJM & Associates, Olympic Associates, and Pat Patterson. Project Architect, Dave Clark and Parks & Recreation Director Ledbetter interviewed the three companies and one individual for the position on February 6, 2002. Pat Patterson was selected based on the interview point system and is recommended for the position.

It is being recommended that Mr. Patterson be hired on an hourly basis of \$50 per hour. He will work with the Architect and the City Project Manager to determine the number of hours he will be needed for the project each week. Staff has worked with Mr. Patterson and determined that the position will not exceed 1600 hours at \$50 per hour for a total of \$80,000.

Parks & Recreation Director Ledbetter reviewed the above summary.

MOVED BY FISHER, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 2116.

MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENTS:** Mr. Coomer commended Council for being public orientated. He stated he is interested in the sign study, which is excellent. He feels that the business community should do its own police work and approving of signs. Also, when reviewing the City Hall layout, he recommended that Council consider what other functions the Council Chambers/Municipal Court room may be used for. If it is used for a reception, carpet makes dancing difficult. He also advocated for a public swimming pool in the City.

Mr. Jenner stated that as far as prioritization with the HSD, Bow Lake is No. nine and McMicken Heights is No. 15. He listed the companies that had representatives working on the school bond and reviewing the schools, including representatives from Highline Community College, Alaska Airlines, Puget Sound Educational School District, and Northwest Architectural Construction.

**ACTING CITY MANAGER'S COMMENTS:** Acting City Manager Holman had the following items of business: 1) Elizabeth Spencer will be returning to the City of SeaTac as the Finance Director on February 21, 2002; 2) the Hotel/Motel Committee Meeting scheduled for February 13, 2002 has been postponed; and 3) he attended the SR 509 Open House today at the Highline Community College with 70 - 90 people in attendance. The Washington State Department of Transportation (WSDOT) presented a slide show and answered questions. It is a pleasure to see how far the project has progressed. They are in a position to buy ROW as soon as they get additional money. That would be ROW that would not be condemned so people that want to sell would be the first property purchased.

**COUNCIL COMMENTS:** Mayor Gehring-Waters stated that the Council Retreat scheduled for the end of March will most likely be postponed until April. She has requested that a facilitator be present for one day. She also stated that Councilmember DeHan's wife has been released from the hospital today which is why he is not in attendance at the meeting.

**ADJOURNMENT:**

MOVED BY LASCO, SECONDED BY HANSEN TO ADJOURN THE REGULAR COUNCIL MEETING AT 9:50 P.M.

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring-Waters, Mayor

Kristina Lowrey, Deputy City Clerk

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

February 26, 2002 - 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 6:01 p.m.

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

**ADMINISTRATIVE STAFF:** Jay Holman, Acting City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Elizabeth Spencer, Finance Director; and Scott Somers, Chief of Police Services.

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

**PUBLIC COMMENTS:** Tracy Wythe, 14204 24<sup>th</sup> Avenue South, addressed Agenda Bill No. 2117 regarding the amending of the City Council Administrative Procedures in respect to Council Committees. She felt the community should have more notice on changes in the City and would like to see better communications between the Council and citizenry. She hoped this agenda bill would not jeopardize the public's knowledge of changes or their participation in changes.

## **ADDED ITEM:**

### **Presentation on New City Hall (NCH)**

NCH Construction Manager Pat Patterson updated the Council on the progress on the renovation of the building. Mr. Patterson suggested to the Council that the project be combined in one phase rather than two. The reasons are: 1) there is no gain by moving in early. Efficiency cost would be felt if departments are separated; 2) the current City Hall lease expires in November 2002; 3) the eliminated cost of a second bidding is approximately \$5,000 plus three weeks time; 4) cost savings by economy of scale: approximately one percent or more = \$40,000+; 5) larger project results in better bid coverage; 6) combining means fewer contractors to manage, translating into greater efficiency and higher quality; 7) efficiency and cost reduction in ordering materials once; 8) reduce construction time by one to two weeks; 9) project finishes on schedule; and 10) gives the architect more time to thoroughly review documents one time rather than twice.

Council discussion with Mr. Patterson ensued as to the type of piping being used in the building and placement of the three flagpoles. Councilmember Hansen stated that some of the work could be completed by staff. Mr. Patterson stated that in order to keep the project on schedule, some contracting is necessary.

Next, Mr. Patterson detailed the items that can be presently addressed: 1) elevator upgrade by Otis Elevator; 2) an additional door in the main entry; 3) three flagpoles; 4) fill in loading dock area and reconfigure it; 5) building flashing and caulking; 6) exterior patching and painting of the building as weather permits; 7) mechanical re-piping in Council Chamber and Court area; 8) landscaping, exterior signs; 9) layout for an emergency generator; 10) ordering hardware, doors, carpets, etc.; and 11) partial demolition of the third floor.

He concluded that it might be advisable to hire a landscape architect for placement of the flags. Councilmember Anderson suggested a contest involving the school youths entering their perception of the flagpole area to be use as a final design.

Council concurred to the renovation being done in one phase rather than two.

## **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$918,975.96 for the period ending February 20, 2002.

**Approval of employee vouchers** in the amount of \$362,864.14 for the period ending February 15, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending February 22, 2002.

**Approval of Council Meeting Minutes:**

**Study Session** held January 15, 2002.

**Regular Council Meeting** held February 12, 2002.

**Study Session** held February 19, 2002.

**Acceptance of Advisory Committee Minutes:**

**Planning Advisory Committee Meeting** held January 28, 2002 (Committee approved February 11, 2002).

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

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS:**

**Agenda Bill #2118**

**A Motion authorizing the City Manager to enter into an Interlocal Agreement (ILA) with the City of Renton Jail for Temporary Custody of Inmates before Transfer to the Yakima County Jail - Police**

**Summary:** The City of Renton has proposed the use of its jail to book, hold, and then transfer inmates to Yakima County Jail. The charge is \$25 for less than 24 hours if not detained in the Renton Jail overnight, or \$50 per offender if held overnight or for a 24-hour period. There is no booking fee. If this agreement is approved, the City will utilize Yakima County Jail for prisoners with sentences of two days or longer. Pursuant to the Agreement, Yakima County will perform three to four transports per week between Yakima and the City of Renton jail.

The King County (KC) Jail presently charges \$77.71 per day in addition to a booking fee of \$159.39. Currently, the City's jail costs are an average of \$25,000 per month. It is anticipated that this figure will reduce significantly if the City enters into this proposed agreement with Renton. Des Moines, Auburn, and Tukwila are now using the City of Renton Jail for temporary custody of inmates as an alternative to KC Jails.

MOVED BY HANSEN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2118.\*

Chief of Police Services Somers stated that this Motion is a follow up to the ILA that authorized the City to enter into a contract with Yakima County for incarceration prisoners. He briefed on the above summary as to the use of the Renton Jail as an economic and time saving measure.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2117; Resolution #02-004**

**A Resolution amending the City Council Administrative Procedures in regard to Council Committees - Legal**

**Summary:** This Resolution amends the Council's Administrative Procedures to rename the "Finance Committee" as the "Administration and Finance Committee" and eliminate the Economic Development & Regional Issues (ED&RI) Committee.

Various amendments to Section 3 of the procedures eliminated responsibility for consideration of general City administrative matters and Ways and Means from the duties of the Finance Committee. No other committee was given jurisdiction over these administrative issues and it has been necessary to bring administrative matters directly to the full Council. It is desirable to now return responsibility for consideration of administrative matters to the Finance Committee and, accordingly, to return the name of the committee to Administration and Finance (A&F) Committee.

The ED&RI Committee has held no meetings and has considered no business during the year 2001. This result can be attributed to the fact that economic development issues and regional issues can be, and have been, categorized as relating to transportation, public works, finance, land use, parks and recreation, public safety, or tourism and have been assigned to existing Council Committees and to the statutory Hotel/Motel Tax Advisory Committee. It is therefore

appropriate that the ED&RI Committee be eliminated.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO PASS RESOLUTION NO. 02-004.\*

City Attorney McAdams briefed on the above summary adding that this agenda item is an administrative change in a Council committee name and the elimination of a committee that has not served a purpose on its own. Both items do not require a public notice.

Mayor Gehring-Waters stated that in the past few years, she felt that some of the policy and administrative decisions have not been discussed at the Council level but rather gone through management only. Several years ago, Council had an A&F Committee, which was later changed to Finance Committee. If the Council Administrative Procedures can be addressed at committee level and then taken to the Council of the Whole, the communication on these issues would be clearer to both Council and staff.

Councilmember Fisher stated that his issue is the need for all items to go to committees, then Study Session before going to the Council Meetings for passage in order that they are heard before the public at least twice. This is stated in the Council Administrative Procedures, which should be followed, unless there are unusual circumstances. This allows the whole Council time to review the agenda items before making any final decisions. Further Council discussion ensued on this agenda bill. Council pointed out that all Council-related meetings are open to the public with the exception of Executive Sessions, which are closed meetings as governed by State law. After much discussion on this agenda bill, a vote was taken.

\*MOTION CARRIED UNANIMOUSLY.

#### **Agenda Bill #2120; Resolution #02-005**

#### **A Resolution appointing District Court Judges Seitz or Harn to the King County (KC) District Court Districting Committee - Legal**

**Summary:** Chapter 3.38 of the Revised Code of Washington (RCW) authorizes Countywide District Courts, with multiple divisions and courtrooms, and with separate electoral districts for the judges thereof. In accordance with that Statutory authority, KC has previously established such a Countywide District Court with a number of divisions and courthouses, and with appropriate electoral districts. The Southwest Division includes the incorporated area of the City of SeaTac and is physically located within the City of Burien.

The KC Council has convened a meeting of the Statutory District Court Districting Committee to evaluate and recommend cost-saving consolidations of District Court Districts, courthouse facilities, and Electoral Districts. Although the City of SeaTac operates its own Municipal Court and does not contract with the KC District Court for such services, nonetheless, the City must be concerned with the location of courthouse facilities and local electoral districts. These may affect City residents who are cited into the KC District Court as defendants, parties, victims, or witnesses, in infraction, criminal, civil, or small claim matters. The location of the courthouse facilities may also affect travel and time of City Police Officers contracted through the KC Sheriff's Office.

Judges of the Southwest Division of the KC District Court wrote to Mayor Gehring-Waters requesting consideration and possible appointment by the City of one of the judges to the Districting Committee, as authorized by Statute. Both the Mayor and the City Attorney have conferred with Judge Vicki Seitz in regard to this issue and have been convinced of the appropriateness of appointing a judge as the City's representative to the Districting Committee.

The alternatives are: 1) appoint some other individual to the Districting Committee; or 2) make no appointment to the Districting Committee.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO PASS RESOLUTION NO. 02-005.\*

City Attorney McAdams briefed on the above summary and explained the role of the Districting Committee which consists of eight entities, one Superior Court Judge, Prosecuting Attorney or Deputy, one practicing Lawyer for incoming persons, one District or Municipal Court Judge, the Mayor or designee from each City with a population of

3,000 or more, one representative selected by the Mayors of Cities of 3,000 or less, the Chair of the County Council and the County Auditor.

He mentioned that the City will be given regular reports from the Judge(s). He recommended passage of this bill.

Mayor Gehring-Waters stated that she served on such a committee during Councilmember Anderson's tenure as Mayor since she worked in Seattle and it was convenient for her to do so. If a Councilmember desires to be selected, she does not object. Mr. McAdams agreed, however, he felt the Judges are probably in better knowledge and have more information at their disposal. Council agreed to the agenda bill as written.

**\*MOTION CARRIED UNANIMOUSLY.**

**PUBLIC COMMENTS:** Paul Cooper, 3422 South 162<sup>nd</sup> Street, stated he was told that the Residential Parking Ordinance was to be discussed this evening. Mayor Gehring-Waters replied that that Ordinance was adopted on February 12. Councilmember Brennan stated that this specific issue has been worked on by Council and staff for years. Mr. Cooper stated that he feels that Council Meetings are not well publicized and if they were, a lot more people would attend the meetings. He suggested that agendas should be mailed to the residents, which Acting City Manager Holman replied that that would be an expensive undertaking for the City budget. He suggested Mr. Cooper contact him in the morning for further discussion of his concerns. Councilmember Anderson suggested that the Council consider placing the Council Committee Meeting Agendas on the City's Web site. Mayor Gehring-Waters reminded Mr. Cooper and the audience in general that the SeaTac Report states the Study Session are held the first and third Tuesday and Regular Council Meetings are held on the second and fourth Tuesdays of each month at 6:00 p.m., unless otherwise publicized. These meetings are open to the public and the public is welcome to speak before the Council on their concerns.

**CITY MANAGER'S COMMENTS:** Acting City Manager Holman reminded the Council of Seattle's Southside Visitors Information Services' Open House on Thursday, March 7 from 4:00 to 6:00 p.m. at their headquarters in Tukwila. Invitations were distributed. The Open House will recognize the Cities of SeaTac and Tukwila signing of a three-year ILA for the purposes of jointly promoting tourism on the South side. He stated that the dates of the Council Retreat have been finalized as April 12 and 13 (Friday and Saturday).

**COUNCIL COMMENTS:** Councilmember Fisher proposed that more attention be given to the Northend neighborhood in capital improvement projects, namely sidewalks and roadway shoulders. Northend children are walking on the edge of the roads along side heavy traffic. The northend has had little updating since the incorporation of the City. He spoke with staff and was assured that measures will be taken to ensure road and sidewalk work will be considered for the northend. He added that the City has paid millions of dollars on commercial roadways such as International Boulevard, with little work given to the neighborhoods in need of road repair and sidewalks.

Councilmember Anderson suggested that the City maintenance staff check into the use of the Free Zoo-Doo from Woodland Park for landscaping and botanical garden fertilizer for the City's parks.

Mayor Gehring-Waters stated that Councilmember Anderson and she attended the 9<sup>th</sup> Year Celebration of the City of Burien. The affair was well attended and was a very nice event.

**ADJOURNMENT:**

MOVED BY HANSEN, SECONDED BY BRENNAN TO ADJOURN THE REGULAR COUNCIL MEETING OF THE SEATAC CITY COUNCIL AT 7:15 P.M.

**MOTION CARRIED UNANIMOUSLY.**

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

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

March 12, 2002 - 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 6:03 p.m.

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

**ADMINISTRATIVE STAFF:** Jay Holman, Acting City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Elizabeth Spencer, Finance Director; Michael McCarty, Assistant Finance Director; Kit Ledbetter, Parks & Recreation Director; Steve Butler, Planning Director; Jack Dodge, Principal Planner; Bruce Rayburn, Public Works Director; Bob Meyer, Fire Marshal; and Scott Somers, Chief of Police Services.

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

**PUBLIC COMMENTS:** Joe Dixon, 19211 35<sup>th</sup> Avenue South, thanked the Council and individuals who sent cards and flowers for his wife's memorial. Mrs. Dixon passed away on February 26. Mr. Dixon then complimented Public Works Director Rayburn and his staff for the excellent job they performed on the 28<sup>th</sup>/24<sup>th</sup> Avenue South project. He called it a "jewel" in the City's Street Plan.

Stuart Jenner, 200 Southwest 178<sup>th</sup> Street, representing the Highline Citizens for Schools, urged Council and audience to vote for the Highline School Bond this evening if they had not already voted. A Victory Rally was being held at Spencer's Restaurant located in the Hilton Inn and he invited all to attend.

## **PRESENTATIONS:**

### **Discussion of 2002 King County (KC) Goals and Objectives**

Julia Patterson, past SeaTac Councilmember and newly elected KC Councilmember for District 13, recalled the first SeaTac City Council on which she was a member. She stated that she was not knowledgeable about politics at that time but had good teachers in the other SeaTac Councilmembers. She is now pleased to be the City's representative on the KC Council. One of the reasons SeaTac incorporated was because the residents of the City were angry with the County for not controlling the crime that become rampant on Highway 99 (now International Boulevard {IB}). She discovered that it was not just SeaTac that was upset with KC. The feeling toward KC by the Suburban Cities is that of distrust. She hopes, with her presence, she will be able to change that sentiment. KC has a serious budget problem. That is the reason for the park closures. The hope that KC would help support the City with North SeaTac Park is not a reality at this time. KC Executive Director Ron Sims is now closing down District Courts on a temporary basis. KC is going through a painstaking process to identify which of the regional human services will be cut from the budget. KC has come to the realization that it needs its Suburban Cities. Some of the Cities are having just as hard a time as the County. KC Councilmember Patterson stated that she has been made the Chair of the Regional Policy Committee with a first meeting with the Suburban Cities Association (SCA) last week. The message she brought to the SCA was it is time for KC to realize how important it is to partner with the Suburban Cities and it is time for the County to allow the Cities to express their opinions in reforming the way mutual services are provided. One of the areas of cost savings KC will be reviewing is the consolidation of many of the services such as vanpools and payroll systems. Also, KC and Seattle each have their own Television (TV) stations and these two stations could be consolidated into one for public information. KC Councilmember Patterson added that she feels it is time for KC to examine ways to provide Court services more efficiently. Potentially, the County needs to consider contracting with Municipal Courts. She feels the day has come that the County and Cities should look on how it is we can work effectively together, not how the County can make Cities pay services instead of the County. Consolidation would help in cost reduction and provide better service for the communities in KC.



Lastly, KC Councilmember Patterson introduced her District Director Kimberly Locker. She can be contacted for issues one might have with KC. Her local office is located in the new City Hall (NCH).

Councilmember Hansen stated he watches the KC Council Meeting on TV and has not seen the District 13 Representative in action. Councilmember Patterson replied that the new Councilmembers are not usually shown on TV but she assured him that he would hear her often.

### **Discussion of 2002 King County (KC) Goals and Objectives**

Councilmember Anderson reminded KC Councilmember Patterson that long ago they were both of the opinion that regional consolidation of government services was the way to cut cost of many of the services being offered by both County and Cities.

KC Councilmember Patterson stated her appreciation of the SeaTac Council's many improvements that have been accomplished since incorporation. Having attended school in SeaTac and having raised children in this area, she was most appreciative with the improvements to Valley Ridge Park.

Mayor Gehring-Waters stated her appreciation of KC Councilmember Patterson's remarks on KC's desire to change their way of thinking on wanting to work together with the Cities on regional services.

Councilmember Brennan inquired whether the County's employment population has been reduced with all the City incorporations in the last 13 years, starting with SeaTac and Federal Way. KC Councilmember Patterson replied that she was unsure since the County merged with Metro a few years ago but would find out the answer to that question for him. She added that the two main drivers of KC's budget are payroll and benefits. These and other factors will be examined closely for cost cuts. Lastly, KC Councilmember Patterson offered to address the Council with a briefing on the presentation on the state of the County Budget and how it impacts the taxpayers. She will contact the City to make arrangement for the presentation.

Councilmember DeHan congratulated KC Councilmember Patterson on her election to the KC Council, adding that he entered the political arena at the same time but unfortunately ran for the same position, stating he came in second. He then applied for the Civil Service Commission. At a Civil Service Commission Conference he attended, he remembered the group favored a regional service provided system. He hoped this method would be carried forward in the proposed changes being made by the County. A good example is the County's implementation of providing police services to Cities, which has been very successful.

### **Certificate of Achievement for Excellence in Financial Reporting**

Mayor Gehring-Waters stated that SeaTac has been awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association (GFOA) of the United States and Canada. This prestigious national award recognizes governments that meet the GFOA's stringent program guidelines for development of a Comprehensive Annual Financial Report (CAFR). The City has received this award every year since 1991, which was the first year the City applied for this award.

Councilmember Brennan presented the award to Assistant Finance Director Michael McCarty, who is primarily responsible for the preparation of the City's CAFR. She added that Mr. McCarty did a great job managing two jobs, his and as Acting Finance Director for the last few months during Finance Director Spencer's absence.

### **Distinguished Budget Presentation Award**

Mayor Gehring-Waters stated that SeaTac has also been honored by the GFOA with the Distinguished Budget Presentation Award for its 2001 Annual Budget document. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, as an operations guide, as a financial plan and as a communications device.

Mayor Gehring-Waters presented the award to Finance Director Elizabeth Spencer, who is primarily responsible for preparation of the City's Annual Budget document. She stated, on behalf of the City Council, her appreciation of Ms. Spencer's competent work.

#### **4<sup>th</sup> Quarter 2001 Financial Report**

Finance Director Spencer reported that staff has completed all fiscal year-end procedures, but the amounts reported here are subject to change until the close of the financial audit by the State Auditor's Office. General Fund revenue totaled \$22.7 million for 2001, which was approximately \$700,000 over budget primarily in sales tax collections. Sales tax generated by Port of Seattle (POS) capital projects amounted to nearly \$1.2 million, which is available to fund capital and other one-time expenditures in 2002. Gambling tax revenues totaled \$865,000 and interest revenue exceed \$1 million. In response to an inquiry by Councilmember Anderson, Ms. Spencer noted that the interest earnings ranged from over six percent at the beginning of the year to below two percent by the end of the year.

General Fund expenditures totaled \$19.8 million, well under the budget of \$22.6 million. Savings were achieved through normal employee turnover and police contract costs below budget, while a significant variance occurred in capital outlay due to delays in projects such as Angle Lake Park Phase II improvements. Councilmember DeHan noted that a delay in capital projects is not a savings per se, but simply a transfer of the expenditure from one year to another. While the 2001 budget projected a decrease in General Fund balance of \$620,000, the fund balance actually increased by nearly \$3 million, with some of these funds committed for expenditure in 2002.

Summarizing some of the other more significant City funds, Ms. Spencer reported that the City Street Fund finished the year with a fund balance of \$171,000, nearly \$95,000 more than budgeted. The Arterial Street Fund revenue fell below budget projections due to a decline in parking tax following the September 11 terrorist attacks. However, delays in capital expenditures offset the revenue shortfall. The Municipal Facilities Capital Improvement Program (CIP) Fund completed the year with a negative fund balance, which was planned and is covered by an interfund loan approved by the City Council last year. The negative fund balance will be eliminated when a NCH project budget and financing has been approved.

The Transportation CIP Fund revenue of \$5.6 million and expenditures of \$9.5 million were both well below budget due to a delay in IB Phase III improvements. The Surface Water Management (SWM) Utility fund revenue and expenditures were on target with budget projections, and the fund balance in the SWM Construction Fund exceeded budget projections due to delays in planned capital improvements.

Ms. Spencer noted that revenues have been tracked closely since September 11. Graphs depicting revenue collections for 1999, 2000 and 2001 by quarter were presented. Sales tax collections began to decline in the second and third quarters of 2001, prior to the terrorist attacks. This decline continued in the fourth quarter of 2001. Ms. Spencer noted that January 2002 sales tax revenue was down 15.5 percent compared to January of 2001, slightly better than the 2002 budget projection of a 20 percent decline. Parking tax revenue declines were experienced in the second and third quarter of 2001, as well, but dropped by an even greater rate in the fourth quarter. Hotel/Motel tax revenue in the first, second and third quarters of 2001 were nearly identical to the same quarters in the previous year, but fourth quarter 2001 collections fell below fourth quarter 2000 amounts. Ms. Spencer and several Councilmembers noted that while revenues did decline in the fourth quarter, the numbers are somewhat encouraging, as they do not reveal as drastic a drop as many economists predicted.

#### **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$268,105.87 for the period ending March 5, 2002.

**Approval of employee vouchers** in the amount of \$497,794.07 for the period ending February 28, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending February 25, 2002.

#### **Approval of Council Meeting Minutes:**

**Regular Council Meeting** held February 26, 2002.

#### **Acceptance of Advisory Committee Minutes:**

**Planning Advisory Committee Meeting** held February 11, 2002 (Committee approved February 25, 2002).

**Approval of the following Agenda Items recommended at the March 5, 2002 Study Session for placement on this Consent Agenda:**

**Agenda Bill #2124**

**A Motion authorizing the City Manager to execute an Interlocal Agreement (ILA) with the State of Washington Department of Printing for use of the State's Printing Services - City Manager**

**Summary:** Entering into an ILA with the State Department of Printing would give the City access to the Department's printing services while preserving the City's option to work with other printing services. Increasing the selection of available printing service providers would enhance the City's opportunities to secure competitively priced and high quality services.

The State offers a broad range of printing and related services to outside agencies. Services include those commonly used by City departments, such as design, printing, copying, binding and mailing. Address list management services are also available to eliminate duplicate listings and ensure that mailings reach all targeted constituents.

The Department of Printing is committed to providing high quality services with fast turn-around times and competitive pricing by using cutting edge equipment and technology. This commitment is consistent with comments from the City of Puyallup, which rates the State highly in terms of cost and responsiveness. Additionally, the City's request for cost estimates indicates that the State could print and prepare the SeaTac Report for approximately 20 percent less than is currently possible.

Entering into an ILA with the State Department of Printing would provide access to an additional printing service provider, and thereby provide more options for reducing project costs and improving quality, while maintaining the City's freedom to select other service providers.

Adoption of the proposed Motion would not have a direct fiscal impact to the City, although it is anticipated that there will be savings in printing costs.

**Agenda Bill #2122; Ordinance #02-1007**

**An Ordinance amending Certain Sections of Chapter 7.25 of the SeaTac Municipal Code (SMC) related to Vehicle Storage - Public Works**

**Summary:** This Ordinance amends the Vehicle Storage Chapter of the SMC by deleting language that conflicts with the recently adopted Residential Parking Ordinance.

This is a housekeeping measure, which deletes unwanted requirements for the parking of recreational vehicles, boats and trailers. A new Section 15.15.180 of the SMC adopted on February 12, 2002 better addresses the parking requirements for these types of vehicles. Not deleting the old section would create a conflict between two Sections of the SMC.

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

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS:**

**Agenda Bill #2083**

**A Motion authorizing the City Manager to execute a Contract for Architectural Services for the Parks and Public Works Maintenance Facility - Parks & Recreation**

**Summary:** This Motion authorizes execution of a contract with Thomas Cook Reed Reinvald Architects, PLLC to develop construction drawings and perform architectural services for the Parks and Public Works Maintenance Facility.

Thomas Cook Reed Reinvald Architects were selected in 1997 to complete a Program Needs Assessment Study for the Parks and Public Works Maintenance Facility. This firm did an outstanding job on the program study and the Parks and Public Works Directors would like to enter into a contract with them to develop construction drawings and perform architectural services for the maintenance facility. The Parks and Public Works Directors were impressed with the two maintenance facility projects designed by Thomas Cook Reed Reinvald in the Cities of Edmonds and

Lynnwood.

The contract will include pre-design meetings, architectural drawings, civil engineering, landscape architecture, and cost estimating. The cost has been negotiated and is based on the State Architect Fees Schedule. The fee for services is \$185,000, plus a 2.5 percent contingency for a total of \$189,625.

Staff's plan is to complete the design by November 2002 and bid the project in January 2003. Staff has found bids on projects of this size are lower in the late winter and construction can start in early spring. Principal Architect Randy Cook attended the March 5, 2002 Council Study Session to answer Council questions.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 2083.\*

Planning Director Ledbetter stated that this item was placed on the March 12 RCM Agenda under New Business as Councilmember Lasco had requested more information at the March 5 SS before voting on the item. She stated that she has since receive the information and is now ready to vote.

\*MOTION CARRIED UNANIMOUSLY.

### **Agenda Bill #2125; Ordinance #02-1008**

**An Ordinance amending Chapter 2.15 of the SeaTac Municipal Code (SMC) to return the title of the Planning Advisory Committee (PAC) to the original title Planning Commission, to conform references to the Planning Advisory Committee within the Zoning Code, and to modify reporting requirements of the Commission - Legal**

**Summary:** This Ordinance returns the title of the Planning Advisory Committee to the original title of the Planning Commission and conforms references within the Zoning Code.

RCW 35A.63.020 authorizes the City to create a Planning Agency by Ordinance, pursuant to which the Council adopted Ordinance No. 90-1047, codified at Chapter 2.15 of the SMC, to create the authorized Planning Agency originally denominated the City Planning Commission.

At its January 10-11, 1998 retreat, the City Council appointed a Task Force on Citizens' Advisory Committees, consisting of Councilmembers Thompson, Gehring, and Brennan, to consider matters pertaining to the advisory committees, boards, and commissions. At the Council's March 3, 1998 SS, the Task Force provided its written and verbal report to the full Council. The Task Force recommended various changes to the membership and duties of the Planning Commission and also recommended changing the title thereof to the PAC. By Ordinance No. 98-1024, the Council adopted the recommended changes and the appropriate changes were codified at Chapter 2.15 of the SMC.

Most Cities which have established a Statutory Planning Agency employ the title "Planning Commission" and this title is generally used in conversation, correspondence, textbooks and articles, and court opinions. Within the SMC (including the Zoning Code), many references are made to the "Planning Commission", necessitating a preface to Chapter 2.15 indicating that references "to the Planning Commission are intended to refer to the PAC". The Council finds it appropriate to return the title of the PAC to the original title of Planning Commission, and to make the same change wherever the term PAC appears.

The PAC has been informed of, and has discussed, the proposed name change. The proposed change has also been considered by the Council's Land Use and Parks (LUP) Committee.

A further change to SMC 2.15.140 is also proposed. This Section presently incorporates a requirement that the Commission provide a report to the City Council on the fifth Tuesday of each month. This procedure is no longer being followed. Accordingly, the requirement is deleted. However, the purpose of providing information to the Council "on progress made in implementing the goals and requirements of State law and on the status of land use policies and procedures within the City" is added to the preceding SMC 2.15.135 as a Commission to present a summary of any public hearing to the Council at its SS or RCM immediately following the public hearing is amended to require only that the summary (typically in the form of minutes) be submitted prior to Council action on the subject matter of the public hearing. A further change was suggested at the March 5, 2002 SS to SMC 2.15.140 (under Section 1 of the

proposed Ordinance), to ensure that the Planning Commission submit its minutes and summary of public hearings sufficiently in advance of final Council action to permit Councilmembers to thoroughly study the matter. The final sentence of SMC 2.15.140 is, accordingly, now proposed to read as follows: The Planning Commission shall provide to the City Council a written summary of every public hearing held by the Commission at a following SS or RCM but not less than two weeks prior to the Council's action on the subject of the public hearing.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 02-1008.\*

City Attorney McAdams briefed on the above summary stating that this Ordinance merely changes the title of the PAC to its original title of Planning Commission. There were some minor changes, one of which was discussed at the March 5, 2002 SS and all of which are referred to in the above summary.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2121; Resolution #02-006**

**A Resolution approving the Final Plat of the Cottages at Angle Lake Subdivision - Planning**

**Summary:** The applicant is requesting Final Plat approval of the Cottages at Angle Lake Subdivision. The subdivision contains 10 lots and one tract containing a storm water drainage detention pond. Under RCW 58.17 and Title 14 of the SMC, Final Plats are ministerially approved by the City Council. There is no public hearing required for Final Plat approval.

The applicant applied for the Preliminary Plat of the Cottages at Angle Lake in April 2000. The Hearing Examiner approved the Preliminary Plat on August 6, 2000 with 30 conditions outlined in the Resolution.

The decision approving the Preliminary Plat was appealed to the City Council by a neighboring property owner. The Council conducted an open appeal hearing regarding the Cottages on December 12, 2000. By Resolution 00-025, the Council affirmed the Hearing Examiner's decision approving the Preliminary Plat.

Planning Director Butler stated that there were some minor changes that needed to be confirmed, which were brought forth at the March 5 SS. These items were validated and the Resolution is now ready for Council vote.

MOVED BY LASCO, SECONDED BY HANSEN TO PASS RESOLUTION NO. 02-006.

MOTION CARRIED UNANIMOUSLY.

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

**CITY MANAGER'S COMMENTS:** Acting City Manager Holman had the following items of business: 1) Council consensus is needed for cancellation of the March 19 SS in order that Council and others could attend a recognition dinner for SeaTac Fire Battalion Chief John Madson who is being presented a prestigious Explorer Spurgenon Award at the Meydenbauer Center in Bellevue at 7:00 p.m. Mayor Gehring-Waters suggested that with the March 19 SS being cancelled, on March 26, the RCM could be preceded by a Special SS. City Attorney McAdams clarified that it would not be unusual to have a SS/RCM on the same date. The Study Session items can be studied, and then considered for final action at the Regular Council Meeting or be set over for a two-week period. Council concurred with this action; 2) a NCH Council/Management Meeting is scheduled for 1:00 p.m. on Wednesday, March 13 at the NCH building; 3) regarding a change in staff force, Lydia Assefa-Dawson, Programs Manager, has taken the position of Human Services Supervisor with the City of Federal Way and Donna Locher, Code Enforcement Officer, has received an offer at the City of Auburn but is still considering it; 4) the City's radio ads are still underway. He received a call from a State Farm representative who heard the City's ad. The firm needs 1,000-1,5000 square footage of office space, a tangible result of the ad; and 5) attended the National League of Cities (NLC) Conference and found the conference very interesting and informative. One idea he heard was Bend, Oregon Police cars have stickers on their bumpers stating "I have visitor information." With SeaTac's heavy traffic, it might be more practical to have a phone number one could call for visitor information. Secondly, he attended a session given by a consultant from Florida who he felt would be good for Council retreats, etc. He was very entertaining and a good speaker on goal setting and handling project issues.

He works for Cities; in fact, Kent has hired him for a retreat. It might be good to acquire his services while he is here for Kent.

**COUNCIL COMMENTS:** Councilmember Brennan wished everyone to have a Happy St. Patrick's Day.

Mayor Gehring-Waters had the following items of business: 1) she made an agreement with Lesa Newman (City Manager's Office), that she can request a deadline date for Council responses to her scheduling of Council's many agendas, etc. She will use the majority vote on the deadline date in scheduling dates, rooms, and places; and 2) Administration and Finance (A&F) Committee met on March 5 and discussed the following items: a) State Auditors are on site and met with the committee; b) a short discussion on the Hughes property due to time constraints; c) 4<sup>th</sup> Quarter Financial Report was discussed; d) the AWC survey regarding the Sales Tax increase was presented with little support for that issue; e) the trash compactor at the NCH is not functional to NCH needs and therefore, it will go before the Council for consideration of selling the item to an interested party.

**ADJOURNMENT:**

MOVED BY ANDERSON, SECONDED BY HANSEN TO ADJOURN THE REGULAR MEETING OF THE SEATAC COUNCIL AT 7:06 P.M.

MOTION CARRIED UNANIMOUSLY.

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

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

March 26, 2002 - Immediately following the Special Study Session  
City Hall Council Chambers

**CALL TO ORDER:** The SeaTac City Council Regular Meeting was called to order by Mayor Kathy Gehring-Waters at 7:36 p.m.

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

**ADMINISTRATIVE STAFF:** Jay Holman, Acting City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Michael McCarty, Assistant Finance Director; Soraya Lowry, Senior Project Manager; Kit Ledbetter, Parks & Recreation Director; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Desmond Machuca, Public Works Programs Coordinator; Jim Downs, Fire Chief; and Scott Somers, Chief of Police Services.

**FLAG SALUTE:** Campfire USA Boys and Girls Club members led the Council, staff and audience in the Pledge of Allegiance at the preceding Study Session.

**PUBLIC COMMENTS:** There were no public comments.

## **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$516,054.99 for the period ending March 20, 2002.

**Approval of employee vouchers** in the amount of \$379,614.15 for the period ending March 15, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending March 22, 2002.

## **Approval of Council Meeting Minutes:**

**Study Session** held March 5, 2002.

**Regular Council Meeting** held March 12, 2002.

**Council New City Hall (NCH) Workshop** held March 13, 2002.

## **Acceptance of Advisory Committee Meeting Minutes:**

**Planning Advisory Committee Meeting** held February 25, 2002 (Committee approved February 18, 2001).

**Senior Citizen Advisory Committee Meeting** held January 17, 2002 (Committee approved February 21, 2002).

**Senior Citizen Advisory Committee Meeting** held February 21, 2002 (Committee approved March 14, 2002).

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

MOTION CARRIED UNANIMOUSLY.

## **NEW BUSINESS:**

**Agenda Bill #2129**

**A Motion adopting the 2001 King County (KC) Comprehensive Solid Waste Management Plan – City Manager**

**Summary:** This Motion approves the KC Comprehensive Solid Waste Management Plan, which will be implemented throughout KC if jurisdictions representing 75 percent of the population in KC approve it.

In 1990, SeaTac entered into an Interlocal Agreement (ILA) with KC, empowering KC to provide various Solid Waste Management services to the City, including development of a Comprehensive Solid Waste Management Plan. In accordance with the ILA, the Plan must be reviewed and revised every three years. Unlike earlier versions, the 2001 Plan incorporates extensive comments from stakeholders, including the Suburban Cities. SeaTac has commented.

The City of SeaTac's approval would lend support for Plan implementation and help bring the service enhancements

envisioned in the Plan to SeaTac residents and businesses. The deadline for approving the Plan is March 31, 2002.

The 2001 Plan establishes the following objectives for future solid waste planning efforts: 1) keep pace with the region's population and economic growth. 2) continue to provide the services residents have come to expect; 3) monitor changes in the industry to keep the system as efficient and effective as possible; 4) continue to be a leader in resource conservation; and 5) control system costs, keeping disposal rates low and stable.

To meet these objectives, the 2001 Comprehensive Plan directs KC staff to work with the Suburban Cities to develop and implement annual work plans that improve services and control rates in the following ways: 1) expand recycling opportunities at transfer stations, especially for yard waste; 2) add new materials to curbside recycling pick-up, such as large appliances; 3) control litter and illegal dumping by continuing to work with local jurisdictions on cleanup projects establishing an illegal dumping hotline and considering legislative remedies to strengthen enforcement; 4) control costs by improving existing transfer stations instead of building new ones; 5) include Suburban Cities in rate-setting decisions; and 6) provide more assistance to Cities in finding and securing grants.

Together, the Plan represents KC's commitment to keep rate increases at or below the rate of inflation, while preparing the solid waste system for the challenges of the next 20 years. Adopting the plan will help ensure that it gets the support it needs to be implemented throughout KC, which will benefit SeaTac residents and businesses through improved services and cost controls. This Motion would have no direct fiscal impact on the City.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2129.

MOTION CARRIED UNANIMOUSLY.

#### **Agenda Bill #2126**

#### **A Motion authorizing the purchase and installation of an upgrade for the New City Hall (NCH) Elevator - Parks & Recreation**

**Summary:** Otis Elevator Company was requested to bid labor and materials to provide a hydraulic micro-processor-based control system for the NCH elevator. It is specifically designed to meet the particular needs of modernizing and improving the existing hydraulic elevator. The system is integrated by communications over serial links and discrete wiring. The "Relative System Response Plus" software dispatches elevators based upon real-time response to actual demands on the elevator. This will make the elevator respond faster.

The bid is a sole source from Otis Elevator Company as it is the only vendor to service and repair the elevator system. The cost for the purchase and installation of an upgrade for the elevator is \$37,954.88.

MOVED BY BRENNAN, SECONDED BY HANSEN TO ACCEPT AGENDA BILL NO. 2126.

MOTION CARRIED UNANIMOUSLY.

#### **Agenda Bill #2127**

#### **A Motion declaring a Trash Compactor surplus and allowing for its disposal - Parks & Recreation**

**Summary:** Construction Manager Pat Patterson has requested that a trash compactor currently located at the new City Hall (NCH) be declared surplus. There are no plans to use this equipment when City Hall operations move to this building. The equipment was installed in 1979, making it more than 20 years old. Upon declaring this equipment surplus, Mr. Patterson has identified a party willing to remove the compactor and sell it on consignment. Estimated salvage value is \$1,000, which will be deposited into the Municipal Facilities CIP Fund.

On March 5, the Administration & Finance (A&F) Committee recommended approval of this Motion. Councilmembers in attendance at the NCH Workshop held March 13 were given an opportunity to discuss this issue with Mr. Patterson and to view the equipment.

MOVED BY ANDERSON, SECONDED BY HANSEN TO ACCEPT AGENDA BILL NO. 2127.



MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2130**

**A Motion authorizing the City Manager to execute a Contract for providing Meals for the Senior Congregate Program – Parks & Recreation**

**Summary:** The proposed Motion authorizes the City Manager to execute a Contract with Consolidated Food Management (CFM) Inc, not to exceed \$42,432, for providing meals for the Senior Congregate Meal Program.

The City has, for many years, sponsored and subsidized the Senior Congregate Meal Program, which provides an opportunity for our senior citizens to meet at the North SeaTac Park Community Center (NSTPCC) and enjoy lunch at no charge or in exchange for a donation. The program has been well received and lunches are well attended. The quality and quantity of the food provided by contract with CFM, Inc. has also been well received.

The previous contract with CFM expired at the end of 2001, although services have been continued under an informal agreement to extend the contract until City Council action may be requested. Hence, there is some concern for expeditious action. The Senior Citizens Advisory Committee has reviewed the proposed contract.

Council appropriated funding of the program in the estimated amount of \$43,300 within the 2002 Annual City Budget. However, because the maximum contract cost exceeds \$25,000, Council approval for actual expenditure is required. To minimize return to the Council for future approvals, the term of the proposed contract extends from 2002 through 2004, although either the City or CFM may terminate the contract upon 30 days notice.

The cost per meal of \$3.70 is fixed, subject only to any adjustment necessary by increase in the Consumer Price Index (CPI) or necessary because of unforeseen market increases agreed by the City.

The Parks & Recreation Department has a total of \$43,300 included in the 2002 Annual Budget for meals which exceeds the total expenditure of \$42,432 pursuant to the proposed contract. Estimated revenue from meal donations from seniors is \$22,277, which will partially offset the contract expense.

MOVED BY ANDERSON, SECONDED BY LASCO TO ACCEPT AGENDA BILL NO. 2130.

MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2123**

**A Motion authorizing the City Manager to enter into an Agreement with the Washington State Department of Ecology (DOE) for Grant Funding to support Recycling Programs - Public Works**

**Summary:** The City of SeaTac is eligible to receive a \$29,923 Coordinated Prevention Grant (CPG) from the DOE, which would provide 75 percent of the funding for proposed recycling programs. This is up from the previous 60 percent State maximum grant percentage.

Under the agreement, the City would receive \$29,923 to administer on-going recycling programs from January 1, 2002 through December 31, 2003. The programs will provide convenient recycling services to SeaTac residents and businesses such as residential composting classes and bin distributions, educational outreach, technical assistance for SeaTac businesses, special collection events, and other resource conservation programs. The City has entered into similar agreements with the DOE to receive CPG funds since 1992. These funds will provide the revenue that was projected as part of the budget process for the proposed programs and staff salaries.

The CPG Program would provide 75 percent of the funding for proposed recycling programs. The required 25 percent local match would be provided by KC Grants to the City. The City would not incur any additional costs by accepting this grant. The funding is for two years, so the funding would be split over two budget years. Additionally, if the matching funds were unobtainable, SeaTac would be under no obligation to implement the programs or expend City funds. The City would receive \$29,923 from CPG funds and \$9,974 from a KC grant, totaling \$39,897.

If the City does not enter into an agreement with the DOE, it would negatively impact the City's ability to provide waste reduction and recycling services to the single-family, multi-family, and business sectors of the community.

MOVED BY HANSEN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2123.

MOTION CARRIED UNANIMOUSLY.

### **Agenda Bill #2131**

#### **A Motion authorizing an Agreement with the Seattle-King County Department of Health for Recycling Grant Funding – Public Works**

**Summary:** The City of SeaTac is eligible to receive \$8,959.77 from the Local Hazardous Waste Management Program of Seattle-KC Department of Public Health which would provide funding for proposed Special Recycling Events and other recycling programs.

Under the agreement, the City would receive \$8,959.77 to administer on-going recycling programs from January 1, 2002 through December 31, 2002. The programs will provide convenient recycling services to SeaTac residents through the Special Recycling collection events, and other resource conservation programs. The City has entered into the same agreement with the Seattle-King County Department of Public Health since 1993. These funds will provide the revenue that was projected as part of the budget process for the proposed programs and staff salaries.

The Special Recycling Events are 100 percent funded by the Seattle-KC Department of Public Health and KC Grants to the City. The City would not incur any additional costs by accepting this grant.

If the City does not enter into a Local Hazardous Waste Management Plan agreement with the Seattle-King County Department of Public Health, it would negatively impact the City's ability to provide waste reduction and recycling services to the single-family, multi-family, and business sectors of the community.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2131.

MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENTS:** There were no public comments.

**CITY MANAGER'S COMMENTS:** Acting City Manager Holman had the following items of business: 1) meetings to be held on March 27 are: a) NCH Meeting at 1:00 p.m. at the NCH building; b) Council Workshop at 6:00 p.m. at the 13 Coins; c) Hotel/Motel Tax Advisory Committee Meeting at 10:00 a.m. at City Hall; and 2) the April 12-13 Council Retreat Agenda is being finalized and will be sent out once the Mayor has given it a final review.

**COUNCIL COMMENTS:** Councilmember Fisher reported on a seminar on Homeland Security that he attended at the National League of Cities (NLC) Conference in Washington D.C. The report was disheartening as to funding for the Police and Law Enforcement grants. In lieu of that, there is \$38 billion to be given to Homeland Security and out of that amount; \$3.8 billion goes to the local governments. However, the funding goes to the State and the State keeps 25 percent and the local governments get 75 percent of that amount. To qualify as a City, its population must be 50,000 or over. During the session, Councilmember Fisher was able to present SeaTac's unique qualifying factors as a smaller City that has an excess of 26 million people traveling through the City annually and, at any given time, there are approximately 75,000 people in the City due largely to having an International Airport in its locale. This factor equates to being a prime target for terrorism. He was told to draft a plan of action. He stated that he has been doing a lot of research and has talked with both the Police Chief and Fire Chief on SeaTac's particular needs. He suggested a Citizens' Corp (a form of the old Civil Defense). A detailed plan of the preparation elements the City is lacking in should be drafted as soon as possible as the Citizens' Corp will be in operation the first of April. Due to being a City with an International Airport, SeaTac should qualify for some of the funding. \$2.5 million is being expended on the airport for security purposes but that does not help the City.

Councilmember Lasco requested that the staff investigate the dumping of trash situation at NSTP.

Councilmember Anderson inquired as to the date of the Senior Citizens' Rummage Sale. Staff will get the information to the Council. She wanted to contribute to it but was unsure of the date. (Note: the sale is being held on Saturday, April 6 at 9:00 a.m. to 2:00 p.m. at the NSTPCC.)

Councilmember Brennan stated his concern that Council Meeting attendees feel free to demean the Council with negative comments. Some of the negative remarks he replied to as they were untrue and he felt clarification was needed.

Mayor Gehring-Waters inquired as to whether the April 2 Study Session (SS) should be cancelled, as currently there are no items on the agenda. At the April 9 Regular Council Meeting (RCM), there is a lengthy presentation by King County Councilmember Julia Patterson. It was the consensus of the Council to cancel the April 2 SS and if any pressing issues arise, they could be placed on the April 9 RCM.

Councilmember Brennan stated that there is a developer who would like to make a presentation on a possible usage of the Hughes Property. It was decided that that presentation could be scheduled for April 16 when the Finance Director would be in attendance. Councilmember DeHan concurred with Councilmember Brennan's request.

Councilmember Anderson agreed with Councilmember Brennan's earlier comments regarding public comments at Council Meetings. The Highline Times also printed a quote by the same individual regarding two Councilmembers being conspicuously absent from a meeting, making the vote impossible. She explained the excused absences of the Councilmembers. Secondly, she stated that the Land Use and Parks (LUP) Committee meeting has been rescheduled to April 11.

**RECESSED:** Mayor Gehring-Waters recessed the Regular Council Meeting to an Executive Session on Personnel Issues at 7:55 p.m.

**EXECUTIVE SESSION: Personnel Issues**

**ADJOURNMENT:**

MOVED BY DEHAN, SECONDED BY LASCO TO ADJOURN THE REGULAR MEETING OF THE SEATAC COUNCIL AT 8:35 P.M.

MOTION CARRIED UNANIMOUSLY.

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

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

April 9, 2002 - 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 6:04 p.m.

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

**ADMINISTRATIVE STAFF:** Jay Holman, Acting City Manager; Judith L. Cary, City Clerk; Mary Mirante, Senior Assistant City Attorney; Elizabeth Spencer, Finance Director; Kit Ledbetter, Parks & Recreation Director; Bruce Rayburn, Public Works Director; Bob Myers, Assistant Fire Chief; and Scott Somers, Chief of Police Services.

**FLAG SALUTE:** Julia Patterson, King County (KC) Councilmember, led the Council, staff and audience in the Pledge of Allegiance to the Flag.

