

City of SeaTac

Regular Council Meeting Minutes

October 8, 2013
6:30 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Anthony (Tony) Anderson at 6:35 p.m.

COUNCIL PRESENT: Mayor Anthony (Tony) Anderson, Deputy Mayor (DM) Mia Gregerson, Councilmembers (CMs) Barry Ladenburg, Rick Forschler, Terry Anderson, Dave Bush, and Pam Fernald.

STAFF PRESENT: City Manager Todd Cutts, City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Assistant City Manager (ACM) Gwen Voelpel, Police Chief Lisa Mulligan, Human Services (HS) Program Manager Colleen Brandt-Schluter, Resource Conservation/Neighborhood Programs Coordinator Trudy Olson, Parks & Recreation (P&R) Director Kit Ledbetter, Community & Economic Development (CED) Director Joe Scorcio, Senior Assistant City Attorney Mark Johnsen, and Economic Development (ED) Manager Jeff Robinson.

FLAG SALUTE: Mayor A. Anderson led the Council, audience and staff in the Pledge of Allegiance.

PUBLIC COMMENTS: Jim Johnson, Republic representative, spoke regarding Agenda Bill #3539 (contract with CleanScapes, Inc.).

The following people spoke in favor of Agenda Bill #3539 (contract with CleanScapes, Inc.): Todd Bennett; Rodney Watkins, CleanScapes driver; and Dan Bridges, CleanScapes representative.

PRESENTATIONS (Continued):

•Council Confirmation of Mayoral Re-appointment of Alice Belenski and Victoria Lockwood to the Senior Citizen Advisory Committee

MOVED BY T. ANDERSON, SECONDED BY GREGERSON TO RE-APPOINT ALICE BELENSKI AND VICTORIA LOCKWOOD TO THE SENIOR CITIZEN ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Ms. Belenski and Ms. Lockwood were unable to attend this meeting. Their certificates will be mailed to them.

•Domestic Abuse Women's Network (Dawn)

Eleanor Edmonds thanked Council for ongoing support. She stated that as of September 30, the Crisis Line has received 6,109 calls. The DAWN Crisis Line is one of the only 24-hour 1-800 crisis lines left in the state. She shared examples of the types of calls received and the referrals and information provided.

Housing Advocate Hallie Caranos shared a client's DAWN experience.

CONSENT AGENDA:

•Approval of claims vouchers (check nos. 104667 - 104858) in the amount of \$268,953.88 for the period ended October 4, 2013.

•Approval of payroll vouchers (check nos. 51769 – 51806) in the amount of \$563,964.39 for the period ended September 30, 2013.

•Approval of payroll electronic fund transfers (check nos. 78711 – 78897) in the amount of \$376,671.27 for the period ended September 30, 2013.

•Approval of payroll wire transfer (Medicare and Federal Withholding Tax) in the amount of \$75,058.13 for the period ended September 30, 2013.

Approval of Council Meeting Minutes:

•Regular Council Meeting held June 25, 2013

Agenda Items reviewed at the September 24, 2013 Council Study Session (CSS) and recommended for placement on this Consent Agenda:

Agenda Bill #3543; A Motion authorizing the final acceptance of the Angle Lake Park Phase II Construction

Agenda Bill #3540; A Motion authorizing the City Manager to execute an Agreement with Sound Transit to lease the upper floor of the parking garage at the SeaTac Center

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING (PH):

•Granting Comcast a non-exclusive franchise to continue operation of a cable television system in the City, and authorizing the City Manager to execute the franchise and a fiber use agreement

Agenda Bill #3473 – A Resolution granting Comcast a non-exclusive franchise to continue operation of a cable television system in the City, and authorizing the City Manager to execute the franchise and a fiber use agreement

Summary: In 1996 the City of SeaTac granted a ten year, non-exclusive franchise to Comcast's predecessor (TCI) to operate a cable television system in the City, which was subsequently transferred to Comcast. In 2004 the City granted Comcast a five year extension to the franchise. At that same time, the City authorized Comcast to collect a pass-through local government access capital equipment fee of \$.25 per subscriber per month to fund the purchase of equipment needed to launch SeaTV, Channel 21.