## **PRESENTATION: King County Budget**

KC Councilmember Patterson introduced the key speakers, KC Council Legislative Analysts Jay Donahue and Rebecha Cusack. She stated that the KC budget is not in a good financial state and its deficit will potentially affect Cities' budgets. Mr. Donahue, assisted by Ms. Cusack, gave an overview of the components of the \$2.93 billion General Expense Budget funding all KC services. The focus was on the current expense portion of the budget and its allocations, as well as revenues and expenditures. The General Fund services, amounting to \$497 million (17 percent of entire KC Budget), impacted by the budget cuts are: District Court, Community Services Parks and Recreation, Council and Finance, Jail, Adult and Juvenile Detention, Property Services and Facilities, Sheriff, Human Resources, Records and Elections, Licensing and Regulatory Services, Auditor, Prosecuting Attorney, Ombudsman/Tax Advisor, Executive, Assessments, KC Civic Television, Hearing Examiner, Board of Appeals, Superior Court and Public Defense. These are the components of the \$2.93 billion budget that KC has discretion as to allocations. Mr. Donahue outlined the other components of the KC budget expenditures and funding sources. The breakdown of the Current Expense Fund Expenditures are: General Government - \$89 million (18 percent), Health and Human Services - \$37 million (7 percent), Parks - \$29 million (6 percent), Current Expenses (CX) Transfer to Capital Improvement Plan (CIP) - \$7 million (1 percent), and the largest expenditure, Law, Safety and Justice - \$335 million (68 percent). He detailed the elements of each expenditure area.

Mr. Donahue then briefed on the CX Fund Revenue Sources of \$492 million in 2002, which are: Grants, Licenses, Fines & Forfeits - \$82 million (17 percent), City Contracts - \$79 million (16 percent), Internal Charges for Services - \$34 million (7 percent), Sales Tax - \$69 million (14 percent), Property Tax - \$215 million (44 percent) and Other - \$13 million (3 percent).

He reported on the comparison of KC and Cities' General Fund Tax sources. KC has fewer Tax Revenue sources than Cities. He then detailed the projected Sales Tax Revenue growth through 2004 and its decline from 1997 through 2002 with \$36 million in losses not recouped. The trend in the revenue increases is going to be limited to approximately 3 percent versus the expenditures increasing to approximately 7 percent. Ms. Cusack detailed the increase in expenditures, one of which is the reopening of the Green River Case (a 2 to 10 year expected process).

Mr. Donahue then briefed on the growth in the CX Fund in the five previously mentioned major components and KC's efforts to examine how to control Law, Safety and Justice costs in these five expense areas. The labor costs are the major cost driver in the Current Expense Fund with Salaries and Wages at 45 percent of the total expenditure and 15 percent in benefits.

With revenues inadequate to cover the costs of providing the current service level, KC must make choices to reprioritize, restructure, and downsize services in order to address the ongoing shortfall. Factors to consider are: 1) various roles for KC established by State law. Regional Service Provider and Local Service Provider for unincorporated areas, and 2) mandatory versus discretionary nature of services. The solution will require a Regional conversation with Cities, the State, non-profits, labor and citizens.

Council discussion ensued as to KC's plans to meet this challenge. Ms. Cusack briefed on the plans and will send more specific and detailed information to the City Council.

KC Councilmember Patterson stated that since SeaTac and Federal Way have incorporated, many more Cities have also done the same and over the last 10 or so years, all the areas that were generating revenue have now incorporated and are now keeping the money in their Cities for public services, leaving KC to provide service to the poorer areas, areas that cannot incorporate and which no City desires to annex. That is one of the reasons KC is having a difficult time servicing these areas. Along with this loss of revenue, KC has been impacted by the economy, the passed Initiatives, I-695, in particular and Labor contracts and costs to provide benefits. All of these factors combined put KC in the current financial situation. This is the year that KC must make cuts in order to provide necessary services, such as Criminal Justice services.

Mayor Gehring-Waters thanked KC Councilmember Patterson and staff for the informative presentation.

*(Note: At this time Councilmember Anderson reported that she received a telephone call giving the Council an update on Councilmember DeHan's wife, Betty. She is in the hospital recuperating and Councilmember DeHan chose to be with her this evening.)*

**PUBLIC COMMENTS:** Darleene Thompson, 2504 South 142<sup>nd</sup> Street, reported that the Senior Citizens conducted a Rummage Sale at the North SeaTac Park Community Center (NSTPCC) on April 6, profiting \$445. She thanked Councilmember Anderson for her donation. Another sale is scheduled for November, along with their annual bazaar. The proceeds to date from the November 2001 and April 2002 sales amount to a total of \$2,000.

Tracy Wythe, 14204 24<sup>th</sup> Avenue South, thanked the Council and Acting City Manager Holman for traveling to the northend of the City on Friday April 5, responding to her concern for the children in the neighborhood crossing 24<sup>th</sup> Avenue South, a very heavily traveled street. Mr. Holman, along with Public Works Director Bruce Rayburn, investigated the subject area and safety issues which needed upgrading. Mrs. Wythe offered her assistance in trying to implement a plan for upgrading the area. Mr. Holman stated that they assessed a number of areas that could be improved soon and others that are long-term in solving. A report will be given to the Transportation and Public Works (T&PW) Committee and then to the full Council. The situation concerning the current bus service for the school children was discussed.

**CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$596,737.27 for the period ending April 5, 2002.

**Approval of employee vouchers** in the amount of \$538,078.96 for the period ending March 31, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending April 5, 2002.

**Approval of Council Meeting Minutes:**

**Regular Council Meeting** held March 26, 2002.

**Study Session** held April 2, 2002.

**Acceptance of Advisory Committee Meeting Minutes:**

**Planning Advisory Committee Meeting** held March 18, 2002 (Committee approved April 1, 2002).

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

Councilmember Hansen inquired as to a line item expenditure for Money Magazine at a cost of \$40 annually. Finance

Director Elizabeth Spencer replied that the funds expended were through the Human Resources Department allocation for the Employee Wellness Program.

\*MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS:**

**Agenda Bill #2135; Ordinance #02-1009**

**An Ordinance amending the 2002 Annual City Budget and establishing a Project Budget for the New City Hall (NCH) - Finance / Parks & Recreation**

**Summary:** The NCH project budget was previously reviewed by the NCH Council Committee and by the full City Council at the Study Session (SS) on April 2, 2002. The project will be completed in November 2002. The total cost estimate for the NCH project, excluding the Police Department, is not to exceed \$4,986,233. This budget includes all anticipated costs for the NCH project.

Purchase of the office building that will house the NCH operations was approved by the City Council in 2001. This purchase was funded from the Municipal Facilities Fund and an inter-fund loan from the Port Interlocal Agreement (ILA) Fund. It is anticipated that bonds will be issued later this year to repay the inter-fund loan from the Port ILA Fund and to fund the improvements hereby approved.

This Ordinance increases the 2002 budgeted expenditures in the Municipal Facilities CIP Fund by \$1,986,233 since a previous amendment was approved in the amount of \$3 million. This Ordinance also establishes 2002 budgeted revenue in the Municipal Facilities CIP Fund of \$9,720,816, leaving a fund balance of \$-0- at December 31, 2002.

Options for funding this project without the issuance of bonds may be considered by the Council. A final decision regarding the funding will be made at a later date. Until that time, the improvements will be funded by increasing the inter-fund loan from the Port ILA Fund.

MOVED BY HANSEN, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 02-1009.\*

Finance Director Spencer briefed on the above summary. Upon a question posed by Councilmember Fisher, Ms. Spencer explained the usage of the Community Relief Fund. She stated that funds would be loaned from the Port of Seattle (POS) ILA Fund which is the same method used to buy a portion of the building. Because of the initiative impact on property taxes, as well as the September 11 incident and its projected impact on property tax levy, it was not deemed advisable to go to the Bond Market at this time until there was a better idea of the impacts to the property taxes. The inter-fund loan was made to allow the project to proceed with the intention of issuing bonds at a later date and repaying the loan with interest to the ILA fund.

Councilmember Fisher added that he sees SeaTac becoming a City of renters with half the population renters. If the neighborhoods are not upgraded, there will be no end to this situation. The Council was given a presentation on the Highline School Bond some weeks ago in which a discussion referred to the majority of families in the school district as a perfect example of the transit population of 85 percent in the City. He would like the Community Relief Fund used for the upgrading of the community to build the appraised value of homes. Mayor Gehring-Waters requested staff place this issue on an upcoming Study Session.

Council discussion ensued as to the fact that this situation is not a new one. There was a time when Madrona Elementary School had a 100 percent turnover one year with half the students returning to finish the year and the other half turned over twice. This was the result of the apartment dwellers. Sidewalks have been put in as construction occurs. A new two-block sidewalk was recently installed by Madrona Elementary School. One thought was that SeaTac's population is aging and younger persons are not buying in the City.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2136**

**A Motion authorizing the City Manager to execute a Contract to employ a New City Hall (NCH) Architect -**

## **Parks & Recreation**

**Summary:** This Motion authorizes a contract with David A. Clark Architects PLLC to complete the NCH Phase I and II renovation of the first (approximately 17,000 square feet [sf.]) and third floors (approximately 26,000 sf.).

The total architectural cost estimate or maximum allowable construction cost (MACC) for Phase I and II is not to exceed \$2,530,230. The architectural, interior design and engineering fees for David A. Clark Architects, PLLC is not to exceed \$344,111 based on an industry standard. The not to exceed amount for architectural service has an incentive clause for .004 percent if it goes out to bid on or before May 7, 2002 and .4 percent if the construction is completed on or before November 4, 2002.

The City Council reviewed the proposed budget at the Study Session on April 2, 2002. This new contract supersedes and renders the previous contract between the City and David A. Clark Architects, PLLC for Phase I work dated December 1, 2001 null and void. The new contract is necessary or appropriate because we currently only have a contract for Phase I.

MOVED BY HANSEN, SECONDED BY FISHER TO ACCEPT AGENDA BILL NO. 2136.\*

Parks & Recreation Director Ledbetter briefed on the above summary, adding that a lengthy discussion was held prior to this meeting to clarify some of the elements of the contract.

Mayor Gehring-Waters thanked the Councilmembers who helped resolve the issues of the contract today. Council will receive a copy of the new contract for their review of the changes.

\*MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENTS:** Tracy Wythe commented on the NSTP land trade with the POS. She stated that she is still distressed about this conveyance. She feels the County let her down with a no vote by one vote to help with the park maintenance. She concluded that this is a Regional Park and SeaTac is left with the full maintenance of the park.

Councilmember Brennan added that the POS was also involved in the tri-party agreement. Mrs. Wythe stated that the City should not have given the park acreage to the POS, as they only want to benefit themselves.

**CITY MANAGER'S COMMENTS:** Acting City Manager Holman had the following items of business: 1) the Hotel/Motel Tax Committee Meeting is scheduled for Wednesday, April 10, 2002 at 10:00 a.m.; 2) no further NCH Meetings will be scheduled unless deemed necessary; and 3) the Council Retreat is scheduled for April 12 and 13, 2002 at Ashford, Washington.

**COUNCIL COMMENTS:** Councilmember Fisher thanked Mayor Gehring-Waters for questioning the Agenda Bill No. 2136 as to details in the architect's contract. Once Parks and Recreation Director Ledbetter was able to clarify their concerns, he felt the contract was fair and equitable.

Mayor Gehring-Waters had the following items of business: 1) requested Council bring their copy of the Council Policies and Procedures to the Council Retreat; 2) on Saturday, April 6, she attended a Mayors' Breakfast Roundtable where 11 surrounding Mayors or designees were in attendance for a discussion on: a) whether the County was putting the pressure on Cities to annex areas that most Cities are not interested in annexing. All attendees stated that there has been no pressure by the County. The other issue was that within the last 30 days, the Supreme Court made a ruling that no pressure can be put on Cities to annex; b) King County Library hours were discussed. She was surprised at Valley View Library's shorter hours and suggested this issue be placed on a future SS; and c) Cities' budgets and impacts were discussed; and 3) she attended the South Highline Little League Jamboree on Saturday, April 6 and won a video of the 116 winnings of the Seattle Mariners. The youngsters had a great time at the Jamboree.

Councilmember Anderson inquired as to whether there would be a SS or Council Meeting on the 5<sup>th</sup> Tuesday of the month (April 30). Mayor Gehring-Waters stated that Council would not meet on this date unless some urgent matter needs to be discussed.

**ADJOURNMENT:**

MOVED BY LASCO, SECONDED BY ANDERSON 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

April 23, 2002 - 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 6:04 p.m.

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

**ADMINISTRATIVE STAFF:** Jay Holman, Acting City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Elizabeth Spencer, Finance Director; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Jim Downs, Fire Chief; Bob Meyer, Fire Marshal; and Scott Somers, Chief of Police Services.

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

## **PRESENTATIONS:**

**Certificate of Recognition to Peter Truong, Community Services Officer (CSO), for receiving the "American Institute of Public Service 2002 Jefferson Award"**

Mayor Gehring-Waters read the Certificate of Recognition and presented it to CSO Truong. She briefed on CSO Truong's history of coming to the United States from his homeland, Vietnam to his life full of accomplishments over the years in helping his fellow man in his home country and in the local community. He speaks five languages and is called out day or night to help the King County (KC) Police Department with language barriers of people in need. After the September 11, 2001 terrorist attacks, he raised \$40,000 through his community and friends for the victims of the attacks. Each year, CSO Truong gives \$5,000 to homeless children in Vietnam. Lastly, CSO Truong introduced his wife to the Council.

**PUBLIC COMMENTS:** Joe Dixon, 19211 35<sup>th</sup> Avenue South, stated his appreciation for the questionnaire distributed to SeaTac seniors requesting their input as to a senior center. Mr. Dixon stated that he would pay whatever it takes to get a center. He expounded on the Kent Senior Center and its programs. He would like to see one of that quality in SeaTac. Secondly, he stated that the Hughes property on Angle Lake, owned by the City, was the finest property in the City and felt this land would be a perfect place for a senior center. He stated his opposition of using this valuable land for commercial development. He urged Council to consider this suggestion.

Rachel Garson, Port of Seattle (POS) representative, Sea-Tac International Airport, addressed the Council to inform them of the POS Commissioners' vote today approving the detailed plan of the expenditure of funds to insulate Highline Schools. Highline School Board President Phyllis Byers was in attendance for the vote. This expenditure consists of \$50 million from the POS, \$50 million from the FAA, through grants administered by the POS, a first year commitment of \$5 million from the State, and \$50 million from a recently passed bond.

J.B. Freer, 18925 37<sup>th</sup> Avenue South, had the following comments: 1) regarding the City's property on South 188<sup>th</sup> Street and 37<sup>th</sup> Avenue South: a) requested this property be mowed by the City on a regular basis and the blackberry bushes be kept under control; b) she has a lawn maintenance service which would spray the other side of the fence (City property) to keep the weeds from encroaching on her property. She was told this would require permission from the City; and c) she inquired as to whether she could take some of the rocks on the City property which she could use as a weed barrier between the two properties; 2) stated that her thoughts and prayers are with the DeHan; and 3) thanked Councilmembers Fisher and Lasco for their attendance at the McMicken Heights Community Club meeting last week and hoped they will continue to support SeaTac citizens.

Chris Wythe, 14204 24<sup>th</sup> Avenue South, stated that recently a group of McMicken Heights residents reviewed the

POS/City Interlocal Agreement (ILA) and are of the belief that the ILA is in direct contradiction to the City's Comprehensive Plan in Policies 9.2B and 9.9A, and therefore, in violation of the Growth Management Act (GMA). Mr. Wythe explained their view, including a map outlining the boundaries of the North SeaTac Park (NSTP) and a second map outlining the intended ILA property within these boundaries that is not an element of the Park Master Plan. The Comprehensive Plan makes no provision for the removal of portions of the park land. As a result of their review, the group felt the City should be using all possible implementation opportunities to preserve significant park and open space land. He concluded by saying that the McMicken Heights Club expects the Council to take immediate action to return to compliance of the GMA by negating the ILA. City Attorney McAdams will confer with Planning Director Steve Butler as to compliance of the Comprehensive Plan regarding this area of concern.

## **PRESENTATIONS (Continued):**

### **Legislative Update**

Washington State Senator Karen Keiser, 33<sup>rd</sup> District, gave an update on the State Legislative Session 2002. In the 60-day session, the State passed operating and construction budgets and approved a transportation package that will be on the ballot in November 2002. Also approved were many important policy improvements. The State started the session with a deficit of \$1.5 billion, which was filled with a combination of cuts, efficiencies and new revenues, but no general tax increase. At the end of this short session, the State was able to arrive at a balanced budget with many proposals cut or reduced, considering the least amount of harm to the State's budget and welfare. Senator Keiser outlined the issues passed:

- 1) Operating budget (SB 6387) was reduced by \$684 million. 1,500 State employees were laid off;
- 2) Capital Budget (SB 6396) includes \$109 million in new construction to help stimulate the economy by creating jobs during the current recession. Included were: a) Highline Community College: \$3.2 million to repair crumbling underground utility tunnels, leaking roofs and Redondo pier; b) Highline School District: \$5 million to lessen aircraft noise by replacing windows, ventilation systems, doors, roofs, and rebuilding some schools; and c) Kent Station: \$900,000 for renovation work; and
- 3) Transportation – Statewide Revenue (HB 2969) places a \$7.7 billion, 10-year Statewide transportation package on the November ballot. Revenue is tied to a specific project list (SB 6347), which includes the following that will benefit the local district: a) completion of SR 509 from Federal Way to SeaTac: \$500 million; b) widening of I-405 from Tukwila to Lynnwood: \$1.9 million; c) adding HOV lanes to I-5 from Tukwila to Pierce County line: \$69 million; d) adding I-5 lanes from South 210<sup>th</sup> to 320<sup>th</sup> Streets: \$154 million; e) upgrading the South 272<sup>nd</sup> Street interchange to I-5: \$5 million; f) extending South 228<sup>th</sup> Street in Kent: \$8.5 million; and g) developing a new approach to the SR 167 corridor: \$8 million. Also new efficiencies (HB 2304) will assure that the transportation dollars are used wisely and Regional Revenue (SB 6140) allows King, Pierce and Snohomish Counties to join together to finance improvement on highways of Statewide significance.

Also important legislation passed this session were: Abandoned Babies (SB 5236); Assault Victims (SB 6537 and HB 1248); Bank Robbery (HB 2511); Car Theft (SB 6490); Collective Bargaining (HBs 1268, 2403, and 2540); Credit Scoring (SB 6525); Drug Sentencing (HB 2338); Fiscal Impact Statements (SB 6571); Immunizations (SB 5291); Low-income Housing (HB 2060); Mail-order Brides (SB 6412); Overtime for Nurses (SB 6675); Personal Information (HB 2015); Safe Schools (HB 1444); School District Health Benefits (HB 2536); Seat Belts (HB 1460); Sick Leave (SB 6426); and Unemployment Insurance (HB 2901).

Council discussion ensued as to the various bills passed and their impact to the taxpayers, which Senator Keiser addressed. Councilmember Hansen was especially pleased that the SR 509 project, which he worked on from the early years, was being funded. He thanked Senator Keiser for her support of this important transportation issue. Councilmember Lasco stated that she recently read a report that this local area is in the top 5 percent for air pollution in the nation due to diesel fuel fumes. Senator Keiser agreed that this was a serious issue. She serves on the Environment, Energy, and Water Committee and will be addressing this issue. Secondly Councilmember Lasco thanked the Senate for refunding the State's Community Networks for their expenditures. The networks were able to give back \$300 million to the communities.

Senator Keiser urged the Council and public to vote for these legislative measures in November. Mayor Gehring-Waters, on behalf of the Council, thanked Senator Keiser for the informative legislative update. Senator Keiser stated that she looks forward to continued participation in local issues.

### **1<sup>st</sup> Quarter 2002 Financial Report**

Finance Director Spencer reported on the status of revenues and expenditures as of March 31, 2002, compared to budget for the 2002 fiscal year. Property Tax revenue at March 31 totals \$683,115, which is typical since most of the revenue will be received around the two installment due dates of April 30 and October 31. Sales Tax revenue, projected to be well below collections in 2001, is falling short of budget projections, but only two months of Sales Tax had been received as of March 31. Other General Fund revenues are on target as an aggregate, with Permit Revenue well ahead of projections and Gambling Tax low. General Fund expenditures are below the budget for the year to date, due primarily to the fact that KC has not yet billed the City for first quarter police services. As of March 31, General Fund Revenue had exceeded General Fund Expenditures by nearly \$286,000.

Summarizing other significant funds of the City, Ms. Spencer reported that City Street Fund revenues and expenditures are on target as of March 31. Arterial Street Fund revenue fell short of budget projections, due primarily to the fact that only two months of Parking Tax revenue have been received, and expenditures in the fund are below budget as well. The Municipal Facilities Capital Improvement Plan (CIP) Fund, which accounts for the New City Hall (NCH) project, has had very little revenue and expenditures in the first quarter due to timing of the project. The Transportation CIP Fund revenue and expenditures are also well below budget due to timing of capital improvements. The Surface Water Management (SWM) Utility and Construction Funds are below budget in revenue and expenditures, but no impact on year-end estimates is anticipated at this time.

Due to the September 11, 2001 terrorism attacks and the impact they have had on the travel industry, the City has experienced significant declines in three revenue areas - Sales Tax, Parking Tax and Hotel/Motel Tax. These revenues are being tracked closely each month. Sales Tax directly affects the General Fund budget, and the \$1.2 million decrease in Sales Taxes projected for 2002 led to significant budget reductions that were phased throughout the year. Various cuts were made at January 1, 2002, including staffing reductions of positions that were vacant. At July 1, however, six additional positions are proposed for reduction and will result in five layoffs.

Sales Tax revenue for the first two months of 2002 fell short of projections, but the third month of revenue, received April 19, was slightly over projections. While only one month of increasing revenues has been reported, it does represent the first month since September 11 that the actual revenue exceeded projections. Ms. Spencer reported that, as Council requested, she had calculated the cost of deferring the July 1 layoffs one additional quarter. The cost, net of vacancy savings achieved during the first quarter of 2002, is \$43,167, which can be funded from one-time revenue in the General Fund. This deferral would require a Budget Amendment Ordinance.

Councilmember Brennan noted that the City Council has put money away for a rainy day, and he feels it is appropriate to use the reserves at this time. Councilmember Lasco asked Ms. Spencer to describe the five positions to be cut on July 1, and after which, noted that additional cuts are slated for October 1 and January 1, 2003, which affect public safety. Councilmember DeHan noted that spending \$43,000 now would allow the Council an opportunity to see what Sales Tax collections do for the next three months before laying off City staff. Councilmember Fisher expressed reluctance to use reserves to fund ongoing positions. Ms. Spencer noted that the Contingency Reserve Fund (\$755,000) is not being used for this purpose, and the Council's policy to maintain a General Fund Reserve balance equal to four months of operating revenue could still be achieved.

Following significant deliberation, the consensus of the Council was to direct Ms. Spencer to bring a Budget Amendment Ordinance to the next Regular Council Meeting to defer the five position reductions in the General Fund from July 1 to October 1.

### **Port of Seattle (POS) Interlocal Agreement (ILA) Fund**

Finance Director Spencer reported that the Council had recently requested a presentation on this fund. The POS ILA Fund was created in 1998 to account for monies received from the POS as a result of the September 1997 ILA

between the City and the POS. The City received \$10 million in Community Relief Funds and \$6.5 million in Street Vacation Fees, with little restriction on the use of the funds except for \$3 million being committed to the 28<sup>th</sup>/24<sup>th</sup> Avenue South arterial improvements.

Over the four-year period of 1998 through 2001, the City has reported revenues in this fund totaling \$18,709,898 and expenditures totaling \$5,079,976. In 1999, the Council established a policy that only interest revenue earned on the funds would be expended each year. Ms. Spencer also noted that an interfund loan was approved in 2001 whereby Port ILA Fund monies were loaned to the Municipal Facilities CIP Fund for purchase of the office building that will house the NCH. The Port ILA fund will receive interest at the same rate other City monies are earning, so the Port ILA Fund will not be financially impacted by this interfund loan.

**CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$619,738.94 for the period ending April 19, 2002.

**Approval of employee vouchers** in the amount of \$382,145.61 for the period ending April 15, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending April 19, 2002.

**Approval of Council Meeting Minutes:**

**Regular Council Meeting** held April 9, 2002.

**Acceptance of Advisory Committee Meeting Minutes:**

**Planning Commission Meeting** held April 1, 2002 (Commission approved April 15, 2002).

**Approval of the following Agenda Items recommended at the April 16, 2002 Study Session for placement on this Consent Agenda:**

**Agenda Bill #2128; Ordinance #02-1010**

**An Ordinance amending the 2002 Annual City Budget for 2001 Carryovers - Finance**

**Summary:** This Ordinance amends the 2002 Annual City Budget to carry over appropriations included in the 2001 budget, but not completed. Each year, the City Council receives requests to carry over appropriations from the prior year's budget that were not completed due to a variety of reasons. Some carryovers are legally required due to a contractual obligation or grant funding requirement. Following is a detailed explanation of requests:

General Fund

Jury Management Software - \$1,500: Municipal Court staff request carryover of a \$1,500 appropriation for jury management software that will assist in the process of selecting and notifying jurors;

Criminal Justice Area 1-3 Funds - \$ 67,034: The City is required to carry over unspent Criminal Justice Areas 1, 2 and 3 funds received or return the funds to the State;

NSTP BMX Track - \$ 15,000: The City has been working with a volunteer from the BMX group that is coordinating the project. He didn't have enough free time in 2001 to work on the project, but anticipates completion in 2002. The expenditure carryover is partially offset by \$2,850 in grant revenue proceeds available through a KC Youth Sports Facility Grant;

Bow Lake Elementary School/Park Improvement - \$ 3,900: This project was not completed in 2001 because the remaining turf work needed to wait for warmer weather. The remaining funds will be used for turf improvements and for a final payment to the Water District for installing a water meter. The City is obligated to do the turf improvements in accordance with requirements of KC Youth Sports Grant proceeds we received in 2001;

Professional Services – Planning - \$ 15,000: The 2001 Budget appropriated \$20,000 for Phase II of the Bow Lake study. The Planning Department did not expend these funds, and carryover has been requested. The funding for this project is provided 50 percent by Hotel/Motel Tax revenue and 50 percent by SWM fees; and

Phone System/Fire Department - \$ 61,500: The 2001 Adopted Budget included \$61,500 to purchase a new phone

system for the Fire Department. This expenditure was added to the NCH project with the intention to purchase a new system for Fire and the NCH at the same time. Due to service disruptions frequently experienced by the Fire Department, it is requested that these funds be reinstated to allow for a new phone system in 2002, funded from POS capital project sales tax;

#### Hotel/Motel Tax Fund

Highline Botanical Garden - \$ 15,000: The City has committed to funding assistance for Highline Botanical Garden up to \$15,000 per year for two years. No funds were expended in 2001, so this carryover is requested for the first of two years.

#### Arterial Street Fund

Street Overlays - \$ 89,103: 2002 Street Overlay project will be South 188<sup>th</sup> Street from International Boulevard to 42<sup>nd</sup>/46<sup>th</sup> Avenue South. This work may exceed the current budget of \$400,000.

#### SWM Construction Fund

Miller Creek Basin Plan - \$ 20,000: No agreement was reached on an ILA in 2001. It appears the agreement on the ILA has been reached and the basin plan will move forward and;

ESA Compliance - \$ 6,769: Remaining commitment per ILA for 2001.

This Ordinance will increase the appropriations in the applicable funds, but will have no effect on year-end fund balance. These expenditures were anticipated to occur in 2001, and the January 1, 2002 fund balance projections were reduced accordingly. Therefore, these amendments simply allow the expenditures to occur in the current fiscal year instead of 2001.

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

#### **Agenda Bill #2134**

#### **A Motion authorizing the City Manager to enter into a Consultant Contract for Project Management Services for Des Moines Creek - Public Works**

**Summary:** This Motion authorizes the City Manager to enter into a consultant contract with David Masters for project management services for the Des Moines Creek Basin Planning and Project Development effort. Currently, KC no longer provides these services.

The Cities of SeaTac and Des Moines, KC, and the POS entered into the Des Moines Creek Basin Plan Development ILA in January 1996. The purpose of this ILA was to perform a comprehensive analysis of the basin and to provide recommendations for preserving or improving the quality of the creek as a regional resource. The end result of this first ILA was a basin plan, which has been formally endorsed by all four participating agencies. A significant element of the basin plan was the proposed CIP that would preserve and protect Des Moines Creek.

In June 1998, these same parties entered into an ILA to analyze the recommendations of the basin plan and prepare a design report and recommendation on the preferred alternatives.

Based upon the findings of the design report, an ILA to prepare the final design and secure permits for the basin plan capital improvements was negotiated between the parties to include the Washington State Department of Transportation (WSDOT) and approved in 2001. The projects will control damaging stream flows and improve water quality and fish habitat in the basin. The major components of the final design effort will be a regional stormwater retention pond, a bypass pipeline, stream flow augmentation to address summer low flows and habitat restoration in the creek. The ILA also included the continued administrative support for the Basin Committee.

At the end of 2001, David Masters, a full time KC employee, resigned his position with KC to pursue a personal project. He had been the project manager for the basin effort since it began. KC did not have staff available with the necessary qualifications to take over as project manager. Further, KC has not yet backfilled this position. It was the

opinion of the Basin Committee that there would be a tremendous learning curve for a new individual who filled the position, which would be detrimental to the program. Therefore, the committee agreed to enter into negotiations with Mr. Masters for his services as project manager to complete the project designs, secure necessary permits and to negotiate the construction, operation and maintenance ILA. Mr. Masters has agreed to a scope, budget and schedule to accomplish these tasks that is consistent with the demands of his personal project.

A consultant contract for said project management services is in an amount not to exceed \$75,000. The City will also enter into an Memorandum of Understanding (MOU) with the City of Des Moines, the POS, and WSDOT that outlines the services to be contracted for and their share of these project management costs and their agreement to reimburse the City for said costs as follows: City of SeaTac - \$20,250 (27 percent); POS - \$44,625 (59.50 percent); WSDOT - \$5,062.50 (6.75 percent); and City of Des Moines - \$5,062.50 (6.75 percent).

Project Management for the Des Moines Creek Basin Planning and Project development efforts have been budgeted in the amount of \$30,000 in the 2002 budget and is sufficient to cover the City's portion of the consultant contract.

**Agenda Bill #2137; Ordinance #02-1011**

**An Ordinance amending the 2002 Annual City Budget to increase the amount appropriated in Fund 406, which will be offset by reimbursements from the Des Moines Creek Basin Jurisdictions - Public Works**

**Summary:** This Ordinance increases the budget revenue and appropriation for Fund 406 for reimbursable expenses related to Des Moines Creek Basin Administration.

With the approval of Agenda Bill No. 2134, it is necessary to adjust the 2002 Budget to raise the revenue and expenditure authorizations for Fund 406 by \$54,750 (contract amount \$75,000 minus City participation of \$20,250). This is the amount the City of Des Moines, the POS, and WSDOT have agreed to reimburse the City as their share of the project management cost for the Des Moines Creek Basin Planning and Project Development expenses.

The Des Moines Creek Basin Administration line item of Fund 406 will be increased by \$54,750 to cover reimbursable expenses the City will incur as the contracting agency for project management services. Fund 406 revenues will also be adjusted to reflect this increase in revenue.

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

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS:** There were no New Business items presented.

**PUBLIC COMMENTS:** Joe Dixon thanked the Council for their positive outlook on the City's economy. With the State budget cuts and reduction of staff, it was encouraging to hear that the Council and staff are working hard to keep the City budget in tact now and for the future.

**CITY MANAGER'S COMMENTS:** Acting City Manager Holman had the following items of business: 1) the Planning Commission is planning to attend a course on "Introduction to Planning" in the Renton Council Chambers, on Monday, April 29 at 6:30 to 9:30 p.m. Council is welcome to attend; and 2) the Land Use and Parks (LUP) Committee rescheduled their meeting to Thursday, April 25 at 3:00 p.m.

**COUNCIL COMMENTS:** Councilmember Brennan stated that the Hotel/Motel Tax Committee, whose members are made up of managers and owners in this industry, feel the economic outlook in their business is rising. In comparison to Bellevue and other eastside communities, SeaTac hotels are fairing better and improving steadily.

Councilmember Hansen reminded the Council of the beginning of the City when they borrowed \$50,000 from the State to start the City and having only \$1,200 in expenses. Today, the numbers are significantly higher, showing how the City has grown in a positive way over the last 12 years. However, he advised caution, as the reason the City is in this positive state is because the Council has been conservative in their legislative actions.

Councilmember Anderson mentioned that her son was in town from Anchorage to attend a safety training session to implement at their airport for their citizens and the theme was to be hopeful but vigilant, which is everyone's responsibility and is still needed. He emphasized that nothing is too small to report to the local police.

Councilmember Lasco gave an update on the City's agreement with Tukwila to promote the local area. In the May 2002 edition of Sunset Magazine, there is a full-page color ad inviting tourists and businesses to this area.

Mayor Gehring-Waters stated that she attend the Senior Citizens Advisory Committee meeting today. It was very educational. The committee works hard on their issues. They are pleased with the current Senior Lunch Program. She thanked the staff for assisting in seeing that the seniors are receiving a good lunch program. Also, Friday evening, April 26, the Elda Behm Garden will be dedicated at the NSTP Community Center. Staff has done an excellent job assisting in this project.

**ADJOURNMENT:**

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

MOTION CARRIED UNANIMOUSLY.

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

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

May 14, 2002 - 5:00 PM  
City Hall Council Chambers

**CALL TO ORDER:** The SeaTac City Council Regular Meeting was called to order by Mayor Kathy Gehring-Waters at 5:04 p.m.

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

**ADMINISTRATIVE STAFF:** Jay Holman, Acting City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Elizabeth Spencer, Finance Director; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Jim Downs, Fire Chief; Bob Meyer, Fire Marshal; and Scott Somers, Chief of Police Services.

**RECESSED:** Mayor Gehring-Waters recessed the Regular Council Meeting to an Executive Session on Potential Litigation at 5:05 p.m.

## **EXECUTIVE SESSION: Potential Litigation**

**RECONVENED:** Mayor Gehring-Waters reconvened the Regular Council Meeting at 6:00 p.m.

**FLAG SALUTE:** Darlene Thompson, SeaTac resident, led the Council, staff and audience in the Pledge of Allegiance.

## **PRESENTATION:**

**Accepting an Award from the Washington Aggregates and Concrete Association presented to the City of SeaTac (owner) and Gary Merlino Construction Co., Inc. (contractor) for the 28<sup>th</sup>/24<sup>th</sup> Avenue South Project, "Concrete Paving Project of the Year 2002"**

Brian Kittleson, Gary Merlino Construction Co. Inc. Vice President, presented Mayor Gehring-Waters and Public Works Director Rayburn, on behalf of the City, with an award plaque for the "Concrete Paving Project of the Year 2002" from the Washington Aggregates and Concrete Association for the City's 28<sup>th</sup>/24<sup>th</sup> Avenue South Project. Mr. Kittleson stated that the City had a choice of pavement, asphalt or concrete, choosing the latter. This choice will be a lasting monument to an excellent decision made by the Public Works Department. Over 10 years ago, Merlino Construction helped to build SeaTac's first project, the South 148<sup>th</sup> Street improvements. The firm has worked with many different Cities in the Greater Puget Sound Region and for a City that has only been incorporated for a relatively short period of time, SeaTac should be proud of the accomplishments of its well organized Public Works Department. He especially thanked Mr. Rayburn, Assistant Public Works Director Don Monaghan, Engineering Manager Dale Schroeder, Assistant Engineering Manager Tom Gut, Public Works Inspector Supervisor David Cairnes, Public Works Inspector Eric Proctor and Civil Engineer Tim Smith for their work on the project. He added that the firm looks forward to building more projects in the City and thanked everyone involved for all their help and support in completing the 28<sup>th</sup>/24<sup>th</sup> Avenue South improvement Project.

Mayor Gehring-Waters and Council thanked Mr. Kittleson for the award and for their work on this project.

**PUBLIC COMMENTS:** Bill Buxton, 3440 South 200<sup>th</sup> Street, presented Council with a petition opposing the elimination of vehicle entrance/exit ramps located at South 182<sup>nd</sup> Street and International Boulevard (IB) at Sea-Tac International Airport. A copy of the petition is also being submitted to the Port of Seattle (POS) Commissioners. Mr. Buxton reported that the POS is considering making the primary south entrance/exit to the airport begin at South 200<sup>th</sup> Street with no entry/exit planned for South 188<sup>th</sup> Street. This action would eliminate South 188<sup>th</sup> Street as a main



thoroughfare to/from the airport. This would also cause vehicular traffic congestion on South 200 Street and surrounding streets. He urged the Council to support this petition's request.

Councilmember Brennan stated that he thought one of the nicest entrances to the City is at South 200<sup>th</sup> Street /Military Road with a well-maintained rockery garden corner maintained by Bill and Nina Buxton.

Shirley Radby, 3429 South 186<sup>th</sup> Street, questioned the City's parking policy for right-of-ways (ROW) for future sidewalks. 25 years ago, the citizens of this area opted to create on part of that ROW, an area for parking. She has a recreational vehicle (RV) and after 17 years of using this area for parking her RV, she has been told she cannot do so. Whereas, residences with landscaping to the street edge, can still park their cars there. There is a Honda parked at South 186<sup>th</sup> Street and 36<sup>th</sup> Avenue South for six days on the street. She asked Council's attention on this matter. Mayor Gehring-Waters stated that staff will respond to her concern.

**CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$328,346.85 for the period ending May 3, 2002.

**Approval of employee vouchers** in the amount of \$485,490.97 for the period ending April 30, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending May 10, 2002.

**Approval of Council Meeting Minutes:**

**Study Session** held February 5, 2002.

**Special Study Session** held March 26, 2002.

**Council Workshop** held March 27, 2002.

**Council Retreat** held April 12 and 13, 2002.

**Regular Council Meeting** held April 23, 2002.

**Acceptance of Advisory Committee Meeting Minutes:**

**Library Advisory Committee Meeting** held January 15, 2002 (Committee approved April 9, 2002).

**Planning Commission Meeting** held April 15, 2002 (Commission approved April 29, 2002).

**Senior Citizens Advisory Committee Meeting** held March 21, 2002 (Committee approved April 18, 2002).

**Approval of the following Agenda Items recommended at the May 7, 2002 Study Session for placement on this Consent Agenda:**

**Agenda Bill #2145; Ordinance #02-1012**

**An Ordinance amending the 2002 Annual City Budget to defer July 1 General Fund Budget Reductions - Finance**

**Summary:** When the 2002 Annual City Budget was adopted, the City anticipated significant reductions in Sales Tax revenue, which funds General Fund operations. The revenue estimate projected a reduction in Sales Tax revenue of \$1.2 million for 2002, based on declining Sales Tax in the second and third quarters of 2001, as well as additional declines anticipated due to the September 11, 2001 terrorist attacks and a reduction in air travel. In order to balance the General Fund Budget, substantial cuts in staffing were proposed that would yield an annual savings of \$2 million. However, the staffing cuts were phased in throughout the budget year and approximately \$915,000 in one-time revenues was used to absorb the cost of phasing in the cuts.

These cuts were phased in for two reasons: 1) the approach eliminated the prospect of significant layoffs immediately following adoption of the 2002 budget, and 2) it allowed for quarterly budget reviews to track Sales Tax collections. If Sales Tax collections rebounded enough to adjust the revenue estimates upward, some of the staffing cuts might be avoided. Six General Fund positions were eliminated on January 1, 2002 but all of the positions were vacant and no layoffs were necessary. The second round of cuts, which include five General Fund positions and one position in the Hotel/Motel Tax Fund, are slated for July 1, 2002. Currently, five of the six positions are filled and would result in layoffs.

At the April 23, 2002, Regular Council Meeting, the first quarter 2002 financial report was presented. It was noted that although the first two months' Sales Tax revenues fell short of budget projections, the third month, representing

February Sales activity, came in slightly ahead of projections. It was also the first month to show gains in Sales Taxes since September 11. As requested by Council, it was noted that the Council could defer the July 1 General Fund budget cuts one additional quarter at a net cost of approximately \$43,000. The total cost of \$57,000 is offset by approximately \$14,000 in savings from other vacant positions during the first quarter of 2002.

After significant discussion on April 23, the City Council requested that staff bring forth a Budget Amendment Ordinance that would defer the five General Fund cuts slated for July 1 until October 1, 2002.

This budget amendment increases General Fund revenue by \$1,250 and expenditures by \$43,742 for 2002. The net cost of \$42,492 is funded from one-time revenues, specifically Sales Tax generated by POS capital improvements, which has been set aside to fund one-time expenditures.

#### **Agenda Bill #2149**

#### **A Motion authorizing the City Manager to accept a \$3,000 Grant from the Washington Traffic Safety Commission (WTSC) - Police**

**Summary:** The WTSC advertised grant funds available for Zero Tolerance Safety Belt Emphasis Patrols for the period of May 20 through June 2, 2002. The City of SeaTac qualified for a \$3,000 grant based on the number of commissioned full time employees (FTEs). Chief Somers applied for the grant, which resulted in the \$3,000 award. This Motion authorizes the City Manager to accept the grant.

The \$3,000 translates to roughly 74 hours of overtime for additional traffic enforcement. This overtime will be paid from regular overtime funds and the reimbursed grant money will be returned to the general fund.

#### **Agenda Bill #2146**

#### **A Motion authorizing the City Manager to execute a Contract to include Schedules A through E with C.A. Goodman Construction Company for the 36<sup>th</sup> Avenue South Improvements Project (South 186<sup>th</sup> to 188<sup>th</sup> Streets) and to authorize a Construction Budget - Public Works**

**Summary:** Reid Middleton, Engineering Consultants, designed the project and prepared the bid documents. 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 36<sup>th</sup> Avenue South and South 188<sup>th</sup> Street. The new roadway section will consist of two through lanes each way with left turn pockets on South 188<sup>th</sup> Street and 36<sup>th</sup> Avenue South. The contract also includes replacement of a six-inch waterline with a 12-inch waterline. The Highline Water District provided the plans and specifications for the waterline replacement and will reimburse the City. Water flow will be improved and future disruptions to 36<sup>th</sup> Avenue South will be avoided by performing this task at the present time. The bid opening was on May 1 and the Engineer's Estimate was \$748,386.74. There were six bids received. The bids were reviewed and checked for mathematical errors and none were found. C.A. Goodman Construction Company was determined to be the low bidder at \$700,629.40.

The total construction cost, including construction contract, contingency, material testing, additional inspection time and electric underground conversion, is \$876,480.81. The project is to be funded by City funds of \$948,469.97 (parking tax). The City's portion of the construction is \$813,803.81.

#### **Agenda Bill #2142; Resolution #02-007**

#### **A Resolution amending Section 4(C) of the City Council Administrative Procedures in regard to Council Workshop Meetings - Legal**

**Summary:** State Code 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 Resolution No. 02-004 on February 26, 2002.

The Council Administrative Procedures, at Section 4(C), provide for a regular meeting, on a monthly basis, as an

informal Council Workshop to discuss issues and concerns, but not to take any final action.

It is reported that, at its Workshop of March 27, 2002, the Council determined to hold the Council Workshop meetings on a quarterly, rather than monthly, basis and to hold these meetings at the 13 Coins Restaurant. Accordingly, it is appropriate to amend Subsection (3) of Section 4(C) of the City Council Administrative Procedures to make the desired change.

#### **Agenda Bill #2140**

#### **A Motion approving the City of SeaTac as a Partner of the South King County (SKC) Off-Leash Task Force - Parks & Recreation**

**Summary:** In January 2001, several SKC Cities, in partnership with King County (KC) Parks Department, formed a task force in response to public demand for an off-leash site in SKC. Cities represented on the Task Force include Auburn, Burien, Des Moines, Federal Way, Kent, Renton, SeaTac and Tukwila. KC Parks and Animal Control staffs also serve on the task force.

The SKC Task Force has prepared an Issue Paper based on research of existing off-leash dog parks and availability of public land for an off-leash park. Land Use and Parks (LUP) Committee approved staff to bring this Motion to the full City Council as long as there was no financial obligation.

It is unlikely that Grandview Park will reopen without the ability for the park to be financially self-sustaining. The soccer fields are in need of repair and it may cost up to \$1 million to bring them up to SeaTac standards. The dog off-leash improvements could most likely be paid for from grants. The park has been closed since January 1, 2002. The Parks Director feels the off-leash park may be the only hope to reopen and make Grandview Park financially self-sustaining.

#### **Agenda Bill #2139**

#### **A Motion authorizing the City Manager to execute a contract to employ a New City Hall (NCH) Landscape Architect - Parks & Recreation**

**Summary:** This Motion authorizes a contract with the firm of Wiscomb Landscape Architecture Services, Inc. to complete the NCH landscape design. The proposed improvements include a "City Welcome" sign, "City Hall" sign, flag poles and filling in the loading dock and landscaping the back patio of the NCH building. Council saw the proposed landscape improvements display board at the Study Session on April 2, 2002.

It is anticipated that the landscaping will be out to bid in June and under construction in July 2002. In order to finish the project by the November 2002 move-in date, it is important that this contract be approved. Lesley Wiscomb has completed several landscape projects for the City of SeaTac such as Angle Lake Park and Valley Ridge Park, while working for MacLeod Reckord Landscape Architects.

The contract amount is based on the maximum allowable construction costs and the State Fees for Architecture and is not to exceed \$30,955. The 2002 Amended Budget for the NCH has sufficient funds to pay for the landscape architect fees. The estimated costs for the total project do not exceed the approved landscape budget of \$245,000 for the NCH.

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

MOTION CARRIED UNANIMOUSLY.

#### **NEW BUSINESS:**

#### **Agenda Bill #2144**

#### **A Motion authorizing the City Manager to enter into a Schedule 70 Underground Conversion Agreement and Custom Street Light Order with Puget Sound Energy (PSE) for conversion of Overhead Power Lines and Streetlight Installation on the 36<sup>th</sup> Avenue South Improvement Project - Public Works**

**Summary:** As part of the 36<sup>th</sup> Avenue South Improvement Project and the creation of the first segment of the City

Center Main Street, it is desirable to work with PSE to cause the existing overhead distribution power system to be replaced with a comparable underground distribution power system. Per this agreement, PSE will provide and install the Main Distribution System and remove the existing overhead system (including associated wires and PSE owned poles). PSE will also design and install a street lighting system for the project. The City will perform all trenching, restoration and surveying. The agreement requires the City to fully reimburse PSE for any easements in PSE's name and for their exclusive use. In regards to whether the City must pay for PSE's exclusive easements, PSE has agreed to abide by the outcome of the negotiations and appeals currently underway with the SKC Municipalities.

The City will reimburse PSE \$25.54 per centerline foot of the road improvement which is estimated to be \$14,302.40 in accordance with the adopted Washington State Utilities and Transportation Commission (WUTC) Tariffs. The City shall also reimburse PSE 100 percent of the costs for the street lighting system (City needs to decide on the fixture type) and associated circuitry. At this time, we have not received a final estimate for the lighting system costs. Based on past experience with lighting, the installation will be in the range of \$25,000 to \$30,000 for this project. The total estimated amount of the agreement is \$44,302.40. PSE would own, operate and maintain both systems.

MOVED BY HANSEN, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 2144.

MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2143; Ordinance #02-1013**

**An Ordinance amending the 2002 Annual City Budget for reallocation of Community Development Block Grant (CDBG) Funds for McMicken Heights Elementary School Improvements - Parks & Recreation**

**Summary:** In July 2001, the City Council approved Agenda Bill No. 2013 that authorized 2001-2002 CDBG Funds for Madrona and McMicken Heights Elementary School Projects. The projects were approved in the 2001 Annual Budget for a total of \$90,000.

With the passing of a Highline School District (HSD) Bond, the HSD can now renovate Madrona Elementary School and incorporate similar improvements to those originally planned with CDBG funding. Staff is requesting that the CDBG funds in the amount of \$49,000 originally allotted for the Madrona Elementary School improvements be transferred to the McMicken Heights Elementary School Improvement Project so additional improvements can be made. The additional funding could provide upgrade in existing play-equipment and baseball/softball fields, ie: backstops, benches, and playing surface. Increase of funding will also allow staff to work with school officials and youth organizations to determine children's needs.

In addition, CDBG has an additional \$8,975 that could be allocated for a total budget of \$98,975. Both revenue and expenditure in the General Fund will be increased by \$18,975, having no impact on year-end fund balances.

MOVED BY HANSEN, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 02-1013.

MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENTS:** There were no public comments.

**CITY MANAGER'S COMMENTS:** Acting City Manager Holman had the following items of business: 1) Public Safety and Justice (PS&J) Committee meeting is scheduled for 4:00 p.m. on May 20, 2002; 2) Transportation and Public Works (T&PW) Committee meeting is scheduled for 4:00 p.m. on May 21, 2002; 3) the Planning Department will be making a presentation at the McMicken Heights Community Club on May 15, 2002 at 7:00 p.m. regarding residential parking; and 4) Mayor Gehring-Waters, and Acting City Manager Holman will be on vacation the week of May 20 - 24, 2002.

**COUNCIL COMMENTS:** There were no Council comments.

**RECESSED:** Mayor Gehring-Waters recessed the Regular Council Meeting to an Executive Session on Personnel Issues at 6:15 p.m.

**EXECUTIVE SESSION: Personnel Issues**

**RECONVENED: Mayor Gehring-Waters** reconvened the Regular Council Meeting at 7:35 p.m.

**NEW BUSINESS (Continued):**

**Agenda Bill #2155**

**A Motion appointing Bruce A. Rayburn to the Position of City Manager and authorizing an Employment Agreement - Legal**

**Summary:** Following the resignation of Calvin P. Hoggard as City Manager to allow him to take a position with the KC Executive, the Council appointed then-Assistant City Manager Jay D. Holman to the position of Acting City Manager pursuant to RCW [35A.13.150](#). However, Mr. Holman will retire on June 30, 2002.

RCW [35A.13.010](#) requires Council to appoint an officer whose title is City Manager to be the chief executive officer and head of the administrative branch of the City government. Pursuant to RCW [35A.13.050](#), the City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of the Office of City Manager. Before entering upon the duties of office, the City Manager must sign an oath or affirmation for the faithful performance of his or her duties and a bond in favor of the City must be executed.

Public Works Director Bruce A. Rayburn has been employed by the City since June 18, 1990 and has the administrative qualifications necessary to perform the duties of City Manager. Mr. Rayburn has agreed to accept the position. Accordingly, the City Council finds it appropriate to appoint Mr. Rayburn as City Manager.

Mayor Kathy Gehring-Waters and Deputy Mayor Joe Brennan, as designees of the full Council, have negotiated an Employment Agreement with Mr. Rayburn, which specifies compensation and conditions of employment as City Manager. The said Agreement is appropriate and Mayor Kathy Gehring-Waters should be authorized to sign the same on behalf of the Council and the City.

MOVED BY DEHAN, SECONDED BY HANSEN TO ACCEPT AGENDA BILL NO. 2155.

MOTION CARRIED UNANIMOUSLY.

**ADJOURNMENT:**

MOVED BY DEHAN, SECONDED BY BRENNAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:40 P.M.

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring-Waters, Mayor

Judith L. Cary, City Clerk

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

May 28, 2002 - 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, and Frank Hansen. Excused Absent: Councilmember Don DeHan.

**FLAG SALUTE:** Scott Somers, Chief of Police Services, led the Council, staff and audience in the Pledge of Allegiance to the Flag.

**ADMINISTRATIVE STAFF:** Jay Holman, Acting City Manager; Judith L. Cary, City Clerk; Mary Mirante, Senior Assistant City Attorney; Elizabeth Spencer, Finance Director; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Bob Meyer, Fire Marshal; and Scott Somers, Chief of Police Services.

## **PRESENTATION:**

### **Update on Congressional Activity**

This presentation was postponed due to the absence of presenter Adam Smith, U. S. Representative, 9<sup>th</sup> District.

**PUBLIC COMMENTS:** Joe Dixon, 19211 35<sup>th</sup> Avenue South, a veteran of WWII, serving at Pearl Harbor, Midway, Iwo Jima, and Okinawa, attended the Memorial Day Services at Washington Memorial Cemetery yesterday. He thanked Deputy Mayor Joe Brennan, a Korean War Veteran and Councilmember Fisher, a former Command Master Chief, USNR, for representing the City Deputy Mayor Brennan paid respects to the falling veterans with a speech. There were several hundred people in attendance at the moving ceremony. Secondly, he congratulated Public Works Director Bruce Rayburn for Council appointment to the position of City Manager, effective July 1, 2002. Mayor Gehring-Waters added her thanks to Deputy Mayor Brennan for attending the Memorial Day Services on her behalf since she was unable to attend.

Patricia Carter, 3041 South 201<sup>st</sup> Street, stated that upon visiting the Hillgrove Cemetery, an historical landmark, on Memorial Day, she observed that the cemetery was in need of serious maintenance due to neglect and vandalism. Although the area is King County (KC) property, she wondered if the City could mow the grass so it is accessible and safe to visitors. She wondered if the City's Hotel/Motel (H/M) Tax could be used to upgrade the cemetery. Mrs. Carter submitted photos of the area. Mayor Gehring-Waters stated that staff would address this concern with Mrs. Carter.

MyAnn Tyner, 4724 South 175<sup>th</sup> Street, stated that her neighbor at 4726 South 175<sup>th</sup> Street has constructed a dirt bike track in his back yard. The noise and disturbance from the bikes, has caused a nuisance to the surrounding neighborhood. The Memorial Day weekend was so noisy (4 hours on Saturday/6 hours on Sunday); they were not able to converse with one another outside. Staff will investigate this situation.

## **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$2,769,861.35 for the period ending May 20, 2002.

**Approval of employee vouchers** in the amount of \$369,458.43 for the period ending May 15, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending May 24, 2002.

### **Approval of Council Meeting Minutes:**

**Regular Council Meeting** held May 14, 2002.

**Study Session** held May 21, 2002.

### **Acceptance of Advisory Committee Minutes:**

**Library Advisory Committee Meeting** held April 9, 2002 (Committee approved May 14, 2002).

**Planning Commission Meeting** held April 29, 2002 (Commission approved May 20, 2002).

**Approval of the following Agenda Items recommended at the May 21, 2002 Study Session for placement on this Consent Agenda:**

**Agenda Bill #2159; Resolution #02-008**

**A Resolution approving two Interlocal Agreements (ILA) providing for the housing of City Inmates in the Yakima County (YC) Jail, and authorizing the City Manager to execute the Agreements - Municipal Court**

**Summary:** The proposed Resolution approves one ILA with YC for the housing of City inmates in YC Jail facilities at a considerably lower charge than imposed by KC for jail services, and approves a second ILA between all contracting Cities to set forth their mutual and respective rights and obligations.

SeaTac, and a number of other Cities, currently contract with YC on an annual basis for housing of inmates in the County's jail facilities, and also contract with the City of Renton for temporary custody of inmates pending transportation to YC. By contract, KC also provides Cities with jail services but at rates substantially greater than those offered by YC. The KC Executive has advised of a desire to renegotiate a Jail Services Contract providing for "full cost recovery", which would entail considerably increased charges.

SeaTac's in-custody holds-on warrants and commitments upon sentencing have remained fairly stable over the years, but are of sufficient volume to create substantial cost to the City. It may be noted, in this regard, that the average length of jail time served by SeaTac inmates is only 3.2 days as compared to the average of 9.8 days for all suburban Cities contracting with KC.

The existing KC Contract for Jail Services provides for a booking fee upon admission of an inmate to the jail and a daily maintenance fee for each day an inmate remains in the jail. These charges have steadily increased annually, with the booking fee increase typically amounting to a double-digit percentage. The County's proposed 2002 booking and maintenance charges are increased by 11 and nine percent, respectively, from the 2001 rates. In addition, KC did not negotiate the 2002 charges with the contracting Cities as required by terms of the existing agreement for jail services.

In 2001, the City was charged a total of \$265,605.05 by KC for booking and maintenance fees. If the ILA with YC had been in effect, at the initial fee of \$56.00 (including booking, daily maintenance and medical/dental fees), the cost would have been on the order of \$142,500.00.

Obviously, housing of City inmates in the YC jail facilities makes eminent financial sense. The proposed ILA's also appropriately provide for all substantive issues, which are summarized below:

There will be cost savings from the reduced charges described above, possibly amounting to \$100,000.00 annually. Savings will be reflected in the \$370,000.00 appropriation to the Non-Departmental division of the General Fund at line item "Intergovernmental Professional Services".

**Agenda Bill #2161**

**A Motion authorizing the City Manager to add a Temporary/Seasonal Position to assist the New City Hall (NCH) Construction Manager - Parks & Recreation**

**Summary:** This Motion authorizes hiring a temporary/seasonal full-time position to assist the Construction Manager on an hourly basis at \$10 per hour. This position will work with the Construction Manager to complete clean up work on the NCH project. This position will be eliminated at the completion of the project. The NCH project budget has sufficient funds to pay for this position and is not expected to exceed a total of \$10,000.

**Agenda Bill #2156**

**A Motion authorizing the City Manager to enter into an 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 Cities of SeaTac and Burien, Washington State, KC and the POS propose to enter into an ILA to prepare a basin plan for addressing surface water and fish habitat issues within the Miller and Salmon Creek Basins and develop an implementation program acceptable for endorsement by the participating agencies. The plan will evaluate the effects of existing development and future land use on the existing aquatic resources in the basins. When completed, the basin plan will be presented to the legislative authority of each agency for consideration and endorsement of the implementation strategies. The plan will serve as a policy framework for guiding decisions and expenditures concerning surface water capital and fish habitat improvements, drainage regulations and enforcement, storm water maintenance, land use, zoning and other related actions contributing to existing and future problems identified in this basin planning effort.

This issue was previously presented to the Council under Agenda Bill No. 1759. The Council passed a Motion at its Regular Council Meeting on November 19, 1999 approving entering into an ILA for this Basin Planning effort. However, prior to executing the agreement, the City of Normandy Park withdrew from participation in the planning effort and Washington State requested to be included as a member of the Basin Planning Team.

The cost of the work is estimated to be \$528,577 with a contingency of \$51,308 for a total estimated project cost of \$579,885. This amount is offset by a King Conservation District Grant in the amount of \$50,000, a KC White Center Project contribution in the amount of \$50,000 and a \$75,401 KC contribution for project management and facilitation for a total of \$175,401 leaving \$404,484 to be funded by the jurisdictions. The City's contribution toward the project is five percent of the \$404,484 or \$20,224. No funds were programmed in the 2002 SeaTac Budget for this project. It was uncertain if this project would move forward when the 2002 Budget was being prepared. Subsequent to the budget being adopted, the participating agencies reached agreement on a course of action. Staff then requested the Council by Agenda Bill No. 2156 to carry forward \$20,000 that was budgeted in 2001 for this project. The Council approved the request on April 23, 2002. The remaining funding in the amount of \$224 will be taken out of Fund 406 balance.

#### **Agenda Bill #2151**

##### **A Motion authorizing the purchase of Office and Windows Software Upgrades - Finance**

**Summary:** This Motion authorizes the purchase of software upgrades through the State of Washington Department of Information Services (DIS) for the City's Microsoft Office and Windows licenses.

The City may purchase Microsoft software upgrades at a discount through June 30, 2002. After June 30, the City would be required to purchase the software licenses at the full price with no discount for existing licenses. In either case, the City will also purchase Software Assurance in July, which will provide all software upgrades for Office and Windows for the three-year period from July 1, 2002 through June 30, 2005. The Administration and Finance (A&F) Committee recommended this option at its May 7, 2002, meeting.

The purchase of software upgrades prior to June 30 to bring all Microsoft software licenses current will result in a savings to the City of approximately \$8,000. The total cost of the software upgrades and Software Assurance will approximate \$ 65,900, which has been included in the 2002 General Fund Budget.

#### **Agenda Bill #2152; Ordinance #02-1014**

##### **An Ordinance amending the 2002 Annual City Budget for the redemption of Local Improvement District (LID) No. 1 Bonds - Finance**

**Summary:** This Ordinance amends the 2002 Annual City Budget to increase both revenues and expenditures in the Special Assessment Debt Fund to allow for additional bonds to be redeemed on June 1, 2002.

As partial funding for the 28<sup>th</sup>/24<sup>th</sup> Avenue South Arterial Project, the City levied special assessments totaling \$6,882,592 against the benefiting property owners. These owners could prepay their assessment in full or pay in installments over a 15-year period. In 2000, the City issued LID No.1 Bonds in the amount of \$2,871,819 for the assessments to be paid in installments. The principal and interest on the bonds is paid by annual assessment installments billed by the City each year to the applicable property owners.



Although an estimated redemption schedule exists for these bonds, the bonds may be redeemed earlier or later than their stated maturity date, depending on the rate at which property assessments are paid. Due to several assessments being paid in full, the City has sufficient assessment collections to call \$290,000 in additional bonds on the upcoming interest date of June 1, 2002. The early redemption of additional LID No. 1 bonds will result in reduced interest costs in future years.

**Agenda Bill #2153**

**A Motion authorizing the extension of a Contract with Boise Cascade to serve as the City's designated Office Supply Vendor – Finance**

**Summary:** This Motion authorizes the extension of a contract between the City and Boise Cascade to serve as the designated office supply vendor for the City.

In 1999, the City bid out office supplies and awarded a three-year contract to Boise Cascade at annual savings of approximately \$7,000. As part of the bid process, the City received a contract rate on 75 frequently purchased items and a standard discount rate of 40 percent off list price of other items in the Boise catalog. Purchases averaged more than \$50,000 per year including office supplies, technology products and office furniture. Orders are placed by City staff via the Internet and have been filled by Boise with a one-day turnaround 98 percent of the time. Overall, the City has received excellent service and quality products.

Boise Cascade has submitted a very attractive proposal to continue to serve as the City's designated office supply vendor for an additional two-year period. The contract rates established in May 1999 would continue, except for a market adjustment for copy paper. In addition, Boise has added contract pricing for twenty-five new, high use items. The Discount-Off List price for Boise's catalog would be raised from 40 percent to 45 percent. It is estimated that this proposal would save the City an additional \$5,000 per year.

Based on the proposal submitted by Boise and the satisfaction departments have expressed regarding Boise's service, it is recommended that Boise Cascade be retained as the City's designated office supply vendor for two additional years. It should be noted that the agreement with Boise does not prohibit the City from purchasing similar items from other vendors if better pricing is obtained.

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

MOTION CARRIED UNANIMOUSLY.

Mayor Gehring-Waters requested that a report on the housing improvements be placed in the Friday Council Packet when the funding is being approved.

**NEW BUSINESS:**

**Agenda Bill #2138**

**A Motion authorizing the City Manager to enter into a Service Agreement with the Southwest King County Chamber of Commerce SWKCCC - Legal**

**Summary:** This Motion authorizes the City Manager to enter into a Service Agreement with the SWKCCC and provides for payments by the City to the Chamber in the total amount of \$20,000 for the year 2002.

The City has entered into annual Service Agreements with the Chamber since 1990 to provide certain services in its ongoing efforts in regard to economic development, image enhancement, support of the hospitality industry, and advertising, for the purpose of promotion of tourism with similar services in 2002 on the same terms and scope of services as in prior years.

The A&F Committee disapproved a suggested new provision allowing the City Manager to execute annual extension agreements thereafter, providing that the Council appropriates funding during each annual budget process. It was felt that the accomplishments of the Chamber during the prior year and the desired goals and services for the next year should be evaluated on an annual basis.

Previously, Service Agreements with the Chamber have been funded one-half (\$10,000) from the H/M Tax Fund 107 and one-half (\$10,000) from the Non-Departmental General Fund memberships line item. The reason for the division of funding was based upon the fact that the Chamber provides services promoting tourism as well as services focused upon business and economic development. However, the 2002 Annual City Budget appropriates the entire cost of the service agreement from the H/M Tax Fund. As approved by the A&F Committee and the H/M Tax Advisory Committee, an Ordinance is being concurrently submitted under Agenda Bill No. 2154 to amend the 2002 Budget so as to return funding to the prior 50-50 apportionment for the reason described above.

MOVED BY BRENNAN, SECONDED BY HANSEN TO PASS AGENDA BILL NO. 2138\*

Senior Assistance City Attorney Mirante gave a report on the above summary. Ms. Mirante stated that at the May 21, 2002 Study Session, City Attorney McAdams expressed an opinion that a budget amendment was necessary because the Chamber not only provides tourism but also economic development and business enhancement. Council requested a formal opinion from the State Auditor's Office. Mr. McAdams obtained the opinion. The Assistant Director of the State Auditor's Office found that the Chamber should not be funded 100 percent from the H/M Tax Revenue since it does not solely provide tourism. In Agenda Bill No. 2154, the request for funding to the Chamber, as recommended by the City Attorney, would be changed from 100 percent appropriation from the H/M Tax Revenue to 50 percent, and 50 percent from the City's General Fund.

Upon a Council question as to Tukwila's ability to fund the Chamber 100 percent from their H/M Tax Revenue, Chamber General Manager Nancy Damon stated that various Cities have contracts fitted to their needs of the Chamber. Tukwila and the Chamber have been so proactive in the tourism aspect that it was felt that 100 percent funding was justified.

Council discussion ensued as to the sharing of funding from the two sources stated above and the economic development aspect of distribution. Mayor Gehring-Waters suggested that this Motion be voted on and then proceed to Agenda Bill No. 2154 regarding the division of funding.

\*MOTION CARRIED UNANIMOUSLY.

#### **Agenda Bill #2154; Ordinance #02-1015**

#### **An Ordinance amending the 2002 Annual City Budget for an Agreement with the Southwest King County Chamber of Commerce (SWKCCC) - Finance**

**Summary:** The City Council has considered Agenda Bill No. 2138 submitted by the Legal Department and authorizing the City Manager to enter into a service agreement with the SWKCCC for 2002. This agreement would result in the City paying \$20,000 for services provided by the Chamber. The 2002 Annual City Budget provided for this funding from H/M Tax Revenue. However, the City Attorney advised the A&F Committee at its May 7, 2002 meeting that he would recommend the funding be split with \$10,000 from the General Fund and \$10,000 from the H/M Tax Fund.

MOVED BY ANDERSON, SECONDED BY LASCO TO TABLE AGENDA BILL NO. 2154 TO THE JUNE 11, 2002 REGULAR COUNCIL MEETING.\*

Councilmember Brennan stated that the H/M Tax Advisory Committee took on the role of economic development and considerable time was spent on this issue, which he explained. He suggested that the Ordinance be adopted as is. Further discussion ensued and a roll call vote was suggested by Councilmember Hansen.

\*UPON A ROLL CALL VOTE, THE MOTION FAILED WITH A TIE VOTE WITH FISHER, LASCO, AND ANDERSON VOTING YES AND HANSEN, GEHRING-WATERS, AND BRENNAN VOTING NO.

After further discussion between Council and staff, Councilmember Lasco suggested that the funding be divided as to allow for 75 percent to be paid from the H/M Tax Revenue and 25 percent to be paid from the General Fund.

MOVED BY LASCO, SECONDED BY ANDERSON TO AMEND ORDINANCE NO. 02-1015 TO ALLOW FOR 75 PERCENT OF THE FUNDING TO BE PAID FROM THE HOTEL/MOTEL TAX FUND AND 25 PERCENT TO BE PAID FROM THE GENERAL FUND.

AMENDMENT CARRIED UNANIMOUSLY.

MOVED BY LASCO, SECONDED BY ANDERSON TO ADOPT ORDINANCE NO. 02-1015 AS AMENDED.

MOTION AS AMENDED CARRIED UNANIMOUSLY.

**PUBLIC COMMENTS:** There were no public comments.

**CITY MANAGER'S COMMENTS:** Acting City Manager Holman reminded Council that due to representing the City at a Federal Emergency Management Act (FEMA) Conference, Deputy Mayor Brennan and Councilmember Fisher will not be able to attend the June 4 Study Session.

**COUNCIL COMMENTS:** Councilmember Fisher stated that while he was pleased at the appointment of Mr. Rayburn as the succeeding City Manager, he felt the entire Council was not consulted during the negotiations. He was also pleased that the appointment was made from within the existing staff, which was a definite savings to the City budget.

Councilmember Anderson stated she had area maps depicting juvenile crimes. They can be reproduced for Council review. Backup material will follow.

Councilmember Hansen stated that the City has always supported the Chamber. He was disappointed that a Councilmember would contact the Tukwila Finance Director and the Chamber President when the Council has a committee structure that handles City policy issues. Also, he stated that he was disappointed that the City Attorney's advice was not heeded.

Deputy Mayor Brennan agreed with Councilmember Hansen's comments. He also added his disappointment in a Councilmember's remarks during meetings that the rest of the Council is not performing their responsibility to the City as to budget issues. He felt the entire Council is looking out for the City's economic welfare.

**RECESSED:** Mayor Gehring-Waters recessed the Regular Council Meeting to an Executive Session on Potential Litigation at 6:45 p.m.

#### **EXECUTIVE SESSION: Potential Litigation**

**RECONVENED:** Mayor Gehring-Waters reconvened the Regular Council Meeting at 7:30 p.m.

#### **NEW BUSINESS (Continued):**

##### **Agenda Bill #2166**

##### **A Motion authorizing the City Manager to execute necessary documents to settle a Puget Sound Energy (PSE) Dispute - Public Works / Legal**

**Summary:** The City, as part of a coalition, has negotiated with PSE to resolve several issues. Council approval has been requested to authorize the City Manager to execute the Settlement Stipulation in this matter.

As part of PSE's latest rate increase, the agency filed proposed tariff changes for relocation and underground conversion of their utilities. The City, along with several other Cities, filed an objection to the proposed changes. The Washington Utilities and Transportation Commission (WUTC) ordered PSE to negotiate with parties objecting to the tariff changes with a deadline of May 31, 2002. A memorandum from the City's outside counsel provided a summary of the agreements reached on the issues of: 1) who pays for PSE's exclusive easements on private property; 2) who controls the placement and location of utility facilities in the public right-of-way (ROW); and 3) how are the underground conversion costs shared.

The City's costs associated with utility conversions are typically charged against the corresponding Capital Improvement Project Fund. The settlement provides for a City share of 40 percent while the original proposal required the City to pay 76 percent to 100 percent. Also, the settlement shifts the burden of purchasing PSE's exclusive easements from the City to PSE. As a result of the settlement, the City will realize increased certainty of costs due to the City's ability to manage the ROW.

MOVED BY ANDERSON, SECONDED BY HANSEN TO ACCEPT AGENDA BILL NO. 2166.

MOTION CARRIED UNANIMOUSLY.

**ADJOURNMENT:**

MOVED BY ANDERSON, SECONDED BY LASCO TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:34 PM.

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring-Waters, Mayor

Judith L. Cary, City Clerk

# SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

**June 4, 2002 - Immediately following the Study Session Council Chambers  
City Hall**

*(Note: The numbering of agenda items continues from the Study Session Agenda.)*

**CALL TO ORDER:** The SeaTac City Council Regular Meeting was called to order by Mayor Kathy Gehring-Waters at 7:50 p.m.

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

**ADMINISTRATIVE STAFF:** Jay Holman, Acting City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Julie Elsensohn, Assistant City Attorney; Elizabeth Spencer, Finance Director; Bruce Rayburn, Public Works Director; Soraya Lowry, Senior Project Coordinator; Kit Ledbetter, Parks & Recreation Director; Steve Butler, Planning Director; Holly Anderson, Senior Planner; and Brian Wiwel, Fire Battalion Chief; (Scott Kimerer, Precinct 4 Police Operation Captain represented Scott Somers, Chief of Police Service in his absence.)

**NEW BUSINESS:**

**Agenda Bill #2141**

**A Motion authorizing the City Manager to execute Contracts for the New City Hall (NCH) Remodel Construction - Parks & Recreation**

**Summary:** This Motion authorizes the execution of contracts for the low bids for construction at the NCH. There were 10 categories of bids which were presented at the Study Session prior to this Council Meeting. Bids were opened on May 30, 2002 with low bidders in the following categories:

<u>Category</u>	<u>Company</u>	<u>Bid amount</u>	<u>W/Contingency &amp; Tax</u>
Partitions	D.L. Hendrickson Construction	\$174,000	\$206,712
Finish carpentry	No Bidder		
Casework	Hilstrom Cabinets	\$159,791	\$189,832
Acoustical treatment	D.L. Hendrickson Construction	\$124,043	\$147,363
Flooring	Dupont	\$175,945	\$209,023
Interior painting	Progressive	\$93,225	\$110,751
Security/fire	Guardian	\$182,000	\$216,216
Mechanical	Emerald	\$156,000	\$185,328
Fire sprinklers	American	\$135,960	Reject Bid
Electrical	Valley	<u>\$246,049</u>	<u>\$292,306</u>
Total To-Date:			\$1,557,531

The bids above include 8.8 percent for sales tax and 10 percent for contingency. References have been checked and staff recommended approving the above companies with one exception. Staff is recommending that the City Council reject the low bid for fire sprinklers from American and recommends re-bidding that category due to the high bid amount. There was no bidder in finish carpentry so this item will be brought back to the City Council after staff negotiate with a company or reorganize that category of work.

The City Council authorized a budget for the NCH project not to exceed \$4,986,233.

MOVED BY HANSEN, SECONDED BY LASCO TO ACCEPT AGENDA BILL NO. 2141.

MOTION CARRIED UNANIMOUSLY.

Parks & Recreation Director Ledbetter added that there is a Pre-Construction Meeting to be held on Friday, June 7, 2002. Contracts will be signed as soon as possible to avoid any delays in the work schedule.

**ADJOURNMENT:**

MAYOR GEHRING-WATERS ADJOURNED THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 7:54 PM.

MOTION CARRIED UNANIMOUSLY.

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

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

June 11, 2002 - 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 6:05 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:** Jay Holman, Acting City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Michael McCarty, Assistant Finance Director; Kit Ledbetter, Parks & Recreation Director; Bruce Rayburn, Public Works Director; Steve Butler, Planning Director; Bob Meyer, Assistant Fire Chief; and Scott Somers, Chief of Police Services.

**FLAG SALUTE:** Tyee High School Students Bruce Heather, Jr., Vicki Huggins and Sara Ladenburg led the Council, staff and audience in the Pledge of Allegiance to the Flag.

## **PRESENTATIONS:**

### **Certificates Of Recognition to Three Tyee High School Honor Students for achieving First Runners-up position for Region 10's 2001 President's Environmental Youth Award**

Mayor Gehring-Waters, on behalf of the City Council and the citizens of SeaTac, presented Tyee High School Honor Students, Bruce Heather, Jr., Vicki Huggins and Sara Ladenburg with certificates of recognition and City pins for having been selected as the "First Runners-up for The Environmental Protection Agency Region 10 (Washington, Idaho, Oregon, Alaska) 2001-2002 President's Environmental Youth Award." The award was given for their outstanding work on a joint four-year environmental project under the guidance of their Teacher-Advisor Mary Wickersham. Ms. Wickersham was also presented with a certificate for her encouragement of this project. The students detailed the elements of their extensive project and invited the Council and audience to view the project display and national awards.

**RECESSED:** Mayor Gehring-Waters recessed the Regular Council Meeting for a 10-minute recess at 6:26 p.m. to view the students' display. The Council thanked Ms. Wickersham and students for the impressive presentation. When asked about their future aspirations, Bruce said he wanted to go into computer science, Sara is a music enthusiast, and Vicki is interested in a career in writing.

**RECONVENED:** Mayor Gehring-Waters reconvened the Regular Council Meeting at 6:35 p.m.

## **PRESENTATIONS (Continued):**

### **Photo Exhibit Award Winners Artwork**

Parks & Recreation Director Ledbetter stated the department, along with Dick's Camera & Video Shop, sponsored the City's 2002 Annual Photo Exhibit. The photographs were displayed at the North SeaTac Park Community Center (NSTPCC) from May 10 through 24. There were a total of 60 photographs entered in this year's exhibit of which the City purchased six of the photographs, which were displayed at this Council Meeting. The City presents this annual exhibit to display quality photography from local and regional photographers and allow the City to purchase outstanding photographs for its permanent collection. To date, there is a total of 61 pieces of art and photographs displayed at City Hall and the NSTPCC. The 2002 winning photographs were shot by Joan Loeken (Seattle Skyline); Jan Walker (French Forest) and Dick McMahon (Dreamscape), all repeat winners from previous years. Mayor Gehring-Waters was present for the award ceremony and was very impressed with the vast display of entries.

**PUBLIC COMMENTS:** Rachel Garson, Sea-Tac International Airport Community Relations Manager of Public Affairs, invited the Council and public, on behalf of the Port Commissioners, to the Port of Seattle (POS) and EIRG's

(North America's leader in clean transportation) Ride and Drive Event. The event is to be held on Wednesday, June 12, 10:00 a.m. to 2:00 p.m. at the Sea-Tac North Employee Parking Lot. The purpose of the event is to demonstrate the performance of factory-built natural gas powered vehicles. The POS is converting its fleet to compressed natural-gas vehicles as they are purchasing new vehicles. There are 18 vehicles on order, which will be arriving this fall. The POS is also building a natural gas refueling station in SeaTac on public property so owners of commercial natural gas vehicles can refuel. The purpose of this action is to improve air quality by reducing emissions.

Jason Livingston, 4011 South 175<sup>th</sup> Street, stated that he has complied with all Code Enforcement orders but wished to be able to keep his ducks until his house is sold. He plans to be moved to a farm by the end of the year. Staff will address this situation with Mr. Livingston.

J.B. Freer, 18925 37<sup>th</sup> Avenue South, would like the City to take care of the grass and weeds on the old City Hall site on 188<sup>th</sup> Street. Weeds are encroaching onto her property. She also requested that the right-of way (ROW) on 37<sup>th</sup> Avenue South be mowed once again.

#### **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$163,225.30 for the period ending May 31, 2002.  
**Approval of claims vouchers** in the amount of \$1,614,042.53 for the period ending June 5, 2002.  
**Approval of employee vouchers** in the amount of \$501,767.23 for the period ending May 31, 2002.  
**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending June 7, 2002.

#### **Approval of Council Meeting Minutes:**

**Regular Council Meeting** held May 28, 2002.  
**Special Council Meeting** held June 4, 2002.

#### **Acceptance of Advisory Committee Minutes:**

**Planning Commission Meeting** held May 20, 2002 (Commission approved June 3, 2002).

#### **Approval of the following Agenda Items recommended at the June 4, 2002 Study Session for placement on this Consent Agenda:**

##### **Agenda Bill #2148**

**A Motion authorizing the City to accept 2003 Community Development Block Grant (CDBG) Funds as a Pass-through City - City Manager**

**Summary:** The primary objective of the CDBG program is to develop viable urban communities by providing adequate housing and living environments, as well as expanding economic opportunities for persons of low- and moderate-income. To that end, the U.S. Department of Housing and Urban Development (HUD) works with County agencies to make CDBG funds available to local jurisdictions for a variety of activities including housing repair and development, rehabilitation of community facilities, public infrastructure improvements and human services that serve predominantly low- and moderate-income residents.

In 2003, the City of SeaTac is eligible to receive an estimated \$210,974 in CDBG funds. The King County (KC) Department of Housing and Community Development will provide a revised estimate in mid-summer that reflects Federal budget deliberations, 2002 population updates, recaptured funds from canceled projects and additional program income from loan repayments. It is unknown at this time whether the final 2003 allocation will be more or less than the 2002 allocation of \$241,201.

Council approval of this Motion allows the City Manager to execute a statement indicating SeaTac's acceptance of 2003 CDBG funds. As a next step, staff will work with the City's Human Services Advisory Committee to review funding requests and develop funding recommendations for Council review in the fall.

With the passage of this Motion, the City of SeaTac will receive an estimated \$210,974 in 2003 to support a variety of human service programs. A portion of this funding will be used by the City to help recoup the cost of administering



the CDBG program and to invest in eligible capital improvements. The majority of funds will be passed through to human services agencies that serve this area.

**Agenda Bill #2150**

**A Motion requesting funding for the Highline Botanical Garden Foundation - City Manager**

**Summary:** This Motion approves \$12,000 for six months of gardening assistance and \$2,000 to help pay for an electrical power source.

In 1999, the Highline Botanical Garden Board was formed to transplant the Behm's "Paradise Garden" to North SeaTac Park. Thousands of plants have been transplanted from Ray and Elda Behm's former garden. The board has secured over \$30,000 to purchase and install a drip irrigation system. The City, last October, approved \$15,000 for a part-time ambassador/coordinator to the community, its neighborhoods and the hotels and motels and other airport-related businesses to inform them of the garden and to encourage visitors. The coordinator seeks out volunteers to assist a gardener, for which this Motion will help pay. The gardener monetary support provides the board with time to seek foundation, corporate and other funding support.

Additionally, electrical power is required to run the water garden pond, waterfall pumps, and the irrigation system. It will allow for the installation of lighting and will support a Visitor's Center. The Hotel/Motel (H/M) Tax Advisory Committee recommends this be the last City expenditure of funds for the garden. The committee believes that expenditure of these funds will help bring visitors to SeaTac.

**Agenda Bill #2167; Ordinance #02-1016**

**An Ordinance amending the 2002 Annual City Budget to provide for additional funding for the Highline Botanical Garden - City Manager**

**Summary:** This Ordinance increases the 2002 Budget for the H/M Tax Fund by \$14,000 for a funding request submitted by the Highline Botanical Garden Foundation Board. Please refer to Companion Agenda Bill No. 2150 submitted by the City Manager's Office.

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

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS:**

**Agenda Bill #2163**

**A Motion approving the Low Bidder for the New City Hall (NCH) Exterior Painting Contract - Parks & Recreation**

**Summary:** This Motion approves the hiring of Gudmundson Co., Inc., the low bidder for painting the exterior of the NCH.

Bids were opened on June 5, 2002 with three bidders. The painting project will include caulking the building seams and metal awnings and then cleaning and painting the concrete exterior of the NCH. The bids are as follows:

<u>Company</u>	<u>Bid amount</u>	<u>W/ contingency &amp; tax total of 18.8%</u>
Gudmundson Co., Inc.	\$47,900	\$56,905
D.S. Purcell Painting, Inc.	\$50,000	\$59,400
Picture Perfect Painting LLC	\$54,619	\$64,887

The City Council authorized a total budget of \$4,986,233 for the NCH project. The estimate for this work was \$56,261.30.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 2163.\*

Upon a question posed by Councilmember Fisher as to the assurance that the quality of preparation and paint are being taken into consideration, Parks & Recreation Director Ledbetter stated that a Kelly Moore representative assisted staff with the specifications.

\*MOTION CARRIED UNANIMOUSLY.

### **Agenda Bill #2133; Ordinance #02-1017**

#### **An Ordinance amending the City's Zoning Code regarding Off-Site Parking - Planning**

**Summary:** This Ordinance amends the Zoning Code regulations for off-site parking to specify that a site used for this purpose must be zoned to allow public/private parking, except in the case of neighboring nonprofit uses, and to establish criteria to be used in authorizing off-site parking.

The Zoning Code contains requirements for a minimum number of parking spaces for each land use defined in the Code. The parking spaces are required to be provided on the same site as the land use, except that a provision in the Code, "Off-Site Parking," SeaTac Municipal Code (SMC) 15.15.130, allows that the City Manager or designee may authorize a portion of the parking (up to 30 percent) to be located on a site other than the subject property if: 1) the site is within one mile; 2) there is adequate pedestrian, van or shuttle connection between the sites; and 3) there is adequate parking for the primary use on the subject property.

The Lutheran Community Services (LCS) development at 4040 South 188<sup>th</sup> Street desires to utilize this provision to be able to share parking with a church located directly adjacent to their property. The adjacent church has excess parking during the day, the use of which would allow cost savings and more green space for the proposed LCS development. However, the adjacent church property is zoned single-family residential. Further, there have been instances where church lots were used as overflow parking for hotels, which is not a permitted use.

The purpose of the provision is to 1) allow a nonprofit use to provide up to 30 percent of the City required number of parking spaces on an adjacent nonprofit use, irrespective of zoning, with appropriate contingencies if such arrangement is discontinued; 2) establish criteria to be used by the City Manager or designee in approving whether a specific request for off-site parking should be approved; and 3) clarify that in all other cases, a site used for off-site parking must be zoned to allow public/private parking (for example, park and fly parking).

Proposed Criteria are: 1) off-site parking shall be accessed only by employees, not by the general public; 2) the proposed connections between the sites are safe for pedestrians and vehicles; 3) the proposed plan is compatible with adjacent uses; and 4) off-site impacts are negligible or minimized; and 5) a contingency plan is submitted by the applicant and approved by the City that would provide for the parking to be developed on the subject property or established elsewhere if the off-site parking arrangement is no longer available. The Ordinance further amends the Code to clarify that any off-site parking that results in expansion of a parking lot (rather than the use of an existing lot) would be required to meet the applicable City requirements.

The Planning Commission held a public hearing on the proposal in February and recommended the Ordinance be forwarded to the Council. The Land Use and Parks (LUP) Committee gave input on the proposal at their February 28 meeting and directed that it be taken to Council for review and action.

Adoption of the Ordinance allows the fuller utilization of existing excess nonprofit parking by neighboring nonprofit uses, while protecting residential areas from incursion by hotel overflow parking.

MOVED BY ANDERSON, SECONDED BY HANSEN TO ADOPT ORDINANCE NO. 02-1017.\*

Since Deputy Mayor Brennan and Councilmember Fisher were not present at the June 4 Study Session when this issue was discussed at length, due to attending the FEMA Conference, Councilmember Anderson had requested it be placed under New Business at this meeting so they could have a chance to comment. They agreed to its adoption as written.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2171; Ordinance #02-1018**

**An Ordinance amending the 2002 Annual City Budget to create the Position of Deputy City Manager - Public Works**

**Summary:** This Ordinance creates a new position titled Deputy City Manager and amends the 2002 Annual City Budget to transfer anticipated salary vacancy savings from the Public Works Department General Fund to the City Manager Department General Fund to partially fund the new position.

On May 14, 2002, the City Council approved Agenda Bill No. 2155 appointing Bruce Rayburn to the position of City Manager to be effective July 1, 2002. Mr. Rayburn is currently the Public Works Director, so salary savings are anticipated during the second half of the year due to the vacated position. The Deputy City Manager would be responsible for assisting the City Manager by administering the daily operations of the City. At its June 4 meeting, the Administration & Finance (A&F) Committee recommended approval.

There is no fiscal impact to the 2002 General Fund budget, as this is a transfer of salary appropriations between departments of the General Fund. This position, like all other positions, will be examined as part of the 2003 annual budget preparation process. The amount of the transfer is \$54,600.

MOVED BY BRENNAN, SECONDED BY HANSEN TO ADOPT ORDINANCE NO. 02-1018.\*

Public Works Director Rayburn reviewed the above summary with Council. Council discussion ensued as to the use of City funds for this new position when there are employee vacancies not being filled and with projected layoffs in the near future. Deputy Mayor Brennan stated that this issue has been discussed by Council and he thought all were in agreement with this action. He added that this position would not affect the layoffs, as there are funds in the City's Reserve Fund for emergencies such as staffing during slow economic times. Mayor Gehring-Waters agreed with Deputy Mayor Brennan's remarks and added that the Council needs to give the City Manager latitude to manage the City. Public Works Director Rayburn presented Council with his reasoning as to the City's need for this position. He stated that 10 years ago, a City Manager/Assistant City Manager structure provided enough manpower for City business but with today's complex issues and SeaTac's local (including the POS), regional, State and national involvement, this position is necessary to assist the management of the City.

\*UPON A ROLL CALL VOTE, ORINANCE NO. 02-1018 WAS ADOPTED WITH HANSEN, GEHRING WATERS, BRENNAN AND DEHAN VOTING YES AND FISHER, LASCO AND ANDERSON VOTING NO.

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

**CITY MANAGER'S COMMENTS:** Acting City Manager Holman stated that his last working day at the City would be Friday, June 14, 2002. Public Works Director Rayburn will take over the position of permanent City Manager on Monday, June 17, 2002. Mr. Holman stated that he enjoyed the challenges of being the Assistant City Manager for six years and Acting City Manager for the last six months. He added that he believes the City is fortunate to have one of the best staff he has had the privilege of working with. He advised the Council to address the City's future in 5, 10, 20 years from now. Mayor Gehring-Waters is in agreement with this suggestion, perhaps at a Wednesday night Council Workshop. Lastly, he wished the Council, staff and City the very best. He invited the Council to attend a good-bye potluck that is being arranged by staff on June 28 at noon at Angle Lake Park. Mayor Gehring-Waters, on behalf of the Council, wished Mr. Holman well and thanked him for his services.

**COUNCIL COMMENTS:** Council all wished Mr. Holman the very best, adding their words of sentiment to his departure.

Deputy Mayor Brennan added that he had the privilege of attending a Federal Emergency Management Authority (FEMA) Disaster/Terrorism Course in Washington D.C. along with Councilmember Fisher, Chief of Police Services Scott Somers and Assistant Fire Chief Bob Meyer. The drills and training were intense and very enlightening as to the many types of disasters can happen and how to be prepared for the results of such actions.

Councilmember Fisher stated his comments on the FEMA training. He added that in his 34 years in the US Naval

Reserves and in his civilian career, this course was more intense than any training he has been involved in.

**ADJOURNMENT:**

MAYOR GEHRING-WATERS ADJOURNED THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:22 P.M.

Kathy Gehring-Waters, Mayor

Judith L. Cary, City Clerk

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

June 25, 2002 - 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 6:06 p.m.

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

**ADMINISTRATIVE STAFF:** Bruce Rayburn, City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Elizabeth Spencer, Finance Director; Kit Ledbetter, Parks & Recreation Director; Lawrence Ellis, Assistant Parks & Recreation Director; Don Monaghan, Public Works Director; Dale Schroeder, Public Works Engineering Manager; Bob Meyer, Assistant Fire Chief; and Scott Somers, Chief of Police Services.

**FLAG SALUTE:** Bob Hankins, SeaTac resident, led the Council, staff and audience in the Pledge of Allegiance.

**MOMENT OF SILENCE:** Mayor Gehring-Waters requested a moment of silence to honor King County Police Deputy Richard Herzog, who was killed on June 22, 2002 while on duty. Council, staff and audience paid their respects to Deputy Herzog with a moment of silence.

## **PRESENTATION:**

### **Senior Center Survey Report**

Assistant Parks & Recreation Director Ellis stated that the six-month Senior Center survey results would be reported by Bill Webster, Professional Environmental Recreation Consultant. In October 2001, Mr. Ellis met with Parks & Recreation staff and the Senior Center Ad Hoc Committee, comprised of Senior Citizens Advisory Committee members. Survey questions were drafted and prepared for the consultant in January 2002. Mr. Webster was hired in March 2002, who then met with the staff and Ad Hoc Committee to establish a time line for the project. The survey, with a cover letter, was sent to SeaTac residents in April. Reminder cards were sent out a week later. Of the 1,000 surveys sent out, less than 400 were responded to. Therefore, another mailing was done and 150 more responses were received. The survey results were counted by the consultant, assisted by staff and the Ad Hoc Committee. The compiled data was presented to Parks & Recreation staff three weeks ago.

Mr. Webster stated that the Senior Center survey, which was a mail media poll, resulted in 478 (45 percent) responses, 82 percent own their homes, 56 percent were male, age groups were fairly even with the exception of fewer under 35 years of age. Of the respondents, 68 percent felt there was a need for a Senior Center in SeaTac with the following variables for the facility and their highest ratings: Amenities - Fitness/Exercise Room (73 percent); Location - Angle Lake (32 percent) and McMicken Heights/Bow Lake (28 percent); Tax Support per Year (no increase - 45 percent); Program Awareness Source - Parks & Recreation Activity Guide (68 percent) and SeaTac Report (60 Percent); Top Seniors' Programs - Trips (46 percent) and Lunch Program (42 percent); and Places visited for Leisure - Out of Area (36 percent) and Des Moines (34 percent).

Council questions ensued which Mr. Webster answered. City Manager Rayburn asked if there were any questions in the survey that Mr. Webster felt were not included. Mr. Webster stated that revenue-generating suggestions would have been good to include. Mr. Webster concluded by thanking the Senior Ad Hoc Committee and staff for their assistance with the survey, stating that the final survey report to Mr. Ellis would be forthcoming and Council will receive a copy of the report.

**PUBLIC COMMENTS:** There were no public comments.

## **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$1,003,830.97 for the period ending June 20, 2002.

**Approval of employee vouchers** in the amount of \$363,508.38 for the period ending June 15, 2002.  
**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending June 21, 2002.

**Approval of Council Meeting Minutes:**

**Study Session** held May 7, 2002.

**Regular Council Meeting** held June 11, 2002.

**Acceptance of Advisory Committee Minutes:**

**Human Services Advisory Committee Meeting** held June 3, 2002 (Committee approved June 17, 2002).

**Planning Commission Meeting** held June 3, 2002 (Commission approved June 17, 2002).

**Approval of the following Agenda Items recommended at the June 18, 2002 Study Session for placement on this Consent Agenda:**

**Agenda Bill #2160**

**A Motion rescinding Valley Communications authority to administer the City's Dispatch Alerting System and transfer authority back to the City - Fire**

**Summary:** This Motion rescinds a prior City action authorizing Valley Communication Dispatch to administer the technical modifications to Fire's Emergency Dispatch Alerting System and return the authority, along with the modification responsibility, to the City.

The City Council authorized the Fire Department to enter into a Tri-Party Agreement in conjunction with the North Highline Fire Department and Federal Way Fire Department to convert the respective Emergency Dispatch Systems to be compatible with the new contract dispatch provider agency, Valley-Communications. This agreement was to provide 24-hour dispatch service for fire and emergency medical aid calls and then expanded to authorize Valley Communications to administer contracting and installation of system modifications and to invoice each of the three departments proportionately. However, Fire has recently received notification from Valley Communications that they have elected to rescind their agreement and not accept the administrative and fiscal responsibility associated with being the primary contractor for the three individual alerting systems.

The 2001 City Budget allocated \$115,000 for modification of Fire's Emergency Dispatch Alerting System to assure communication system compatibility with Valley Communications. These funds were rolled over into the 2002 Budget, along with an additional \$20,000 for necessary system conversions as identified within the budget request. No additional funds are requested at this time.

Although Valley Com has been Fire's Contract Dispatch Service provider since February 28, 2002, the majority of identified modifications must still be implemented in order to function as an effective system.

**Agenda Bill #2175**

**A Motion authorizing the City Manager to execute an Amendment to the Existing Contract for Architectural Services for the Parks & Public Works Maintenance Facility increasing the cost by \$54,646 - Public Works / Parks & Recreation**

**Summary:** Thomas Cook Reed Reinvold Architects were selected in 1997 to complete a program needs assessment study for the Parks & Public Works Maintenance Facility. Earlier this year, the City entered into a contract with this firm to develop construction drawings and perform architectural services for the facility. The contract included pre-design meetings, architectural drawings, civil engineering, landscape architecture and cost estimating. The cost was negotiated and was based on the State Architect Fees Schedule, which is tied to the cost of construction. The fee for these services was \$185,000, plus a 2.5 percent contingency for a total of \$189,625.

Upon completion of more detailed design and cost estimating work, it became clear that the project budget of \$2,000,000, as prepared in 1997, had not been updated when adopted in the 2002 budget and is inadequate to fund the project. The current estimated project cost is \$3,296,616, an increase of \$1,296,596. Staff has identified funding resources that could be used to make up the short fall in the project funding and proposes that the short fall be

addressed in the 2003 budget process.

Staff recommended to the Transportation and Public Works (T&PW) Committee that the funding for the project be modified to change the one third participation by the Transportation, Surface Water Management (SWM) and General Funds to a more equitable distribution as follows: 50 percent from the Transportation Fund, 25 percent from the SWM Fund and 25 percent from the General Fund. The following table shows the current and proposed appropriation by fund:

2002 Appropriation   2003 Appropriation

Transportation Fund (50%) \$ 666,667 \$ 981,641

Surface Water Management Fund (25%) \$ 666,667 \$ 157,487

General Fund (25%) \$ 666,666 \$ 157,488

\$2,000,000 \$1,296,616

At the T&PW Committee meeting, the committee recommended that staff bring this matter to the full Council for consideration, and if this proposal was found to be acceptable, recommended that the Council support the Motion to amend the architect's contract.

The plan is still to complete the design by November 2002 and bid the project in January 2003 with a completion/move-in the fourth quarter of 2003.

This Motion authorizes the City Manager to enter into a contract amendment with Thomas Cook Reed Reinald Architects, PLLC, increasing the contract by \$54,646 to a not to exceed amount of \$239,646 and approve a 2.5 percent contract contingency of \$5,991. The amount budgeted in the 2002 SWM Construction Fund 406 for this project is \$1,500,000, which is sufficient to cover the additional architectural fee and contingency for the design phase of the project.

**Agenda Bill #2114; Ordinances #02-1019 & #02-1020**

**Two Ordinances granting Washington State Utilities and Transportation Commission (WUTC)-certificated Solid Waste Collection Companies a Franchise to continue to offer Solid Waste Collection Services in the City of SeaTac - Public Works / Legal**

**Summary:** Since incorporation in 1990, the City's garbage and recycling collection service has been provided by Waste Management of Washington, Inc. d/b/a Washington Waste Hauling and Recycling, Inc. a/k/a Nick Raffo Garbage Co., Inc (Waste Management) and Rabanco Ltd. & Rabanco Recycling, Inc. d/b/a Rabanco Companies, Tri-County Disposal a/k/a SeaTac Disposal Co. (Rabanco), under certificates from the WUTC. According to State law, upon the City's incorporation, the collection companies' G-certificates were cancelled and the City was required to grant a franchise (hereafter, continuation franchise) to the companies to continue their business for at least five years. This was extended to seven years in 1997. By adopting these Ordinances, the City will grant franchise rights to Washington Waste Hauling and Recycling and SeaTac Disposal Co. to continue garbage and recycling collection service in SeaTac.

These two certificated haulers have operated in the City since incorporation, approximately twelve years ago. Only these two haulers have been permitted to provide solid waste collection services in the City to date and have satisfied the continuation franchise requirements.