The proposed franchise allows Comcast to continue to provide non-exclusive cable television services within the City for a period of ten years and would require Comcast to meet a variety of provisions summarized below:

Consistent with Prior Franchise

- Section 3.1 Franchise Fees – Comcast must pay to the City, for the duration of the franchise, 5% of gross revenues. In 2012 Comcast paid the City approximately \$265,000 in franchise fees.
- Section 4.2 Rate Regulation – All rates, fees and charges imposed by Comcast for any cable service shall be in accordance with applicable federal laws. The City does not have the authority to regulate rates. All price adjustments are noticed to customers and the City per Federal law and FCC regulations.
- Section 4.3 Low Income Discount – Comcast agrees to offer a discount to individuals who are low income (according to applicable federal guidelines) and either permanently disabled or at least 65 years of age. The discount will consist of 30% off Basic Service or the Basic Service portion of digital service packages that are not discounted through another promotional or package rate.
- Section 9.1(A) Access Channels – Comcast will continue to provide a government access channel, Channel 21, which is programmed by the City. Comcast will also continue to provide an education access channel (Channel 26) and a public access channel (Channel 77).
- Section 10.10(A) Restoration of Property – There may be times when work done by Comcast will necessitate disturbing the City's right-of-way (ROW) or other public property. If Comcast impacts any public property during construction or maintenance of the cable system, Comcast will pay to restore such property to a condition equal to or better than the original condition.
- Section 10.11(A) Movement of Cable System Facilities: Relocation at Request of City – The City has the right to require Comcast to relocate any part of the cable system within the right of way to accommodate a city capital project or to address a public health or safety issue.
- Section 11.3 Technical Performance – The technical performance of the cable system shall meet or exceed all applicable federal technical standards. This is a statement of current practices.
- Section 12.1(A) Service Availability – Cable service will be made available throughout the entire City. This is a statement of current practices.

New or Substantially Revised from Prior Franchise

- Section 5.2 Insurance Requirements (Revised) – Comcast's insurance requirements have been revised to increase coverage for personal injury and property damage, while the overall per accident limit remains unchanged.
- Section 5.3 Bonds (New) – Comcast must provide a performance bond for \$250,000 to ensure the faithful performance of its obligations under the franchise, such as payment to the City of fees and taxes, and to ensure that repairs to the ROW are completed properly.
- Section 6.1 Customer Service Standards (New) – Comcast must comply with the customer service requirements that have been established by the Federal Communications Commission. These standards are commonly adopted by local jurisdictions as an alternative to developing local standards. They address basic issues such as customer service telephone availability, installation of cable service, outages and service appointments. The City has the authority to enforce these standards and responds to resident concerns as needed.
- Section 6.2 Subscriber Privacy (New) – Comcast will comply with the privacy rights of all subscribers, in accordance with federal, state and local laws.
- Section 9.4 Access Capital Contribution (Revised) – The monthly subscriber capital equipment fee will be reduced from \$.25 to \$.03. The Government Access Channel is currently well equipped and future equipment purchases will be adequately covered by the fund balance that has accrued under the former franchise plus the

PH (Continued):

Granting Comcast a non-exclusive franchise, and authorizing the City Manager to execute the franchise and a fiber use agreement (Agenda Bill #3473) (Continued):

lower capital equipment fee. The current fund balance is approximately \$39,000 and the proposed equipment fee will generate approximately \$1,860 annually.

- Section 10.3 Movement of Facilities During Emergencies (New) – During an emergency necessitating the movement of Comcast facilities, the City will notify Comcast and allow them the opportunity to address the situation without disrupting cable service. If there is no immediate response, the City may move Comcast's facilities and bill Comcast for the cost.
- Section 10.4 (New) – Comcast will participate in the call before you dig program required under state law.
- Section 10.9 Poles & Undergrounding (Revised) – If all of the wires and lines of electric and telephone service providers in any area within the City are undergrounded, Comcast will place its cable system and service cables underground at its expense. In any part of the City where utility wires and lines are both aerial and underground, Comcast has discretion as to whether to maintain or construct its cables aerially or underground in that area of the City. Where utilities have aerial wiring, Comcast may install aerial cable except when a resident agrees to bear the additional cost for undergrounding. This section is consistent with the intent of the 1996 franchise. However, this section provides Comcast more leeway than the City's code, developed in 1997, after the original franchise. This leeway is appropriate because strict interpretation of the code would require Comcast to underground its system when it undertakes a major improvement, while phone and electric utilities would still be allowed to remain above ground.
- Section 10.12 Movement of Cable System Facilities for Others (New) – If any change to the cable system is required to accommodate a capital project for an entity other than the City, Comcast will make the necessary changes as long as the other party pays for Comcast's time and material costs.