The term of the franchise commenced upon the City's incorporation and shall continue through December 31, 2002, thereafter automatically renewing on the same terms and conditions for one-year terms.

The collection companies are unlikely to assert a measurable damages claim unless and until the City attempts to replace them with another company. Any measurable damages that the companies may suffer have and will continue to

diminish the longer they provide service after incorporation.

**Agenda Bill #2157**

**A Motion authorizing the City Manager to enter into a Contract with Northwest Asphalt, Inc. for the 2002 Square Cut Patching Project - Public Works**

**Summary:** This Motion authorizes entry into a contract with Northwest Asphalt, Inc. in an amount not to exceed \$65,000 for the 2002 Square Cut Patching Project.

The bids for this project were opened on June 12, 2002 with three bids received. Northwest Asphalt, Inc. was the lowest bidder. 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 Maintenance Division prepared construction specifications and used the public bidding process for the 2002 Square Cut Patching Project Contract.

**Agenda Bill #2169; Resolution #02-009**

**A Resolution setting the Time and Date for a Public Hearing for the City Council to consider the Merits of Vacating a Portion of South 188<sup>th</sup> Street east of 46<sup>th</sup> Avenue South - Public Works**

**Summary:** Saxon SeaTac Enterprises, LLC, has filed a petition with the City to vacate a portion of the publicly owned right-of-way (ROW). Public Works staff recommends the City Council hold a public hearing to consider the merits of the requested street vacation.

The public hearing is to consider vacating 15 feet of South 188<sup>th</sup> Street that abuts the north side of the Saxon Enterprise property. The procedures for the vacation of a public ROW are defined in the Revised Code of Washington (RCW). A public hearing is to be held to consider the merits of the requested street vacation. The date of the public hearing is set by a Resolution of the City Council. The date of the public hearing will not be more than 60 days nor less than 20 days after the date of the passage of the Resolution setting the date for the public hearing. The date of July 23, 2002 is the first regularly scheduled City Council meeting that meets these criteria. The date of August 15, 2002 is the last day that will meet these criteria.

With the passage of this Resolution, a public hearing will be scheduled for 6:00 PM or shortly thereafter on July 23, 2002.

**Agenda Bill #2119**

**A Motion authorizing Final Acceptance of the South 182<sup>nd</sup> Street Walking Path and 2000 Overlay Project - Public Works**

**Summary:** This Motion constitutes final acceptance of the South 182<sup>nd</sup> Street Walking Path and 2000 Overlay Project that was physically completed February 2002.

On August 15, 2000, the City Council awarded the South 182<sup>nd</sup> Street Walking Path and 2000 Overlay contract to Dennis R. Craig Construction, Inc. for a contract amount of \$502,555.15, plus a 10 percent contingency of \$50,256, for a total budgeted amount of \$552,811. The original scope of the contract was composed of the following items:

1. Widen the shoulder and install an asphalt walkway on the south side of South 182<sup>nd</sup> Street from 42<sup>nd</sup> Avenue South to 46<sup>th</sup> Place South, abutting improvements constructed by the Seattle Christian School;
2. Repair and overlay the road, widen the shoulder and install an asphalt walkway on the south side of South 192<sup>nd</sup> Street from 8<sup>th</sup> Avenue South to the east, 1,170 feet;



3. Repair and overlay the road, complete curb, gutter and a concrete sidewalk on the west side of 8<sup>th</sup> Avenue South from South 186<sup>th</sup> to 192<sup>nd</sup> Streets, abutting improvements constructed by the north International Airport Center (IAC) development; and
4. Repair and overlay 8<sup>th</sup> Avenue South from South 192<sup>nd</sup> to 194<sup>th</sup> Streets, adjacent to the south IAC development.

Work on items 2 through 4 began in late September 2000 and reached substantial completion (open to traffic) by February 2001. On October 24, 2000, Council authorized Change Order No. 1 to delete the proposed asphalt walkway on South 182<sup>nd</sup> Street and add concrete curb, gutter, and sidewalk at the same location. Change Order No. 1 increased the contract amount by \$38,268 for a total contract amount of \$540,823. The contract budget was raised by \$42,094 (\$38,268 + \$3,826) for a total budget of \$594,905 to include a 10 percent contingency.

Completion of the sidewalk work on South 182<sup>nd</sup> Street was dependent on relocating Puget Sound Energy (PSE) owned utility poles. Due to pole relocation delays of nearly one year, the work was not completed until February 2002. The project is now complete including cleanup and punch list items. All work was completed within the time allowed, aside from utility delays, and in accordance with the specifications. Final acceptance of the South 182<sup>nd</sup> Street Walking Path and 2000 Overlay Project will establish a 45-day lien period as required by State law.

### **Agenda Bill #2162**

#### **A Motion authorizing Final Acceptance of the 2001 Pedestrian Improvement Projects - Public Works**

**Summary:** This project was awarded on November 13, 2001 to Gary Merlino, Inc. The contract bid was \$422,042.50 and an additional 10 percent contingency was approved by Council for a total construction contract budget of \$464,247. The projects included sidewalk and drainage improvements to three residential streets as follows: 1) South 192<sup>nd</sup> Street – International Boulevard (IB) to 33<sup>rd</sup> Avenue South: sidewalk, curb, gutter and drainage improvements on the north side and a pedestrian walkway on the south side; 2) South 166<sup>th</sup> Street – 32<sup>nd</sup> to 37<sup>th</sup> Avenues South: sidewalk, curb, gutter and drainage improvements on the south side; and 3) 32<sup>nd</sup> Avenue South – South 200<sup>th</sup> to 202<sup>nd</sup> Streets: sidewalk, curb, gutter and drainage improvements on the west side. At this time, the projects are completed and constructed per specifications.

#### **Construction Budgeted Final Cost**

\$464,247 \$418,194.74

The passage of this Motion authorizes final acceptance of the 2001 Pedestrian Improvement Projects as complete and establish a 45-day lien period as required by State law.

### **Agenda Bill #2172; Resolution #02-010**

#### **A Resolution consenting to Change of Control and Internal Restructuring of Parent Entities of TCI as Holder of the City Cablevision Franchise - Public Works**

**Summary:** AT&T Corporation, through a chain of subsidiary companies, is the parent of, and has ultimate corporate control over TCI Cablevision of Washington, Inc., which holds the franchise to operate a cable television system within SeaTac. On March 4, 2002, the City was advised that AT&T Corporation and Comcast Corporation intend to form a new company by merger to be known as AT&T Comcast Corporation. The Council has 120 days from the date the City received the information to consent or object to this change of corporate control over TCI. Consent to the merger and transfer of corporate control over subsidiaries does not affect the franchise or cable television service.

On February 13, 1996, the City Council adopted Ordinance No. 96-1003 granting a franchise to TCI of Seattle, Inc. (a corporate subsidiary of Tele-Communications, Inc.) to operate a cablevision system and provide cable services to customers in the City of SeaTac. Subsequently, on October 6, 1996, TCI of Seattle, Inc. was merged into its immediate parent TCI Cablevision of Washington, Inc., and TCI Cablevision of Washington became the franchise holder (Franchisee). Ultimate indirect ownership and control remained with Tele-Communications.

Section 16 of the franchise requires City consent in event of 1) assignment or transfer of the franchise or 2) change of ownership or control of the Franchisee. It is the second type of consent that has previously, and is now, requested. Such consent must not be unreasonably withheld, but may be denied based upon lack of qualifications of the prospected controlling party (pursuant to Section 16 B of the franchise).

In 1998, the City was requested to consent to a change of control at the ultimate parent level from Tele-Communications, Inc. to AT&T Corporation. The then City Manager, Calvin Hoggard, wrote a letter dated November 19, 1998 to AT&T consenting to this change in control of Franchisee's ultimate parent (through a series of subsidiary companies).

In summary, the proposed merger is a transaction at the ultimate parent level only and will have no effect on the cable services provided by the Franchisee to customers in SeaTac. However, if there are any issues pertaining to the level or quality of service that customers in SeaTac are receiving, those issues and concerns can be addressed directly with the Franchisee TCI Cablevision of Washington, Inc. or through public hearings called by the City pursuant to terms of the franchise.

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

MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARING:**

**Ten-Year Transportation Improvement Program (TIP) for 2003-2012 - Public Works**

Mayor Gehring-Waters opened the Public Hearing at 6:40 p.m.

Public Works Director Monaghan stated that Council had been briefed on the Ten-year TIP at the June 18 Study Session. Therefore, Public Works Engineering Manager Schroeder summarized on the TIP projects for the years 2003-2004. A six-year program is required by State Statute and SeaTac has resolved to execute a ten-year program. A public hearing is also required to adopt a Capital Improvement Program (CIP) that lists the transportation improvement projects and programs the City hopes to accomplish in a six- to ten-year period. In reviewing the project list, Mr. Schroeder emphasized that the project listing is a planning document and of the 61-plus projects identified, some will not be completed in the 10 year period but are listed for funding and timing purposes, such as the uncertainty of when the SR 509 will be constructed, which several of the City's projects are tied to.

In reviewing the 2003-2004 TIP projects, Mr. Schroeder stated that three categories are accomplished annually: 1) Commute Trip Reduction (CTR) Program; 2) the Citywide Pedestrian Improvement Program budgeted at \$250,000; and 3) Street Overlays budgeted at \$400,000, which maintains the streets throughout the community as well as some of the heavier traveled streets. Currently under construction are: IB III; Military Road and South 188<sup>th</sup> Street; and 36<sup>th</sup> Avenue South from South 188<sup>th</sup> Street, north to the Washington Mutual Training Center.

Tracy Wythe, 14204 24<sup>th</sup> Avenue South, inquired as to whether the City is financially supporting the POS's TIP as it is referenced in with the City's TIP. Mr. Monaghan replied that the City is not funding POS transportation projects. The reason for referencing the various agencies' projects is that the City is either involved in a joint project or subject to the other agency's work plans and timing schedules.

Upon a question posed by Councilmember Lasco as to the surety of these projects, Mr. Monaghan replied that the TIP is reviewed annually, and periodically, in mid-year, as needed.

Mayor Gehring-Waters closed the Public Hearing at 6:50 p.m.

**NEW BUSINESS:**

**Agenda Bill #2168; Resolution #02-011**

**A Resolution approving a Ten-Year Transportation Improvement Program (TIP) for 2003-2012 - Public Works**

**Summary:** This Resolution approves the City of SeaTac's 2003-2012 Ten-Year TIP. 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 ten-year list of projects represents the City's entire 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 financing these TIP projects. The City has sold Parking Tax Revenue Bonds in the past for the purpose of financing projects. The City assesses a Parking Tax of \$1 per transaction to continue funding transportation improvements within the City. A number of these projects on the TIP are partially grant-funded. Additional Transportation Improvement Account (TIA) and Transportation Equity Act (TEA-21) grant applications will be submitted for consideration for some of the higher priority projects. The City has also adopted a Transportation Mitigation Impact Fee as a funding source for regional transportation improvements. Further, the City, in conjunction with the Port of Seattle (POS), is conducting a JTS. A major component of this study is to update the City and POS transportation/ground access CIPs 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 HANSEN, SECONDED BY ANDERSON TO PASS RESOLUTION NO. 02-011.

MOTION CARRIED UNANIMOUSLY.

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

**CITY MANAGER'S COMMENTS:** City Manager Rayburn had the following items of business: 1) An Executive Session has been called regarding Potential Litigation at the end of this meeting; 2) The memorial services for Police Deputy Richard Herzog is to be held at Christian Faith Center on Thursday, June 27 at 11:00 a.m. He requested Chief of Police Services Somers give a briefing on the fatal incident and funeral ceremony schedule.

Chief Somers stated that there would be two processions; a private family one and a public Law Enforcement one. He outlined the route for the Law Enforcement procession, which will travel from the incident site in Newcastle to I-405 to SR 518, southbound to SR 509 to South 188<sup>th</sup> Street, and south on IB to the Christian Faith Center. He added that the City Council and City Manager are invited to attend the service at the center. Chief Somers thanked the Council and staff for their support of the police department during this trying time.

**COUNCIL COMMENTS:** Councilmember Lasco stated that she attended the Association of Washington Cities (AWC) Conference June 10-21 in Yakima and will report on the sessions at a later date. She stated that she was thoroughly impressed with the professionalism of the conference sessions and participants.

Councilmember Anderson concurred with Councilmember Lasco's comments regarding the AWC Conference. Secondly, she stated that in canvassing the neighborhood for Firework Display funding for around Angle Lake, she spoke with an elderly housebound woman who had no outside contact to assist her since she recently suffered a fall and was in need of assistance. Councilmember Anderson stated that she would be interested in finding a networking program for these people in need in the community.

Mayor Gehring-Waters had the following items of business: 1) there will be no further New City Hall (NCH) Committee Meetings. From this point on, refer all information and concerns to the City Manager; and 2) since three of the seven Councilmembers will not be able to attend the June 26 Council Workshop, Council agreed to reschedule the workshop for July 10 at 6:00 p.m. at the 13 Coins Restaurant.

**RECESSED:** Mayor Gehring-Waters recessed the Regular Council Meeting to an Executive Session on Potential Litigation at 7:04 p.m.

**EXECUTIVE SESSION:** Potential Litigation

**RECONVENED:** Mayor Gehring-Waters reconvened the Regular Council Meeting at 7:27p.m.

**ADJOURNMENT:**

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

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring-Waters, Mayor

Judith L. Cary, City Clerk

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

July 9, 2002 - 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, and Terry Anderson. Excused absences: Councilmembers Frank Hansen and Don DeHan.

**ADMINISTRATIVE STAFF:** Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Craig Ward, Assistant City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Michael McCarty, Finance Director; Kit Ledbetter, Parks & Recreation Director; Don Monaghan, Public Works Director; Steve Butler, Planning Director; Holly Anderson, Senior Planner; Julie Elsensohn, Assistant City Attorney; Bob Meyer, Assistant Fire Chief; and Scott Somers, Chief of Police Services.

**FLAG SALUTE:** City Manager Bruce Rayburn led the Council, staff and audience in the Pledge of Allegiance.

**PUBLIC COMMENTS:** Ralph Anderson, 18951 34<sup>th</sup> Avenue South, stated that the public are not allowed to fish off Angle Lake pier between noon to 8:00 p.m. Swimming is allowed during these hours, as is fishing from a boat. Since there is no room to moor a boat trailer at the lake during those hours, he would like to have some clarification as to this ruling. Mayor Gehring-Waters stated that staff would contact Mr. Anderson regarding this matter.

## **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$288,700.50 for the period ending July 5, 2002.

**Approval of employee vouchers** in the amount of \$564,189.45 for the period ending June 30, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending July 5, 2002.

## **Approval of Council Meeting Minutes:**

**Study Session** held April 16, 2002.

**Study Session** held June 18, 2002.

**Regular Council Meeting** held June 25, 2002.

## **Acceptance of Advisory Committee Minutes:**

**Planning Commission Meeting** held June 17, 2002 (Commission approved July 1, 2002).

**Approval of the following Agenda Items recommended at the July 2, 2002 Study Session for placement on this Consent Agenda:**

### **Agenda Bill #2173**

**A Motion terminating the City's Contract with Renton Collection Agency and entering into a new Contract with AllianceOne Receivables Management, Inc. for Municipal Court Collection Services - Municipal Court**

**Summary:** The Board for Judicial Administration has recommended that all courts use a single Statewide collection agency for universal cashing. In addition, this will be an advantage to defendants in dealing with one collection agency only. AllianceOne has a court services department and also manages a re-licensing program and time-pay program in addition to providing normal collection services. The additional services would greatly reduce the workload the Court currently carries. In addition, the collection report can be downloaded through the State Judicial Information System (JIS). AllianceOne commits our court to help work the backlog of delinquent accounts. It is anticipated their agency would also benefit defendants who have multiple financial obligations in the various courts represented by AllianceOne. AllianceOne currently manages accounts for over 40 courts.

**Agenda Bill #2181****A Motion authorizing the City Manager to execute a Contract for installation of Fire Sprinklers in the New City Hall (NCH) - Parks & Recreation**

**Summary:** This Motion authorizes the City Manager to execute a contract with the low bidder for the fire sprinklers at the NCH.

At the June 4 City Council Meeting, the sole bid for fire sprinklers was rejected and that portion of the project was re-bid. Bids were opened June 19, 2002 and Trinity Fire Protection, Inc. submitted the low bid of \$39,344, with 8.8 percent for sales tax and 10 percent for contingency for a total cost of \$46,741. Rejecting the bid on June 4, 2002 and re-bidding the project resulted in a cost savings of \$96,616 from the original rejected bid. The cost will be paid from the \$4,986,233 appropriation for the NCH construction and remodel.

**Agenda Bill #2180; Ordinance #02-1021****An Ordinance amending certain Sections of Chapter 5.35 of the SeaTac Municipal Code (SMC) regarding Fireworks, to comply with recent Amendments to State Law and to prohibit sale or use of Fireworks from December 27 through January 1 of Each Year - Legal**

**Summary:** The current provisions of the SMC provide restrictions and limitations on the sale, purchase, use, and discharge of fireworks within the City. The current fireworks regulations only allow the purchase, sale, use and discharge of fireworks on July 4. However, State law allows for purchase and use also on December 31 and January 1. In 1995, the City Council adopted an Ordinance specifically prohibiting those additional dates.

This past session, the Washington State Legislature adopted new legislation further expanding fireworks sale and use in this State. Specifically, the legislature passed Engrossed Second Substitute Senate Bill 6080 (adopted as Chapter 370, Laws of 2002) that expands the time for sale, purchase, use and discharge of fireworks to include December 27 through December 30.

However, the Legislative Act provides that if a City wants to restrict or prohibit the sale, purchase, use or discharge of fireworks during the December 27 to December 30, 2002 time period, such an Ordinance must be adopted within 60 days of the effective date of the new Legislative Act. The Act became effective on June 13, 2002 and therefore the City needs to adopt such an Ordinance by August 12, 2002.

Because of the serious property damage and safety concerns involved in the private use and discharge of fireworks, and in keeping with the City Council's support for public displays of fireworks, it would be appropriate to take advantage of the legislative window to now prohibit consumer fireworks during the new December 27 to December 30 time period.

**Agenda Bill #2165; Ordinance #02-1022****An Ordinance amending the 2002 Annual City Budget to transfer funds within the General Fund and authorizing the purchase of a Xerox Digital Plan Copier/Printer/Scanner - Public Works**

**Summary:** This Ordinance amends the 2002 City Budget to transfer budgeted amounts within several departments in the General Fund into one line item and authorizing the purchase of a full-sized plan copier/printer/scanner.

Within this year's budget, \$8,000 was programmed for the replacement of a pen plotter that no longer works. In addition, \$12,500 was budgeted for the replacement of the Public Works 12-year-old full sized plan copier that has incurred significant maintenance costs in the last several years. The copier is no longer covered by a maintenance contract as the manufacturer does not produce or maintain replacement parts for this model. Through the Technology Committee, several City departments expressed a need for full-sized digital plan scanning ability. Digitized scanning provides a compact storage solution as well as efficient retrieval of large-scale plans. Staff then pursued the idea of replacing the two machines with one machine that could provide both copying and printing functions plus a scanning function. Three vendors provided demonstrations of their respective machines. The machines demonstrated provide similar capabilities: scan and store the plan in digitized format, print, copy, collate, exact reduction/enlargement, and many more useful features. Maintenance and space requirements were also similar for the three demos. All the

machines were deemed appropriate for staff needs. Vendors provided quotes.

Staff recommends transfer of the funds to one budget line item for the purchase of a plan copier, scanner and printer. Staff recommends the purchase of the Xerox 8825, the lowest quote for this class of machine. Budget transfers cover both the purchase and maintenance of the equipment. A 90-day maintenance is included under warranty. The last quarter of 2002 will be covered by a maintenance contract.

This Ordinance has no fiscal impact as it represents a reallocation of existing budgeted funds for better accountability needs.

**Agenda Bill #2176; Resolution #02-012**

**A Resolution authorizing the City Manager to execute a Local Agency Agreement and other related Documents with the Washington State Department of Transportation (WSDOT) to receive National Highway System (NHS) / Surface Transportation Program (STP) Grant Monies for the construction of the South 188<sup>th</sup> Street Overlay from International Boulevard (IB) to 46<sup>th</sup> Avenue South - Public Works**

**Summary:** This project will consist of roadway preparation including patching, pre-level and grinding, asphalt overlay and channelization for South 188<sup>th</sup> Street from IB to 46<sup>th</sup> Avenue South. There is \$130,270 of Federal NHS/STP funds allocated for construction of this project. Execution of the Local Agency Agreement would formally appropriate the grant monies to the City for expenditure on the construction of the project. The NHS/STP grant monies are administered by the WSDOT. They require the City to enter into a formal agreement before receiving these monies. The City must also adhere to the grant program rules and regulations regarding contract documentation and administration. The City staff has been certified by the WSDOT as being knowledgeable to perform these tasks.

The estimated total cost for this project is \$597,800. Of that total, \$130,270 will come from Federal NHS/STP funds. The remaining \$467,530 will be funded from our Annual Overlay Program that has a balance of \$489,000 (\$400,000 programmed for this year, plus \$89,000 carried over from last year).

**Agenda Bill #2178**

**A Motion authorizing payment to Valley Communications for the City of SeaTac Portion of the Infrastructure Cost for the Transition to Valley Communications - Fire**

**Summary:** This Motion authorizes payment of \$60,281.88 from the City of SeaTac to Valley Communications for the City's portion of the cost of the infrastructure to complete the Zone 4 Integration into Valley Communications Dispatch Services.

The 2002 City Budget allocated \$115,000 for costs associated with the transition from South Comm to Valley Communications. This request is for the City of SeaTac's share of the infrastructure costs for the transition. These associated costs were for computer terminals, wiring, dispatch components, and labor for the creation of workstations required for the new dispatch positions. Federal Way, North Highline and SeaTac are responsible for an equal amount of the total costs. The City Council approved the Capital Funds during the annual budget process in 2001. This expenditure was part of those funds. No additional funding is being requested at this time.

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

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS:**

**Agenda Bill #2179**

**A Motion establishing City Preferences for Light Rail Alignments, Station Locations, Interim Terminus, and Capital Mitigations - City Manager**

**Summary:** This Agenda Bill was discussed in detail as to the recent changes to the Light Rail Transit (LRT) System proposed by Sound Transit in previous discussions with both the City and the Port of Seattle (POS). With the aid of

routing maps, City Manager Rayburn explained the latest alignment, which would lie, primarily on POS property. The LRT would travel on the left side of the Washington Memorial Cemetery, turning to the east crossing over South 170<sup>th</sup> Street and heading southeast along the west side of the airport drives, approximately 100 feet west of IB, continuing southward with a proposed new City/Airport LRT Station, immediately west of the South 176<sup>th</sup> Street intersection. This would shift the LRT Station to South 176<sup>th</sup> Street from its earlier proposed South 170<sup>th</sup> Street location. In this configuration, the proposed Airport Transportation Center extends almost to the Puget Sound's Energy Sub-station. City staff feels that this configuration is a better alignment for the LRT in that it keeps the alignment and the LRT Station on POS property. Although the station is further south than has been planned for, it is still within the City Center area. A pedestrian bridge, perhaps with a moving sidewalk, would provide access to the station from the east side of IB accommodate SeaTac residents and workers. Mr. Ward further explained that this station location would also support use of a moving sidewalk to the Airport terminal, and avoid the need for the airport to provide buses or trains to complete the LRT connection to the Airport terminal.

After extensive discussion between Council and staff, Council requested that staff bring this item back to the July 15, 2002 Study Session (SS) and July 23, 2002 Regular Council Meeting (RCM) as a Resolution, giving the Council time to consider the City's preference regarding the Light Rail Alignment and elements of the system through the City of SeaTac. Councilmember Brennan reiterated his disapproval of having the LRT anywhere near IB and felt it was unconstitutional that the City does not have a specific City representative on the Sound Transit Board since the LRT is directly affecting the City. City Attorney McAdams stated that a similar challenge was brought before the Washington Supreme Court regarding the Regional Transit Authority (RTA) versus METRO. A memo to that effect was sent to Council at that time. He will place the ruling in the City Manager's Friday Letter.

#### **Agenda Bill #2182**

#### **A Motion authorizing purchase and installation of Two Display Cases in the New City Hall (NCH) and a Contract with the Highline Historical Society for the initial Heritage Exhibit - Parks & Recreation**

**Summary:** This Motion authorizes that the City purchase and install two display cases in the NCH Council Chambers/Municipal Court lobby area. Exhibits within the display cases would be designed and maintained by the Highline Historical Society. Kitty Milne, Highline Historical Society President and Cyndi Upthegrove, Trustee, submitted a written proposal and gave a presentation to the City Council at the July 2, 2002 SS. The total estimated cost for the proposal is as follows:

Estimated Purchase & Installation Cost \$12,000  
 Construction renderings for Cases \$ 250  
 Exhibit Design (WebbGroup) \$ 1,000  
 Exhibit Research and Writing (HHS) \$ 750  
 Fabrication & Installation of Exhibit (WebbGroup) \$ 1,750  
 Direct reimbursable costs (not to exceed) \$ 200  
 Total Exhibit Cost (2 cases) \$ 3,950  
 Total Construction & Exhibit Costs \$15,950

The Highline Historical Society will change the two exhibits within the display cases approximately every eight months during 2003 and 2004. The contract will provide for such future exhibits with Council's budget appropriations each year.

MOVED BY ANDERSON, SECONDED BY LASCO TO ACCEPT AGENDA BILL NO. 2182.\*

Council discussion ensued with staff and Ms. Upthegrove. Ms. Upthegrove stated that the society estimates the cost to be \$3,000 for two cases every eight months for three years. The funding for the exhibits will come from one percent of the total construction cost for art in the NCH. Model exhibits will be presented to the Council for their approval prior to installation in the NCH. Construction Manager Pat Patterson stated that the bulk of the cost is for the ½ inch thick glass, along with \$2,000 for the lighting. The cases are basic structure and are of a lesser cost. The exhibits will eventually be located in a permanent exhibit in a Regional Historical Museum in Burien.



\*MOTION CARRIED UNANIMOUSLY.

#### **Agenda Bill #2174**

#### **A Motion authorizing a Lease Agreement for a Cingular Wireless Antenna on the Roof of the New City Hall (NCH) - Parks & Recreation**

**Summary:** This Motion authorizes the City Manager to finalize negotiations and to enter into a Lease Agreement with Cingular Wireless for a non-visible antenna on the roof of NCH at a space rental cost of \$1,500 per month.

The antenna would not be visible from the front of the building and would only be visible from the back northeast corner of the property on Military Road. The NCH Ad Hoc Committee had a presentation from Cingular Wireless and viewed a mockup on the roof in May.

This action would provide an additional \$1,500 per month (\$18,000 annually) rental income without noticeable visual impact on the NCH building. Staff has worked with the City Attorney and the NCH Construction Manager to review the contract and proposed construction methods.

MOVED BY BRENNAN, SECONDED BY LASCO TO ACCEPT AGENDA BILL NO. 2174.

MOTION CARRIED UNANIMOUSLY.

#### **Agenda Bill #2188**

#### **A Motion authorizing the City Manager to execute a Contract for installation of Finish Carpentry in the New City Hall (NCH) - Parks & Recreation**

**Summary:** This Motion authorizes execution of a contract with D. L. Hendricksen for the finish carpentry for the NCH in an amount not to exceed \$172,973 and the purchase of hardwood trim from Brady International Hardwoods in an amount not to exceed \$28,591.

At the June 4, 2002 SS, staff explained to the Council that no bids for finish carpentry were received and stated that they would come back to the City Council after negotiating with a company or reorganize that category of work. The Project Architect and Construction Manager have completed negotiations with D. L. Hendricksen for the finish carpentry at the NCH. The amount of this contract is \$145,600, (this does not include the art panels to be purchased separately to save the mark up); including 8.8 percent for sales tax and 10 percent contingency for a total cost of \$172,973.

The cost will be paid from the \$4,986,233 appropriation for NCH construction and remodel.

MOVED BY BRENNAN, SECONDED BY FISHER TO ACCEPT AGENDA BILL NO. 2188.\*

NCH Construction Manager Patterson stated that this agenda bill was amended to include the cost for purchasing the material outside of the finish carpentry section. Originally, Mr. Patterson's intent was to incorporate it into the finish carpentry category, giving an estimate of \$42,000 but received too high of quote of \$50,000. The next option was the casework carpenter who gave a quote of \$120,000. Mr. Patterson investigated other companies and found a wholesaler, Brady International Hardwoods that were willing to sell the hardwood trim in an amount not to exceed \$28,591.

\*MOTION CARRIED UNANIMOUSLY.

#### **Agenda Bill #2132; Ordinance #02-1023**

#### **An Ordinance amending the City's Sign Code at SeaTac Municipal Code (SMC) 15.16 regarding Directional and Information Signs, adding a section to create Regulations for Secondary Signage such as Banners, Portable Signs, and Event Signage, and making other clarifying and/or technical amendments to the Sign Code, and also repealing Certain Sections of the City's Criminal Code related to Signs and Posters - Planning / Legal**

**Summary:** Mr. Butler summarized the main points of the agenda bill. Changes were made regarding flags, banners and display of directional A-frames to be displayed only from dawn to dusk as discussed at the July 2 SS. A couple of changes discussed were not included in the Ordinance in the packet through error and are reflected in a correction to pages 27-28 of the revised Ordinance regarding the above changes.

Councilmember Fisher requested to be excused from voting on this agenda bill due to a conflict in interest in that he has two businesses in the SeaTac and one business has signs.

Mr. Butler referred to a one-page summary of the secondary signage allowed by the Ordinance:

Temporary Signs, Displays and other Secondary Signage (Choice of up to three):

1. Portable Signs on Private Property (for example, A-Frame Signs)
2. Banner (mounted on buildings or fences) or
3. Temporary Freestanding Sign (for example, "for sale/lease" or "under construction" signs)
4. Pennants
5. Strings of Flags
6. Decorative Flags or Decorative Pole-Mounted Banners

Special Directional Signs

Grand Opening and Special Event Signs:

Option A - No Inflatable Objects

Option B - One Inflatable Object Allowed

Real Estate Signs:

1. On-Premise Real Estate Signs
2. Off-Premise Real Estate Signs

Garage and Yard Sale Signs:

1. On-Premise Signs
2. Off-Premise Signs

Informational Signs:

Directional Signs:

Councilmember Brennan requested Option B: One Inflatable Object allowed during special events. Councilmember Lasco spoke in opposition to Option B, feeling that this type of advertising does not enhance the appearance of International Boulevard. Mr. Butler explained the usage of inflatable objects at grand openings and special events. Rick Lucas, Chair of the PC, stated that there are some special events that some businesses would like to use inflatables. He added that in most cases, these objects are rented, as they are not cost efficient to own. He also urges that some of the apartment houses be allowed balloons from dawn to dusk or during business hours.

MOVED BY LASCO, SECONDED BY ANDERSON TO ADOPT ORDINANCE NO. 02-1023 USING OPTION A: NO INFLATABLE OBJECTS ALLOWED.\*

MOVED BY BRENNAN, SECONDED BY GEHRING-WATERS TO AMEND THE ORIGINAL MOTION TO INCLUDE OPTION B.

MOTION FAILED THROUGH A TIE VOTE WITH BRENNAN AND GEHRING-WATERS VOTING YES AND LASCO AND ANDERSON VOTING NO.

\*ORIGINAL MOTION FAILED THROUGH A TIE VOTE WITH LASCO AND ANDERSON VOTING YES AND BRENNAN AND GEHRING-WATERS VOTING NO.

Upon a question posed by City Manager Rayburn as to the size and maximum height of the inflatables, Mr. Lucas stated that it was discussed that the objects could not be more than 20 feet off the ground. Mr. Butler added that the size is not defined in the Ordinance.

Councilmember Anderson suggested that the Ordinance be voted on tonight excluding the issue of inflatable objects and bring that issue back at the July 16 meeting to be voted on separately.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 02-1023 WITH THE EXCLUSION OF PARAGRAPH E.2. REGARDING INFLATABLE OBJECTS.

MOTION CARRIED UNANIMOUSLY.

### **Agenda Bill #2158**

### **A Motion authorizing the Design, Purchase and Installation of Furnishings to be located at the New City Hall (NCH) - Finance**

**Summary:** This Motion authorizes the design, purchase and installation of approximately 49 workstations to be located in the NCH.

On June 7, the City accepted 13 vendor proposals to provide materials, design and installation services for 49 workstations to be installed at the NCH. In response to the City's request, six of the vendors submitted proposals for remanufactured or "as is" used furniture. During the review process, several previously owned inventories have been identified by vendors that might be suitable to the City's needs. The total cost indicated assumes that all 49 workstations are identical to the typical 8 x 10 standard workstation identified in the City's Request for Proposals. However, it is anticipated that variances will exist and some additional costs will be identified during the design phase.

With proposals of both new and used inventories submitted within budget, consideration was given to the following factors: warranty; panel height and flexibility in changes; color scheme; and product quality.

In the past several weeks, staff has visited several sites to view used inventories that are currently available. Following is a summary of those that are considered viable options for the City to consider: Northwest Modular – Inventory of Herman Miller Ethospace work stations; Choices Northwest – Inventory of Inscape work stations; Apex Facility Resources – Inventory of 77 Hon Concensys (now Allsteel) workstations; Emerald City Moving and Storage - Inventory of one-year-old Hon Terrace (now Allsteel) workstations; and Fleischmann Office Interiors - A Kimball Interworks inventory.

It appears that significant cost savings can be achieved by purchasing previously owned furnishings. It is staff's recommendation that the City Council waive bidding requirements, as allowed by SMC 3.30.050(C), to allow for the negotiation and purchase of previously owned furnishings. A specific vendor and inventory will be recommended for Council approval at its July 23 RCM.

Finance Director Spencer updated the Council on the progress staff has made in the selection of 49 workstations in the NCH as stated in the above summary. The used furniture is of high quality and in most cases, used only for a short period of time. Purchasing used units would allow the City to have high quality workstations at a much lower cost. Due to considering used workstations, three more vendors have offered to show their inventories. Council concurred with this action, suggesting that a cubicle be installed at the NCH for a week for Council and staff inspection.

**PUBLIC COMMENTS:** There were no public comments.

**CITY MANAGER'S COMMENTS:** City Manager Rayburn reminded Council of the following upcoming meetings: LUP Committee on Thursday, July 11 at 2 p.m. at City Hall in Room 401E, Public Safety & Justice (PS&J) Committee on Monday, July 15 at 4 p.m. at Fire Station No. 45; and Transportation & Public Works (T&PW) on Tuesday, July 16 at 4 p.m. at City Hall in Room 401E.

**COUNCIL COMMENTS:** Mayor Gehring-Waters stated that the Council Dinner Workshop will be held July 10 at

6:00 p.m.

Councilmember Brennan stated that the Hotel/Motel (H/M) Tax Advisory Committee will be held July 10 at City Hall at 10:00 p.m.

**ADJOURNMENT:**

MOVED BY LASCO, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:16 P. M.

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring-Waters, Mayor

Judith L. Cary, City Clerk

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

July 23, 2002 - 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; Robert McAdams, City Attorney; Michael McCarty, Finance Director; Lawrence Ellis, Assistant Parks & Recreation Director; Don Monaghan, Public Works Director; Steve Butler, Planning Director; Holly Anderson, Senior Planner; Mike Scarey, Principal Planner; Bob Meyer, Assistant Fire Chief; Scott Somers, Chief of Police Services; and Pat Patterson, New City Hall (NCH) Project Manager.

**FLAG SALUTE:** Marietta Brennan, sister of Councilmember Brennan, visiting from out of State, led the Council, staff and audience in the Pledge of Allegiance.

**PUBLIC COMMENTS:** J. B. Freer, 18925 37<sup>th</sup> Ave South, stated that the City should heed its own Code on overgrown vegetation. She requested that the City mow rights-of-way (ROW) in the City such as at 37<sup>th</sup> Avenue South which she has been maintaining a portion, for the sake of helping two elderly neighbors.

Betty Brennan, 20021 35<sup>th</sup> Avenue South, questioned Agenda Bill No. 1892 under Unfinished Business on tonight's agenda, which she thought was going back to the Transportation and Public Works (T&PW) Committee.

## **REMOVAL OF AGENDA BILL NO. 1982 FROM THE AGENDA:**

Mayor Gehring-Waters stated she would refer Agenda Bill No. 1982 back to the T&PW Committee for further review if Council had no objection. Council concurred with this decision.

City Manager Rayburn requested a point of clarification regarding this bill. City Attorney McAdams explained that this item was discussed at the July 16 Study Session (SS) and a decision was made that a Motion to table it should be referred to this Regular Council Meeting (RCM) as it is a Council action to table the item or remove it from the agenda. Technically, the Mayor has the authority to place on or remove matters from the agenda.

## **PRESENTATIONS:**

### **2002 Local Law Enforcement Block Grant (LLEBG)**

Chief of Police Somers reported on the City's eligibility for Direct LLEBG Awards from the Bureau of Justice Assistance (BJA). Eligibility and the amount of funding for a jurisdiction is based on the number of violent crimes reported to the FBI's Uniform Crime Reports (UCR).

The estimated amount of funds available for the 2002 LLEBG Program is \$35,285, one-ninth of which the City must match (\$3,921). The matching funds have been budgeted for 2002.

The proposed use for the 2002 LLEBG funds are: 1) continued operation of cellular phones, the Active Shooter and Patrol (ASAP) Response and Volunteer in Police Services (VIPS)-Citizens Patrol Programs, which were initiated and supported with 1999 LLEBG funds; 2) continued operation and support of less lethal force equipment such as Tasers to better deal with violent persons, which was initiated and supported by 2001 LLEBG funds; 3) a recent need for the purchase and support of pursuit immobilization devices such as stinger spike strips and "rat traps" to better manage and resolve vehicle pursuits; 4) two Lidar radar units; and 5) purchase and support of equipment to operate the new Police Station to be built at the NCH.

Upon a question posed by Mayor Gehring-Waters, Chief Somers stated that, in priority, the first four items can be obtained and with the aid of other vendors, hopefully Item No. 5 can also be obtained.

Chief Somers added that this item was discussed with the Public Safety & Justice (PS&J) Committee. A public hearing is scheduled for August 13, 2002, along with a Resolution authorizing acceptance of the grant. Additionally, an Advisory Board Meeting (representatives from legal, schools and other portions of the community) will be held to get public input.

Mayor Gehring-Waters stated that the City received word that King County (KC) Councilmember Carolyn Edmonds is holding a meeting on July 25 at the Regional Justice Center regarding the County parks. Deputy Mayor Brennan stated that he plans to attend. He is concerned that KC wants to turn over the parks to the Cities and he does not want to see SeaTac paying for parks out of its area. The City has been maintaining its parks without the support of the County or other jurisdictions up to this point.

## **2<sup>nd</sup> Quarter 2002 Financial Report**

Deputy City Manager Spencer began the presentation with a summary of General Fund revenue, which totaled \$10.2 million at June 30 compared to the annual budget amount of \$21.3 million. Ms. Spencer noted that no significant variances have been noted at mid-year, and a detailed analysis of Sales Tax collections would be reviewed later in the report. General Fund expenditures totaled \$8.0 million as of June 30 compared to the budget of \$21.4 million. The variance is due primarily to a delay in billings by KC for police services and timing of capital expenditures. Although the 2002 Budget projects a \$117,000 reduction in fund balance in the General Fund, as of June 30, the fund balance had increased by nearly \$2.2 million as a result of delayed expenditures.

City Street Fund revenues and expenditures as of June 30 represented 48 percent and 42 percent, respectively, of the annual budget amount. Arterial Street Fund revenues of \$1.35 million are only 39 percent of budget, and Ms. Spencer noted that Parking Tax collections continue to show a sharp decrease compared to 2001. Municipal Facilities Capital Improvement Fund revenues are significantly below budget due to the fact that NCH project bonds have not been issued, while expenditures are well below budget but will increase significantly in the third quarter. Transportation Capital Improvement Programs (CIP) Fund revenues and expenditures are both well below budget due to timing of Capital Improvements. Surface Water Management (SWM) Utility Fund and SWM Construction Fund are both on target for the fiscal year mid-point.

Ms. Spencer also provided graphs depicting Sales Tax, Parking Tax and Hotel/Motel (H/M) Tax collections; given the impact of the September 11, 2001 terrorist attacks. While Sales Tax collections in the first quarter fell short of budget projections, some recovery occurred in the second quarter. Year to date, sales tax collections are down 13 percent compared to one year ago. Parking Tax collections remain well below 2001 due to a reduction in air travel, a reduction in parking available in the airport garage, and an increase in passengers dropped off at the terminal rather than accompanied to the gates for departure. Hotel/Motel Tax collections improved in the second quarter compared to the first quarter and are running approximately 13 percent below 2001.

### **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$ 1,377,974.88 for the period ending July 20, 2002.

**Approval of employee vouchers** in the amount of \$364,940.43 for the period ending July 15, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending July 19, 2002.

### **Approval of Council Meeting Minutes:**

**Study Session** held June 4, 2002.

**Council Budget Workshop I** held July 9, 2002.

**Regular Council Meeting** held July 9, 2002.

### **Acceptance of Advisory Committee Minutes:**

**Human Services Advisory Committee Meeting** held June 17, 2002 (Committee approved July 1, 2002).

**Planning Commission Meeting** held July 1, 2002 (Commission approved July 15, 2002).

**Senior Citizens Advisory Committee Meeting** held April 18, 2002 (Committee approved May 23, 2002).

**Senior Citizens Advisory Committee Meeting** held May 23, 2002 (Committee approved July 18, 2002).

**Approval of the following Agenda Items recommended at the July 16, 2002 Study Session for placement on this Consent Agenda:**

**Agenda Bill #2185; Ordinance #02-1024**

**An Ordinance amending the 2002 Annual City Budget and approving the renewal of the City's Image/Advertising Campaign - City Manager**

**Summary:** This Ordinance would approve the renewal of the City's image/advertising radio campaign for an additional 12 months and amend the 2002 Annual City Budget to fund the campaign for an additional \$182,212 from the H/M Tax Fund.

In April 2002, the City concluded a yearlong radio campaign to enhance the City's image. The campaign was developed to advance three primary objectives: 1) communicate that SeaTac is a City; 2) highlight the many services SeaTac offers to airport users; and 3) address misperceptions about the City. Since this effort was conducted to serve the general goal of boosting the City's image, it is difficult to track specific impacts from the campaign. However, anecdotal feedback, including comments from prospective and existing businesses, indicates a growing awareness of the City and the many advantages of visiting, working and living in SeaTac. The H/M Tax Advisory Committee supports extending the advertising campaign to make lasting improvements to SeaTac's image, and thereby ensure that the City's other promotional and economic development activities are effective.

The new radio campaign would build on the successes of the initial effort in several ways. Ads would continue the SeaTac City theme of "providing convenience and service to people and businesses that use the airport." Also consistent with the previous campaign, ads would run on KIRO, KVI and KNWX during the morning commute to reach a target audience including business people, likely air-travelers and opinion leaders. Continuing the previously established image-building strategy, ads would run regularly over a sustained period of time. The H/M Tax Advisory Committee recommends running new radio spots over a period of up to 12 months, subject to bi-annual review by the Committee.

**Agenda Bill #2193; Ordinance #02-1025**

**An Ordinance amending the 2002 Annual City Budget to defer Staffing Reductions scheduled for October 1, 2002 - City Manager**

**Summary:** The 2002 Adopted Budget anticipated staffing reductions. All reductions planned for January 1, 2002 occurred without layoffs. On May 14, the City Council approved Agenda Bill No. 2145, amending the 2002 Budget to defer the five General Fund staffing cuts scheduled for July 1, 2002 until October 1, 2002. Currently, eight General Fund positions would be cut on October 1 without a budget amendment.

Based on direction provided by the Council at its July 9 Budget Workshop, this amendment is submitted for Council consideration. This Ordinance would increase the General Fund budget to defer the October 1 staffing reductions one additional quarter, ensuring that no layoffs would occur during the 2002 calendar year. These positions would be returned to the 2003 budget request for Council deliberation in October and November.

The two Police contract positions can be funded one additional quarter from unanticipated savings in the Police Contract due to KC budget cuts. The remaining positions require the expenditure of \$70,232, which can be funded from Port of Seattle (POS) Capital Project Sales Tax collected in 2001.

**Agenda Bill #2177**

**A Motion accepting for further consideration the 2002 Final Docket of Proposed Comprehensive Plan Amendments – Planning**

**Summary:** The City of SeaTac procedures for amending the Comprehensive Plan provide for consideration of proposed amendments for the 2002 calendar year in two stages. The first stage, the Preliminary Docket, requires that

all proposed amendments be evaluated according to the following criteria: 1) the proposal is consistent with requirements of the Growth Management Act (GMA) and Countywide Planning Policies; 2) the proposal was not proposed in either of the previous two calendar years unless: a) conditions have changed substantially in the immediate areas, or b) the proposal was eliminated in the previous year due to incomplete information; and 3) is not in conflict with an adopted 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 2002 Amendments to the Comprehensive Plan. Conversely, all proposed amendments that satisfy these criteria, along with the 2002 draft Capital Facilities Plan (to be submitted later in the calendar year), are recommended to be included in the Final Docket. The latter amendments will be subjected to State Environmental Protection Act (SEPA) review and public notice requirements, and considered in a public hearing to be held by the Planning Commission (PC). The City Council is scheduled to act upon the Final Docket in November or December 2002. They may elect at that time to not adopt proposals that are included in the Final Docket.

### **Agenda Bill #2187; Ordinance #02-1026**

#### **An Ordinance amending and repealing certain Chapters and Appendices of Title 13 of the SeaTac Municipal Code (SMC) relating to Building and Construction - Public Works**

**Summary:** This Ordinance updates and amends Title 13 of the SMC relating to the City's Construction Codes. Adoption results in the following changes:

- 1) Modify the Building Permit Fee Schedule (Appendix A). This will increase building permit fees by approximately 50 percent for project valuations less than \$250,000. In the past, the Council had frozen the fees for those valuations keeping them at the 1991 level. This increase will bring them up to the level of the 1997 Uniform Building Code (UBC) Fee Schedule, which is the most widely adopted fee schedule in the State;
- 2) Lower Demolition Permit Fees to \$50 for buildings that are 500 square feet and less. The current fee is \$150 but does not seem appropriate for the demolition of carports or other small outbuildings;
- 3) Create a new Fee Schedule for Signs (Appendix B). Currently, Sign Permit Fees are based on the Electrical Permit Fee Schedule or Building Permit Fee Schedule, depending on which type of contractor applies for the permit. This Ordinance creates a fee schedule, for all signs, which is identical to our existing Electrical Permit Fee Schedule to provide consistency in sign permit fees. There is very little difference between the electrical and building fee schedules;
- 4) Repeal the Airport Life/Safety Code. This Code was written by the Port of Seattle (POS) and has become outdated. The POS is currently revising this Code. The City's Building Code adequately covers airport construction;
- 5) Adopt the 2000 Uniform Plumbing Code. The City is required by State law to enforce this Code. There were minor revisions to the Plumbing Permit Fee Schedule, to simplify the fee schedule;
- 6) Adopt the 2000 Ventilation and Indoor Air Quality Code. The City is required by State law to enforce this code;
- 7) Adopt the 2001 Washington State Energy Code. The City is required by State law to enforce this Code;
- 8) Repeal the City fee Chapter that has been replaced by the City's General Fee Schedule; and
- 9) Other minor edits that do not change the intent or application of the codes but rather improve clarity and remove redundant language.



It is estimated the Building Permit Fee Revenue will increase approximately \$43,000 per year.

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

MOTION CARRIED UNANIMOUSLY.

#### **UNFINISHED BUSINESS:**

##### **Agenda Bill #2158**

##### **A Motion confirming Council Action and authorizing the Design, Purchase and Installation of Furnishings to be located at the New City Hall (NCH)**

**Summary:** This Motion authorizes the design, purchase and installation of 49 workstations to be located in the NCH, confirming City Council action at its July 16, 2002 SS.

On June 7, the City accepted 13 vendor proposals to provide materials, design and installation services of the workstations. In response to the City's request, six of the vendors submitted proposals for remanufactured or "as is" used furniture. During the review process, several previously owned inventories have been identified that would meet the City's needs. For purposes of analyzing costs, it was assumed that all workstations would be identical. However, it is anticipated that variances will exist and some additional costs will be identified during the design phase.

With proposals of both new and used inventories submitted within budget, consideration was given to various qualitative factors. Over the past several weeks, staff visited various sites to view used inventories that are currently available. Nine separate inventories were identified that would meet many of the City's requirements. A Steelcase Answers Inventory offered by Bank & Office Interiors is being recommended for the following reasons: 1) sufficient inventory exists to meet the City's requirements; 2) colors and fabrics match the color scheme planned for City Hall; 3) nearly all specifications listed in the Request for Proposals (RFP) are met; 4) workstations approximate the size needed for City Hall (8' x 10'); 5) workstations have tile panels, maximizing flexibility for changes at a later date; 6) greater work surface area will exist than required by the City in its RFP; and 7) the quality of the product is excellent, and well above the quality that would have been achieved with a purchase of new workstations.

The vendor installed a workstation at the NCH building on July 16, allowing Council and staff to view the inventory. Response was very positive. At the July 16 SS, it was noted that Bank & Office had another buyer lined up for this inventory and the City's interest in it could be secured only until July 18. Based on the need to move quickly, the Council waived their administrative procedures to authorize staff to proceed with the purchase at a cost approximating \$1,700 per workstation, compared to \$3,100 estimated in the budget, waiving bidding requirements, as allowed by SMC 3.30.050(C) to allow for the negotiation and purchase of the previously owned furnishings due to the substantial cost savings to the City.

The additional panels would be used for common areas within the building, while the work surfaces and file storage will be installed in private offices using wall-mounting brackets. With this approach, not only the 49 workstations would be furnished, but also it would provide furnishings for 10 of the private offices.

The purchase of workstations for the NCH is included in the project budget previously approved by the City Council. After design services and required modifications are made to some of the workstations to meet functional requirements, it is estimated that the acquisition and installation of the workstations will total approximately \$112,000. A savings of more than \$50,000 will be realized from the budget amount included in the NCH project budget.

Ms. Spencer reviewed the above summary with Council. Mayor Gehring-Waters stated that every Councilmember who viewed the model workstation was very pleased with its quality and the reduced cost.

MOVED BY LASCO, SECONDED BY FISHER TO ACCEPT AGENDA BILL NO. 2158.

MOTION CARRIED UNANIMOUSLY.

*(Note: Action on the following item was taken directly after Public Comments at the beginning of the meeting.)*

**Agenda Bill #1982**

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

This agenda item was referred back to the T&PW Committee for further discussion and review.

**Agenda Bill #2195; Ordinance #02-1027**

**An Ordinance amending the City's Sign Code at SeaTac Municipal Code (SMC) 15.16 to allow Inflatable Objects as part of a Grand Opening or Special Event**

**Summary:** The City recently amended its Sign Code to create new regulations related to secondary signage, such as A-frames, banners, decorative banners and other such advertising. During that amendment process, the issue of inflatable objects was discussed but no Council consensus was reached.

Planning Director Butler reviewed with Council the status of the amendments to the Sign Code Ordinance, which were adopted on July 9, 2002 with the exclusion of the issue of inflatable objects. Council had requested that this issue be further discussed at this evening's meeting.

Senior Planner Anderson stated that this Ordinance proposes to allow one inflatable object per site as part of a businesses' grand opening or special event for a maximum of three days per year, at a maximum height of 30 feet from ground level attached to the ground. It will have to be approved by the Planning and Fire Departments for safety purposes of placement and design. There are three options before Council to adopt the Ordinance: 1) as amended; 2) with other limitations on inflatable objects; or 3) that prohibits inflatable objects.

Council discussion ensued with staff and PC Chair Rick Lucas as to various issues regarding the inflatable objects such as the issue of three days per year being such a short advertising span of time. Ms. Anderson stated that the Land Use and Parks (LUP) Committee recommended the three-day period. At the July 9 RCM, there was a two-two tie as to allowing or not allowing inflatable objects. Therefore, a third proposal has been created for Council voting.

Councilmember Fisher requested abstainment from voting on this agenda bill due to a conflict of interest, as he owns two businesses in the City of SeaTac. Mayor Gehring-Waters agreed to his request.

MOVED BY BRENNAN, SECONDED BY HANSEN TO ADOPT ORDINANCE NO. 02-1027\*.

Further discussion ensued as to the allowable time period for the display of the inflatable objects for grand openings and special events. City Attorney McAdams clarified the Code on this issue.

Mr. Lucas stated that his only concern is that the businesses have requested a longer period of time to justify the expense of renting the inflatable. They are in agreement with the size and height of the objects. He suggested 30 days for a grand opening or two two-week time periods for special events.

MOVED BY BRENNAN, SECONDED BY HANSEN TO AMEND ORDINANCE NO. 02-1027 TO ALLOW INFLATABLE OBJECTS FOR 28 CONSECUTIVE DAYS OR TWO TWO-WEEK PERIODS FOR A GRAND OPENING OR SPECIAL EVENTS.

UPON A ROLL CALL VOTE THE AMENDMENT CARRIED WITH ANDERSON, HANSEN, GEHRING WATERS, AND BRENNAN VOTING YES AND LASCO VOTING NO.

\*ORIGINAL MOTION CARRIED AS AMENDED.

**PUBLIC HEARING:**

**· Vacating a portion of the South 188<sup>th</sup> Street Right-of-Way (ROW) adjacent to 4701 South 188<sup>th</sup> Street - Public Works**

Mayor Gehring-Waters opened the Public Hearing at 7:03 p.m.

Public Works Director Monaghan reviewed the main points of the vacation as outlined. The vacation is located directly opposite of the NCH and South 188<sup>th</sup> Street. The applicant, Saxon SeaTac Enterprises, LLC had requested a vacation of a 15-foot strip of ROW adjacent to the east 150 feet of the site's front northerly property line. Staff examined the request and found an ultimate roadway configuration of four lanes in the eastbound direction, two to be through lanes under I-5 to Orillia Road and two lanes to the southbound I-5 on-ramp. Also, as part of the ultimate road configuration, staff would be faced with regulations as to bio-filtration. As a result, the remaining ROW that is available for vacation at the easterly edge of the property would only be 7 ½ feet assuming the remaining improvements would normally be associated with the improvement project. The applicant was envisioning a uniformed 15-foot strip across the front of the property. In order to keep the square footage uniform, the vacation could be a tapered strip 7 ½ feet on the east end and tapered to 20 feet at the west end. The property owner is agreeable to this change at no loss of property.

Council discussion ensued as to the ROW placement and whether it would hinder or aid traffic. Mr. Monaghan stated that the configuration would support the ability to add additional lanes in the future on South 188<sup>th</sup> Street to I-5 and Orillia Road. Council agreed that the hotel development would be an excellent addition to the City.

Architect George Blaine, representing the property owner, stated that the owner is agreeable to staff's recommendation for the ROW. He added that although his client would like the original ROW layout of 15 feet, they are understanding of the City's needs. He explained the compromise, design-wise and financially they are having to adjust the hotel layout to meet the City's ROW configuration.

Mayor Gehring-Waters closed the Public Hearing at 7:16 p.m.

#### **NEW BUSINESS:**

#### **Agenda Bill #2170; Ordinance #02-1028**

#### **An Ordinance vacating a portion of the South 188<sup>th</sup> Street Right-of-Way (ROW) adjacent to 4701 South 188<sup>th</sup> Street (former Omni Restaurant Site)**

**Summary:** Saxon SeaTac Enterprises, LLC has undertaken the redevelopment of the former Omni Restaurant site at 4701 South 188<sup>th</sup> Street by the construction of a hotel. The limitations of the site make it difficult to achieve the required amount of parking and landscaping and construct a project of sufficient size to warrant continued development. The ROW width southerly of the centerline of South 188<sup>th</sup> Street is 90 feet wide along the east 150 feet of the site's northerly property line. The vacation requests that the City vacate a strip of ROW 15 feet wide (containing 2307 square feet) adjacent to the east 150 feet of the site's northerly property line.

The procedures for vacating a public ROW are defined in the Revised Code of Washington (RCW). A public hearing is to be held to consider the merits of the application to vacate the street. The date of the public hearing was set by Resolution adopted by the City Council on June 25, 2002 with the notice being posted on July 3. Per RCW, the date of the public hearing will not be more than 60 days nor less than 20 days after the date of the passage of the Resolution setting the date for the public hearing. July 15 was the first regularly scheduled City Council Meeting that met the criteria. August 25 was the last regularly scheduled City Council Meeting that met this criteria.

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 request to vacate this ROW. Highline Water District has requested that the City reserve an easement for their facilities in the area being vacated.

It is recommended that the City Council not approve the proposed vacation of the ROW as requested due to future needed roadway improvement to South 188<sup>th</sup> Street. However, it is recommended that the City Council approve

vacating a strip of ROW along the east 150 feet of the northerly property line varying in width from 20 feet at the west end of the 150 feet to 7.5 feet at the east end of the 150 feet (containing approximately 2,000 square feet) subject to an easement for utilities.

Based on the purchase price of the property, the City's determination is that the value for the ROW to be vacated is \$19.22 per square foot. There is also a \$500 processing fee for a street vacation of which an initial \$250 has been paid. The payment to the City for vacating this approximately 2,000 square feet of ROW as recommended will be approximately \$38,690.

MOVED BY BRENNAN, SECONDED BY FISHER TO ADOPT ORDINANCE NO. 02-1028.

MOTION CARRIED UNANIMOUSLY.

#### **Agenda Bill #2164**

#### **A Motion authorizing the City Manager to execute a Contract for installation of Landscaping at the New City Hall (NCH)**

**Summary:** This Motion authorizes the City Manager to execute a contract with Controlled Rain, LLC the low bidder for the landscaping at the NCH.

Bids were opened July 18, 2002 and Controlled Rain, LLC was the low bid at \$182,240 with 8.8 percent for sales tax and 10 percent for contingency for a total cost of \$216,501. The design team's estimate for the project was approximately \$200,000. The landscape construction is estimated to start in the first week of August and completed by November 1, 2002.

#### Company Bid Amount W/10% Contingency & Tax of 8.8%

Controlled Rain, LLC	\$182,240	\$216,501
Northwestern Landscaping Co.	\$191,737	\$227,783
A-1 Landscaping & Construction	\$259,161	\$307,884

The cost will be paid from the \$4,986,233 appropriation for NCH Construction and Remodel.

MOVED BY HANSEN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2164.\*

City Manager Rayburn stated that the project consists of all site work in the frontage of the NCH building to include the light poles, flag poles, walkway from South 188<sup>th</sup> Street to the flag pole area, and bus stop area.

\*MOTION CARRIED UNANIMOUSLY.

#### **Agenda Bill #2147; Ordinance #02-1029**

#### **An Ordinance amending the Zoning Code regarding the siting of Secure Community Transition Facilities (SCTF)**

**Summary:** In response to a Federal Court decision, the State Legislature has mandated that Counties and Cities throughout the State develop a process for siting SCTF by September 1, 2002. SCTF are residential facilities for Level III Sex Offenders who have completed their criminal sentence but still require supervision and treatment. These facilities will be operated by the Washington Department of Social and Health Services (DSHS).

In response to the State mandate for developing a process for siting SCTF, the Planning Department has prepared amendments to the Zoning Code. Staff's proposed approach is to specify that SCTF are Essential Public Facilities (EPF), subject to the City's established Conditional Use Permit/EPF process (as amended). SCTF will only be allowed as Conditional Uses in certain commercial and industrial zones (Community Business, Aviation Business Center, Industrial, Office/Commercial Medium, Business Park), and not allowed in residential zones. State law does not grant local jurisdictions the discretion to prohibit SCTF, and requires that the process be adopted by September 1, 2002 or the City's regulations could be preempted by the State. The proposed approach is intended to comply with State law,

while providing as much protection to the City's residents as possible.

There is no direct fiscal impact. The Code amendments establish a process for siting SCTF, but do not propose to site such a facility in SeaTac. If an SCTF were sited in the City, there would likely be additional law enforcement costs.

MOVED BY HANSEN, SECONDED BY ANDERSON TO ADOPT ORDINANCE NO. 02-1029.\*

Planning Director Butler stated that staff gave Council a detailed presentation on this item at the July 16 SS followed by a lengthy discussion as to the possible location for a SCTF in the City of SeaTac if the State so designates it to be. Mr. Butler outlined the City's possible areas where a facility could be placed.

Council discussion ensued as to the various areas suggested for a SCTF and whether it is really best to take any action. Councilmember Fisher stated that other jurisdictions are not complying, such as Federal Way, Snohomish, and Kitsap County. Pierce County is exempt due to having a maximum facility (McNeal Island Prison) in their boundary. City Attorney McAdams stated that Federal Way is rethinking whether they should designate perimeters so that the State cannot pre-empt the local rules and regulations, and in particular the zones that the City restricts these SCTFs from, residential zones.

Councilmember Fisher stated that the Post Intelligencer newspaper had an article today that stated that Federal Way, Snohomish, and Kitsap County are not taking any action on this issue. He has concern as to the City restricting areas. The State has good guidelines in not placing the SCTF in residential areas. He suggested a formal letter be sent to the State stating that SeaTac has a Federal Detention Center, International Airport, the most sex-offenders, the lowest income bracket, and the lowest cost housing per capita in the County.

Further Council and staff discussion followed. City Attorney McAdams clarified that having a Federal Detention Center in the City does not exclude the City from placing a SCTF in its boundaries. He added that by placing some requirements on the siting, the City is not inviting SCTF into the City but rather restricting it so that if the DSHS would select SeaTac for a SCTF, the City would at least have some say as to its siting. Chief of Police Services Somers added that the police have been involved with the study of this project with the objective of what can best protect the community. He recommended developing a process rather than to do nothing. He feels that the DSHS would find the process cumbersome and probably be motivated to examine communities with no restrictions. The City team felt that the proposed process is not dually cumbersome and unwarranted but is needed to best protect the community. He added that he is not as concerned that a SCTF would be placed in SeaTac but rather that one could be sited north of the City in Boulevard Park where nothing is being done to protect that area.

\*MOTION CARRIED WITH FISHER VOTING NO.

### **Agenda Bill #2184; Resolution #02-013**

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

**Summary:** This Resolution amends the City's Schedule of Fees to reflect an increase in Passport Application fees by the U.S. Department of State, increases in other fees by KC and the City's amendment of Building, Sign, and other Construction Permit Fees.

The United States Department of State will increase Passport Application Fees effective August 19, 2002. The City Clerk's Office processes passports as an application acceptance agent for the convenience of local residents and businesses. Previously, the City's Schedule of License Fees showed only the City Clerk's Passport Application Execution Fee, which was fifteen dollars. That fee will soon increase to \$30. It is appropriate to include both the City's increased fee and the costs of a new or renewal passport, which are payable to Passport Services, for information of all concerned.

The Public Works Building Division has presented an amendment to the Schedule of Building Permit Fees as contained in the UBC, and to the Sign Permit Fees. These permit fees have not previously been included in the City's Schedule of License Fees and it would be appropriate to add them to the comprehensive schedule. In addition,

Plumbing Permit Fees are amended pursuant to the new edition of the Uniform Plumbing Code (UPC).

Many of the business regulations and licensing provisions of Title 5 of the SMC adopted by reference are applicable provisions of the KC Code. In some cases, the County has increased its fees. For uniformity, it is recommended that the City adopt the increased fee (from \$200 to \$300) for junk shops and the increased fee (from \$24 to \$40) for junk wagons.

KC has also increased the license fee for a one-night public dance from \$25 to \$50. The fee does not apply to a dance sponsored by a non-profit charitable organization, although it does apply to City sponsored dances, including youth dances, unless the fee is waived (as is always done). This increase has not been added to the City's Schedule of Fees, but the City fee may be increased if the Council so desires.

State law recently authorized a fireworks stand license fee up to \$100. The City's fee remains at the prior \$25 level, plus a \$50 refundable clean-up deposit. Because fireworks stands in the City, if any, are usually operated by non-profit organizations, no increase is recommended.

This Resolution amending the Schedule of License of Fees would not, in itself, have any fiscal impact except to the extent that any increased fee may result in increased revenue.

MOVED BY ANDERSON, SECONDED BY HANSEN TO PASS AGENDA BILL NO. 2184.\*

Finance Director McCarty reviewed the above summary with Council. He added that the cost of a new or renewal Adult Passport, which is charged on a pass-through basis as set by the U.S. Department of State, is increasing from \$45 to \$55. He stated that this item went to the Administration & Finance (A&F) Committee and there was a concurrence to put language similar to what is done for KC Animal Licenses and set the fee according to KC rates. That way, if the rates change, the language would not have to be changed in the Code and any future increases in this fee would go into effect without additional amendments to the City's Schedule of Fees.

Also, Mr. McCarty noted that a number of Building Permit Fees are being added to the City's Fee Schedule with this Resolution, as well as a few other minor fee increases that will provide uniformity with the KC Code for various business regulations and licensing provisions of Title 5 of the SMC that have been adopted by reference.

\*MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENTS:** Chris Wythe, 14204 24<sup>th</sup> Avenue South, spoke on Agenda Bill No. 2177 regarding the Final Docket of the Proposed 2002 Comprehensive Plan Amendments. He attended the PC Meeting last Monday and was able to give input on the amendments. He added that there were about 30 amendments; four to five put forth by citizens and the rest were advisor-initiated. Of the few put forth by citizens, a majority of them are now dead while some of the advisor-initiated ones are continuing on. He feels the citizens' views need to be listened to by the advisors. He added that he feels the neighborhood is in distress and this bill could have been an opportunity to help their residential area

**CITY MANAGER'S COMMENTS:** City Manager Rayburn had the following items of business: 1) Wednesday, July 24 at 9 a.m., the SR 509 Executive Committee Meeting will be held, which has been chaired from the beginning by Councilmember Hansen. This meeting will discuss the project, if in fact the State Gas Tax Bond issue is passed this fall. Even so, this project will finish the Environmental Impact Statement (EIS) after many years of work and reach a Record of Decision; 2) Thursday, July 25 is set for the Joint Port Commission and City Council Advisory Committee (JAC) Meeting; and 3) a reminder that next Tuesday, July 30, is a fifth Tuesday and there is no meeting; August 6 is National Night Out (NNO) with no Council Meeting so Council can attend the NNO; August 13 is the only RCM for the month of August. Then following the Labor Day Holiday, no SS on September 3. The next RCM is scheduled for September 10

**COUNCIL COMMENTS:** Councilmember Fisher stated that a meeting was held today on the Parks/Public Works Maintenance Facility. There was discussion as to whether to install a sprinkler system in the crew area. In saving money, staff is suggesting no sprinkler system and Councilmember Fisher feels the building should be sprinklered

regardless of cost, which is not an exurbanite amount.

Councilmember Brennan stated his agreement with Councilmember Fisher in that the building should be sprinklered. Retrofitting later will probably cost twice as much as doing it initially.

Mayor Gehring-Waters had the following items of business: 1) congratulated Chief of Police Services Somers on his appointment to the State Task Force which is charged with studying how effectively and efficiently crime victims in the State are being supported; and 2) she noticed that the back entrance to Angle Lake Park has a short chain-link fence over which vandals can easily access after park closure hours. She wondered if it would be possible to install a more secure and taller fencing.

**ADJOURNMENT:**

MOVED BY HANSEN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:56 P.M.

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring-Waters, Mayor

Judith L. Cary, City Clerk

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

August 13, 2002 - 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 6:04 p.m.

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

**ADMINISTRATIVE STAFF:** Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Kristina Lowrey, Deputy City Clerk; Robert McAdams, City Attorney; Kit Ledbetter, Parks & Recreation Director; Don Monaghan, Public Works Director; Tom Phillips, Public Works Building Official; Steve Butler, Planning Director; Jim Downs, Fire Chief; Scott Somers, Chief of Police Services; and Pat Patterson, New City Hall (NCH) Project Manager.

**FLAG SALUTE:** Rachel Garson, Port of Seattle (POS) Representative, Sea-Tac International Airport, led the Council, staff and audience in the Pledge of Allegiance.

## **CONSIDERATION OF MAYORAL SELECTION OF APPOINTMENT: Council Consideration of one (1) Appointment to the Human Services Advisory Committee**

MOVED BY BRENNAN, SECONDED BY ANDERSON TO CONFIRM THE MAYORAL APPOINTMENT OF DARLEENE THOMPSON TO THE HUMAN SERVICES ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Deputy Mayor Brennan read the certificate and Mayor Gehring-Waters presented the certificate to Ms. Thompsen and thanked her for volunteering to serve on this committee.

## **INTRODUCTION OF NEW CITY EMPLOYEE: Stephanie Johnson, Human Resources Assistant**

City Manager Rayburn introduced Stephanie Johnson who joined City staff as Human Resources Assistant effective July 15. She came from the firm AETEA Information Technology, Inc. where she was the Branch Administrative Manager for the last five years. At AETEA, she handled a variety of human resources and accounting functions including new hire orientations, benefit administration, payroll, recruiting, billing, database management, and supervision of other administrative staff. Ms. Johnson is enrolled as a part time student at Bellevue Community College where she is working towards her Associate of Arts degree.

**PUBLIC COMMENTS:** Claire Nolan, Alki Tours, 6417 Fauntleroy Way SW, Seattle, stated that the SeaTac Parks Department plagiarized her business brochure. After contacting City Hall, she did not receive an answer. She then retained an attorney who sent a letter to the Parks & Recreation Department stating that the City plagiarized the brochure and needs to apologize. The City agreed that the brochure had been plagiarized, but the tour was not cancelled nor was it removed from the web site. She questioned what she can do now as she has a \$2,200 attorney bill that she feels the City should pay.

Mayor Gehring-Waters stated that this issue is out of the Council's hands and suggested that Ms. Nolan discuss this with her attorney.

City Attorney McAdams added that Ms. Nolan's Attorney was notified that the City will not pay her debts.

**The following order of presentations was rearranged to accommodate the presenters:  
PRESENTATIONS:**



## **Update on New City Hall (NCH) Project**

NCH Construction Manager Patterson updated the City Council on the construction progress at the NCH building, noting that the project is on schedule for a November 2002 opening. The roof flashing and repair, exterior cleaning and painting, as well as the elevator upgrade, have been completed. Mechanical work is 85 percent complete, electrical work is 65 percent complete, and construction improvements are 50 percent complete.

Deputy City Manager Spencer reported on the status of the project budget, detailing the committed funds as of August 13, 2002, out of the total \$4,986,233 budget. The project remains under budget, although several items have not yet been completed, including the purchase of a new phone system for NCH and the three fire stations. Out of a total project contingency of \$390,627, only \$43,695 has been required to date, while substantial savings have been achieved with the purchase of used workstations.

## **Economic Update on Sea-Tac Airport**

Sea-Tac Airport Aviation Deputy Managing Director Mark Reis reviewed the non-airline revenues stating that there has been a seven percent decrease since 2000. Due to the nature of the agreement with the airlines, the airline revenue is residual revenue, necessary to meet all of the airlines expenses. It does not necessarily reflect the economic activity of the passengers at the airport. In 2000, Sea-Tac Airport had 28.4 million passengers, 2001 had 27 million, 2002 is estimated to have 26.8 million, and 2003 is estimated to have 27.7 million passengers. June 2001 through August 2001, there was an increase in passengers until September 11. September 2001 had a 26 percent decrease. November through June, there has been an increase in passengers, but even in June 2002, there was a 5.5 percent decrease from 2001. Considering the national average is a 10.5 percent decrease, Sea-Tac is performing significantly better. Airport parking has decreased since 2000. This is mostly due to the effects of September 11 and the fact that there are 3,300 new parking stalls in SeaTac and there will be 2,000 new stalls in Tukwila. The retail industry at the airport is doing well overall with the food and beverage concessions due to the passengers spending more time at the airport beyond the security zone. The Sea-Tac Airport Industry future concerns are: large airline financial losses, slow business travel recovery, airport hassle factor, and possible delay in economic recovery. The strengths are: new service/carriers to several markets and Alaska Airlines passenger volumes nearly at pre-September 11 levels.

Council discussion ensued regarding the possible airline bankruptcies and revenues at the airport.

## **COUNCIL DISCUSSION: September 11 Remembrance**

Mayor Gehring-Waters inquired as to whether the Council had any suggestions for a September 11 Remembrance. City Manager Rayburn stated that the POS and the City Fire Departments are jointly planning a ceremony to be conducted on September 11 on POS property. Fire Chief Downs stated that this will occur at approximately 6:45 a.m. with the Police and Fire Departments and public being invited. The Chaplain is working on the details.

Council discussion ensued as to a smaller program being held at the Kilroy Flag Pavilion. Council directed Fire Chief Downs and Chief of Police Services Sommers to proceed with plans for this type of a program in addition to the one at the POS.

Mayor Gehring-Waters stated the American Legion has requested that the City prepare a proclamation of remembrance. This proclamation will be presented at the September 10 Regular Council Meeting (RCM).

## **PRESENTATIONS (Continued): Residential Parking Ordinance**

Public Works Building Official Tom Phillips stated that this presentation is to give Council a six-month update as requested by Council upon adoption of the Ordinance. Council has held discussions on this issue over the last 10 years with nine public meetings in the last two years. The Ordinance requires all vehicles to be parked on an approved parking surface, limits the area of parking surface allowed, and only applies to residential zones. The Ordinance was effective March 14, 2002.

The Ordinance is being enforced with staff being proactive for major violations (more than two vehicles) and reactive for minor vehicles with 53 cases opened since March 14. Most of the cases are coming into compliance, and many have requested extensions. The citizens have responded mostly with favorable comments with most phone calls reporting violations and only a few phone calls against the Ordinance. Mr. Phillips stated that a possible revision would be to clarify gravel requirements and provide for other materials as approved by City.

### **Update on Congressional Activity**

United States Representative Adam Smith reviewed with Council the major issues that effect the City, including: 1) transportation – a) general transportation funding, b) fast corridor project, c) south access, d) SR 509, and e) Sound Transit; 2) attempting to secure funds for endangered salmon; 3) health care – unfair Medicare reimbursement rates, and underfunding of Medicaid; and 4) Third Runway.

Councilmember Anderson stated that medicines for seniors are prohibitive. Drugs are given as samples to people outside the United States but seniors cannot get them.

U.S. Representative Smith stated that there is no full-scale change proposed, but possibly some funding assistance available. Most countries have price controls, which U.S. Representative Smith does not favor because there is some benefit from the drug companies making this money. Namely, people invest in the development of new drugs which is responsible for much of the drug research. He feels there needs to be a way to get the costs under control and some sort of Federal prescription drug benefit. It will cost, but it needs to be done.

Councilmember Hansen questioned whether the power shortage last year was artificially induced. U.S. Representative Smith stated that there were some legitimate factors that caused problems – drought which meant that Bonneville Power Administration (BPA) had to go on the open market to buy power because they were not generating enough to meet their load requirements because there was not as much going through the dams. In 1997, when California passed its deregulation plan, their assumption being that the most significant problem they faced was that power was so cheap that there was no incentive to build more generation. There had been a long period of time when power was at historic lows. Most of the BPA contracts ran out in 2001 and they were concerned that their customers were not going to renew but rather buy on the open market. They structured their plan so that prices were sufficiently high enough for people to have a reason to generate. Economically, for a region to grow, having a dependable source of plentiful cheap power is critical. The problems could have been solved had the Federal Energy Regulatory Commission stepped in early and put price caps on. The northwest power act that was passed in 1980 set up a good framework of how to deal with a crisis like this situation. The commission just chose to ignore it. Prices have come down, but the impact is still being felt.

Councilmember Hansen stated his appreciation of Congressman Smith's support of SR 509.

### **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$61,845.17 for the period ending July 31, 2002.

**Approval of claims vouchers** in the amount of \$956,215.36 for the period ending August 5, 2002.

**Approval of employee vouchers** in the amount of \$507,797.45 for the period ending July 15, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending August 9, 2002.

### **Approval of Council Meeting Minutes:**

**Regular Council Meeting** held July 23, 2002.

### **Acceptance of Advisory Committee Minutes:**

**Human Services Advisory Committee Meeting** held July 1, 2002 (Committee approved July 22, 2002).

**Planning Commission Meeting** held July 15, 2002 (Committee approved July 29, 2002).

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

MOTION CARRIED UNANIMOUSLY.

### **PUBLIC HEARING:**

## **2002 Local Law Enforcement Block Grant (LLEBG) - Police**

Mayor Gehring-Waters opened the Public Hearing on the 2002 LLEBG at 7:33 p.m.

Chief of Police Services Somers stated that Council was previously briefed on this issue. This public hearing is a requirement in accepting the LLEBG. The LLEBG Advisory Board met and discussed the proposed uses of the 2002 LLEBG fund last week. The only addition that was recommended by the aAdvisory Board was a Fatal Vision Goggle Kit used in schools and other events with youths, primarily. It has different sets of lenses, which approximate what people experience at different levels of intoxication. It is an anti-Driving While Intoxicated (DWI) tool.

Mayor Gehring-Waters closed the Public Hearing at 7:35 p.m.

### **NEW BUSINESS:**

#### **Agenda Bill #2190**

#### **A Motion authorizing acceptance of a Fiscal Year 2002 Local Law Enforcement Block Grant (LLEBG) - Police**

**Summary:** This Motion authorizes the City Manager to execute documents accepting a Fiscal Year 2002 LLEBG from the US Department of Justice, Bureau of Justice Assistance (BJA).

The City has received notice from the BJA that it has once again been awarded a LLEBG for the Fiscal Year (FY) 2002. Notification of the grant award was received on July 6, and the City has only 45 days to formally accept the award, or the funds will be de-obligated and redistributed to other eligible applicants. The purpose of the LLEBG program is to reduce crime and improve public safety. The grant award will reimburse the City 90 percent of its qualifying expenditures to a maximum of \$31,757.

Following acceptance of the grant, the City must take the following steps: 1) establish an advisory committee that will review the Police Department's recommended expenditures under the grant; 2) hold a public hearing at which the proposed expenditures and committee's recommendation shall be considered, along with any public testimony; 3) approval of expenditures by the City Council; and 4) qualifying expenditures must be made within 24 months of the date the City receives the grant funds.

The Police Department will submit a decision card for appropriation of the qualifying expenditures in the 2003 Annual City Budget.

MOVED BY ANDERSON, SECONDED BY HANSEN TO APPROVE AGENDA BILL NO. 2190.

MOTION CARRIED UNANIMOUSLY.

#### **Agenda Bill #2192**

#### **A Motion authorizing the City Manager to execute a Contract for Low Voltage/Data Cabling at the New City Hall (NCH) - City Manager**

**Summary:** The City received proposals from five vendors in response to its Request for Proposals (RFP) to provide low voltage and data cabling of the first and third floors of the NCH building. Following a review of all five proposals, an interview panel conducted interviews with three finalists. Based on the proposals submitted and interview question responses, the panel has unanimously recommended that the City proceed with negotiation of a contract with E-Z Interface to perform the specified work. E-Z Interface submitted the lowest base proposal cost, as well as the lowest proposal cost with the addition of two alternates.

It is recommended that the Council authorize a contract in the amount of \$161,615, plus a 10 percent contingency of \$16,161, for a total amount not to exceed \$177,776. This amount is well below the NCH project budget estimate of \$212,784, although some data network hardware will still be required.

Deputy City Manager Spencer reviewed the above summary.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO APPROVE AGENDA BILL NO. 2192.

MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2199**

**A Motion authorizing the purchase of Hardware from the Low Bidder for the New City Hall (NCH) - Parks & Recreation**

**Summary:** This Motion authorizes the City Manager to execute a contract with Cascade Door & Hardware in the amount of \$42,693, with a 10 percent contingency of \$4,269 for a total project budget of \$46,962

Construction Manager Patterson requested bids from vendors for purchasing hardware for the NCH. The hardware includes door locks, hinges, handles, and closures. The following are the bid results:

Company Bid with Sales tax 10 percent contingency

Cascade Door & Hardware \$39,240 \$42,693 \$46,962

Contract Hardware \$44,878 \$48,827 \$53,709

Hardware Northwest Co. \$51,000 \$55,488 \$61,037

The hardware estimate in the projected budget is \$47,199 without tax and contingency. The cost will be paid from the \$4,986,233 appropriation for NCH construction and remodel.

Parks & Recreation Director Ledbetter reviewed the above summary.

MOVED BY ANDERSON, SECONDED BY HANSEN TO APPROVE AGENDA BILL NO. 2199.

MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2198; Ordinance #02-1030**

**An Ordinance correcting a Technical Error in Appendix A of Chapter 13.06 of the SeaTac Municipal Code (SMC) relating to Building Permit Fees - Public Works**

**Summary:** Appendix A is the new building permit fee schedule and was recently adopted at the RCM on July 23, 2002, by Ordinance No. 02-1026. The adopted fee schedule contained a technical error in the category for valuations of \$501 to \$2,000. Instead of reading: \$23.50 for the first \$500 plus \$3.05 for each additional \$1,000 or fraction thereof, to and including \$50,000. However, no fee shall be less than \$50. It should have read: \$23.50 for the first \$500 plus \$3.05 for each additional \$1,000 or fraction thereof, to and including \$2,000. However, no fee shall be less than \$50.

Public Works Director Monaghan reviewed the above summary.

MOVED BY HANSEN, SECONDED BY ANDERSON TO ADOPT ORDINANCE NO. 02-1030.

MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2196**

**A Motion authorizing the City Manager to enter into a Contract with C. A. Goodman Construction Company, Inc. for the South 188<sup>th</sup> Street/Military Road South Improvements - Public Works**

**Summary:** This project was advertised for bids from July 15 to August 2, 2002. The bid opening was held on August 2 with an Engineer's estimate of \$1,216,235. C. A. Goodman Construction Company, Inc. was the low bidder with a total bid of \$1,298,280.

David Evans & Associates, Consulting Engineers, designed the project and prepared the bid documents. The project consists of new curb, gutter and sidewalks along the NCH frontage and the southwest corner of South 188<sup>th</sup> Street and

Military Road South, road widening to accommodate an additional left turn lane on Military Road southbound at South 188<sup>th</sup> Street, a new right turn lane on South 188<sup>th</sup> Street connecting to Military Road South and the I-5 southbound entrance ramp, new signalization and channelization, and new storm drainage facilities. The project scope was modified subsequent to the 2002 budget. A complete overlay of South 188<sup>th</sup> Street between 46<sup>th</sup> Avenue South and Military Road South was added. This overlay work accounted for approximately \$75,000 of the contract amount. The low bid is approximately 6.7 percent above the Engineer's estimate. C. A. Goodman Construction Company, Inc. is presently working on the 36<sup>th</sup> Avenue South Project and is performing satisfactorily and background checks made prior to the award of that contract were also satisfactory. The bid spread is also indicative of a competitive bid.

It is recommended that Council authorize the City Manager to execute a contract with C. A. Goodman Construction Company, Inc. in the amount of \$1,298,280 and authorize a 10 percent contingency of \$129,828 for a total project budget of \$1,428,108.

The project expenses and funding are anticipated as follows:

Expenses: Design Contract (David Evans & Associates) - \$209,426; Construction Contract (C.A. Goodman) - \$1,298,280; Construction Contingency - \$129,828; Street Lights (estimate) - \$20,000; Additional Inspection - \$5,000; and Material Testing - \$15,000. Total Expenses: \$1,677,534.

Funding - Transportation Capital Improvement Program (CIP) Fund: 2001 expended for design - \$12,549; 2002 budget for design & construction - \$1,000,000; 2003 programmed for construction - \$400,000; and 2003 additional programmed for construction - \$264,985. Total Funding: \$1,677,534.

Staff recommends appropriating an additional \$264,985 in the 2003 budget for a total budget of \$664,985.

Public Works Director Monaghan reviewed the above summary.

MOVED BY ANDERSON, SECONDED BY HANSEN TO APPROVE AGENDA BILL NO. 2196.\*

Councilmember Anderson questioned whether there is a chance that this could be coordinated with the new hotel on South 188<sup>th</sup> Street so the street is only torn up once.

Mr. Monaghan stated that the only thing that would conflict with the City's work is the utility services for the hotel. They are not sure yet where the utilities will be directed from.

\*MOTION CARRIED UNANIMOUSLY.

### **Agenda Bill #2197**

#### **A Motion authorizing the City Manager to enter into a Contract with Icon Materials for construction of the South 188<sup>th</sup> Street Overlay Project - Public Works**

**Summary:** This project was advertised from July 22 to August 5, 2002. The bid opening was held August 5 and three bids were received. The Engineer's estimate was \$528,510. Icon Materials submitted the low bid at \$439,965.

This contract is for road repair and overlay of approximately 4,600 lineal feet of South 188<sup>th</sup> Street between International Boulevard (IB) and 46<sup>th</sup> Avenue South. The outside five feet of both eastbound and westbound curb-side lanes will be excavated to repair extensive asphalt failure. Additive/Alternative Schedule B, 42<sup>nd</sup> to 46<sup>th</sup> Avenues South, was included in the bid to provide the option of extending the overlay to just west of NCH.

It is recommended that Council authorize the City Manager to execute a contract to include all bid schedules with Icon Materials and authorize a 10 percent contingency for a total budget of \$483,961.

This project is partially funded through National Highway System funds of \$130,380, approximately 30 percent of the contract amount, to be administered by the Washington State Department of Transportation (WSDOT). The balance of

\$353,581 will come from the Street Overlay Fund.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO APPROVE AGENDA BILL NO. 2197.\*

Upon a question posed by Councilmember Brennan, Mr. Monaghan stated that the project on 46<sup>th</sup> Avenue South will continue to the construction on Military Road. It probably will not be completed at the same time though.

\*MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENTS:** There were no public comments.

**CITY MANAGER'S COMMENTS:** City Manager Rayburn stated that in the Friday Packet, Council received a memorandum with back up information, subject which was a Request for Qualifications (RFQ) for a demonstration housing project. Planning Director Steve Butler prepared the memorandum. On August 1, the Washington Department of Community Trade and Economic Development issued a RFQ for a demonstration housing project. Interested Cities and/or Counties partnering with a developer are being asked to submit a statement of qualifications by August 30. There is \$545,000 in funding available from the State for this particular project. Mr. Rayburn stated that after reviewing the criteria, he recommends that Council allow staff to prepare the paper work to submit this RFQ.

Mayor Gehring-Waters questioned whether the City has designated areas that meet the criteria. Mr. Rayburn stated that there are two or three sites that meet the criteria. Council concurred.

**COUNCIL COMMENTS:** Councilmember Anderson stated that she attended a public hearing at the City of Tukwila regarding Transitional Housing. They are looking for one site with two units of six each on five acres. With the need for five acres of land, the City of SeaTac is basically excluded. Councilmember Anderson noted that it costs approximately \$900 a day to monitor one person in these transitional housings.

Councilmember Hansen stated that he just received a Puget Sound Regional Council (PSRC) bulletin that states that the transportation division approved six projects with \$11.4 million going towards the Pacific Highway South/IB redevelopment.

Deputy Mayor Brennan stated that a Grand Opening Committee for the NCH needs to be established. He stated that he would like to have a band from the military play at the grand opening. Mr. Rayburn stated that he has contacted Fort Lewis and McChord Airforce bases and they stated they do not do these types of ceremonies as they are swamped with these requests.

Mayor Gehring-Waters questioned Council if they would like to sign on to support Referendum 51 (R51) as a Council. Council concurred.

**ADJOURNMENT:**

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC COUNCIL AT 7:58 P.M.

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring-Waters, Mayor

Kristina Lowrey, Deputy City Clerk

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

September 10, 2002 - 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 6:03 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; Robert McAdams, City Attorney; Bob Meyer, Assistant Fire Chief; Scott Somers, Chief of Police Services; and Soraya Lowry, Senior Programs Coordinator.

**FLAG CEREMONY:** American Legion, Burien Post No. 134 Commander Everett Carter and Post Adjutant Bill Blaurock conducted the Flag Ceremony and led the Council, staff and audience in the Pledge of Allegiance.

## **PRESENTATIONS:**

### **"A Day to Remember" Proclamation**

Mayor Gehring-Waters read the proclamation and presented it to the American Legion Post No. 134 Post Commander Everett Carter and Post Adjutant Bill Blaurock.

### **Certificate of Recognition for Volunteer Services rendered by King County Reserve Deputy Joseph Peluso**

Mayor Gehring-Waters read the Certificate of Recognition and presented it to Reserve Deputy Peluso for his 40 years of volunteer work with King County and later, the City of SeaTac. Chief of Police Services Somers detailed the work Reserve Deputy Peluso has accomplished during his tenure in the Police Department. His dedicated work has been most appreciated and he will be greatly missed.

### **Certificate of Appreciation to Carey Roos for his service on the Human Services Advisory Committee**

Mayor Gehring-Waters read the certificate and presented it to Mr. Roos. Council thanked him for his service on this important committee. Deputy Mayor Brennan details the duties and goals of the committee.

## **TURNING OVER THE GAVEL:**

Mayor Gehring-Waters excused herself, City Manager Rayburn, Chief of Police Services Somers and Betty Brennan, wife of Deputy Mayor Brennan at this point in the Meeting (6:13 p.m.) to represent the City at the funeral of Police Sergeant Hank Sherwood's wife, Barbara, who recently passed away from cancer. Sergeant Sherwood is a beloved City of SeaTac staff member known well by the Council, staff and residents and businesses of the City. Mayor Gehring-Waters then turned the gavel over to Deputy Mayor Brennan who presided over the rest of the meeting.

**PUBLIC COMMENTS:** Brenda Buchanan, representing Sierra Club Cascade Chapter and South King County group, 10840 14<sup>th</sup> Avenue South, stated their opposition to Referendum 51 (R51) and urged the City of SeaTac to oppose it. Ms. Buchanan stated the reasons for opposing this referendum. The Club feels this funding packet would greatly increase highway building in the State. The Club joins the National Wild Life Federation, 1,000 Friends of Washington, Transportation Choice Coalition and other organizations in this opposition. Some of the Chapter's main issues opposing this measure focus on Referendum 51 giving too much attention to building highways, thus increasing air pollution and interference with wetlands and wild life habitats.

Bob Snively, 4729 South 175<sup>th</sup> Street, spoke in opposition to the Ordinance prohibiting tent and awnings used to protect vehicles. He is unable to afford a fixed structure due to having vehicles he is trying to keep in good condition and being on a fixed income. He added other reasons for the coverings such as for boats, working on cars and other outdoor projects. He urged the Council to reconsider the adoption of this Ordinance and allow the property owners to judge what they can or cannot do on their own property. Deputy Mayor Brennan stated that this issue is being

investigated.

David Janis, 2038 Northwest 61<sup>st</sup> No. 2, Seattle, representing Citizens for Rail Transportation Solutions, a coalition opposing R51, stated the coalition's reasons for opposing R51, including the building of more and bigger highways, driving, more taxes and pollution, and the ineffective spending of taxpayers' money. Defeating R51 gives the public the opportunity to reshape a regional packet such as suggested by the coalition: 1) make safety and maintenance the highest priority; 2) invest in expanded transportation choices including grouping mass transit, providing discount bus passes, telecommuting and other traffic reduction incentives; 3) invest in smart road projects; and 4) require that the Washington State Department of Transportation (WSDOT) have sensible plans and realistic financing plans to ensure the taxpayers' money is being spent wisely.

Karen Keiser, State Senator, 33<sup>rd</sup> District, spoke in favor of R51. Senator Keiser outlined the need for wise solutions to the State's transportation needs. The major element of this measure is the gas tax. By State constitution, this tax can only be spent on highways and ferries. Due to the law, the vast amount of the measure's funding would have to be spent on improving highways and ferries, both of which are in need of great improvement. One of elements of R51 that will greatly aid the congestion of one major highway is the completion of I-405. The measure is also the largest amount of funding (\$1.77 billion) the State has ever proposed for Public Transportation. It also includes \$446 million for local government, including \$661,000 for SeaTac. She urged Council to support R51. Council discussion ensued with Senator Keiser. The measure includes a two-step gas tax, the first step would be \$.05, and the second would be \$.04 over a two-year period. Washington currently has the lowest gas tax in any western State.

#### **Airport Use of Alternative Fuel/Natural Gas for Vehicle Fleet**

Michael Feldman, Port of Seattle (POS) Director of Aviation Facilities and Environmental Program, introduced himself and Margaret Corbin, Senior Aviation Environmental Program Manager. He stated that the presentation would detail the POS initiative to begin conversion of its fleet of vehicles to cleaner fuels to help reduce emissions generated at the airport. The POS has in place many programs associated with protecting water, wetlands, and soils, with some very significant waste stream reduction programs. He detailed some of the major measures. Although the POS is in compliance with Air Regulations, they have voluntarily gone beyond the requirements to implement an alternative fuel program that will benefit both regional and local air qualities, setting an example for other businesses.

Ms. Corbin stated that air quality is a concern to all persons living/working in the local area. Currently, the POS is near but not exceeding Federal air quality standards. She detailed the POS concerns in continuing to meet and exceed the standards: 1) the region is close to violating Federal air quality standards; 2) consequences of violating standards; and 3) concern about toxic air contaminants. Vehicles are the largest source of air pollution. The airport is a magnet for large numbers of vehicles. The airport's use of alternative fuel for their vehicle fleet will be one way in reducing bad air quality. The program is highly effective when it is being used by a grand number of businesses and individuals. The POS is currently focusing on using alternative vehicles and fuel as replacements are needed. Their choice of alternative fuel is natural gas. The POS's clean fuels program objectives are to support regional compliance with air quality standards, respond to community concerns, implement an emission banking program, convert aviation division vehicles to clean fuels, replace existing diesel employee bus and sweepers, and construct a natural gas fuel facility located south of the airport on 24<sup>th</sup> Avenue South operated by ERNG. This facility will have its grand opening in late October 2002, it will be open to the public and will hold a "Ride & Drive" for commercial neighboring Cities. A great number of alternative fuel vehicles will be needed to support the station. The POS is working with many other local businesses, as well as the Highline School District (HSD) to introduce them to the alternative fuels for vehicle usage.

Mr. Feldman spoke on the POS's "Ride & Drive" event that took place this past summer that proved to be a large success. Many Council, City staff and community participated in the event, some actually driving a demo car. He added that the POS is proud to have the first large public access station in the State and they feel that the program has a lot of potential to expand with the use of alternative fuel by the private sector as well as going commercial.

Council comments ensued as to the positive use of alternative fuel, feeling that this is the way of the future. Mr. Feldman stated that the POS is examining the clear possibility of the airport taxi industry, as well as the shuttle express service's future use of alternative fuel. He added that Ms. Corbin has been proposing additional grants from the Department of Energy, having already received \$400,000 in grants this year to help offset some of the cost of this



program. The grants are available to any business. He volunteered the POS's support in achieving the grants for the City's vehicle fleet. Ms. Corbin added that the use of natural gas is slightly lower in price than liquid gas. She detailed the use of electric vehicles, stating that this source of fuel, being emissions free, is being examined for short-range use.

**CONSENT AGENDA:**

- Approval of claims vouchers** in the amount of \$1,650,517.37 for the period ending August 20, 2002.
- Approval of claims vouchers** in the amount of \$203,721.06 for the period ending August 30, 2002.
- Approval of claims vouchers** in the amount of \$412,014.55 for the period ending September 5, 2002.
- Approval of employee vouchers** in the amount of \$370,415.32 for the period ending August 15, 2002.
- Approval of employee vouchers** in the amount of \$503,207.42 for the period ending August 31, 2002.
- Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending September 6, 2002.

**Approval of Council Meeting Minutes:**

**Regular Council Meeting** held August 13, 2002.

**Acceptance of Advisory Committee Minutes:**

- Human Services Advisory Committee Meeting** held July 22, 2002 (Committee approved August 5, 2002).
- Human Services Advisory Committee Meeting** held August 5, 2002 (Committee approved August 21, 2002).
- Senior Citizen Advisory Committee Meeting** held July 18, 2002 (Committee approved August 15, 2002).

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

MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARINGS:**

**City of SeaTac 2003 Community Development Block Grant (CDBG) Funds - City Manager**

Deputy Mayor Brennan opened the Public Hearing at 6:50 p.m.

Senior Project Coordinator Lowry gave a briefing on the Human Services Advisory Committee's recommendations for the allocation of 2003 CDBG funds. This will be the 13<sup>th</sup> year that the City of SeaTac has brought Federal CDBG funds into the City to help support local housing needs and human service programs.

She reviewed the summary for Agenda Bill No. 2186.

Ms. Lowry stated that the next step would be reviewing the One Percent Human Service Fund, which staff will present in November with recommendations for funding.

Councilmember Fisher questioned the allocation of the One Percent Funds to SeaTac citizens, particularly with the Des Moines Food Bank. Councilmember Hansen also did some research on this food bank's use of SeaTac's funding. He stated that 92 percent of their income goes directly to food needs. The church they are located in has requested the food bank relocate. Therefore, through grants and wills, the food bank has built up a fund to have their own facility. He felt that they are doing a great service to the local needy.

Eileen Murphy, representative of Seattle/KC Senior Services, 1601 2<sup>nd</sup> Avenue, No. 800, Seattle, thanked the City staff and Human Services for supporting the Senior Services programs through the CDBG funding. She urged the Council to continue its support of this program in order that it may expand its current minor home repair to low- and moderate-income families in the City of SeaTac.

Joe Dixon, 19211 35<sup>th</sup> Avenue South, stated that the human service distribution of funding is excellent, however, he questioned the use of CDBG monies for Planning & Administration (P&A), questioned whether the staff were not being paid by the City to conduct the administrative work. Ms. Lowry stated that P&A will be cut by \$6,000 in 2002 and \$5,146 in 2003 and these monies will be move to Capital Projects for much needed projects. Council and staff explained the need for the funding support, thus, reducing the cost to the City in its General fund monies. Councilmember Hansen stated that this item went before the Administration & Finance (A&F) Committee for lengthy

review and he was impressed with the detailed work that the Human Services Advisory Committee and staff had conducted to fairly allocate the CDBG funds. The annual One-Percent Human Services allocation will be funded by the City's General Fund. Being involved in Human Service work, Councilmember Anderson further detailed the need for proper supervision of the funding allocations.