Comcast has constructed and maintained an institutional network (I-Net) that provides internet connections to and between a number of City buildings and public schools in the City, as agreed to in the original 1996 franchise. Comcast owns the fiber lines used for this purpose. The new fiber use agreement addresses use of the fiber lines owned by Comcast, so that the City can continue to utilize them.

Mayor A. Anderson opened the PH at 6:56 p.m.

Mayor A. Anderson announced that the presentation on the franchise (Agenda Bill #3473) will take place during this PH, however, Council action is scheduled for the October 22 Regular Council Meeting (RCM).

Program Manager Lowry introduced Comcast Director of Franchising Terry Davis. She also reviewed the agenda bill summary.

Council discussion ensued regarding the franchise, specifically related to undergrounding and competitors.

There were no public comments.

Mayor A. Anderson closed the PH at 7:16 p.m.

Council Consensus: Refer this to the 10/22/13 RCM Consent Agenda

PUBLIC HEARING (Continued):

•Second Amendment to the Development and Transit Way Agreement for South Link Light Rail Project

Agenda Bill #3550 – A Resolution authorizing the City Manager to execute a Second Amendment to the Development and Transit Way Agreement for the South Link Light Rail Project

Summary: The City of SeaTac and Sound Transit entered into the Development and Transit Way Agreement for the South Link Project in July 2012 to mitigate project impacts, enhance public benefits resulting from the Project and provide Sound Transit with greater certainty in managing the South Link Project. In June 2013, the City and Sound Transit executed a First Amendment to the Development and Transit Way Agreement to identify the 28th/24th Avenue South arterial extension project as an alternative project mitigation measure and Sound Transit's contribution toward funding the project.

Since that time, the City and Sound Transit have worked together in preparation for Sound Transit's procurement of a design-build contractor for the project's parking and plaza facilities to define additional departures from development regulations that will maximize the City and Sound Transit's interests. These departures are captured in the proposed Second Amendment to the Development and Transit Way Agreement and are summarized below.

PH (Continued):
Second Amendment to the Development and Transit Way Agreement for South Link Light Rail Project
(Agenda Bill #3550) (Continued):

Departure	Public Benefit
Parking	
<ul style="list-style-type: none"> Allow permanent surface parking under guideway south of station. 	<ul style="list-style-type: none"> No structures can be built under guideway, so parking close to station entry is highest and best use.
<ul style="list-style-type: none"> Extend interim surface parking boundary to include properties acquired from the Port and Hattaway. 	<ul style="list-style-type: none"> Consistent with Development Agreement (DA) intent to avoid building more parking than will be needed once extend further south. Limits impact to other adjacent properties.
Landscaping	
<ul style="list-style-type: none"> Extend departure from landscaping requirements under guideway to new permanent surface parking under guideway (low survival rates). 	<ul style="list-style-type: none"> Provide sight-obscuring fencing/barrier at eastern and western boundaries of Sound Transit's property to block glare of car headlights.
<ul style="list-style-type: none"> No landscape buffer required between Sound Transit's garage and PSE substation. 	<ul style="list-style-type: none"> Avoids dead zone which could attract undesirable activities and pose fire hazard. Increases land available for beneficial uses including parking garage, public plaza, retail, redevelopment pads, etc.
<ul style="list-style-type: none"> Provide 5' type II landscaping for entire perimeter of triangle (South 200th Street, 26th Avenue South, 28th Avenue South). 	<ul style="list-style-type: none"> Increases land available for beneficial uses including parking garage, public plaza, retail, redevelopment pads, etc.
Traffic Circulation	
<ul style="list-style-type: none"> New traffic signal to be located at South 200th Street / 28th Avenue South intersection. 	<ul style="list-style-type: none"> Facilitates access/egress for proposed parking garage and passenger drop-off/area. Improves performance of station area traffic network.
<ul style="list-style-type: none"> Limit vehicle access on South 200th Street to no more than one curb cut. 	<ul style="list-style-type: none"> Protects pedestrian environment by limiting sidewalk interruptions. Reduces areas of potential pedestrian/vehicle conflict. Assures safe sight distances.
<ul style="list-style-type: none"> Not applicable. 	<ul style="list-style-type: none"> Sound Transit's parking facilities will not preclude City's development of a potential future roundabout at 28th Avenue South/26th Avenue South intersection.
Retail	
<ul style="list-style-type: none"> Retail space can be constructed detached from garage. 	<ul style="list-style-type: none"> Retail space to be located to optimize pedestrian activation of plaza.
<ul style="list-style-type: none"> Sound Transit to provide 2,500 square feet of convertible core and shell, plus service/storage and restrooms. 	<ul style="list-style-type: none"> Retail sized for what market can support to better ensure space will be leased.
<ul style="list-style-type: none"> Not applicable. 	<ul style="list-style-type: none"> 12' ceiling height to provide flexibility for tenant build-out, positive customer experience.
<ul style="list-style-type: none"> Not applicable. 	<ul style="list-style-type: none"> 10 parking stalls in garage (as per code).
Plaza	
<ul style="list-style-type: none"> Not applicable. 	<ul style="list-style-type: none"> Provide adequate space for transit circulation and community gathering.
<ul style="list-style-type: none"> Not applicable. 	<ul style="list-style-type: none"> Provide space and utility hookups to support programming (e.g., 2-4 food trucks, farmer's market, etc.).
<ul style="list-style-type: none"> Not applicable. 	<ul style="list-style-type: none"> Include outdoor seating, pedestrian scale lighting, landscaping, public art and access to sun/natural lighting and weather protection.
<ul style="list-style-type: none"> Not applicable. 	<ul style="list-style-type: none"> Plaza programming/event-related maintenance to be addressed in future agreement.

PH (Continued):
Second Amendment to the Development and Transit Way Agreement for South Link Light Rail Project
(Agenda Bill #3550) (Continued):

Departure	Public Benefit
Area Topography	
<ul style="list-style-type: none"> • Not applicable. 	<ul style="list-style-type: none"> • Plaza area will be visually and physically connected to bus zone via ADA-compliant route • Vertical surfaces (e.g., retaining walls) facing public streets will receive architectural treatment and/or be softened with landscaping.

The proposed amendment also provides a mechanism for Sound Transit to reimburse the City \$4,500, which, taken together with in-kind contributions, constitutes half of the cost of an urban design workshop that was conducted to explore opportunities for transit oriented development around the station.

Lastly, the proposed amendment replaces the temporary station name of the “South 200th Street Station” with the permanent name of the “Angle Lake Station,” as adopted by the Sound Transit Board.

Mayor A. Anderson opened the PH at 7:21 p.m.

Mayor A. Anderson announced that the presentation on the agreement (Agenda Bill #3550) will take place during this PH, however, Council action is scheduled for the October 22 RCM.

Program Manager Lowry reviewed the agenda bill summary, the project and the amendment.

Council discussion ensued specifically related to traffic signal and access, and PC review of code departures. Mr. Cutts stated that it has not been standard practice to take DAs before PC because Council approves DAs.

There were no public comments.

Mayor A. Anderson closed the PH at 7:37 p.m.

Council Consensus: Refer this to the 10/22/13 RCM Consent Agenda

PUBLIC COMMENTS (related to Action Items and Unfinished Business): There were no public comments.

ACTION ITEM:

Agenda Bill #3539; A Motion authorizing the City Manager to execute a contract with CleanScapes, Inc. for Comprehensive Garbage, Recyclables and Compostables Collection

Summary: The current solid waste collection contract with Allied Waste/Republic Services expires on May 31, 2014. With Council concurrence an open, competitive procurement process was pursued. A Request for Proposals (RFP) was released on April 1, 2013. Proposals were received on June 3, 2013 from three proponents: Allied Waste/Republic Services, Inc., CleanScapes, Inc., and Waste Management of Washington, Inc.

Proposals were evaluated in two phases: (1) a review and evaluation of proposal elements other than price, including reference checks; and (2) review of price proposals and scoring of the price components. At the conclusion of the evaluation process, proponents were rated and scored. CleanScapes, Inc. was selected as the highest-rated proponent having scored highest in both phases.

The contract was finalized to include enhancements proposed by CleanScapes. The new contract offers service improvements and rate savings over the City’s current contract. Additionally, the new contract will allow SeaTac to enhance its recycling program and increase diversion from the landfill.

The table below highlights the service and rate changes.