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

**NEW BUSINESS:**

**Agenda Bill #2186**

**A Motion recommending the allocation of City of SeaTac 2003 Community Development Block Grant (CDBG) Funds - City Manager**

**Summary:** This motion authorizes the City Manager to allocate 2003 CDBG funds in support of human services programs and implement a contingency plan in the event of a change in funding levels. Costs incurred, including \$20,000 in City administrative costs, will be reimbursed through \$237,585 in available CDBG funds.

On June 11, 2002, City Council passed Agenda Bill No. 2148 authorizing the acceptance of CDBG funds as a pass-through City and administer them in support of human services programs in 2003.

CDBG funds are distributed to Cities annually based on their share of the Consortium's low- and moderate-income population. The City of SeaTac will be awarded an estimated \$226,568 in 2003, which, in accordance with Federal and Consortium requirements, can be spent as follows:

\$37,130 for public service programs, such as food banks. This is a maximum ceiling, which cannot be exceeded although any portion of these funds could be shifted to capital projects.

\$25,146 for SeaTac staff time spent administering the CDBG program. This is a maximum ceiling, which cannot be exceeded although any portion of these funds could be shifted to capital projects.

\$164,292 for capital projects that address local housing needs, particularly for persons of low- and moderate-income.

The City will receive notification of the final allocation in December, once the Federal budget has been established. The City's 2003 estimated allocation is approximately six percent lower than in 2002, despite a slight increase in SeaTac's share of the Consortium's low- and moderate-income population. This reduction is primarily due to reduced Federal funding and increased charges from KC for administration of the CDBG program.

Several steps are being proposed to help compensate for the anticipated reduction. Proposed modifications are specifically targeted at the capital budget where reductions will be greatest:

Shift \$6,000 from the 2002 planning and administration budget to the 2003 capital budget.

Shift \$5,146 from the 2003 planning and administration budget to the 2003 capital budget.

Shift \$5,017 from a cancelled 2002 public services program to the 2003 capital budget (as proposed in Agenda Bill No. 2212).

Together, these modifications would bring the 2003 CDBG capital budget back up to 2002 levels and increase the City's total 2003 CDBG budget to \$237,585.

MOVED BY HANSEN, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 2186.

MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARINGS (Continued):**

**Cancellation of the 2002 Community Development Block Grant (CDBG) Domestic Violence (DV) Prevention Program - City Manager**

Deputy Mayor Brennan opened the public hearing at 7:23 p.m.

Senior Project Coordinator Lowry briefed on Agenda Bill No. 2212 below. The previous presentation also made mention of the cancellation of this program.

Councilmember Hansen stated that this item was discussed in the A&F Committee at some length and is recommended for adoption by Council.

Deputy Mayor Brennan closed the public hearing at 7:26 p.m.

**NEW BUSINESS (Continued):**

**Agenda Bill #2212**

**A Motion authorizing the cancellation of the 2002 Community Development Block Grant (CDBG) Domestic Violence (DV) Prevention Program and transfer of Cancelled Project Funds to the 2003 CDBG Capital Project Budget - City Manager**

**Summary:** This Motion authorizes the City Manager to cancel the 2002 DV support group program, which was determined to be ineligible for CDBG funding, and shift those funds to the 2003 SeaTac Senior Center Design project. Costs incurred by the City will be reimbursed through CDBG funds.

In 2002, the City developed a CDBG program budget that included \$5,017 in funding to provide support groups for SeaTac DV victims. KC later determined that this activity is ineligible for CDBG funding.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2212.

MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2200; Ordinance #02-1031**

**An Ordinance amending the City's Noise Ordinance at SeaTac Municipal Code (SMC) 8.05.360 to prohibit Loud Music or Noise, which emanates from any property audible at greater than 50 feet - Legal**

**Summary:** The City's current Noise Ordinance was adopted in 2000. Since that time, several situations have arisen whereby complaints of certain noises were made, but the police or City officials have been unable to act because the situations were not adequately addressed by the Ordinance. These situations particularly include unreasonable noise emanating from a neighboring yard. The Ordinance only pertains to noises emanating from a building or structure. Another situation is sounds from audio equipment. The Ordinance only protects persons from loud music if the source of the music is not the property of the operator. Therefore, under the current Ordinance, if a neighbor plays loud music (audible at greater than 50 feet) from his or her own property, there is no violation. The proposed Ordinance attempts to remedy the problems that have been discovered.

MOVED BY HANSEN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 0 2-1031.\*

Assistant City Attorney Elsensohn briefed on the above summary. Councilmember Fisher questioned the language in Section 1. Chapter 8.05.360 B. 3. of the proposed Ordinance prohibiting of whistling and singing. City Attorney McAdams mentioned that the limiting language is that whistling or singing must be of an unreasonable level to interfere with the peace and comfort of the possessors of real property.

Councilmember Anderson questioned Section 1. Chapter 8.05.360 B. 8 in the proposed Ordinance as noise from construction sites during the weekdays. Ms. Elsensohn replied that the noise Ordinance is only enforceable by the police on a reactive basis only. It is simply a tool for the police to use on a reasonable basis.

\*MOTION CARRIED WITH COUNCILMEMBER FISHER VOTING NO.

**Agenda Bill #2194**

## **A Motion authorizing the Purchase of a Phone and Voicemail Systems Replacement for City and Three (3) Stations - City Manager**

**Summary:** This Motion authorizes the City Manager to execute a contract for the replacement of the phone and voicemail systems for the City Hall and three fire stations.

The process of selecting a new telephone and voicemail system began in May with the formation of a staff committee, to be led by the Deputy City Manager. During the months of May and June, the committee members attended demonstrations by seven phone system vendors to explore technology and feature options. With the assistance of a phone systems consultant, an extensive Request for Proposals (RFP) was developed and issued July 26. Four proposals were received by the proposal deadline of August 15, which followed a mandatory pre-proposal conference on August 5 that included a tour of the new City Hall (NCH) facility and opportunity for questions regarding the RFP requirements.

Following committee member review of the proposals, two finalists were selected and site visits were conducted. At this time, the committee recommends Council approval of a contract with NEC Business Network Solutions as the most advantageous proposal. This acquisition will result in a phone and voicemail system centrally administered at the NCH facility, which is capable of accommodating the Community Center and new Maintenance Facility at a later date. The system meets the committee's primary objectives in a new phone system, including the following:

1. Incorporate a uniform communication system for all current and future City facilities, which acts as a single system in terms of dialing, feature access and administration.
2. Utilize single mode fiber to provide voice connectivity at the other City facilities.
3. Public switch network connections will consist of a primary rate interface terminated at City Hall, and a second primary rate interface at Fire Station No. 45. This distributed public network connectivity provides redundancy in the event of an emergency.
4. Provide for constant service to the Emergency Operations Center (EOC) at Fire Station No. 45.
5. Allow for a uniform numbering and dialing plan to route calls within the network (4-digit dialing).
6. E-911 location information is provided when any network user dials 9-1-1. The system will identify the specific location of the 911 caller, ensuring prompt and accurate response in the event of an emergency. In addition, the system supports the ability for any system user (i.e. Police or fire department personnel) to be notified of an emergency call via e-mail, pager, phone call or web alert.
7. Caller identification, both inbound and outbound.
8. Centralized voicemail system with features far more extensive than the current voicemail system, including multiple personal greetings and easier retrieval of messages.
9. Integrated messaging allows users to manage both e-mail and voicemail messages via separate inboxes on the computer (not fully unified messaging).
10. Extensive system administrator tools allowing the City to maintain both systems with existing systems staff.

The total price is estimated at \$275,000, plus a contingency of \$25,000, for a total not to exceed contract of \$300,000. The estimate for the three fire stations, including cabling at all three facilities, is \$84,620, which exceeds the 2002 budget amount of \$61,500. A budget amendment providing the additional \$23,120 from POS Capital Improvement Program (CIP) sales tax is presented in an accompanying agenda bill. Also included in the contract total is \$54,740 representing costs associated with the data network hardware to be installed at the NCH. This equipment is required regardless of the phone system selected, but the cost was not included in the NCH project budget. However, it can be funded from the project contingency. The remaining amount of \$160,640 for the phone and voicemail system at City

Hall slightly exceeds the project budget allocation of \$150,000 but is well within the savings from reduced consulting services, and a portion of the police services' phone requirements will be provided.

MOVED BY ANDERSON, SECONDED BY HANSEN TO ACCEPT AGENDA BILL NO. 2194.\*

Deputy City Manager Spencer briefed on the above summary stating her appreciation of staff who worked diligently with her on this lengthy project: Systems Administrator Bart Perman, Systems Analyst Jason Hale, Assistant Fire Chief Bob Meyer, and Executive Assistant Lesa Ellis.

Councilmember Anderson questioned the connection to the North SeaTac Park Community Center and the new City Maintenance Facility. Ms. Spencer stated that these connections would be additional costs. The community center has been submitted in a decision card to be considered by Council in the 2003 budget. The maintenance facility phones will be included in that project budget when that facility is constructed. These facilities will be wired to the central phone system at the NCH.

Councilmember Hansen complimented Ms. Spencer and staff involved for coming under budget on this project.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2211; Ordinance #02-1032**

**An Ordinance amending the 2002 Annual City Budget for Fire Department Phone System Replacement - City Manager**

**Summary:** This Ordinance increases the 2002 Budget for the Fire Department in the General Fund by \$23,120 to replace the phone and voicemail systems at the three City Fire Stations as stated in Agenda Bill No. 2194.

MOVED BY ANDERSON, SECONDED BY FISHER TO ADOPT ORDINANCE NO. 02-1032.

MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2202; Resolution #02-014**

**A Resolution expressing Council Support for State Referendum 51 (R51) financing Transportation Improvements through Transportation Taxes and Fees, and encouraging Voter Approval at the November 5, 2002 General Election - City Manager**

**Summary:** This Resolution expresses Council support for State R51 which is a 10-year plan for funding critical transportation improvements, and encouraging voter approval at the November 5, 2002 General Election.

At the August 13, 2002 Regular Council Meeting, the Council discussed the materials provided by the Association of Washington Cities (AWC) in regard to Chapter 202, Laws of 2002, and R51.

The Council agreed at that meeting to formally consider support of or opposition to R51. The Council will therefore hear public comment in support and in opposition and will further discuss the need to finance transportation improvement projects at this evening's meeting.

R51 is a Statewide 10-year transportation-funding plan to help fix the most dangerous roads and bridges, relieve some traffic checkpoints, and improve freight mobility and public transportation. Maintaining and improving Washington's transportation systems is essential to the economic well being of our entire state. All parts of the system - City streets, County roads, State highways, transit, rail and ferries - must function properly to provide a seamless transportation network for the State.

The Public Disclosure Act (PDA) permits the Council to express a collective decision, or to vote upon a proposal to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body and members of the public are afforded an approximately equal opportunity for the expression of an opposing view.

The Council has previously been provided with background materials and sample information posted on the Internet (keyword "Referendum 51") by proponents and opponents of R51.

MOVED BY DEHAN, SECONDED BY HANSEN TO PASS RESOLUTION NO. 02-014.\*

Deputy Mayor Brennan mentioned the City Attorney's extensive documentation regarding this referendum that was provided to the Council for their decision-making.

City Attorney McAdams stated that generally speaking, the PDA prohibits the use of public time, funds or equipment for political purposes. The PDA does make an exception that the Council, as a body, is permitted to express a collective decision, or to vote upon a proposal to support or oppose a ballot proposition so long as the requirements of the PDA are followed. This has been done. Mr. McAdams detailed the transportation projects involved in this referendum.

\*MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENTS:** There were no public comments.

**CITY MANAGER'S COMMENTS:** Deputy City Manager Spencer reminded the Council, staff and audience that the City of SeaTac and Kilroy Realty are jointly hosting a 9-11-01 Remembrance Ceremony at 12:30 p.m. on September 11, 2002 at the flag pavilion in front of the Kilroy Towers. Assistant Fire Chief Meyer added that there is also a Police Memorial Service at Sea-Tac International Airport at 8:30 a.m. on September 11, 2002.

**COUNCIL COMMENTS:** Councilmember DeHan inquired as to how to find the Washington State Assessment of Learning (WASL) test exam rank scoring system. He would like to know how the HSD compares with the rest of the State's Districts and how SeaTac School's rank in the HSD. He has checked on the Internet with no success.

Councilmember Lasco requested being excused for her absence at the Budget Workshop II today due to an overlapping schedule.

**ADJOURNMENT:**

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:48 P.M.

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring-Waters, Mayor

Joe Brennan, Deputy Mayor

Judith L. Cary, City Clerk

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

September 24, 2002 - 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, Terry Anderson, Frank Hansen, and Don DeHan. Excused Absences: Mayor Kathy Gehring-Waters and Councilmember Kay Lasco.

**ADMINISTRATIVE STAFF:** Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Kit Ledbetter, Parks & Recreation Director; Bob Meyer, Assistant Fire Chief; and Scott Somers, Chief of Police Services.

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

**PUBLIC COMMENTS:** The following individuals spoke in opposition to King County's (KC) December 31, 2002 closure of Mt. Rainier Swimming Pool located in Des Moines. The speakers urged the City of SeaTac (as well as the Cities of Kent, Federal Way, and Burien) to join the Cities of Normandy Park and Des Moines, Highline School District (HSD) and the Highline Community College (HCC) in a regional coalition in keeping the pool open for public use by equitably supporting its maintenance and operation. The City of Des Moines is the lead agency with Des Moines Councilmember Richard Benjamin leading the committee and staff support of the Parks & Recreation Director Patrice Thorell: Stuart Creighton, 18926 Edgecliff Drive Southwest, Normandy Park; Laurie McEachern, 601 South 226, No. 408, Des Moines; Jacob Mertens, Tyee Swim Team graduate and current swim coach, 3219 55<sup>th</sup> Place Northeast; Schell Ross, school teacher, lifeguard, water aerobics instructor, 23444 26<sup>th</sup> Avenue South; John Merrell, 19445 Marine View Drive Southwest, Normandy Park; Taylor Evans-Race, Mt. Rainier High School graduate and 17 year swimmer, lifeguard and former Captain of the Mt. Rainier High School Boys Swim Team, 3538 South 198<sup>th</sup> Street, submitted a letter of support of the pool program from 33<sup>rd</sup> District Representative Shay Schual-Berke. He then read a script he had composed in opposition to the pool closure followed by members of the swim team making their point by bearing to their swimsuits and each holding a sign stating, "Don't we look stupid without a pool?" Next to speak, Julie Mitchell, an Alcohol and Drug Treatment Professional, whose daughter and son are avid swimmers, 20024 3<sup>rd</sup> Place Southwest, Normandy Park; Greg Schumacher, 19610 7<sup>th</sup> Avenue South, former Mt. Rainier graduate and father of a Mt. Rainier student and swimmer; Billie and Bud Jones, (55 year resident in this area) 19407 Military Road South, SeaTac; Don Wasson, Des Moines Mayor, 22047 5<sup>th</sup> Avenue South, Des Moines, invited the City of SeaTac to join the coalition, adding that Des Moines City Council were given a similar demonstration as seen tonight; Rachael Lloyds, 519 South 207<sup>th</sup> Street, Des Moines, pool user for physical and mental needs as well as a mother of two small children who use the pool; and Richard Benjamin, Des Moines Councilmember and Chair of the Ad Hoc Committee to save the pool, thanked the Council for their show of support for this worthy cause. He added that the committee will be submitting a draft proposal to SeaTac for Council and staff review.

Overall, the main concerns were the lack of pool availability in the local area, especially now with the closure of Mt. Rainier Pool; the many uses of the pool for educational purposes, physical therapy for young and old, youth involvement in swim teams, and advancement of motor social skills derived from using the pool. The requests were met with genuine concern from the Council. Councilmember Hansen suggested that Parks & Recreation Director Ledbetter and a Councilmember serve as representatives on the committee to help find ways to save the pool from closure. Deputy Mayor Brennan agreed to staff support on this committee.

## **PRESENTATION:**

### **Update on Police Offices at the New City Hall (NCH)**

Parks & Recreation Director Ledbetter stated that the design team has been working on a police layout in the NCH for

the last three months. Dave Clark, architect and Pat Patterson, Construction Manager, were present to assist Mr. Ledbetter in the update and budget that reflects the design. It is being proposed that the Police offices would be completed in April or May of 2003.

Mr. Clark detailed the draft floor plan for the police offices, which was developed with the assistance of Chief of Police Services Somers to ensure police needs are being met. The offices will be located on the northeast corner of the first floor of the NCH. Council questioned the security issues of parking 11 Police and 14 City vehicles in a gated area in the back parking lot next to the building. Chief Somers explained the need for protecting these vehicles and reducing the likelihood of vandalism. The fencing will not be barbed wire but will be aesthetically in alignment with the appearance of the rest of the building site. Mr. Ledbetter added that City Manager Rayburn and he met with the FAA Director and obtained his agreement to move their designated parking to the Military Road side of the building.

Mr. Patterson detailed the original cost estimate of \$1 million and the revised estimate due to the inclusion of the Sally Port, required generator, security equipment and installation, additional plumbing and other miscellaneous items for a total of \$722,978. With the inclusion of soft costs of \$266,851, the grand total is \$989,829, slightly under the original estimate. Mr. Patterson added that the NCH project is currently on schedule and under budget.

Usage of the current contractors was discussed to construct the Police offices. City Attorney McAdams stated there are legal issues to abide by. Public Works projects are sent out to competitive bid and a change order is typically a minor change to the existing scope. This is an entirely separate area for a separate purpose. Therefore, it needs to be bid. If there is great savings in continuing with the current contractors, the contractors should come in with low bids.

After presenting the draft proposal and cost estimate with Council, Mr. Ledbetter stated that an agenda bill will be presented at the October 1, 2002 Study Session for preparation for Council vote at the October 8 Regular Council Meeting (RCM). Also the architect contract will have to be voted on at that RCM.

#### **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$1,516,395.42 for the period ending September 20, 2002.

**Approval of employee vouchers** in the amount of \$356,373.40 for the period ending September 15, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending September 20, 2002.

#### **Approval of Council Meeting Minutes:**

**Study Session** held July 2, 2002.

**Regular Council Meeting** held September 10, 2002.

#### **Acceptance of Advisory Committee Minutes:**

**Planning Commission Meeting** held July 29, 2002 (Commission approved September 9, 2002).

**Planning Commission Meeting** held September 9, 2002 (Commission approved September 16, 2002).

#### **Approval of the following Agenda Items recommended at the September 17, 2002 Study Session for placement on this Consent Agenda:**

##### **Agenda Bill #2204**

**A Motion authorizing the City Manager to enter into a Schedule 74 Underground Conversion Design Agreement with Puget Sound Energy (PSE) for the conversion of Overhead Power Lines on the International Boulevard (IB) Phase IV Improvement Project - Public Works**

**Summary:** The agreement covers the underground conversion design for the IB Phase IV (South 200<sup>th</sup> to 216<sup>th</sup> Streets) Improvement Project.

As part of the project, it is desirable to work with PSE to cause the existing overhead distribution power system to be replaced with a comparable underground distribution system. It is not feasible to convert the existing transmission wires to underground; therefore, those wires will remain overhead. According to the Design Agreement, the City will furnish PSE with a scope of work, a schedule of project milestone dates and drawings depicting the proposed roadway improvements. PSE is obligated to furnish construction plans, specifications and construction cost estimate. A separate



Construction Agreement will be required prior to the actual conversion work. The Design and Construction Agreements are in the form that was recently negotiated by the Cities and approved by the Washington Utilities and Transportation Commission (WUTC).

It is recommended the City Council authorize execution of the Project Design Agreement in the amount of \$100,000 plus a 10 percent contingency for a total amount not to exceed \$110,000.

The preliminary design cost estimate from PSE is \$100,000. The City is required to reimburse PSE for all of the design costs upon receiving the final construction plans, specifications and construction cost estimate. Once the anticipated construction is completed, the sum of all conversion costs is computed (design, easements, construction and inspection). The total conversion cost, including design cost, is then split according to the terms of the tariff; i.e., the City's share is 40 percent and PSE's share is 60 percent. The design costs would be paid from Phase IV project fund, which has a current balance of \$475,767.

**Agenda Bill #2203; Resolution #02-015**

**A Resolution approving Amendment No. 1 to the Interlocal Agreement (ILA) establishing the Washington City and County Pipeline Safety Consortium that continues membership in the Consortium for a period of one year - City Manager**

**Summary:** Approval of this Resolution would extend the City's membership in the Washington City and County Pipeline Safety Consortium for a period of one year. No fiscal contribution is required for 2002, and none is requested for 2003.

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. Since the consortium was formed, it has produced many notable products including: 1) oversight of Olympic Pipeline Company inspection data; 2) upgrading safety standards for hazardous liquid pipelines (lower thresholds for inspection digs & repairs); 3) increased staffing for the State of Washington Utilities and Transportation Commission (WUTC) to permanently oversee intrastate hazardous liquid pipeline inspections; 4) recognition by State and Federal agencies as a voice for community interest in pipeline safety; and 5) development of a hazardous liquid pipeline model franchise.

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 2002, and none are planned for 2003. For 2003, it is anticipated that the consortium will receive a grant from the WUTC to document the consortium's experience and data; which will likely be available via the Internet to enhance the capability of local governments in Washington State and elsewhere to make pipelines safer. In 2003, the consortium may reform itself in a manner that will not require ongoing direct financial support from its members.

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

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS:**

**Agenda Bill #2207**

**A Motion authorizing the purchase of Furnishings for the New City Hall (NCH)**

**Summary:** This Motion authorizes the purchase of furnishings for the NCH, including private office furniture, seating, conference room tables and file storage. It also waives formal bidding requirements to allow for the purchase of used furnishings, given the significant savings that can be achieved, and allows for the purchase of new furnishings off the Washington State Contract through Bank and Office Interiors (B&OI).

To date, the City has acquired 60 used workstations and 11 used private office suites at a significant saving compared to new furnishings. Additional proposals for used furnishings have been sought to complete the requirements at the NCH building. Due to the lead-time needed for new office furnishings, this Motion will allow for the remainder of the furnishings to be purchased at State Contract pricing through B&OI.

MOVED BY ANDERSON, SECONDED BY HANSON TO ACCEPT AGENDA BILL NO. 2207.\*

Deputy City Manager Spencer briefed Council on the above summary.

Councilmember Anderson complimented Ms. Spencer on the outstanding work she has undertaken in obtaining "like new" used furnishings at substantial savings to the City. Ms. Spencer added that almost everything is included in this purchase request with the exception of furniture for two offices that need to be decided upon. There are a few other miscellaneous areas that still need some additional furniture, which will also be bought at a savings to the City.

\*MOTION CARRIED UNANIMOUSLY

### **Agenda Bill #2213**

#### **A Motion authorizing the City Manager to execute a Contract for Voice Services at the New City Hall (NCH) and three Fire Stations**

**Summary:** This Motion authorizes the City Manager to execute contracts with Electric Lightwave and Qwest to provide voice services for the NCH and three Fire Stations.

The City's contract with Qwest for voice and data services expired in 2001, and the City has continued the contract on a monthly basis pending the move to the NCH. The new phone system and installation of fiber optic cabling between the City facilities will change considerably the voice and data services required. Data connectivity will be transferred to the fiber optic cable network, eliminating the need for those services from Qwest. In addressing voice services, the City issued a Request for Proposals (RFPs) specifying the service levels required. Six proposals were received by the September 16 deadline. Three proposals were eliminated from consideration in the first round of review. Of the remaining three vendors, staff is recommending the lowest overall cost solution which is Electric Lightwave providing Primary Rate Interface (PRI) service at the NCH and Fire Station No. 45, and Qwest providing analog lines at the NCH and each Fire Station.

The base monthly price for voice services, before taxes and fees, will be \$1,638.84 for the three-year term of these service contracts. The City will achieve enhanced services at a savings of \$12,000 and \$14,000 a year from the current costs.

MOVED BY HANSEN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2213.\*

Deputy City Manager Spencer briefed Council on the above summary.

\*MOTION CARRIED UNANIMOUSLY

### **Agenda Bill #2214; Resolution #02-028**

#### **A Resolution expressing Council opposition to Initiative 776 (I-776), which concerns State and Local Government charges on Motor Vehicles, and encouraging Voter Rejection at the November 5, 2002 General Election**

**Summary:** This Resolution expresses Council opposition to State I-776, which concerns State and local government charges on motor vehicles, would require license tab fees to be \$30 per year for motor vehicles including light trucks, and would repeal certain local-option vehicle excise taxes and fees used for road and transit purposes.

I-695 (replacing the motor vehicle excise tax with a \$30 fee for license tabs and requiring a vote on any tax or fee increase) and I-722 (refunding any tax increase passed in anticipation of I-695, correcting I-695's inadvertent repeal of the exemption of motor vehicles from personal property tax, and restricting real property tax increases) were declared

unconstitutional and without effect. However, the State Legislature responded to the will of the people in passing the initiatives and replaced the basic motor vehicle excise tax and the special excise tax to fund public transit systems with a \$30 fee for license tabs. I-776 fails to acknowledge the legislative changes and is thus partly of no effect, but, if passed, will have only the following results: 1) license tabs of light trucks with weights of 4,000, 6,000 and 8,000 pounds will be reduced to \$30 from the current fee of \$37, \$44 and \$55, respectively; 2) repeal of the additional license tab fee of \$15 approved by voters (including those of KC) for transportation purposes; 3) elimination of the authority for voter-approved local motor vehicle excise tax for high capacity transit, including the voter-approved 0.3 percent of motor vehicle value for Sound Transit's commuter rail, express bus, and light rail projects; and 4) the intent of the Initiative to permit a State-wide vote on a local tax which the voters of KC, and three other Counties, imposed upon themselves, raises a serious constitutional question, just as have previous initiatives. The Initiative's "Policies and Procedures" Statement that this "measure provides a strong directive to all taxing districts to obtain voter approval before imposing taxes, fees and surcharges on motor vehicles" is not a directive at all and has no place in an initiative intended to constitute legislation by the people. The purported repeal of the local tax for public transit projects is without any effect inasmuch as the tax has been repealed by the State Legislature.

Language of the Initiative stating that the people expect transit agencies to retire bonds using reserve funds, sale of property or equipment, or new voter-approved taxes, is also without legislative effect, being only an "encouragement", and is not appropriate to legislation enacted by the people. Potential impairment of issued bonds, and the promised stream of revenue for repayment, if such should occur by passage of I-776, would likely be unconstitutional. The additional \$15 license tab fee approved by KC Voters is shared with Cities, and its repeal by I-776 would result in a loss well in excess of \$200,000 per year for City of SeaTac transportation purposes.

Passage of I-776 would result in minimal tax relief to the people, would raise serious constitutional questions, and would result in a loss of funding for SeaTac transportation projects in the approximate amount of \$1.5 million over the next six years. Thus, opposition to I-776 is warranted.

**MOVED BY ANDERSON, SECONDED BY HANSEN TO PASS RESOLUTION NO. 02-028.\***

City Attorney McAdams briefed Council on the above summary. Council discussion ensued as to the need to oppose this initiative.

**\*MOTION CARRIED UNANIMOUSLY.**

**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) a Southwest KC Economic Development Roundtable is scheduled for October 23, 2002; and 2) Council Budget Workshops will resume next Tuesday, October 1, with a workshop scheduled for every Tuesday in October.

**COUNCIL COMMENTS:** Councilmember Anderson mentioned that she attended the Suburban Cities Association (SCA) Dinner Meeting held in Kent on September 18. In attendance were candidates running for office in South KC and Association of Washington Cities (AWC) representatives, who appealed for financial assistance from the Cities.

**RECESSED:** Deputy Mayor Brennan recessed the Regular Council Meeting to an Executive Session on Pending Litigation at 7:29 p.m.

**EXECUTIVE SESSION: Pending Litigation**

**RECONVENED:** Deputy Mayor Brennan reconvened the Regular Council Meeting at 7:40 p.m.

**ADJOURNMENT:**

**MOVED BY DEHAN, SECONDED BY BRENNAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:41 P.M.**

**MOTION CARRIED UNANIMOUSLY.**

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

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

October 8, 2002 - 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 6:05 p.m.

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

**ADMINISTRATIVE STAFF:** Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Kit Ledbetter, Parks & Recreation Director; Lawrence Ellis, Assistant Parks & Recreation Director; Soraya Lowry, Senior Programs Coordinator; Michael McCarty, Finance Director; Bart Perman, Systems Administrator; Bob Meyer, Assistant Fire Chief; and Scott Somers, Chief of Police Services.

**FLAG CEREMONY:** Assistant Parks & Recreation Director Ellis led the Council, staff and audience in the Pledge of Allegiance.

**PUBLIC COMMENTS:** George Olson, 16804 33<sup>rd</sup> Avenue South, spoke on the situation at his property. He distributed photos of the easement allowed by recent court action, which has become a problem area. The easement is 5 feet of the original 9 ½ feet leaving his property line 4 feet from the easement fence and his house. Before the easement was constructed, he picked up the litter that was left by passerby's and handled other various dangerous incidents. But with the easement fence, he is no longer doing that; instead he will be contacting the police department regarding all destruction to the area. In the last few months, he has incurred various damages to his property such as broken sprinklers, garbage, bricks knocked over and his gardens have been walked on and ruined. He requested City assistance with this situation.

Chris Wythe, 14204 24<sup>th</sup> Avenue South, SeaTac Area Concerned Citizens (STACC) member, read a letter of opposition to the Mayor continuing with her position on the Council with pending defense personal charges brought against her. Deputy Mayor Brennan reminded Mr. Wythe that this is not the City's business to discuss and decide on personal issues but rather the Council Meeting is a forum for discussion and decision-making of City business only.

City Attorney McAdams read a rebuttal to Mr. Wythe's comments in which public comments at Council Meetings are to be directed to City business and despite the caution that Mr. Wythe has taken in drafting his letter, it is a personal attack recommending that the Mayor take certain steps. It is not for the City Council to make any determination in this regard. By State law, the government of the City is vested in the elected City Council and the business of the Council is to attend to the legitimate affairs of the government under the law and regulation. It is not the function of the Council or the City to intervene in accusations against anyone by the County Prosecuting Attorney. No one can lose rights of citizenship or elected office on the basis of accusations. Every person is entitled to the presumption of innocence until proven otherwise by a reasonable doubt by a jury in a court of law. He quoted the RCW ruling, which provides for removal of persons disturbing the orderly conduct of the Council Meeting. All comments to the Council must be general in nature and not directed at one Councilmember. Therefore, Deputy Mayor Brennan's request is in order that no further remarks in this matter are made.

Mr. Wythe stated he did not intend to slander anyone as he was of the opinion that this matter was City business.

Craig Homan and Marianne Petersen, 12809 24<sup>th</sup> Avenue South and Lisa and Eddie Wickre, 12804 24<sup>th</sup> Avenue South spoke on traffic safety issues regarding 24<sup>th</sup> Avenue South and would like for the City to investigate the area more closely due in part to a recent accident and near-accidents occurring as well as a history of accidents on the roadway. Photos were distributed to Council and will be given to staff for their follow-up. Mr. Homan also commented on the

fact that he was considering legal action against the City and King County (KC) for not ticketing speeders and for police brutality. He submitted copies of a letter to KC Sheriff David Reichert detailing the events leading to the pending action.

## **PRESENTATIONS:**

### **Fine Art Exhibit Winners' Artwork**

Assistant Parks & Recreation Director Ellis presented the 2002 Purchase Award winners. This is the seventh year of purchasing art from local and regional artists. There were 44 entries in the year's contest and the City selected four for purchase. The art exhibit is currently being displayed at the North SeaTac Park Community Center (NSTPCC) until October 27, during business hours. The City has now purchased 46 pieces of outstanding art and photos, which are currently displayed at City Hall and the NSTPCC. Mr. Ellis announced the winning entries: Nola Tresslar – two artworks. She was unable to attend due to a family emergency and relayed her appreciation of the awards. Another winner, William Bond – one artwork, was also unable to attend due to conflicting commitments. Louis Anderson, who was present with one artwork, "Hanging Basket", detailed his work, a hanging basket of Fuchsias done in watercolors.

### **King County's (KC) Resource Help Line (Phone No. 211), a Dial-in Service, supported by the Crisis Clinic**

Senior Project Coordinator Lowry introduced KC Resource Help Line Board of Trustees Member Rebecca Villareal. Ms. Lowry gave background information on the Crisis Clinic, which provides a hot line for people needing help locating basic resources for food, shelter and clothing. They also provide a hot line for teens to help prevent youth suicide and youth violence. The Crisis Clinic has been funded by the City for a number of years and is being considered for funding for 2003, which the Human Service Advisory Committee is in the process of reviewing. The Crisis Clinic is taking the initiative to talk with each jurisdiction and present additional information on a new program they are hosting. It will be a dialing service, which will present residents with easy access to human service information in much the same way 911 is currently used for emergency services.

Ms. Villareal thanked the Council for funding the 24-Hour Crisis Line and the "Community Information Line". With SeaTac's financial support of \$2,780 last year, they were able to help more than 2,500 SeaTac Residents who used their services. In July 2000, the Federal Communications Commission directed telephone carriers to make 2-1-1 available to communities to use for comprehensive information and referral to health and human services. Twenty States, including Washington, are estimated from six to 18 months from having their first 2-1-1 Call Center serving parts of the State. She encouraged Council to find out more about how 2-1-1 can benefit SeaTac residents by talking to Crisis Clinic staff and seriously considering it as a priority in the City's 2003 Human Services budget.

## **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$106,090.98 for the period ending September 30, 2002.

**Approval of employee vouchers** in the amount of \$529,819.57 for the period ending September 30, 2002.

**Approval of employee vouchers** in the amount of \$562,398.46 for the period ending October 4, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending October 4, 2002.

### **Approval of Council Meeting Minutes:**

**Council Budget Workshop II** held September 24, 2002.

**Regular Council Meeting** held September 24, 2002.

**Council Budget Workshop III** held October 1, 2002.

### **Acceptance of Advisory Committee Minutes:**

**Senior Citizen Advisory Committee Meeting** held August 8, 2002 (Committee approved September 19, 2002).

**Approval of the following Agenda Item recommended at the October 1, 2002 Study Session for placement on this Consent Agenda:**

#### **Agenda Bill #2216**

**A Motion authorizing the City Manager to sign a Letter of Understanding (LOU) with the Washington State Department of Transportation (WSDOT) for the Des Moines Creek Park Land Trade - Parks & Recreation**

**Summary:** WSDOT has determined they need a small part of Des Moines Creek Park for the extension of SR 509

from South 188 Street. WSDOT and the City have already agreed to the land trade by Council action at the November 14, 2000 Regular Council Meeting (RCM). This LOU states that the City agrees to convey to WSDOT approximately 4.6 acres of land in Des Moines Creek Park. WSDOT would convey to the City approximately 4.6 acres of land adjacent to Des Moines Creek Park on its west side or at another mutually agreeable location as mitigation for direct taking of Des Moines Creek Park 4(f) lands. WSDOT may have an obligation to compensate the City for a parcel of land approximately 2.1 acres in size. WSDOT agrees to convey a parcel of similar value to the City as mitigation for indirect effects to Des Moines Creek Park 4(f) lands.

The park trail and parking lot will not be taken out of operation but will have the freeway in use above them. WSDOT will also compensate the City with design and construction of a bike trail from Des Moines Creek trailhead north to South 188<sup>th</sup> Street.

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

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS:**

**Agenda Bill #2221**

**A Motion authorizing the purchase of an Uninterruptible Power Supply (UPS) Unit for the New City Hall (NCH) Computer Room - Finance**

**Summary:** An UPS unit is necessary in the NCH computer room to protect the network and phone equipment in case of a power failure or power surge at City Hall. The proposed unit will provide emergency power to all equipment in the computer room for a period of approximately one hour at full load. Once a generator is installed, this unit will provide power to the equipment until the generator is activated. It is critical that this equipment is protected from power loss, as a full system crash could result in a loss of City data and phone service. Quotes were obtained from three vendors as follows: 1) GTSI, Inc. - \$28,124; 2) Boise Cascade - \$30,827; and 3) Carlyle, Inc. - \$32,259.

It is recommended that the City Council approve this Motion authorizing the purchase of an UPS unit for the NCH from GTSI, Inc.

The total cost of the UPS unit is \$28,124, and will be funded from the NCH construction and remodel appropriation.

MOVED BY ANDERSON, SECONDED BY FISHER TO ACCEPT AGENDA BILL NO. 2221.\*

Finance Director McCarty introduced the agenda bill and Systems Administrator Perman briefed the Council on the details of the above summary.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2206**

**A Motion authorizing the City Manager to execute a Contract to employ an Architect for the Police Department Remodel of the New City Hall (NCH) - Parks & Recreation**

**Summary:** This Motion authorizes a contract with the architectural firm of David A. Clark Architects, PLLC to complete the NCH Police Department renovation of the first floor of the facility (approximately 6,000 square feet). The architectural, interior design and engineering fees are not to exceed \$85,412 plus a 10 percent design contingency of \$8,541 for a total of \$93,953. The City Council reviewed the proposed Police remodel budget at the September 24, 2002 RCM.

MOVED BY ANDERSON, SECONDED BY HANSEN TO ACCEPT AGENDA BILL NO. 2206.\*

Parks & Recreation Director Ledbetter briefed the Council on the above agenda bill for the continuation of the services of the architectural firm of David A Clark Architects, PLLC to complete the NCH Police Department renovations.

Councilmember Hansen stated that he has the utmost confidence in the construction team; however, he questioned the breakdown of the expenditures of overhead and profit of eight percent. Mr. Clark replied that the overhead was for the contractor, normally associated with the general contractor for a 15 percent markup in the construction market. Since the City has employed a construction manager and is going with direct sub-bids, it saves a substantial amount of money, and the firm is able to lower their percentage profit.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2217; Ordinance #02-1033**

**An Ordinance amending the 2002 Annual City Budget for Police Department Area Remodel at the New City Hall (NCH) - Parks & Recreation**

**Summary:** This Ordinance increases the 2002 Budget for the NCH project in the Municipal Facilities Capital Improvement Program (CIP) Fund by \$989,829 for the construction of the Police Department area at the NCH.

Council reviewed the NCH Police Department remodel budget on September 24, 2002. The total cost estimate for the remodel is not to exceed \$989,829. The project is scheduled for completion in April or May 2003.

Until long term financing can be secured for the NCH project, an inter-fund loan from the City/Port of Seattle (POS) Interlocal Agreement (ILA) Fund will provide the immediate funds necessary. The inter-fund loan amount will be increased by \$989,829 with this action. A Resolution authorizing an increase to the amount of the temporary loan will be presented at the October 15, 2002 Study Session.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 02-1033.\*

Parks & Recreation Director Ledbetter briefed the Council on the above agenda bill.

Councilmember Brennan explained to the audience the need for the City's police to be located in the City rather than at the Police Precinct No. 4 in Burien. Since the City has been incorporated, it has contracted with KC Police and will continue to do so but as a City-type department. Locating the police staff in the NCH will benefit in services rendered to the City and its residents, businesses and general public.

Councilmember Fisher added that Burien has a large volunteer staff due to the precinct located in their City. It is hoped that SeaTac citizens will want to volunteer in their City making the department more community-friendly.

Councilmember Hansen stated his opposition to funding this addition to the NCH at this time with the state of the current City budget. His concern is that the budget process is very tentative and he would prefer that this project be delayed for another year.

Councilmember DeHan stated that he feels this is the best time to move ahead with this project. He feels it will never be cheaper to do this project than in today's market. If the City delays the work, it will incur higher construction and labor costs, in addition to higher financing cost.

\*MOTION CARRIED WITH COUNCILMEMBER HANSEN VOTING NO.

**Agenda Bill #2215**

**A Motion authorizing the City Manager to execute a Contract for Audio/Visual (A/V) Systems at the New City Hall (NCH) - Parks & Recreation**

**Summary:** This Motion authorizes the City Manager to execute a contract with Delta A/V Systems Inc. to provide A/V systems for the NCH, not to exceed \$126,420.92. The estimate for A/V systems work was \$136,500.

Interviews took place on October 4, 2002. The interview team is recommending Delta A/V Systems Inc. This was a proposal and not a bid type selection. The three companies interviewed were:



Company Proposal Proposal + 20 percent contingency/8.8 percent sales tax

Delta A/V Systems Inc. \$ 96,829.75 \$126,420.92

Commercial Sound Inc. \$104,370.00 \$136,265.47

SPL Integrated Solutions \$109,916.91 \$143,507.52

This will leave approximately 45 days to complete installation of A/V systems for the NCH project. The new system will be ready for use at the first City Council Meeting at the NCH on November 26, 2002.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 2215.\*

Parks & Recreation Director Ledbetter briefed the Council on the above agenda bill.

Councilmember Anderson questioned the 20 percent contingency on this project rather than the normal 10 percent. Mr. Ledbetter explained the technology details needed in the Council Chambers in order to provide state of the art sound, screen visibility throughout the chamber and to upgrade the current tape recording system to a digital system. The tape system is outdated and a digital system is computerized and more reliable.

Mr. Clark added that the A/V equipment and installation transaction was done on a competitive negotiation basis with three highly prominent companies. The interview panel discussed all the elements of the design and structure to be installed with each contractor. The team has been striving to have a sound system of the highest quality that can still be prudent and of appropriate use of public funding. The contractors each had suggestions of alternations that would enhance the system to make it more efficient and user-friendly. Thus, the team is requesting the 20 percent contingency due to the high technology issues involved. Mr. Clark added that the contractors were not aware of the 20 percent contingency request to Council. The team will continue to be prudent in any use of the contingency.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2219**

**A Motion authorizing the City Manager to purchase New Parking Lot Lights and Poles for the New City Hall (NCH) - Parks & Recreation**

**Summary:** This Motion authorizes the City Manager to purchase new parking lot lights and poles from Lighting Group NW and installation by Superior Electric for the NCH.

Bids came in on October 8, 2002 for the purchase and installation of new parking lot lights and poles. Staff is recommending replacing the parking lot lights and poles at the NCH. Based on "Crime Prevention Through Environmental Design" (CPTED), the City's Police Department is recommending increasing parking lot lighting and making the lighting more uniform. The improved parking lot lighting has been designed and staff met with the Planning Department for approval and are making every effort to have the new lights installed before the move into the NCH. The bids were as follows:

Lights & Poles Company Bid 8.8 percent sales tax + 10 percent contingency

Lighting Group NW \$36,796.00 \$44,037.45

Superior Electric \$40,034.00 \$47,912.69

Tumwater Electric \$49,000.00 \$58,643.20

Installation

Superior Electric \$ 39,094.00 \$ 46,787.70

Tumwater Electric \$ 85,646.00 \$102,501.13

Valley \$121,500.00 \$145,411.20

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 2219.\*

Parks & Recreation Director Ledbetter briefed the Council on the above agenda bill.

Councilmember Anderson questioned whether this project was covered under the original design. Mr. Ledbetter stated that it was not but it will be under the budget.

\*MOTION CARRIED UNANIMOUSLY.

**ADDED ITEM: Letter of Intent**

Councilmember DeHan requested an additional item be added to the agenda. Mayor Gehring-Waters agreed. He stated that for several months the City Council and staff have been in discussion with the Highline YMCA. In the joint venture between the City and the YMCA, it is a full-scale facility to be built on the property earlier proposed for the NCH site located generally along South 188<sup>th</sup> Street to the southwest of the intersection at 37<sup>th</sup> Avenue South. He requested Council concurrence to move ahead with a Letter of Intent, which he read the prologue to the letter. Council discussion ensued. Mr. DeHan stated that it has been discussed between the parties as to whether revenues generated by this facility would conflict with the NSTPCC. This and other issues are some of the open discussion that needs to be resolved before any negotiations go forward. As to the possibility of a pool at this installation, Mr. DeHan stated that he felt it was in the best interest of the local community to support the Mt. Rainier Pool but to have the ability to shift the City's support of a YMCA pool in the City if that is to be in the facility's plans. Council concurred with the Letter of Intent.

**PUBLIC COMMENTS:** There were no public comments.

**CITY MANAGER'S COMMENTS:** City Manager Rayburn stated that the Land Use and Parks (LUP) Committee met and discussed the issue of portable tent carports. It was the consensus of the LUP Committee to create an ad hoc committee chaired by Councilmember Lasco to draft an Ordinance to regulate these structures. It was agreed that all Councilmembers and Planning Commissioners would be surveyed for their opinions. The committee also suggested that code enforcement on these structures be suspended until the ad hoc committee completes the preparation of the new Ordinance.

Councilmember DeHan mentioned that in Mason County, they have set up a temporary structure permit requirement that needs to be renewed every three years. He suggested a renewal permit such as Mason County has done. He supports the suspension at this time. Deputy Mayor Brennan opposes the suspension due to the unsightliness of these structures that devalue and encroach on the neighboring properties. Councilmember Anderson stated that the suspension is until November 1. City Manager Rayburn stated that he feels the best approach will be an aggressive approach through call-ins. Council concurred with this approach.

**COUNCIL COMMENTS:** Mayor Gehring-Waters announced that Frank Hughes, one of the City's citizens, passed away today. He worked hard to contribute to the City.

Deputy Mayor Brennan said that walking around City Hall today, one could see tags on various furnishings to be moved to the NCH. It is exciting to see that in only a few weeks, November 26, the City Council will be holding its first Council Meeting at the NCH.

Councilmember Anderson stated that on Sunday morning, October 6, the City's Firemen served breakfast to the Bow Lake Mobile Home Park residents. The event was successful.

Councilmember Fisher mentioned that the Oregon fishing coast is five miles wide and forty miles long with an abundance of salmon. In spite of all the salmon enhancement programs, there is more salmon than he has seen in 30 years.

**ADJOURNMENT:**

MOVED BY HANSEN, SECONDED BY BRENNAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:17 P.M.

MOTION CARRIED UNANIMOUSLY.

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

# SEATAC CITY COUNCIL REGULAR MEETING MINTUES

October 22, 2002 - 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 6:03 p.m.

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

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

**FLAG CEREMONY:** Deputy City Manager Spencer led the Council, staff and audience in the Pledge of Allegiance.

**PUBLIC COMMENTS:** There were no public comments.

## **PRESENTATION:**

### **3<sup>rd</sup> Quarter Financial Report**

Deputy City Manager Spencer began the presentation with a summarized the General Fund revenues as of September 30, 2002. Property Tax revenue collections of just over \$5 million represent 61 percent of the budget amount, but a significant portion of the uncollected taxes are not due until the second installment date of October 31. Sales Tax collections of \$5.7 million compare favorably to the \$7 million budget projection, primarily due to the fact that \$1.8 million in Sales Taxes on Port of Seattle (POS) capital projects have been received so far this year. Other Sales Tax collections are down 10 percent compared to the prior year. General Fund revenues totaled \$14.9 million as of September 30, compared to the annual budget of \$21.3 million.

In summarizing General Fund expenditures, Ms. Spencer noted that salaries and benefits totaled \$6.8 million, which represents 73 percent of the annual budget amount of \$9.36 million. Other services and charges totaled \$5.78 million, which represents only 58 percent of the annual budget of \$9.9 million primarily due to the fact that the City has not yet been billed by King County (KC) for September Police services. Transfers to other funds totaled \$112,500 at the close of the 3<sup>rd</sup> quarter, which is significantly less than the budget of \$710,000. However, Ms. Spencer noted that a budget amendment will be presented to Council in November that will result in the remaining transfers being made. Capital Outlay expenditures totaling \$321,378 have been made to date, well less than the budget of nearly \$1.1 million due to the timing of certain capital projects. Ms. Spencer noted that the 2002 Budget projects a reduction of fund balance in the General Fund of \$210,845. However, as of September 30, the fund balance had increased by \$1.6 million.

Following discussion of the General Fund detail, highlights were provided of other City Operating Funds. City Street Fund revenue and expenditures are on pace with budget projections for the current year. Arterial Street Fund revenues are slightly ahead of budget projections, but Ms. Spencer noted that Parking Tax collections are down 18 percent compared to the previous year. Expenditures in this fund are slightly below budget projections due to the timing of capital outlay, specifically street overlays. In the Municipal Facilities Capital Improvement Programs (CIP) Fund, revenues are well below budget projections due to the expectation that the City would issue bonds in 2002 to finance the new City Hall (NCH) project, which has not occurred due to discussion of alternative financing strategies.

Councilmember Brennan explained to the audience that the Council was entertaining the option to set up a long-term repayment of the inter-fund loan from the POS Interlocal Agreement (ILA) Fund in lieu of issuing bonds. This would allow the City to pay the interest on the borrowing, in effect, to itself rather than outside bondholders. Expenditures for the NCH project are budgeted for nearly \$5 million, but actual expenditures at September 30 totaled \$1.5 million.