<i>SF = single family</i>	Current	Proposed
SF Containers	Customer owned or company rented.	Company to provide – no charge.
SF Recyclables	Limited.	Expanded.
SF Spring residential curbside cleanup	None.	1 cubic yard per year – no charge.
SF Storm clean up	None.	No charge for subscribers. City pays \$10,603 for all single family residents.
Bulky items on-call	\$66	\$20

ACTION ITEM (Continued):
Agenda Bill #3539 (Continued):

<i>SF = single family</i>	Current	Proposed
SF 32-gal rate	\$17.85 customer owned can \$19.22 company cart	\$17.75 can/cart includes every-other-week compostables and company cart.
SF Compostables	\$10	Embedded.
Commercial	Recycling requires contract at additional fees. Multifamily already has embedded recycling at slightly higher cost.	Same current rates, but with embedded recycling at no additional cost. Multifamily rates will go down to be the same as commercial are now.
Drop box (Comm./Multifamily)	\$89	\$104. Nominal increase. Recycling embedded.
City Franchise Fee	\$70,592.16	\$120,000 (estimate)

As soon as the contract is executed, CleanScapes will begin the transition which covers customer billing, equipment, routing and customer service. This is an extensive effort and it is anticipated that there is sufficient time between now and June 1, 2014 for a successful transition.

Per Council direction at the September 10, 2013 CSS, all references to mandatory collection have been removed from the contract. If Council at a future time decides to revise City ordinance to initiate mandatory collection, it will require the contract to be renegotiated and subsequent Council approved amendment.

To address concerns raised by several CM, Section 2.1.28 titled “Hiring Preference and Prevailing Wage” has been added.

To address concerns raised by several CM at the September 24, 2013 RCM, Section 2.1.28 has additional displaced worker language added to the contract.

Upon executing the contract, CleanScapes will provide \$30,000 to the City to cover our consultant and staff costs incurred. In addition, the annual franchise fee received will increase by approximately \$49,400. This is intended to cover costs to the City associated with contract administration and matching funds for potential grants.

Mayor A. Anderson stated that during the September 24 RCM, some CMs expressed the need for more information, including an opportunity to read the proposals. In response to this request, PW Director Gut sent an email to the Council on September 27, advising the Council that the proposal materials will be available in the Mayor/Council office beginning Monday morning for their review. Additionally, Mr. Gut made himself available to answer any questions.

The following motion was carried over from the September 24 RCM.

MOVED BY T. ANDERSON, SECONDED BY FERNALD TO PASS AGENDA BILL #3539.*

Council discussion ensued regarding the contract and the RFP process.

*MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS: There was no Unfinished Business.

NEW BUSINESS: There was no New Business.

CITY MANAGER'S COMMENTS: City Manager Cutts commented on the following: (1) Hush House at Port of Seattle (POS). Mr. Cutts will prepare correspondence on the City’s behalf stating that the City does not support a change of ground run up hours; (2) International Festival and 4th of July events were hosted on consecutive weekends this summer. Staff has had communication with the SeaTac Rotary Club and it has been tentatively decided to move the International Festival to September 6 and 7; (3) grant application - King County (KC) Solid Waste - \$30,000 for the 2014 Waste Reduction and Recycling Program - \$30,000; (4) grant award – Washington Department of Natural Resources - for labor for ivy removal on trees on the Hughes property; and (5) presented the Align and Improve effort “Road Map”.

COUNCIL COMMENTS: CM Ladenburg commented on the following: (1) attending the listening sessions by the Washington State Department of Transportation (WSDOT) tomorrow; (2) Photo Exhibit at Community Center currently; and (3) October 13 – noon, Highline Historical Society (HHS) open house for Hard Times in Washington.

CM Forschler stated he is excited about the City's Road Map and where we will go next.

CM T. Anderson stated that DAWN also needs clothes for women to get a job.

CM Fernald acknowledged the Zone 3 Fire Explorers (representing the City's of Tukwila, Maple Valley, Renton, and SeaTac) who were working at the Tukwila Pantry Fundraiser.

CM Bush commented on the following: (1) thanked Firefighters for Pancake Breakfast at Bow Lake Mobile Home; (2) scheduling the International Festival in September will take load off of personnel; (3) looking forward to working with CleanScapes; and (4) Government Shutdown is effecting home loans.

Mayor A. Anderson commented on the following: (1) Governance of South End Communities meeting DM Gregerson and he attended regarding human trafficking and prostitution; (2) had a critical meeting with SR 509 Executive Committee; (3) listening sessions – encouraged everyone to attend the sessions; and (4) Firefighters partnered with the Bow Lake Mobile Home Park for the pancake breakfast and they raised enough money that the union is going to buy a new winter coat for every kindergarten kid.


ADJOURNED:

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

MOTION CARRIED UNANIMOUSLY.



Tony Anderson, Mayor



Kristina Gregg, City Clerk