Revenues and expenditures are well below budget projections in the Transportation CIP Fund due to the timing of

capital projects, several of which will be carried over to 2003. Revenues in the Surface Water Management (SWM) Utility Fund are below budget projections due to a billing error by KC, which was corrected on October 9. Expenditures of \$763,000 are considerably lower than budget due to bond debt service payments that will be made on December 1. SWM Construction Fund revenues and expenditures are well below budget projections, which is due to the timing of capital projects similar to the Transportation CIP Fund.

Ms. Spencer displayed graphs illustrating collections of Sales Tax, Parking Tax and Hotel/Motel Tax revenues compared to the previous year, noting that these revenues are down 10 percent, 18 percent and 14 percent, respectively. In response to an inquiry by Councilmember Fisher, Ms. Spencer noted that Parking Tax revenues for the POS at the airport are down 24.5 percent, while Parking Tax revenues for off-airport lots are actually up compared to 2001. This anomaly is due in part to the fact that three additional lots have opened since the beginning of 2001. As noted by Councilmember Anderson, Ms. Spencer indicated that City staff will soon begin random audits of Parking Tax remittances by operators within the City of SeaTac.

#### **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$1,195,591.91 for the period ending October 18, 2002.

**Approval of employee vouchers** in the amount of \$367,497.50 for the period ending October 15, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending October 18, 2002.

#### **Approval of Council Meeting Minutes:**

**Study Session** held July 16, 2002.

**Council Budget Workshop IV** held October 8, 2002.

**Regular Council Meeting** held October 8, 2002.

**Council Budget Workshop V** held October 15, 2002.

**Study Session** held October 15, 2002.

#### **Acceptance of Advisory Committee Minutes:**

**Library Advisory Committee Meeting** held May 14, 2002 (Committee approved October 8, 2002).

**Planning Commission Meeting** held September 16, 2002 (Commission approved October 7, 2002).

#### **Approval of the following Agenda Items recommended at the October 15, 2002 Study Session for placement on this Consent Agenda:**

##### **Agenda Bill #2222; Resolution #02-017**

**A Resolution authorizing an increase to the Inter-fund Loan amount for the Construction of the Police Department Area at the New City Hall (NCH) - Finance**

**Summary:** This Resolution authorizes an increase in the amount of the temporary loan from the City of SeaTac/POS ILA Fund to the Municipal Facilities CIP Fund to provide monies for the construction of the Police Department area at the NCH facility.

The City Council passed Resolution No. 01-025 on September 11, 2001, authorizing a temporary loan of funds available in the City/POS ILA Fund to the Municipal Facilities CIP Fund for the acquisition of the Valley Ridge Corporate Center. This temporary loan will be repaid, with interest, upon issuance of bonds to fund the NCH.

Ordinance No. 02-1033 was approved by the City Council on October 8, 2002, amending the 2002 Budget for the NCH project in the Municipal Facilities CIP Fund for the construction of the Police Department area. The estimated cost for the Police Department construction is \$989,829. As noted in Agenda Bill No. 2217 that accompanied Ordinance 02-1033, an increase to the existing inter-fund loan from the City/POS ILA Fund would provide the funds necessary for the Police area remodel. This loan, along with the original temporary loan in 2001, will be repaid to the City/POS ILA Fund when long term financing is secured for the NCH project.

The loan between City funds is temporary and will not have a fiscal impact. The City/POS ILA Fund will earn the same interest rate on the inter-fund loan as would be achieved by keeping the funds deposited in the Local Government Investment Pool.

**Agenda Bill #2218; Ordinance #02-1035**

**An Ordinance adopting a new Chapter 11.40 to Title 11 and a new Chapter 13.60 to Title 13 of the SeaTac Municipal Code (SMC) relating to the Designation of Street Numbers and Names and to the Assignment of Building Addresses - Public Works**

**Summary:** RCW [35A.11.020](#) grants to the City Council all powers possible for a City to have under the State Constitution, which includes the power to regulate the use of public ways. The Washington Courts have extended this power to the naming and renaming of public streets.

The City has not yet adopted any formal process for the numbering or naming of streets or for the assignment of building addresses. The City has generally followed the provisions of the KC Street Grid System and the KC Code to provide uniformity with other Cities and KC.

This Ordinance grants authority to the Public Works Director, or designee, to designate and, when necessary, to redesignate street numbers and names and to assign building addresses according to a formal process. It is important that streets be numbered and that buildings be addressed in conformance with the KC street and addressing grids to allow emergency vehicles and others to easily and quickly find their destinations. It is also important that the City have the authority to re-address a building when necessary to correct a nonconforming address that would otherwise be difficult to locate by emergency responders.

**Agenda Bill #2205; Resolution #02-018**

**A Resolution authorizing the City Manager to enter into an Interlocal Agreement (ILA) with King County (KC) for Jail Services - City Manager**

**Summary:** This Resolution authorizes entry into an ILA with KC for jail services when use of the Yakima County Jail is impractical.

Pursuant to Resolution No. 02-008, the City has entered into an ILA for housing of City inmates in the Yakima County Jail. Numerous other Cities are party to the ILA.

Nevertheless, it will be necessary to use KC Jail services in certain instances not involving incarceration after sentencing, such as immediate jailing after arrest or other pretrial detention. KC has announced its intent to cease housing City inmates by 2012 due to lack of jail capacity.

KC and a Consortium of 37 Cities, including SeaTac have negotiated a recommended ILA, over a yearlong process. The ILA is subject to approval by each respective City Council and the KC Council.

It is believed that the proposed ILA represents a fair and balanced approach to meeting the County and the Cities' collective need for jail services and provides Cities the necessary time to transition out of the KC Jail system. The ILA provides for an orderly reduction in the Cities' misdemeanor population to zero by the end of 2012 in response to KC's concerns as to the expected growth in the felony population. The 10-year period will allow Cities time to make alternative arrangements for housing misdemeanants. The first reduction is required in 2004.

The proposed ILA calls for new rate of \$149 to book an inmate into the KC Jail and \$77 for each day an inmate is incarcerated. The new rates will cover 2002 direct KC costs and a share of fixed central government costs. It is adjusted by an agreed upon percentage of 5.8 percent on January 1 of each year. This provides certainty of costs to both the County and the Cities.

To help provide financial assistance to the Cities for future misdemeanor jail needs, KC agrees to convey a KC-owned parcel of property in Bellevue to the City of Bellevue, which will hold the property under an ILA with all Cities for their benefit.

Cities involved in the negotiations and the new Jail ILA include: Algona, Clyde Hill, Kenmore, Newcastle, Seattle, Auburn, Covington, Kirkland, Normandy Park, Shoreline, Beaux Arts, Des Moines, Lake Forest, North Bend,

Skykomish, Bellevue, Duvall, Park Pacific, Snoqualmie, Black Diamond, Federal Way, Maple Valley, Redmond, Tukwila, Bothell, Hunts Point, Medina, Renton, Woodinville, Burien, Issaquah, Mercer Island, Sammamish, Yarrow Point, Carnation, Milton, SeaTac

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

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS:** There was no new business discussed.

**PUBLIC COMMENTS:** There were no public comments.

**CITY MANAGER'S COMMENTS:** City Manager Rayburn had the following items of business: 1) gave an update on the Moving Wall Closing Ceremony to be held at Washington Memorial Park this evening at 7:00 p.m. and Retiring of Colors at noon tomorrow; 2) the POS's new Compressed Natural Gas Facility Grand Opening will be held on October 29, 2002 at 10:00 a.m.; and 3) a note of interest - on October 18, 1989, the City adopted it's first budget. This year will be the City's 15<sup>th</sup> budget.

**COUNCIL COMMENTS:** Upon a question posed by Councilmember Anderson as to whether the October 24 Joint Advisory Committee (JAC) meeting has been cancelled, City Manager Rayburn concurred that this was true.

Deputy Mayor Brennan mentioned that this afternoon, the City Council, City Manager Rayburn, and Deputy City Manager Spencer finished their month long 2003 Budget Workshops. He complimented the staff on their outstanding budget reporting. The budget process again this year was successful, no layoffs required, and still a four-year cushion in reserve funds. He stated his appreciation of the Council and staff for the many improvements to the City in its roads and SWM projects to mention a few of the more noticeable improvements. The City has always carried a AAA accreditation from bonding firms, unheard-of for smaller Cities.

Councilmember Anderson added that another major accomplishment the City achieved was the institution of the Parking Tax. There was no such revenue source until the Council approached and convinced Standard & Poor's that this was a good source of revenue for the City, to which they agreed.

Mayor Gehring-Waters mentioned that she has requested Councilmember Fisher serve on the Administration and Finance (A&F) Committee in the absence of Councilmember DeHan, who is concentrating on emergent family issues. His wife, Betty's health has been declining. Councilmember Fisher has agreed to serve in Councilmember DeHan's absence.

**ADJOURNMENT:**

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 6:40 P.M.

MOTION CARRIED UNANIMOUSLY.

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

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

November 12, 2002 - 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 6:01 p.m.

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

**ADMINISTRATIVE STAFF:** Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Michael McCarty, Finance Director; Mary Pederson, Municipal Court Administrator; Steve Butler, Planning Director; Michael Scarey, Senior Planner; Jim Downs, Fire Chief; Bob Meyer, Assistant Fire Chief; and Scott Somers, Chief of Police Services.

**FLAG CEREMONY:** Roy Moore, SeaTac business owner, led the Council, staff and audience in the Pledge of Allegiance.

## **CONFIRMATION OF MAYORAL APPOINTMENTS: Confirmation of Mayoral Re-appointments to Citizen Advisory Committees**

MOVED BY ANDERSON, SECONDED BY BRENNAN TO CONFIRM THE MAYORAL RE-APPOINTMENTS OF DONNA CHAVEZ TO THE LIBRARY ADVISORY COMMITTEE AND NINA NELSON AND DELLA SCHMITZ TO THE SENIOR CITIZEN ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Due to conflicting schedules, the newly re-appointed Citizens Advisory Committee members were unable to attend this meeting. Their Certificates of Appointment will be mailed to them.

**PUBLIC COMMENTS:** There were no public comments.

## **PRESENTATIONS:**

### **Proposal for a New Recreational Facility to include Golf Course, Range and Batting Cages**

Roy Moore, SeaTac Businessman representing Eagle Quest Golf Centers of Canada, stated that based on his 35 years in the golfing business at which time he developed and operated Tyee Golf Course for over 30 years, and his knowledge of the business and regulatory conditions that exist in the area, he felt well qualified to render an objective opinion on this proposal. He then gave a brief history on the project and presented the proposal for a golfing facility to be located in the City of SeaTac. He stated that at this time, he is not requesting the City nor King County (KC) to authorize the project but rather to authorize their staff to work with him to continue examining some of the remaining items that need to be addressed. After the completion of the examination and upon the recommendation of the staff, the City would decide whether to authorize their entry into a public/private partnership with Eagle Quest to develop a golf center and other amenities as might be desired. He feels this would be a tremendous project for the City, providing a real benefit for citizens, a business boost to the tourism industry and revenue to the City. He added that before moving forward on this project, exploratory meetings were held with public agencies that would be involved, as well as attorneys to determine the feasibility of this project. There is no definitive location due to needing to discuss this and other elements with the staff who would be keeping the Council updated on the progress of initiating this project. As for a time frame for the project, he expects the proposal to be ready within 90 days. Eagle Quest would be prepared to begin construction on the driving range as soon as the construction season opens in the spring of 2003. Revenue could be flowing from that source as early as late 2003. The golf course would take approximately two years to be completed.



Councilmember Hansen stated that Councilmember DeHan was on the City's Golf Course Ad Hoc Committee. Mr. Moore stated that he met with Councilmember DeHan and explained the project plans with him. He also met with the Hotel/Motel (H/M) Advisory Committee to explain the tremendous opportunities this facility would have in the local area. He suggested a Councilmember and staff member be appointed to the project committee. Council concurred and Mayor Gehring-Waters appointed Councilmember DeHan and Parks & Recreation Director Ledbetter to work with Mr. Moore on this project.

### **Sea-Tac International Airport's South 182<sup>nd</sup> Street Entrance Sign and Landscaping Project**

Planning Director Butler led the Port of Seattle (POS) Interlocal Agreement (ILA), one of the items of that document contained a commitment by the POS to do \$10 million of landscaping with \$2 million of that amount to be focused on projects that would benefit and beautify the City-side of the POS property. One of the projects was a treatment and set of improvements to the airport entrance at South 182<sup>nd</sup> Street.

Steve Okamura, Port of Seattle (POS) Representative, described the components of the project with the aid of a project sketch. Approved by the Joint City/POS Advisory Committee (JAC), the scope of the work consists of a City of SeaTac greeting sign and two POS signs, a retaining walls on the front side, a paved concrete flag pavilion with United States, Washington State, City of SeaTac and POS flags, two paved plaza areas on either side of the street for public events, landscaping consisting of trees, shrubs and colorful ground cover in front of signage, irrigation, and access lighting for the signs. The final construction documents are currently being worked on and will be submitted to him by the end of November and construction is scheduled to start the first quarter of 2003 with completion by the second quarter of 2003. He added that at the JAC meeting, Mayor Gehring-Waters stated that the POS would be paying for the City's sign. Those costs are being worked out. A final price will be forthcoming. Secondly, he stated he is working with Parks & Recreation Director Ledbetter on the street use permit and traffic control. This is a very busy area and construction needs to be delayed until after the first of the year. This entry is intended to be the greeting area until the South Access project is completed. The signage is removable and can be used at another location.

Upon a question posed by Councilmember Brennan, Mr. Ledbetter stated that the cost of the City's signage is approximately \$49,000 and the lighting, \$10,000 for a total of \$50,000 which is the same signage as is at the new City Hall (NCH). \$25,000 has been allotted from the H/M Tax Revenue. Councilmember Hansen stated his approval of the signage in front of the NCH.

### **Response to Council Questions on the Proposed 2002 Comprehensive Plan (CP) Amendments**

Planning Director Butler stated that at the November 5 Study Session (SS), staff gave a brief overview of the proposed CP amendments. Council requested that Council questions to the amendments be directed to staff rather than presentations on the CP amendments at this meeting and two further meetings prior to adoption of the CP. Council was given a fully detailed packet containing the amendments to study and bring back to this Council Meeting for discussion of their questions and concerns. Council had few questions, which Mr. Butler answered.

Mr. Butler stated that in past years most of the attention was directed towards the proposed map changes. This year there are not many. Most of the attention will be on the Capital Facilities element. Mr. Butler added that Council comments through the end of November would still be timely. The Planning Commission had a public hearing on November 4 with good comments from six or seven speakers. The CP amendments are scheduled for Council adoption on December 10, 2002.

### **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$256.17 for the period ending October 31, 2002.

**Approval of claims vouchers** in the amount of \$775,925.64 for the period ending November 5, 2002.

**Approval of employee vouchers** in the amount of \$482,212.61 for the period ending October 31, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending November 8, 2002.

### **Approval of Council Meeting Minutes:**

**Regular Council Meeting** held October 22, 2002.

### **Acceptance of Advisory Committee Minutes:**

**Human Services Advisory Committee Meetings** held September 9 and October 7, 2002 (Committee approved October 21, 2002).

**Planning Commission Meeting** held October 7, 2002 (Commission approved October 21, 2002).

**Senior Citizen Advisory Committee Meeting** held September 19, 2002 (Committee approved October 17, 2002)

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

MOTION CARRIED UNANIMOUSLY.

## **PUBLIC HEARING:**

### **First Public Hearing on the 2003 Annual City Budget**

Mayor Gehring-Waters opened the Public Hearing at 6:31 p.m.

Deputy City Manager Spencer stated that staff gave a formal presentation on the 2003 Preliminary City Budget at the November 5 SS representing the City Manager's funding recommendations. As required by State statute, this is the first Public Hearing with the second Public Hearing scheduled for November 26 with adoption of the budget to follow. However, the City has not to date received certified Assessed Valuations. If they do not arrive by November 26, the adoption of the budget may be deferred to the December 10 Council Meeting.

Councilmember Hansen stated his concerns about future ramifications if the 2003 budget is adopted as proposed, with a \$2.4 million deficit in the General Fund. He explained his concerns as to three major project expenditures: 1) \$5 million for the NCH renovation; 2) \$3.5 million for a maintenance facility; and 3) \$1 million for the new Police Precinct totaling \$9.5 million. Initiatives 776 and 790 passed and between the two of them, Ms. Spencer estimates these Initiatives will cost the City up to \$1 million. He is concerned about the revenue stream and completing these projects with financial obligations and revenue not recovering as quickly as expected. One option not discussed in budget workshops is the employment of a utility tax and Business and Occupation (B&O) tax. He would like the Council to consider these budget facts and possible options.

Councilmember Fisher stated that he agrees with a lot of what Councilmember Hansen aired. He stated that although he is comfortable with the facilities' capital outlay requirements, he is against hiring more employees when there is a deficit in the budget.

Deputy Mayor Brennan defended the budget. Council and staff have spent over two months on the preparation of this budget. There were 21 positions scheduled for layoff and the City has been able to retain all of these positions. The Transportation Bond was the City's largest bond and it is being paid back with the Parking Tax. When the bond was set up, the City was receiving \$.50 per vehicle parking and now it is at \$1. The Surface Water Management (SWM) fund is being paid off by the SWM utilities and \$5 million is the NCH renovation in conjunction with the ILA fund. Another bond is against the H/M fund for \$5 million, which has not been used. The City has \$15 million in reserve of which the \$2.4 million was used. That money has been frugally saved for a time of need such as the City has been currently facing. The means for repay is all accounted for. A freeze is in place on hiring. Only a Facilities Manager has been added to the City's employee rolls due to the City's facilities growth. Other areas of the budget have also been cut or lowered.

Further Council discussion ensued as to the elements of the budget, particularly the hiring of more staff.

Mayor Gehring-Waters requested Ms. Spencer explain the preparation of the budget which included the possibility of passage of the two initiatives. Ms. Spencer stated that I-776 affects the City's Street Fund and in the preliminary budget, it was assumed that I-776 would pass and that revenue source would be lost at approximately \$230,000 a year. I-790 affects the General Fund relating to Police and Fire pensions. It was assumed I-790 would pass which has an effective date of July 1, 2003 causing a six-month impact in 2003. \$180,000 (one half year's impact for the Fire Department based on what the State Actuary is telling the Association of Washington Cities [AWC]) will be the revised contribution rate for pensions. There would be comparable impact in the Police Department through the contract with KC.

Deputy Mayor Brennan requested Ms. Spencer report on the employee count for the last five years.

Councilmember Anderson requested a computation of costs associated with two stations and a ladder company.

Councilmember Fisher suggested that this issue should go to the people for a vote in the form of a levy.

Mayor Gehring-Waters closed the Public Hearing at 6:52 p.m.

**NEW BUSINESS:**

**Agenda Bill #2225**

**A Motion declaring City Property Surplus and authorizing its Disposal - Finance**

**Summary:** A detailed listing of the equipment and other items recommended for declaration as surplus property is currently being prepared. As staff continues the process of preparing to move City Hall to its new location, additional items will be added or deleted from the list until the move is complete. A final surplus list will be provided to Council at that time.

The City has purchased workstations and other furnishings for the NCH facility, including private office furniture, seating, conference room tables and file storage that will replace a substantial amount of the existing office furniture and equipment. This existing inventory is no longer needed for City operations and staff recommends that the Council declare this property surplus and authorize its disposal.

In addition to the office furniture and equipment noted above, the listing also includes obsolete and/or inoperable items located at the City's Fire Stations and the Parks and Public Works Maintenance Shops. The list of equipment at the maintenance shops contains four pickup trucks, a flatbed truck, two mowers and a trailer from the City's Equipment Rental Fund that can be declared surplus and sold at auction. A number of obsolete and/or inoperable cell phones and accessories that are no longer needed for City operations are also being recommended for declaration as surplus property.

In disposing of the equipment, staff is considering a number of options. The trucks and mowers will be taken to an auctioneer the City has used in the past that specializes in vehicle sales, and the proceeds will be deposited to the Equipment Rental Fund. Staff is exploring available options to dispose of the remaining office furniture and equipment, including donation to human service agencies serving SeaTac residents. Other options for disposal could include turning items over to an auctioneer, or offering items for sale to City residents and employees, which would require the City to hold a public auction of its own. Proceeds from items sold will be deposited to the General Fund. Items that are broken or inoperable and have no salvage value will be disposed of appropriately.

Any proceeds from the vehicle sales will be deposited to the Equipment Rental Fund. Proceeds received from the sale of non-donated items will be deposited to the General Fund.

Mayor Gehring-Waters stated that the Administration and Finance (A&F) Committee discussed this issue at the last week's meeting and referred it on to the November 8 SS.

Finance Director McCarty presented the above summary to the Council.

**MOVED BY BRENNAN, SECONDED BY HANSEN TO ACCEPT AGENDA BILL NO. 2225.\***

Councilmember Anderson inquired as to the surplus trucks and their location. She also inquired as to surplus computers. Mr. McCarty stated that this listing does not have computers on it. Computers that were due for replacement this year are being replaced after the move in to the NCH.

**\*MOTION CARRIED UNANIMOUSLY.**

**Agenda Bill #2228; Ordinance #02-1036**

**An Ordinance amending the 2002 Annual City Budget for a Temporary Municipal Court Office Technician -**

## **Municipal Court**

**Summary:** As a result of the November 5 A&F Committee meeting, the request for a full-time Office Technician has been revised to a temporary part-time position to work the accounting/review reports currently backlogged in the Court. The Council will track additional revenue supporting this position with reports from the Court.

This position will allow the Court to monitor offenders who have Court ordered conditions in their criminal and civil cases as well as deferred prosecutions and findings, and order to continuance. In addition, the Court will be able to work the backlog of accounting reports and accounts receivable.

Court Administrator Pederson presented the above summary to the Council.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 02-1036.\*

Mayor Gehring-Waters stated that the A&F Committee discussed this issue and thoroughly questioned Ms. Pederson on the need for this position. The committee knows that their revenue is approximately \$100,000 over what they projected. The committee agreed to \$20,000 for a part-time temporary employee to get the backlogged report up-to-date. It is hopeful that this strategy will bring in more than \$100,000. Councilmember Fisher, a member the A&F Committee, agreed to bring this issue to the full Council but plans to vote against the new hire.

Ms. Pederson stated that no one has been selected for this position yet. From the last interviews to fill a vacant position, there are 211 applications. Some of the applicants on the eligibility list would be interested in a part-time position.

Upon a question posed by Deputy Mayor Brennan as to whether someone on the current staff could fill in this position's tasks, City Manager Rayburn stated that the current employees are doing their own duties they were hired to do and keeping quite busy.

Upon another question posed by Councilmember Lasco as to what Ms. Pederson expects this person to achieve financially, Ms. Pederson stated that with the downturn in the economy and having to deal with offenders, it would be hard to estimate the financial outcome. Mayor Gehring-Waters added that if even one percent was achieved, this would pay for this position, one of the conditions placed upon the Court Administrator to see achieved. She added that the filings are increasing for the court. She stated her support for this temporary position. Ms. Pederson will be giving Council statistics on the work achieved by this position.

Further Council and staff discussion ensued as to collections and the statistics for the past year. City Attorney McAdams stated that the position would be conducting other facets of the work that a collection agency would not be able to do.

\*MOTION CARRIED WITH COUNCILMEMBER FISHER VOTING NO.

## **Agenda Bill #2229**

### **A Motion authorizing the purchase and installation of Artwork at the Parks & Public Works Maintenance Facility - Parks & Recreation**

**Summary:** This Motion authorizes the purchase and installation of artwork as outlined in the proposal by sculptor, Michele G. Van Slyke for the Parks & Public Works Maintenance Facility, sited on the corner of South 136<sup>th</sup> Street and 20<sup>th</sup> Avenue South.

Staff, along with the architect for the Parks & Public Works Maintenance Facility project, met with artists and heard their proposals for artwork at the new facility. Sculptor, Michele G. Van Slyke presented the metal artwork that will work well for the new facility as it will reminisce the style of the building and will be made of very hard-wearing materials that will be perfect for a public setting. Ms. Slyke's proposed artwork takes into account the landscaping and building colors and geese will bring the idea of flight to the setting and lead the way to the entrance of the building. The art will be funded within the maintenance facility budget and covers the one- percent for Art allotted for the

project.

Art Project Budget: Design, Development & Drawings \$4,500; Laser Programming & Supervision \$2,965; Fabrication \$13,500; Transportation & Installation \$1,800; State Sales Tax \$1,935; TOTAL COST \$24,700

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2229.\*

Mr. Ledbetter presented the above summary to the Council with a miniature model of the maintenance facility. He added that Public Works Director Don Monaghan and he are jointly overseeing this project. Mr. Ledbetter explained the competitive process with other artists in order to hire the most appropriate artist for the project.

Deputy Mayor Brennan explained the use of one percent of the City's budget for art at various City locations as required by law.

\*MOTION CARRIED UNANIMOUSLY.

### **Agenda Bill #2201; Ordinance #02-1037**

**An Ordinance amending the Zoning Code to modify fence dimensional standards, allow a maximum time a fence may be under construction, modify fence heights on Principal (major) Arterials and to provide greater flexibility in the construction of single-family parking areas - Planning**

**Summary:** The fence and single-family residential parking standards of the Zoning Code would be amended as follows: 1) change the minimum distance of the space between the top of the fence to the bottom of the trellis from six inches to 10 inches; 2) allow a clear panel between the top of the fence to the bottom of the trellis, as approved by the City; 3) allow a maximum of six months to complete the construction of a fence, once construction has started; 4) change the type of rock for a gravel parking area from 3/4 inch to 5/8 inch; and 5) allow other materials, other than asphalt or gravel to be used as a parking surface, subject to approval by the City.

Staff has received correspondence from the public regarding the City's current fence regulations. The correspondence suggested some changes to the fence regulations and suggested that one-dimensional standard may be potentially dangerous to small children. The proposed changes were forwarded to the Planning Commission for their review and recommendation.

MOVED BY ANDERSON, SECONDED BY LASCO TO ADOPT ORDINANCE NO. 02-1037.\*

Planning Director Butler presented the above summary to the Council, suggesting that the Council consider each element separately.

Councilmember Fisher opened the Council discussion with issues on a four-foot fence height restriction. He felt that the public would not approve of this height due to the noise impact from the roadway. He suggested a moratorium be placed on this issue and study the issue more before bringing it back to the Council for adoption.

Deputy Mayor Brennan stated that this issue has been discussed by the Council and at the LUP Committee meeting. Two more six-foot fences have recently been built right at the sidewalk. He feels Council needs to set standards that are reasonable and not cause a danger to pedestrians or vehicular traffic and are not unsightly.

Further discussion ensued as to the challenges of allowing six-foot fences on rockery or such heightening foundations causing the fence to be at an even higher level than six feet. The Council ultimately decided upon the following actions.

MOVED BY FISHER, SECONDED BY ANDERSON TO IMPOSE A MORATORIUM ON CONSTRUCTION OF NEW FENCES ADJACENT TO PRINCIPAL ARTERIALS IN RESIDENTIAL ZONES FOR THE PERIOD OF SIX MONTHS OR UNTIL THE ISSUE REGARDING FENCE HEIGHT IS SOONER RESOLVED.

MOTION CARRIED UNANIMOUSLY.

MOVED BY ANDERSON, SECONDED BY LASCO TO AMEND SECTION 2 OF THE PROPOSED ORDINANCE AMENDING SEATAC MUNICIPAL CODE, SECTION 15.15.180 PROVIDING GREATER FLEXIBILITY IN THE CONSTRUCTION OF SINGLE-FAMILY PARKING AREAS, WITH THE EXCLUSION OF THE FENCING ISSUE.

MOTION CARRIED UNANIMOUSLY.

\*MOTION CARRIED UNANIMOUSLY AS AMENDED.

**Agenda Bill #2234; Ordinance #02-1038**

**An Ordinance amending Ordinance No. 02-1028 that vacated a portion of the South 188<sup>th</sup> Street Right of Way (ROW) adjacent to 4701 South 188<sup>th</sup> Street (former Omni Restaurant Site) - Public Works**

**Summary:** The passage of this Ordinance documents changes in the legal description; total area (square footage [sf]); and total amount of compensation due for the area vacated by Ordinance No. 02-1028.

The intent of the original Ordinance was to vacate a portion of the ROW subject to survey of the area to be vacated. It was initially estimated that the area to be vacated was approximately 2,000 sf. The final legal description proposed by a surveyor has resulted in an area to be vacated of 1,666 sf. The original Ordinance contains a monetary amount (\$38,690.00) based on the 2,000 sf as compensation required and would create an auditing discrepancy unless corrected by this amendment. The compensation was based on the purchase price of the property at 4701 South 188<sup>th</sup> Street and upon this cost the value of the ROW to be vacated is \$19.22 per sf.

The value for the ROW to be vacated was approved at \$19.22 per sf. There is also a \$500.00 processing fee for a street vacation of which an initial \$250 has been paid. The payment to the City for vacating this 1,666 sf of ROW as recommended is \$32,020.52 plus the remaining \$250 of the processing fee for a total of \$32,270.52.

MOVED BY FISHER, SECONDED BY HANSEN TO ADOPT ORDINANCE NO. 02-1038.

MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2227; Resolution #02-019**

**A Resolution declaring Certain Real Properties purchased by the City for the 28<sup>th</sup>/24<sup>th</sup> Avenue South Arterial Project to be Surplus, providing for Appraisals and providing for Disposal of Said Real Property - Public Works**

**Summary:** This Resolution formally declares one parcel and a group of four parcels purchased for construction of the 28<sup>th</sup>/24<sup>th</sup> Avenue South Arterial Project to be surplus and directs the City Manager to begin the process of disposing of the properties.

Five parcels were bought in their entirety for the 28<sup>th</sup>/24<sup>th</sup> Avenue South Project because the ROW takes took a significant portion of the original properties, including the structures on them. As a result, the City has excess property that is not usable for any foreseeable public needs.

Parcel #211 (Brennan) is an isolated property approximately 68 feet by 74 feet in dimension. The other four parcels are contiguous, each being approximately 49 feet by 75 feet and may be disposed of as a single block.

Legal counsel has provided some direction regarding the disposal of these properties. The recommended procedure is as follows: 1) have the City Council declare the properties as surplus by Resolution; 2) establish a fair market value. Legal recommends this be done through appraisals; 3) advertise the properties as surplus and state the fair market value. This is not a required process but staff recommends advertising; and 4) bidding is not required. Legal recommends accepting the highest offer at or above fair market value.

New appraisals are necessary to establish current fair market value for several reasons. The subject properties were

appraised and final prices agreed in 1999. The passage of time, alone, renders the prior appraisals unreliable. Of greater effect, however, is the fact that each parcel was valued as an entire buildable lot with improvements. The remaining portions, over and above the area actually needed for ROW purposes, were not appraised as separate parcels with valuation of severance damages to reflect diminution of value by reason of severance from the ROW portions.

In generally accepted appraisal practice, valuation of the remainder constitutes a new appraisal. The effect of zoning restrictions on the economic utility of any substandard remainder lot must also be analyzed by the appraiser. Thus, an appraisal of Project Parcel 211 and of the combined Project Parcels 308 through 311 is necessary to establish fair market for potential purchasers.

Cost for advertising and appraisals are estimated to be in the range of \$5,000 - \$8,000. Proceeds from the sale will be credited back to the 307 Transportation Fund.

MOVED BY HANSEN, SECONDED BY ANDERSON TO PASS RESOLUTION NO. 02-019.

MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2233; Ordinance #02-1039**

**An Ordinance amending the 2002 Annual City Budget for Capital Outlay - City Manager**

**Summary:** Several adjustments to the 2002 Budget are necessary for miscellaneous issues pertaining to capital outlay in various City funds. This agenda bill consolidates the budgetary impact of these items to avoid multiple agenda bills. A detailed description of each item and impacted budget areas follows:

General Fund - Operating Transfers Out This amendment relates to a \$560,000 transfer originally projected to be made to the long-term General Obligation Debt Fund to pay bonds issued for the NCH project. The project has to date been funded by an inter-fund loan from the City/Port ILA Fund and bonds have not been issued. It is recommended that the budget be amended to instead transfer the \$560,000 directly to the Municipal Facilities Capital Improvement Programs (CIP) Fund to reduce the amount of the inter-fund loan requirement. This amendment has no overall fiscal impact to the City.

Building Management Fund - Tenant Improvements This fund accounts for revenues and expenditures associated with the leasing of office space at the NCH facility. Due to the relocation of two existing tenants and relocation expenses required of one prior tenant, the City has incurred unanticipated tenant improvement expenditures in 2002. It is recommended that the budget be amended to increase the Building Management Fund expenditures by \$160,000.

Capital Improvement Fund - Sales Tax Revenue The 2003 Preliminary Budget provides for the re-establishment of the Capital Improvement Fund, as discussed at the July 9, 2002 Council Budget Workshop. This fund will account for capital projects associated with General Fund departments, such as computer hardware replacement and park improvements. The funding sources for these expenditures will include sales tax associated with capital projects at the airport, real estate excise tax, and interest revenue of the Port ILA Fund. This budget amendment allows for the transfer of POS CIP sales tax revenue collected in 2002 to the Capital Improvement Fund, establishing a revenue budget in this fund for 2002.

This Ordinance has no impact on the General Fund, increases expenditures of the Building Management Fund by \$160,000, increases revenue of the Municipal Facilities CIP Fund by \$560,000, and increases revenue of the Capital Improvement Fund of \$500,000.

MOVED BY ANDERSON, SECONDED BY FISHER TO ADOPT ORDINANCE NO. 02-1039.\*

Ms. Spencer reviewed with Council the above amendments to the budget for Capital Outlay items.

Mayor Gehring-Waters stated that the A&F Committee reviewed and recommended the above amendments at its November 5 meeting. She added that this is a good tracking record of revenue sources.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2232; Ordinance #02-1040**

**An Ordinance adding a New Chapter 2.01 to Title 2 of the SeaTac Municipal Code (SMC) to establish Normal Hours for Transaction of City Business - Legal**

**Summary:** This Ordinance formally prescribes the normal days and hours for transaction of business at City Hall and other City offices.

The days and hours of operation of City Hall, and other City offices, for the transaction of public business, have, since incorporation, been Monday through Friday during the hours of 8:30 a.m. to 5:00 p.m., with the exception of legal holidays. Work hours for the majority of City employees are currently listed on page 6 of the Employee Handbook. Legal holidays are listed on page 17 of the Handbook, and adhere to the legal holidays of the State as set forth at RCW [1.16.050](#).

However, Revised Code of Washington (RCW) [35A.21.070](#) requires that the Council prescribe the normal business days and hours by Ordinance. Accordingly, this Ordinance should be adopted, as a housekeeping item, to comply with the statute and to formalize current practice.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ADOPT ORDINANCE NO. 02-1040.\*

City Attorney McAdams reviewed with Council the above summary in further detail the need for this Ordinance.

\*MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENTS:** J B Freer, 18925 37<sup>th</sup> Avenue South, had the following concerns: 1) the flags at the POS Flag Pavilion are in bad shape and need to be replaced; 2) regarding the fence issue, she suggested on main roads, the fence could have a restriction in height of four or six feet from the sidewalk; 3) the speeding on South 188<sup>th</sup> Street needs to be re-addressed by the City. Nothing has changed; it is a continuous occurrence; and 4) with a new traffic light at 36<sup>th</sup> Avenue South, she questioned how the residents get out of the neighborhood on a left-hand turn.

**CITY MANAGER'S COMMENTS:** City Manager Rayburn had the following items of business: 1) the position of Fire Chief has been posted in-house only. This vacancy will replace retiring Fire Chief Downs later this year; and 2) an open house will be held November 13 at Fire Station 45 from 6:00 to 8:00 p.m. on International Boulevard Phase IV project, the final phase.

**COUNCIL COMMENTS:** Councilmember Fisher replied to a citizens' comment that four feet fences can evoke the danger of dogs jumping the fence and attacking walkers. Secondly, he stated that Referendum 51 was last reported at 62 vs. 38. He commented on the challenges of this bill.

Councilmember Anderson thanked everyone for their sincere wishes regarding the hospitalization of her husband, George. Adding to that was a visit from Councilmember DeHan to George at the hospital a day after the funeral of his wife, Betty. She called that a "Class Act".

Councilmember Hansen stated that he called the City Attorney this morning due to hearing that there will be a ban on Holiday caroling. City Attorney McAdams stated the mentioned Ordinance was to close a loophole that allowed a property owner to play loud music from his/her property. The existing Ordinance which has been in place since the year 2000 was based on the language of the Ordinance enacted in 1992 does state that there is a prohibition against whistling, singing or yelling which causes disorder or problems to the neighbors. Therefore, he felt Holiday caroling would not fall into that grouping.

Chief of Police Services Somers remarked that the idea of the Ordinance was to aid in peace and order in the community. The Police Department uses this tool to handle intoxicated and drug-using individuals who are causing a disturbance in the community.



Deputy Mayor Brennan stated that fences cause more lawsuits than any other neighborhood law. Secondly, he stated he viewed the American Flagpole, admiring the Flag Plaza and the NCH Building, inside and out.

Mayor Gehring-Waters stated that in late 2001, the City was asked by the Puget Sound Access Board of Directors to nominate a citizen and Jay Holman is going be SeaTac's representative on the board. Secondly she stated that she would be attending an executive meeting of the Southwest King County Economic Development (SWKCED) with Assistant City Manager Craig Ward to hear the development of their 2002 Work plans on business assessment.

**ADJOURNMENT:**

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

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring-Waters, Mayor

Judith L. Cary, City Clerk

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

November 26, 2002 - 6:00 PM  
City Hall Council Chambers

**CALL TO ORDER:** The first SeaTac City Council Regular Meeting at the new City Hall (NCH) 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:** Bruce Rayburn, City Manager; Elizabeth Spencer, Deputy City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Michael McCarty, Finance Director; Mary Pederson, Municipal Court Administrator; Steve Butler, Planning Director; Michael Scarey, Senior Planner; Jim Downs, Fire Chief; Bob Meyer, Assistant Fire Chief; and Scott Somers, Chief of Police Services.

## **DEDICATION OF NEW CITY HALL (NCH):**

### **Presentation of Plaque to Council**

Mayor Gehring-Waters invited the Council, staff and audience to gather in the City Hall Lobby for the presentation of the New City Hall Commemoration Plaque. She unveiled the bronze plaque and gave a brief history on the Council's vision for a NCH to its final stage of occupancy.

### **Presentation of the American Flag to the King County (KC) Police Honor Guard and Raising of the American Flag at Flag Pavilion and Benediction of the NCH Building**

Mayor Gehring-Waters presented the Honor Guard with the American Flag and invited the attendees to gather at the City Hall Flag Pavilion for the raising of the American Flag by the KC Police Honor Guard. The flag was unfurled, as KC Police Captain Bruce Booker sang the National Anthem. It was a marvelous sight on this crisp fall evening and very befitting for the dedication of the new SeaTac City Hall at 4800 South 188<sup>th</sup> Street.

When this ceremony concluded, Mayor Gehring-Waters invited the attendees back into the Council Chambers for the Benediction of the NCH by Chaplain Lynn White, SeaTac Citizen and Police Officer. Chaplain White gave a special blessing dedicating the new site of SeaTac City Hall and blessing its public servants in their daily work.

Council praised Dave Clark, NCH Architect, for the excellent work on this project. Mr. Clark stated his appreciation of all who contributed to the construction of the NCH. He stated that everyone can be proud of the finished product. Many people contributed to this project, City Council; City staff; citizens; contractors; Cheryl Stacey, his assistant; Ed David and Dan Davis, Electrical Engineers; George McBride, Data and Audio & Visual Systems Manager and their crews.

**RECESSED:** Mayor Gehring-Waters recessed the Regular Council Meeting to a short reception in the Council lobby at 6:20 p.m.

### **Reception in the Council Lobby**

**RECONVENED:** Mayor Gehring-Waters reconvened the Regular Council Meeting at 6:47 p.m.

**PUBLIC COMMENTS:** Joe Dixon, 19211 35<sup>th</sup> Avenue South, stated that he attended the first SeaTac Council Meeting at Angle Lake School in 1990 and again at the first meeting at the City Hall located at the Kilroy Center on International Boulevard (IB) in 1994 and now at this permanent City Hall. He briefed on the background on the work involved in deciding on a NCH siting and congratulated Council and staff on the final outstanding product.

## **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$2,002,076.80 for the period ending November 20, 2002.

**Approval of employee vouchers** in the amount of \$366,601.84 for the period ending November 15, 2002.  
**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending November 22, 2002.

**Approval of Council Meeting Minutes:**  
**Regular Council Meeting** held November 12, 2002.

**Acceptance of Advisory Committee Minutes:**  
**Library Advisory Committee Meeting** held October 8, 2002 (Committee approved November 12, 2002).  
**Planning Commission Meeting** held October 21, 2002 (Commission approved November 4, 2002).  
**Planning Commission Meeting** held November 4, 2002 (Commission approved November 18, 2002).  
**Senior Citizen Advisory Committee Meeting** held October 17, 2002 (Committee approved November 14, 2002).

**Approval of the following Agenda Items recommended at the October 15, 2002 Study Session for placement on this Consent Agenda:**

**Agenda Bill #2239; Resolution #02-020**

**A Resolution approving and authorizing the 2001 through 2003 Collective Bargaining Agreement between the City of SeaTac and the International Association of Firefighters (IAFF), Local 2919 - Human Resources**

**Summary:** This agreement was reached through a combination of collective bargaining and items that were resolved through binding arbitration. The new bargaining agreement provides for the following: 1) wage increases: 2000 - 3.5 percent; 2001 - 1.2 percent; and 2002 - .25 percent; and 2) longevity effective January 1, 2002 is added as follows: completion of five years of service – one percent; completion of 10 years of service – two percent; completion of 15 years of service – three percent; and completion of 20 years of service – four percent; and 3) additional time off (effective January 1, 2003), bargaining unit members will have two additional days off in 2003 (through an increase in Kelly days from the current 4.33 to 6.33).

The arbitrator's decision provided an award equal to 90 percent of the CPI-W for the three years of the contract. The additional cost to the City during the life of the contract is approximately \$242,800.

**Agenda Bill #2230; Ordinance #02-1041**

**An Ordinance amending Section 3.75.010 and Subsection A of Section 11.15 of the SeaTac Municipal Code (SMC) regarding the Transportation Capital Improvement Program (CIP) Fund and increasing the Traffic Impact Fee on Development Activities to \$1,020 from \$773 - Public Works**

**Summary:** In 1994, the City Council adopted Ordinance 94-1002 that established a Transportation Impact Fee based upon the financing recommendations from the recently completed Comprehensive Transportation Plan. That fee has remained constant since 1994. The City is in the process of completing an update to that Comprehensive Plan (CP) referred to as the Joint Transportation Study with the Port of Seattle (POS). One of the financing strategies that the consultant team is recommending is that the City adjust the traffic mitigation fee every four or five years based upon changes to the local Consumer Price Index (CPI). The current Traffic Impact Fee of \$773 per PM Peak Trip, if adjusted for annual increases in the CPI from 1994, would amount to \$1,020. Periodically adjusting the fee based upon changes in the CPI, as is recommended, will maintain the value of the fees collected in current dollars.

SMC Section 3.75.010 erroneously refers to the Transportation Impact Fee as being imposed by Section 11.10.050 of the SMC, rather than 11.15.050, and further refers to the fund for deposit of fee revenues as the Transportation Impact Fee Fund, whereas the same has been established as the Transportation CIP Fund 307.

Based upon current projected revenue from impact fees, the recommended increase will generate between \$30,000 and \$50,000 annually.

**Agenda Bill #2231**

**A Motion authorizing the City Manager to enter into an Agreement for participation with other South County Jurisdictions on the South County Area Transportation Board (SCATBd) - Public Works**

**Summary:** SCATBd is a forum whereby the South County jurisdictions can work together to help solve local and regional transportation problems. The current SCATBd Agreement expires on December 31, 2002. The proposed agreement extends the board for three years until December 31, 2005. Except for minor revisions, the agreement is the same that the board currently operates under. The revisions to this agreement include the addition of the Muckelshoot Tribe; the consideration of possible dues and specifically stating that one of the KC positions on the board is reserved for the KC Executive. Participation in SCATBd has served the City of SeaTac well in the past, and it would be in the City's best interest to continue to actively participate on the board.

There is no fiscal impact at this time; however, the board will be considering imposing a nominal dues amount next year.

**Agenda Bill #2236; Ordinance #02-1042**

**An Ordinance granting VoiceStream PCS III Corporation, a Non-exclusive Master Permit, to install, operate and maintain Telecommunications Systems in the Public Rights-of-Way (ROW) of the City of SeaTac - Public Works**

**Summary:** VoiceStream PCS III Corporation currently proposes to install a cellular antenna on a power pole located in the Military Road South ROW adjacent to the single-family residence at 4441 South 172<sup>nd</sup> Street. Currently, the site is going through a conditional use application (CUP02-00002) and a State Environmental Protection Act (SEPA) checklist (SEP02-00008) through the City's Department of Planning and Community Development. The applicant has engineering plans and a ROW use permit application has been submitted to the Engineering Division for review and approval pending the approval of this Master Permit. The Master Permit outlines the rights and responsibilities of both the City and VoiceStream PCS III Corporation for the installation of facilities and the ongoing operation and maintenance of these facilities.

VoiceStream PCS III Corporation will pay \$500 to cover the City's preparation and processing costs for the Master Permit.

**Agenda Bill #2238; Resolution #02-021**

**A Resolution authorizing acceptance of a Demonstration Housing Project Grant and authorizing the City Manager to execute a Contract and Related Documents for expenditure of Grant Funds - Planning**

**Summary:** The proposed Resolution authorizes acceptance of \$99,500 in grant funding from the State Department of Community, Trade and Economic Development (CTED) for a Demonstration Housing Project to be used for the scope of work. The Resolution also authorizes entry into a contract with CTED and execution of related documents for the expenditure of grant funds.

CTED created a grant program to encourage the development of a housing pilot project that would meet several criteria, including: 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.

The City responded to the Request for Qualifications (RFQ) jointly with Threshold Housing and the Housing Partnership, organizations experienced in developing infill residential development (including Ravenna Cottages in Seattle). The City was recently notified that it has been selected as one of four Cities to receive the grant funds.

Much of the \$99,500 grant funding would be used to do the preliminary steps in the development of a demonstration project, including: 1) market research, as to what housing types will be commercially viable in SeaTac; 2) identification of potential sites; 3) public participation; and 4) conceptual site design.

The City and Threshold Housing, the actual developer, would make a decision as to whether the project will be feasible. If deemed feasible, the grant funding will additionally be used for the following steps: 1) selection of a final site; 2) preliminary and final project design; 3) revision of Development Regulations and CP policies; 4) preparation of a financing package; and 5) SEPA review on the proposed project design.

If the project is determined to be feasible, Threshold Housing would be the developer and would fund the cost of building the project.

The \$99,500 grant needs to be accepted by the City at this time in order to go forward with a contract and proposed scope of work.

#### **Agenda Bill #2223; Ordinance #02-1043**

#### **An Ordinance amending the Zoning Code to modify the Land Use Charts to allow a "City Hall" in additional Zone Classifications and the "Community Recreation" use in the Urban Low Density (UL) zones subject to a Conditional Use Permit (CUP) - Planning**

**Summary:** The City Hall land use is currently allowed only in the UL single-family zones as a permitted use. The land use charts will be amended to allow a City Hall in the following zones as either a permitted use or conditional use: Zones Allowed as a Permitted Use – CB (Community Business), ABC (Aviation Business Center), O/CM (Office/Commercial Medium), and O/C/MU (Office/Commercial/Mixed Use); Zones Allowed as a Conditional Use (Subject to Approval by the Hearing Examiner) – UM (Urban Medium Density), UH (Urban High Density), and the BP (Business Park); and Recreational Center. The YMCA is considering City property on the corner of 37<sup>th</sup> Avenue South and South 188<sup>th</sup> Street as a potential site for a future facility. The property is zoned UL 5000 (SDO), a Single-family Residential zone. The YMCA falls under the definition of a Recreational Center under Section 15.10.515 of the SMC. A Recreational Center is not currently allowed in the SDO zone. The land use charts will be amended to allow a Recreational Center as a Conditional Use in the Single-family zones. A CUP may be granted by the Hearing Examiner subject to a public hearing.

#### **Agenda Bill #2235; Ordinance #02-1044**

#### **An Ordinance increasing the Monthly Contribution to the City's Voluntary Employee Beneficiary Association (VEBA) Medical and Dental Expense Plan - Legal**

**Summary:** At the request of the Mayor, the proposed Ordinance increases the City's contribution, in lieu of health insurance, to the VEBA medical and dental expense plan for Councilmembers, from \$351 to \$577 per month and for participating employees from \$255 to \$421 per month.

Commencing in late 1992 and continuing through 1995, various methods of providing health insurance for Councilmembers were considered. It was, of course, determined that Councilmembers would be eligible for such insurance coverage through the Association of Washington Cities (AWC) plans which covers City employees. The AWC plans, however, were said to be unavailable until the next election of Councilmembers and coverage would be subject to exclusion of pre-existing conditions. The Administration & Finance (A&F) Committee and the Human Resources Department investigated a number of options and recommended a VEBA Trust Plan.

The Council then adopted Resolution No. 96-001 on January 23, 1996, authorizing the City Manager to enter into and execute all necessary agreements and other documents to establish and implement an optional MSA/MeDVEA Program to be made available to "eligible employees and elected officials."

The MSA/MeDVEA identification was actually an acronym for VEBA Trust Plan being marketed by Laney Advisors, Ltd. of Puyallup, Washington as broker consultant. This VEBA Plan is now titled the MSA VEBA Trust Plan. The plan administrator is presently REHN & Associates, Inc., of Spokane, Washington, and the consultant is now organized as the VEBA Service Group, LLC.

The acronym MSA stands for Medical Savings Account, which can be confusing inasmuch as the Internal Revenue Service (IRS) usurped that term and acronym for an entirely different means of allowing self-employed

persons and very small businesses to make tax-free payment of medical expenses, pursuant to Section 220 of the Internal Revenue Code (26 U.S.C. 220).

A VEBA Trust Plan (based upon the "best tax advice available" because there is not any single provision of the Internal Revenue Code which makes VEBA medical payment functions tax exempt) provides a tax-free source of funds for individuals to pay pre-retirement and post-retirement medical, dental, and vision out-of-pocket expenses and to pay post-retirement health insurance premiums.

According to available information, VEBA Trusts have operated since 1928 and, according to the IRS; some 13,000 VEBA Trusts are presently in operation.

At the time of passage of Resolution No. 96-001, the A&F Committee determined that the City contribution on behalf of each Councilmember would be the flat monthly sum of \$351, which was equivalent to the premium paid by the City for the AWC Plan B medical coverage for an employee and spouse (\$255) together with the premium paid by the City for full family dental and vision coverage (\$96). Because 100 percent participation by employees in the dental and vision coverage plans is required, the City contribution for a participating employee would be only \$255 per month and the employee would be required to continue in the City-provided dental and vision insurance coverage.

There has been no increase in the set monthly contributions since 1996. As pointed out by Mayor Gehring-Waters, the City contributions are no longer equivalent to the insurance premiums, which do not have to be paid as a result of participation in the VEBA Trust Plan. If Councilmembers were provided the same insurance coverage as are available to City employees, the City would be paying a premium of \$577 per month per Councilmember. The premium for the AWC Plan B for an employee and spouse, which would be applicable to employees participating in the VEBA Trust Plan, is now \$421. The City now pays a premium of \$156 per month for each employee's dental and vision coverage.

Some desire has been expressed in regard to automatically increasing the City contribution to the VEBA Trust Plan so as to match the annual increase in City insurance premiums. However, the Washington Constitution forbids an increase in compensation of elected Municipal Officials during their term of office, as, for example, interpreted by the State Auditor in condemning automatic cost of living allowance (COLA) increases for Councilmembers. The Municipal Research & Services Center (MRSC) has agreed with the Auditor's opinion, as has the Attorney General in several formal opinions. Long ago, in 1908, the Washington Supreme Court interpreted the forbidden increase in compensation to be broad enough to include any kind of remuneration from the public treasury for a public officer, whether by way of what is called salary or otherwise.

It may be noted that, pursuant to RCW [41.04.190](#), the cost of insurance benefits shall not be deemed additional compensation. However, the City's contribution to the VEBA Trust, on behalf of Councilmembers, is simply a grant of money and is not an insurance policy or insurance benefit. Thus, any increase in the City contribution would constitute an increase in compensation.

As a result of the foregoing, and specifically including the constitutional prohibition against mid-term increases in compensation pursuant to Article XI, Section 8 of the Washington Constitution and the same prohibition of RCW [35A.13.040](#), any increase in the City's contribution to the VEBA Trust on behalf of elected Councilmembers cannot take effect until the next election for each Council position. If an increase is authorized pursuant to the proposed Ordinance, the increase will not be effective until January 1, 2004 as to Positions 1, 3, 5, and 7. The increase will not be effective until January 1, 2006 as to Positions 2, 4, and 6.

At the November 5, 2002 A&F Committee meeting, the proposed Ordinance was recommended for approval with one suggestion. The committee requested that the amount of the VEBA contribution be reviewed on a biennial basis and, if warranted by increases in the medical, dental, and vision insurance premiums paid by the City, be increased to that same level. Accordingly, a provision for biennial review is included in the proposed Ordinance.

Accordingly, the fiscal impact of any increase will be delayed but, when fully effective, the City contribution on

behalf of Councilmembers to the VEBA Trust will be increased from the present \$29,484 to \$48,468 annually. Only one employee is participating in the Plan and the said employee is scheduled to retire at the end of this year. If retirement does not occur, the fiscal impact would be an additional expenditure of \$1,992 per year. If additional employees should choose to participate, there would be no fiscal impact by reason that each such employee would forego the currently provided City medical insurance and the premium would be diverted to the VEBA Trust.

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

MOTION CARRIED UNANIMOUSLY.

## **PUBLIC HEARING:**

### **Second Public Hearing on the 2003 Annual City Budget**

Mayor Gehring-Waters opened the second Public Hearing on the 2003 Annual City Budget at 6:57 p.m.

Deputy City Manager Spencer gave a synopsis of the budget as outlined in Agenda Bill No. 2209 following this hearing. Ms. Spencer briefed the Council on the summary of all of the funds in the budget as well as a few changes for Council consideration this evening. One change is in the General Fund, an amendment for a grant funded Demonstration Housing Project, which increases revenue by \$99,500 and increases expenditures by the same amount. This brings the revised Preliminary Budget of the General Fund to \$19.2 million and approximately \$217 million in expenditures and with a projected fund balance at the end of 2003 of \$13.6 million. All other funds remain the same except for the Capital Improvement Fund, in which the Westside Bike Trail Design has been added and increases both revenues and expenditures by \$50,000 for no net effect on the fund. At the last Council Meeting, discussion was held regarding funding of \$5,000 for Mt. Rainier Pool which has been increased by \$20,000 for a total funding commitment of \$25,000 for 2003. These two changes have a net effect of reducing that fund balance by \$20,000 from the \$2.1 million.

Council discussion ensued as to the Explorer Scout Program inclusion in this budget. Ms. Spencer stated that the Fire Department needed more time to explore this program for the City's budget; therefore, it has not been included in the 2003 budget.

Upon a request by Deputy Mayor Brennan, Ms. Spencer explained the funding for the NCH. The September 1997 Interlocal Agreement (ILA) with the Port provided SeaTac \$10 million in community relief monies, as well as payment for street vacations on the westside of the City for \$13.5 million. Several years ago, the Council set a policy of allowing that money to sit as an endowment fund where the interested generated would be expended on capital projects. The initial \$13.5 million would be preserved to continue to provide funding for future capital improvements. Because of the events of September 11, 2001, and the difficulties that has affected the City financially due to the reduction in air travel and an increase in offsetting revenues in both Sales Taxes and Property Taxes, it was not advisable for the City to go to the bond market and issue bonds for the NCH project. The City also had the benefit of having these funds set aside in the City/Port (POS) ILA fund that could provide a loan to the Municipal Facilities Fund and fund the project internally. The POS ILA fund will be repaid from the General Fund over a 20-year term, same as the bonds would have been paid at the same interest rate, as the POS ILA Fund would have earned.

Deputy Mayor Brennan thanked Ms. Spencer for the excellent work in her preparation of the 2003 Budget after many hours of discussion and decision-making with the Council and staff. Mayor Gehring-Waters agreed.

Mayor Gehring-Waters closed the Public Hearing on the 2003 Annual City Budget at 7:10 p.m.

## **NEW BUSINESS:**

### **Agenda Bill #2209; Ordinance #02-1045**

### **An Ordinance establishing the 2003 Annual City Budget - City Manager**

**Summary:** The City Council and staff have been working on preparation of the 2003 Annual Budget since July. Six Council budget workshops have been conducted and the 2003 Preliminary Budget document, detailing funding recommendations for the 2003 Annual City Budget, was formally presented on November 5. The first public hearing on the 2003 Preliminary Budget was conducted November 12, and the second public hearing was held prior to this agenda bill.

The City has experienced a decline in General Fund operating revenues over the past four years. In 2000, the Motor Vehicle Excise Tax was repealed, resulting in a loss of revenue that had totaled \$472,000 in 1999. In 2001, a slight downturn in the economy experienced during the summer was minimal compared to the economic impact to be felt after the September 11, 2001 terrorist attacks. The City's reliance on the air travel industry has never been more apparent than in the past year, as reductions in sales, parking, and hotel/motel tax revenues exceeding 10 percent, have been experienced.

Total General Fund revenues have decreased by 18.6 percent, while expenditures have increased by 3.4 percent over the past four-year period. For 2003, a reduction in Property Tax revenue is anticipated due to the continued financial difficulties of airline companies, which represent more than 40 percent of the City's Property Tax Base. With little growth in Sales Tax revenue projected, the City is facing a significant budget deficit in the General Fund for 2003. The 2003 Preliminary Budget recommends no reduction in service levels or staffing, and no new taxes, with the expectation that the majority of the revenue decreases experienced in 2002 and projected for 2003 are temporary. It is, therefore, proposed that the City utilize General Fund reserves in the amount of \$2.4 million in 2003, lowering the fund balance of the General Fund from \$16.0 million to \$13.6 million. The City Council's target fund balance of four months of operating revenue will be preserved. In fact, the projected ending fund balance at December 31, 2003 will still exceed the Council's target by \$7.4 million. This action will allow for an additional year during which revenue collections will hopefully rebound.

The 2003 Preliminary Budget does anticipate a few increases in service levels for General Fund operations: 1) in 2003, the City will maintain the NCH, as well as additional office space in the building leased to tenants. To provide for this change, a new Facilities Department has been created. A Facilities Director position has been proposed, to whom three existing facilities maintenance staff will be reassigned from the Parks Department. The Facilities Department will be responsible for maintaining all City facilities and perform property management services for the City Hall building, services for which the City currently contracts; 2) the City will change its model for acquiring police services through KC to allow for the relocation of SeaTac Police personnel from the Burien precinct to the SeaTac City Hall; and 3) three additional part-time positions have been recommended for the Parks & Recreation Department - one providing services to seniors, and two assisting with maintenance of the City's parks.

The 2003 Preliminary Budget proposes total Citywide expenditures of \$48.7 million, of which \$14.2 million represent capital projects related to equipment and vehicle replacement, park improvements, transportation improvements, surface water management projects, and construction of a new Public Works/Parks Maintenance Facility. The fund balance of the City's 24 funds at December 31, 2003 is projected to total \$38.5 million. Preparation of a six-year CIP has been integrated in the annual budget preparation process, ensuring that attention is given to the long-term capital needs of the City.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 02-1044.\*

Upon a question posed by Councilmember Hansen, Ms. Spencer stated this Ordinance is being submitted this evening for final approval of the 2003 Budget. November 26 was the projected date for adoption of the budget with the reservation that it might have to be deferred to December 10 in the event that the City did not have the assessed valuation from the County. She felt the mechanism would be to continue the public hearing to December 10 and reconsider this agenda bill adoption.

Council discussion ensued with staff as to the options opened to Council as to adoption of the budget prior to the end of the year. It was decided to vote on the budget this evening and if and when there was a change to the 2003 Budget, it could be amended.



Councilmembers Fisher and Lasco each stated that their individual decisions to vote no on this budget were for reasons of differences in opinion on budget issues. Clarification on concerned funding issues was brought forth by Councilmembers and staff.

\*UPON A ROLL CALL VOTE, THE MOTION CARRIED WITH ANDERSON, HANSEN, GEHRING WATERS, BRENNAN AND DEHAN VOTING YES AND FISHER AND LASCO VOTING NO.

### **Agenda Bill #2245**

#### **A Motion authorizing the City Manager to fund additional Contingency on one Contract and additional Funding for the Construction Manager for the New City Hall (NCH) Construction - Parks & Recreation**

**Summary:** The City Council approved the contract with the Construction Manager not to exceed \$80,000 for a period of February 13 through November 30, 2002 without written approval by the City. The project costs for the Construction Manager will exceed the \$80,000 and will need to have this Motion approved as an amendment to the Construction Manager contract for an additional \$15,000 and end December 31, 2002.

Valley Electric will have change orders that exceeded the City Council approved contingency. \$472,459 was budgeted with an approved amount of \$292,306 and an anticipated additional needed contingency of \$44,000. The additional amount for the Construction Manager is due to extra weekends worked to coordinate the project and extra hours needed in December to finish the project and start the Facilities Department. Valley Electric extras were needed to install additional circuits, additional code requirements, and upgrade the lighting fixture lenses. The cost will be paid from the \$4,986,233 appropriation for Phase I Budget of the City Hall construction and remodel.

Construction Manager Pat Patterson briefed Council on the above summary, adding that although this amount exceeds the contractual amount, it does not exceed the budgeted amount, which is still under by a significant amount. Mr. Patterson explained some of the areas of budgeting in order to update the lighting fixtures.

MOVED BY HANSEN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 2245.

MOTION CARRIED UNANIMOUSLY.

Parks & Recreation Director Ledbetter requested of the Council that NCH Architect David Clark speak about the outside signage on the building. Mr. Clark stated that a discussion was held with the City Manager, Deputy City Manager, Project Manager, Construction Manager and him regarding sign concepts from the vendor to review the current sign and what was expected. The team clearly did not anticipate the inadequate result. The sign initially placed on the front of the building has been removed and is in City possession. The team has also discussed the signage with other professionals on the team. Mr. Clark requested Council input at this time

Council gave their opinions and it was suggested that the sign be placed on the back of the building. Mr. Clark stated that the Planning Director has confirmed that the sign can be placed on any side of the building. The stair tower on the Military Road side of the building was suggested. Also, it was suggested by Council to have the SeaTac City Hall lettering placed on the façade above the front door entryway to identify the building. Mayor Gehring-Waters suggested that signage be placed at the eastbound end of the NCH property on South 188<sup>th</sup> Street. She requested that the Council view the proposed signage prior to final decision-making.

**PUBLIC COMMENTS:** There were no public comments.

**CITY MANAGER'S COMMENTS:** City Manager Rayburn stated that tonight in this first Council Meeting, he would like to state his appreciation to the Council, the design team, and the City staff for the hard work involved in the final product, a permanent City Hall for the citizens of SeaTac. He looks forward to being a part of conducting business in the NCH.

**COUNCIL COMMENTS:** All Councilmembers stated their appreciation to all involved for the work that went into making this site a very positive permanent home for SeaTac City Hall. It was suggested that an article be

placed in the SeaTac Report on the journey from beginning at the Angle Lake School building to arriving at this permanent site for the NCH.

Councilmember Anderson added that the Senior Craft Show at the North SeaTac Park Community Center was a success and the group made approximately \$1,000. Some of the Seniors asked her if the Council would agree to having Senior activities be promoted in the Tukwila Senior bulletin and do the same for Tukwila's seniors.

Mayor Gehring-Waters complimented Mr. Clark on his expertise and Ms. Spencer for finding the "like new" used furnishings for the NCH at the low cost of \$ .35 on the dollar. The NCH is a state of the art building and one that everyone can be proud of. She had the following other items of business: 1) requested that Council turn in to the City Manager, their key cards, car tags, and building keys from the old City Hall; 2) has been requested that the Council proclaim National DECA Week regarding teens working towards developing business strategies, plans and implementation of same. Council agreed to the proclamation; and 3) no meeting on December 3 due to four Councilmembers attending the National League of Cities Conference in Salt Lake City that week. The Council will reconvene on December 10. She wished everyone a Happy Thanksgiving Holiday.

**ADJOURNMENT:**

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

MOTION CARRIED UNANIMOUSLY.

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

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

December 10, 2002 - 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 6:03 p.m.

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

**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; Jim Downs, Fire Chief; Bob Meyer, Assistant Fire Chief; Scott Somers, Chief of Police Services; Steve Butler, Planning Director; Jack Dodge, Principal Planner; and Mike Scarey, Senior Planner.

**FLAG CEREMONY:** Fire Chief Jim Downs led the Council, staff and audience in the Pledge of Allegiance.

**PUBLIC COMMENTS:** Cheryl Forbes, 5008 South 182nd Street, representing Highline Citizens for Schools, the group that promotes the Highline School District (HSD) bonds and levies, stated that a levy will be on the February 4, 2003 ballot replacing the current Education and Operations Levy, which will expire December 2003. A bond is used to build capital buildings. The bond will replace eight elementary schools and do improvements to Mt. Rainier High School. The levy funds operations, educational programs, teachers, paraprofessionals, and minor building maintenance but not new construction. The State covers a specific amount and the levy supplements the amount the State does not pay for, in this case, 19 percent of the operating budget for the HSD. She urged the Council to endorse the levy.

Julie Mitchell, 20024 3<sup>rd</sup> Place, Normandy Park, and Schell Ross, 23444 26<sup>th</sup> Avenue South, members of the Mt. Rainer Ad Hoc Committee to save the pool, thanked the Council for its interest and commitment to help keep the pool open. Ms. Ross stated that a thank you card from the students of Pacific Middle School is on the way.

## **PRESENTATION:**

### **Update for Secure Community Transition Facility (SCTF) Proposal**

Mayor Gehring-Waters opened this presentation by stating that she heard this presentation and directed Planning Director Butler to give a briefing to the Council on this proposal. The Southwest King County Chamber of Commerce President informed her that they will be opposing this SCTF site and a letter will follow to that effect. She also has been receiving phone calls from concerned local citizens. The proposed SCTF would be located on 1.2 acres, one mile from City Hall, three miles from Seattle Christian School, and a mile plus from Tyee High School.

Planning Director Butler presented a brief background on the type of offender which the State has mandated be housed in various areas of the State. A SCTF is a facility that provides a residence with 24-hour security for Level-3 sex offenders. Three locations have been proposed to be sited in unincorporated King County (KC). The one of local concern is proposed for the southeast corner of South 200<sup>th</sup> Street and Orillia Road. The second location is a larger site between Federal Way and Auburn in the Peasely-Canyon area and the third site is East KC on 4.8 acres southeast of Carnation. One of these locations will be chosen for the facility. KC staff recommended locating the facilities only in the forest zone; however, the KC Council chose not to impose any regulations governing these facilities. That allows the State to preempt County regulations. KC Council will work with the County on siting and operating this facility. The State is planning on holding two public hearings for each potential site for early 2003. The State will also take comments from email and regular mail. Federal Way and Auburn are already working on opposition of the site in their area. SeaTac staff has contacted surrounding jurisdictions as to this concern.

Council discussion ensued as to opposing the SCTF being located in the local area. Councilmember Anderson stated her concern and inquired as to whether this local potential site would be in the SeaTac's Fire District to which Deputy Mayor Brennan replied that it would be in District 24's jurisdiction. She suggested a coordinated effort with local Cities. Deputy Mayor Brennan stated that during the process of incorporating, SeaTac requested this area be within its boundaries. However, the Boundary Review Board deemed this area be left in unincorporated KC between Tukwila, SeaTac and Kent, leaving a small amount of homes in District 24. Due to a lack of funds and equipment in Fire District 24, the SeaTac Fire Department is called upon for aid. The same is true for the SeaTac Police Department. He agreed that the local Cities stand together on the SCTF siting.

Councilmember Fisher stated that the State would do as they please. They are aware of the churches, schools and residential areas surrounding the potential sites.

Councilmember DeHan stated that if SeaTac does nothing, it appears as consent by default. He suggested that Kent, the largest City of the three Cities involved, be contacted to assume the lead on this opposition stand and ask Tukwila to join in. SeaTac's opposition needs to be stated. Councilmember Lasco suggested that a strong opposition from SeaTac be stated.

Mayor Gehring-Waters stated that perhaps a letter of opposition be drafted from the Council. Councilmember Fisher added that it should be mentioned that SeaTac already has aircraft noise and fall out, a Federal Prison, and low-income families to name a few of the existing conditions SeaTac has to deal with already.

Mr. Butler stated that staff will be working with the City Manager's Office, Legal, and Police to devise an approach to prevent the facility from being located near SeaTac. City Manager Rayburn concluded the discussion by stating that a strong objection to the siting will be drafted.

#### **CONSENT AGENDA:**

**Approval of claims vouchers** in the amount of \$2,282,948.07 for the period ending December 5, 2002.

**Approval of employee vouchers** in the amount of \$482,687.62 for the period ending November 30, 2002.

**Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending December 6, 2002.

#### **Approval of Council Meeting Minutes:**

**Study Session** held September 17, 2002.

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

MOTION CARRIED UNANIMOUSLY.

#### **PUBLIC HEARING:**

##### **Adoption of Findings of Fact to justify and to continue a Moratorium on Construction of Certain Fences on Residential Property**

Mayor Gehring-Waters opened the Public Hearing at 6:35 p.m.

City Attorney McAdams stated that at the September 17, 2002 Study Session (SS), the Planning Commission (PC) brought to Council three minor changes to the requirements for residential fence construction. During the discussion, it was found that there was considerable concern as to aesthetics. Fences are allowed at a height of six feet and on certain circumstances, six feet above a bulkhead or retaining wall, if the residential property is fronting on a principal arterial. At the November 19 Regular Council Meeting (RCM), the Council imposed a moratorium halting all residential fence construction on properties abutting a principal arterial, primarily on South 188<sup>th</sup> and 200<sup>th</sup> Streets. The State law requires that if a moratorium on land use is imposed, than within 60 days, the Council must adopt findings of fact to justify the moratorium. That is the essence of this public hearing and following Resolution.

There was no public input.

Mayor Gehring-Waters closed the Public Hearing at 6:37 p.m.

**NEW BUSINESS:**

**Agenda Bill #2240; Resolution #02-022**

**A Resolution adopting Findings of Fact in support of and continuing the Moratorium on Construction of Fences along the Front Yard of Residential Properties Fronting on Principal Arterials - Legal**

**Summary:** This Resolution complies with State law by adopting findings of fact in support of and continuing the moratorium on certain fence construction imposed by Council on November 19, 2002.

At issue are the fence height restrictions of SeaTac Municipal Code SMC 15.13.080. As a result of citizens' correspondence and comments, the PC and the Planning staff proposed the following amendments at the Council

SS of September 17, 2002: 1) change the minimum distance of the space between the top of a fence to the bottom of its trellis from six inches to ten inches; 2) allow a clear panel between the top of the fence and the bottom of the trellis, subject to City approval; and 3) require completion of fence construction within six months after start of construction.

Because there were no previous citizen complaints, no change was proposed to the permitted six-foot height of front fences of single-family and multi-family residences fronting on a principal arterial. This exception to the usual four-foot height of front fences has been permitted since adoption of the original Zoning Ordinance No. 92-1041 on October 27, 1992. The reason for the exception to the usual four-foot height limitation in front yards is based upon privacy and noise reduction relating to the heavy traffic on a principal arterial street adjacent to such properties.

During Council discussion of Agenda Bill No. 2201 and its proposed three amendments to fence regulations, at the September 17, 2002 SS, recent construction of a six-foot high fence on South 200<sup>th</sup> Street (a principal arterial) was characterized as overly high and aesthetically displeasing. Displeasure was also expressed as to the overall height of fences, particularly those six feet high, when constructed on top of a retaining wall or bulkhead.

As a result, the Council directed that the fence amendments be returned, without action, to the PC for additional study and recommendations in regard to the Council's concerns.

Two days later, on September 19, 2002, the Land Use & Parks (LUP) Committee discussed the fence regulations, including the nine and one half foot maximum height when fences are erected on top of bulkheads or retaining walls, and also an issue regarding whether address numbers should be required on fences. LUP referred the fence regulation issues to a future PC meeting.

In addition, the potential amendments of allowable fence height and any issues of design or public expense have not yet been subject to the State Environmental Policy Act (SEPA) threshold process. The original three amendments were processed through SEPA, and a Determination of Non-significance (DNS) was issued October 28, 2002 and a 60-day advance notice was sent to the Department of Community, Trade and Economic Development (CTED) pursuant to law.

Review and study of the fence regulation amendments was scheduled to be brought back to the Council at its November 19, 2002 SS and the November 26, 2002 RCM. However, the matter was accelerated to the November 12, 2002 RCM, together with the October 7, 2002 PC meeting minutes and the October 10, 2002 LUP Committee meeting minutes.

The Council was unable to arrive at a consensus during its deliberations at the aforesaid November 12, 2002 RCM. As a result, a moratorium was imposed by Council Motion to prohibit construction of new fences along the front yard of residential properties, which front principal arterial streets. The purpose of the moratorium is to provide time for further study and information to permit the Council to reach consensus and take final action.

Notice of the required public hearing, to be held at the December 10, 2002 RCM, has been published. Subject to public comments, further information from staff, and additional Council deliberations, the proposed Resolution adopts findings of fact in support of the moratorium and its continuation for not more than six months, unless earlier rescinded.

Construction of any residential fence, less than six feet in height, does not require any City permit. Thus, proposed construction of new fences cannot be prevented by withholding issuance of a permit. This should be done as soon as possible. Thus, if new fence construction is to be prevented, it is necessary to provide notification to the residents of the City. Although delay is not recommended, the Resolution also provides for publication of the moratorium. If the Council deems the expense appropriate, a mailing to each owner of residential property abutting a principal arterial could be authorized.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO PASS RESOLUTION NO. 02-022.

MOTION CARRIED UNANIMOUSLY.

### **Agenda Bill #2248; Resolution #02-023**

#### **A Resolution approving the Interlocal Agreement (ILA) for Mount Rainier Pool Subsidy Funding by Mount Rainier Pool Contributors (MRPC) - City Manager**

**Summary:** Approval of this Resolution would commit the City to coalition of governmental entities membership, MRPC, which will subsidize the operational costs of the Mt. Rainier Pool for one year.

The ILA establishes MRPC for the purpose of assembling adequate funds and coordinating subsidy payments to KC in order to permit the Mt. Rainier Pool to operate during 2003, and to develop a long-term financing and operating plan after 2003. The MRPC includes the Cities of Des Moines, Normandy Park, SeaTac, and the HSD. The Cities of Kent and Burien may join the MRPC. KC and the MRPC members will execute a separate operating agreement to address subsidy payments and administration.

Because KC will continue to own and operate the pool, the ILA does not need to address issues of liability or operations. It is understood that the funding subsidy of up to \$217,620 will necessitate a reduction of operating hours from that currently provided. Furthermore, if that amount of subsidy is not raised, additional operational adjustments may occur. The amount of \$25,000 is budgeted for the City's 2003 subsidy.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO PASS RESOLUTION NO. 02-023.\*

Assistant City Manager Ward stated that this issue involves two Agenda Bills, Nos. 2248 and 2250, which are linked to this one topic. Agenda Bill No. 2248 addresses the coalition of jurisdictions' ILA that forms the basis for the MRPC coalition of jurisdictions to work with KC to continue pool operations in 2003. The goal of the coalition is to find a long time solution for continuing to operate the pool. Agenda Bill No. 2250 is an agreement between the members of the MRPC and KC to establish the conditions under which KC would continue to operate the pool in 2003 and the MRPC would subsidize the pool operations by making payments to KC for keeping the open. The payment would offset KC's operating expense. These agreements form the basis on which the pool can continue to be open in 2003, giving the MRPC more time to find a longer-term solution. The MRPC have had discussions with the YMCA and Northwest Center, both, which have shown interest in operating the pool for at least the next five years. KC Council is holding their last Council Meeting of the year on December 17 and if there is no agreement ready for adoption, they will close the pool.

Des Moines City Manager Tony Piasecki thanked the Council, on behalf of the members of the MRPC, for making the generous commitment of \$25,000 to help keep the pool open. He summarized the basis of the two agreements which will need to be presented to the MRPC members' Councils, school district and KC by August 15, 2003 or sooner. The other part of the agreement lays out the MRPC's financial commitment which he explained the details of overhead costs to KC at a rate of 35 percent of the operating expenses. Mr. Piasecki detailed the MRPC members' contributions. Other possible contributors are Christian Faith Center and the Port of Seattle (POS).

Council discussion ensued as to auditing the funds to KC to ensure the monies are spent correctly. Mr. Piasecki stated that KC would retain the exclusive right to run the pool. The MRPC can give input as to how to run it more efficiently but according to the agreement with KC, they have the right to operate the pool as they feel is needed.

City Attorney McAdams stated the financial records are open for public review, but not specifically for auditing.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2250; Resolution #02-024**

**A Resolution approving the Agreement for Mount Rainier Pool Operations - City Manager**

**Summary:** Approval of this Resolution would commit the City and the rest of the MRPC members and KC to operating of the Mt. Rainier Pool for a period of one year.

This agreement establishes the conditions under which KC will continue to operate the Mt. Rainier Pool during 2003. The agreement provides that the Cities of Des Moines, Normandy Park, SeaTac, and the HSD will subsidize KC for the costs of operating the pool up to an estimated annual payment of \$217,620. The Cities of Kent and Burien may join the coalition, but are not confirmed at this date. The estimated annual payment is equal to the estimated net operating cost of the pool under a reduced operating schedule and with a 50 percent increase in user fees, when compared to 2002. In the event that KC is successful in reducing net operating costs over the term of this agreement, KC will refund the difference to the MRPC. If KC's net operating costs exceed the estimated annual payment, then KC will notify the MRPC in writing of the reasons for the increase and available operational changes to balance the pool budget (which could involve closure) or additional funding that would be necessary in order to avoid the operational changes. If additional funding is not forthcoming from the MRPC, then KC may act unilaterally to make the operational changes it deems necessary in order to address the increased costs and/or funding shortfall.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO PASS RESOLUTION NO. 02-024.\*

Mr. Piasecki mentioned that members of the Highline Swim Team have been raking leaves in the local area to raise money to go toward the pool expenses.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2247**

**A Motion authorizing the City Manager to enter into a Contract and negotiate a Detailed Scope of Work with the IndexGroup for Economic Development Services - City Manager**

**Summary:** This Motion authorizes the City Manager to enter into a contract with the IndexGroup for economic development services to be provided from September 2002 through December 2003, and not to exceed \$100,000.

During the past two years, the Hotel/Motel (H/M) Tax Advisory Committee has worked with the IndexGroup to develop and implement a plan to market the City. The first stage focused on identifying promotional and economic development strategies aimed at increasing the number of people visiting and conducting business in the City. The second stage focused on implementation of several key strategies, including: 1) conducting a radio marketing campaign to improve the City's image; 2) developing a marketing brochure, CD and website to encourage economic development in the City; and 3) entering into a joint tourism program with the City of Tukwila, known as the Seattle Southside Visitor Information Program.

Given the progress made to-date in improving the City's image and encouraging tourism, the H/M Committee is recommending that the third stage specifically focus on economic development. The committee has chosen this focus because it views business development, including retention and recruitment, as critical to the success of area hotels. Specifically, increased business activity stimulates tourism, which puts heads in beds. This, in turn,

supports the long-term stability of the H/M Tax Fund.

At the H/M Committee's direction, the IndexGroup has developed an approach for an Economic Development Workplan. While the workplan includes a broad range of possible activities and may involve work conducted over more than one year, the H/M Committee recommends that a \$100,000 budget be set for tasks to be delivered by the end of 2003. Additional funding would be needed for any tasks not accomplished in 2003.

If approved by City Council, staff will work with the IndexGroup to develop a detailed scope of work for 2002-2003, not to exceed \$100,000. The committee has specified that the following items be included in this scope, with an estimated cost of \$46,000: 1) working with Professor Kasarda, an expert on economic development activities in airport Cities, to explore and develop the concept of the City as the region's aerropolis, characterized by pairing of businesses and transportation services to create a highly efficient commercial district; 2) developing outreach tools including a menu of economic development incentives and a developable lands inventory; and 3) payment for IndexGroup's work on a parking and lodging signage project.

The H/M Committee has delegated to the SeaTac Economic Partnership (STEP), which includes membership from the City of SeaTac, POS and the SeaTac Business Committee, developing additional tasks to utilize the balance of the \$100,000 budget.

Given the past and on-going services of the IndexGroup and desire of the H/M Committee, it is suggested that the requirement for proposals and competitive negotiation of SMC 3.30.060 be waived. The plan would call for an additional \$100,000 from the H/M Tax Fund.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 2247.\*

Senior Projects Coordinator Soraya Lowry introduced Joann Hamick, IndexGroup Consultant, who has been working with the H/M Committee for the last two years. The firm's work has focused on developing and implementing a plan to market the City. Mrs. Lowry outlined the stages of work the firm and the H/M Committee have been working on: 1) identifying strategies, promotional and economic-wise, to bring more people into the City as tourists and to do business; 2) implementing several of the key strategies, such as the radio ads, a marketing brochure and accompanying CD and a Web Site; a mailing will be done in early 2003 to at least 600 local business interests, providing them with the brochure and CD, The Web Site will be attached to the City's Web Site; and 3) joining forces with the City of Tukwila on joint tourism promotion called the Southside Visitor Information Program.

Next, Mrs. Lowry conveyed the recommendation from the H/M Committee that the City enter into a contract with the IndexGroup for economic development services.

Given the progress made to-date in improving the City's image and encouraging tourism, the H/M Committee recommended the third stage of their work focus on economic development. The committee has chosen this focus because it views business development as critical to the success of area hotels. Specifically, increased business activity creates more conference and meeting activity, which generates overnight stays in local hotels.

The H/M Committee is recommending that at this time the City enter into a contract for services to be delivered in 2002 and 2003 and with a total budget not to exceed \$100,000.

Mrs. Lowry presented a summary of the potential activities, schedule and budget for the 2002-2003 period. The bulk of activity, with approximately \$79,000 in cost, would occur in 2003: 1) working with Professor John Kasarda of the University of North Carolina. He is an expert at helping Cities near airports with economic development. Specifically, he helps such Cities pair business and transportation services to create a highly efficient commercial district, referred to as an "aerropolis." This item is strongly recommended by the H/M Committee; and 2) developing business outreach tools including a menu of economic development incentives and a developable lands inventory.

The next item focuses on background work, such as developing a workplan, researching specific tasks and



working with staff and relevant committees. This work would occur in 2002 and 2003 and is estimated at approximately \$14,000. As for an administrative item, paying the IndexGroup \$7,000 for their work to design parking and lodging signage.

Based on the proposed workplan, the H/M Committee recommends the following: first, that the final scope of work include the following items: 1) working with Professor Kasarda on the areotropolis concept; 2) developing business outreach tools including a menu of economic development incentives and a developable lands inventory; and 3) payment to the IndexGroup for work on the parking and lodging signage project. Together, the three items have an estimated cost of \$46,000:

The Committee's second recommendation is that the job of defining additional tasks to utilize the balance of the \$100,000 budget be delegated to the STEP.

With this Motion's approval, staff will work with the IndexGroup to develop a detailed scope of work for 2002-2003, not to exceed \$100,000.

Councilmember DeHan acknowledged the success of the H/M Committee under the leadership of Deputy Mayor Brennan. This topic was addressed at the Administrative & Finance (A&F) Committee earlier today with considerable discussion involved. One of the issues was the fact that the contract with the IndexGroup does not fall under the fiscal year 2003. Having that in mind and the three issues discussed by Mrs. Lowry, he requested proposing an amendment to the original Motion.

MOVED BY DEHAN, SECONDED BY BRENNAN TO AMEND THE MOTION TO READ "A Motion, pursuant to recommendation of the Hotel/Motel Tax Advisory Committee, authorizing the city manager to enter into an agREEMENT WITH the IndexGroup, at its current hourly rate, for the parking and signage project in the approximate sum of \$7,000, and for research and economic workplan development in a sum not to exceed \$14,000, and authorizing the City Manager to negotiate a further agREEMENT for economic development tools and outreach in a sum not to exceed \$79,000. "

Council discussion ensued as to elements and expenses of this Motion. Councilmember Fisher inquired as to the work involving Professor Kasarda. Ms. Hamick stated that she would be contacting Professor Kasarda next Tuesday with the STEP Committee to seek more information on the role he would be undertaking. His cost has been quoted as \$29,000 for a consultation and an event, which he would be the keynote speaker. He is a Business Professor at the Kenden-Flagner Business at the University of North Carolina's Chapel Hill. More and more, businesses are relying on airports to provide means for their work and contacts and this has led to more communities of businesses locating at and around airports.

AMENDMENT CARRIED UNANIMOUSLY.

\*ORIGINAL MOTION CARRIED UNANIMOUSLY AS AMENDED.

### **Agenda Bill #2224; Ordinance #02-1046**

#### **An Ordinance adopting the 2002 Comprehensive Plan (CP) Amendments – Planning**

**Summary:** State law allows Cities to amend local CPs once annually. The 2002 amendments are proposals from the public and from staff, both to the text of the CP document and to maps contained within the CP, and to the CP Land Use Plan Map.

By Resolution No. 97-001, the City Council authorized the Department of Planning and Community Development to implement procedures for amending the CP, which provide for consideration of proposed amendments for the 2002 calendar year in two stages. The recommended amendments were evaluated according to the preliminary and final docket criteria.

The City's procedures for amending the CP include completion of SEPA, review by the City Attorney, and consideration of public testimony by the PC in a Public Hearing.

SEPA review was completed November 25, 2002. The proposed amendments reflect consideration of public comments received at a public hearing held before the PC on November 4, 2002. The PC made its recommendation about the proposed amendments on November 18, 2002, especially regarding PC and staff recommendations where alternatives are proposed.

Council recommended the 2002 Final Docket of CP Amendments for the Consent Agenda at the November 19, 2002 SS.

Adoption of the proposed Ordinance would have no fiscal impact to the City beyond those identified in the Capital Facilities Element.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 02-1046.\*

Mr. Butler briefed on the above summary. He stated that the City is in the final steps of this year's annual CP amendments process.

\*MOTION CARRIED UNANIMOUSLY.

### **Agenda Bill #2242; Resolution #02-025**

#### **A Resolution revising the City's Fee Schedule to waive State Environmental Policy Act (SEPA) Review Fees for Minor New Construction/Expansion of an Existing Single-Family Residence or Accessory Structure within the State's Shoreline Management Area on Angle Lake and to establish a Fee for Zoning Code Interpretations - Planning**

**Summary:** Typically, the construction or expansion of a single-family residence or the construction of an accessory structure, such as a detached garage, does not require environmental review under SEPA. However, if the construction is located within 200 feet of the Ordinary High Water Mark (OHWM) of "Waters of the State", as defined in the State Shoreline Management Act (SMA), then SEPA review is required. Angle Lake is a "Water of the State".

The current SEPA review fee for expansion of an existing single-family residence or construction of an accessory structure is \$500. The proposed revision to the fee schedule would not require a fee for SEPA review under the following circumstances: 1) for the expansion of an existing single-family residence landward of the shoreline of Angle Lake; and 2) the construction or expansion of an accessory structure landward of the existing single-family residence on the property.

The purpose for eliminating the SEPA review fee under the above circumstances is that it takes little staff time for the SEPA review of such projects due to the lack of any major environmental impacts. A \$500 SEPA review fee will still be required for any house expansions toward the shoreline or the construction of any accessory structure on the shoreline side of an existing single-family residence. This is because such expansions or new construction could have an environmental impact on the shoreline of Angle Lake, which would take additional staff time to review the proposed construction.

A \$100 Zoning Code interpretation fee would be adopted. The Planning Department receives many Zoning Code interpretation requests during the year. These requests in many cases result in significant staff time to process. Currently, there is no fee to request a Zoning Code interpretation. Staff is proposing that a \$100 fee be assessed for Zoning Code interpretation requests to partially offset staff costs to process them.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO PASS RESOLUTION NO. 02-025.\*

Mr. Butler briefed Council on the above summary.

Councilmember Anderson asked whether there have been many inquires as to this topic. Mr. Butler stated that there were a few individuals who inquired into this issue.

Councilmember Brennan applauded Mr. Butler and the Planning Department for trying to help the City's citizens in reducing the steps of applying for minor construction permits.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2243; Resolution #02-026**

**A Resolution confirming the Re-appointment of the City Hearing Examiner by the City Manager for an Additional Term and authorizing a Personal Services Contract for Hearing Examiner Services - Planning**

**Summary:** This Resolution confirms the re-appointment of the City Hearing Examiner for an additional term of two years. The Resolution also authorizes the entry into an extension of the existing personal services contract, or a new personal services contract with the Hearing Examiner and authorizing a Personal Services Contract for Hearing Examiner Services.

Irv Berteig was appointed and confirmed as Hearing Examiner on June 5, 1990, pursuant to Resolution No. 90-098. Mr. Berteig's appointment was most recently extended for an additional two-year period by Resolution No. 00-018, which expired August 13, 2002. The City Manager recommends confirmation of appointment of Irv Berteig as City Hearing Examiner for an additional term of two years, until August 13, 2004.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO PASS RESOLUTION NO. 02-026.\*

Planning Director Butler briefed Council on the above summary.

Deputy Mayor Brennan stated that Irv Berteig has been serving the City as Hearing Examiner since the incorporation of the City and has performed an excellent job. Retaining his services would be a wise decision.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2251; Ordinance #02-1047**

**An Ordinance extending Time for VoiceStream to accept Ordinance No. 02-1042 Master Permit - Legal**

**Summary:** This Ordinance extends the time for VoiceStream to accept the nonexclusive Master Permit granted by Ordinance No. 02-1042. This Ordinance enacted on November 26, 2002, granted to VoiceStream PCS III Corporation a nonexclusive Master Permit to install, operate, and maintain a telecommunications system within the public rights-of-way (ROW) of the City.

Paragraph 24 of the form Master Permit provides that the grantee, VoiceStream, must accept the Master Permit by filing an "unconditional written acceptance" with the City Clerk not later than five days after passage and publication of the Master Permit Ordinance. Upon failure to do so, all rights granted by the Master Permit cease "unless the time period is extended by Ordinance duly passed for that purpose".

Enactment of the Master Permit Ordinance was published on Friday, November 29, 2002, as requested by the Public Works Department. Unfortunately, VoiceStream was not notified of the enactment and, therefore, failed to file the required acceptance within the five-day time period.

Accordingly, this Ordinance is required pursuant to Paragraph 24 of the Master Permit Ordinance so as to permit VoiceStream to formally accept the Permit.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 02-1047.\*

City Attorney McAdams briefed Council on the above summary. He stated that normally, a 30-day time period for acceptance by the contractor is issued rather than a five-day time period. Therefore, this Ordinance will extend the time for five business days to VoiceStream to accept Ordinance No. 02-1042. The company is prepared to accept the Ordinance.

\*MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2210; Ordinance #02-1048**

**An Ordinance tentatively setting the 2003 Ad Valorem Property Tax Levy - City Manager**

**Summary:** As of December 10, the KC Assessor's Office has not certified assessed valuations, nor will they provide an approximate date for this information to be released. An estimated tax levy amount has been filed with the KC Assessor and KC Council, which represents the Assessor's estimate of the maximum allowable levy for 2003. Staff recommend that this levy Ordinance be adopted, which levies that amount of \$8,960,000 for 2003 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.

Deputy City Manager Spencer stated that the City has had an ongoing saga on part of the development of the budget on the property tax levy for this year. The last few years, it has become increasingly difficult, due to the timing from the KC Assessor's Office to get a tax levy approved by the end of the year. KC Council continues to require the Cities to meet their requirement of submitting a tax levy in early December regardless of the fact that the KC Assessor's Office has not certified assessed valuation at that point. In the past, the City has filed an estimate with the KC Council, waited for the assessed certified valuation, approved the tax levy by City Ordinance, and KC Council does an amended Ordinance in January each year revising the tax levies submitted by the taxing agencies. As of this date, no assessed valuation has been received by the KC Assessor's Office; therefore, based on the A&F Committee's recommendation, action on this issue will not take place this evening. However, a tentative Ordinance could be adopted this evening for which Ms. Spencer gave Council the four different options: 1) the maximum allowable tax levy of just under \$8,960,000 with the one percent allowable under Initiative 747, resulting in a total tax levy of \$9,076,043 resulting in a tax levy of \$2.88 for 2003; 2) represents the estimate submitted to KC Council for their December deadline which would result in a tax levy of \$2.84; 3) using the \$2.80 tax levy of 2002, \$8,845,000; and 4) using a base calculation driven off the tax levy for 2002 of 8.5 percent and added the one percent increase, adding the levy amount related to new construction and state assessed property increases for a total tax levy of \$8.8 million and a tax rate that would fall from \$2.80 to \$2.79.

Ms. Spencer stated that options 2, 3, and 4 require no action by the Council as they are under the estimate provided to KC Council. The City Council can adopt an Ordinance in January 2003 and file it with the KC Council under their amendatory Ordinance; the tax levy can be lowered only.

MOVED BY BRENNAN, SECONDED BY LASCO TO ADOPT ORDINANCE NO. 02-1048 USING THE MAXIMUM ALLOWABLE TAX LEVY OF JUST UNDER \$8,960,000 WITH THE ONE PERCENT ALLOWABLE UNDER INITIATIVE 747, RESULTING IN A TOTAL TAX LEVY OF \$9,076,043 RESULTING IN A TAX LEVY OF \$2.88 FOR 2003.\*

Deputy Mayor Brennan stated that this was discussed in detail at the A&F Committee meeting earlier today and it was the general consensus of the committee to accept Option Two. Council discussion ensued and it was decided that Option One.

\*MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENTS:** Steve Pinto, 3741 South 192<sup>nd</sup> Street, stated he has heard rumors from teachers and kids that since Council did not fund CATCH 21, that the program will be dropped from Tyee's budget for 2003. Councilmember Lasco stated that one of the major funders of CATCH 21 program did not supply funding. Other funding is being lined up. The HSD has committed a large sum of money to continue with the program through 2003. It will not be expanded, but it will be continued through 2003. After that, other means of funding will have to be researched.

**CITY MANAGER'S COMMENTS:** City Manager Rayburn stated that during the last two weeks, staff has

been adjusting to the new City Hall (NCH) and its operating changes from the old City Hall. There is still some work to be done on phones, heating, and security at this new site. He hopes that Council and citizens continue to be patient with staff as they continue to settle into the NCH.

**COUNCIL COMMENTS:** Councilmember Lasco stated her support of the HSD's Operations Levy that will be forthcoming. This is not a new tax; it is just a continuation of funding the local schools at the appropriate level.

Councilmember Anderson had the following items of business: 1) had a discussion on tent membranes at the LUP Committee Meeting today and sent that item onto the PC. Linda Snider, PC member, agreed to take it to the PC with a recommendation from LUP committee that an open meeting be held on it for citizen input; and 2) while four of the Councilmembers were at the National League of Cities (NLC) Conference, the City had its tree lighting ceremony at City Hall. Staff did an outstanding job and the trees were beautifully lit. She encouraged citizens to take a look at the trees in the evening.

Mayor Gehring-Waters stated she has received phone calls as to why there are not lights on the trees on Military Road. City Manager Rayburn stated there is no power there, hopefully there will be for next year's lighting ceremony. He has already talked with Parks & Recreation Director Kit Ledbetter and they will be looking into it. This information should be in the City's newsletter because people are inquiring.

Deputy Mayor Brennan stated that he attended the NLC Conference in Salt Lake City last week and felt it was the best conference he has attended. The information was outstanding. He stated that Cities should not expect any funding from Federal or State governments for the next couple of years. SeaTac budgeted right from its inception and will make it through these lean times. Some of the Cities around the nation will have a hard time making it.

Councilmember DeHan stated that he attended the South County Area Transportation Board (SCATBd) meeting today in conjunction with the Eastside Transportation Board. The topic of the meeting was Regional Transportation Improvement District (RTID). The reason for the discussion was that Referendum 51 failed. Now, the Tri-County Area of Snohomish, King, and Pierce are looking at ways to raise funds in this metropolitan area and have the funds stay here so they can do transportation improvements in South County. The board has asked the member Cities to bring forth their projects. There are three 3 main areas in this Transportation improvement District: South County, Eastside of Lake Washington, including the greater Metropolitan area of Bellevue, and Downtown Seattle. The RTID Board stated that the areas would have \$1 billion each. South County agreed with three main projects: 1) widen SR 167, 2) complete SR 167; and I 405 Interchange project; and 3) complete SR 509.

Mayor Gehring-Waters had the following items of business: 1) stated that she too felt the NLC Conference was well worthwhile; 2) the A&F Committee met today and discussed most of tonight's items. She spoke with Mr. Ledbetter regarding wanting to put committee together for a Grand Opening of the NCH in February. If anyone is interested in assisting in this project, please contact her. Councilmember Anderson stated that the first discussion should be amongst Council for budgeting reasons.

Mayor Gehring-Waters questioned Council about a meeting next week. Currently there are no items for the agenda. Council concurred that the next meeting would be January 7, 2003.

**ADJOURNMENT:**

MOVED BY DEHAN, SECONDED BY LASCO TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:04 P.M.

MOTION CARRIED UNANIMOUSLY.

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