

City of SeaTac

Council Study Session Minutes Synopsis

November 26, 2013
4:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Study Session (CSS) was called to order by Mayor Anthony (Tony) Anderson at 4:01 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 (*arrived at 4:10 p.m.*).

STAFF PRESENT: City Manager Todd Cutts, Senior Assistant City Attorney Mark Johnsen, City Clerk Kristina Gregg, SeaTac Municipal Court Judge Elizabeth Cordi-Bejarano, Facilities Manager Pat Patterson, Public Works (PW) Director Tom Gut, City Engineer Susan Sanderson, Community & Economic Development (CED) Director Joe Scorcio, Economic Development (ED) Manager Jeff Robinson, Planning Manager Steve Pilcher, Senior Planner Michael Scarey, and Police Chief Lisa Mulligan.

PUBLIC COMMENTS (related to the agenda items listed below): There were no public comments.

Agenda Bill #3559; An Ordinance confirming the appointment of Elizabeth Cordi-Bejarano as the Municipal Court Judge, affixing the compensation of the Municipal Court Judge and Judges Pro-Tem, and authorizing entry of a Professional Services Contract

Summary: Revised Code of Washington (RCW) 35A.13.080 (2) requires the City Manager to appoint a Judge of the SeaTac Municipal Court, subject to confirmation by the Council, to a four-year term. The City Manager has appointed Elizabeth Cordi-Bejarano as Municipal Court Judge for a four-year judicial term commencing January 1, 2014, subject to Council confirmation.

RCW 3.50.080 and RCW 3.50.090 also provide that the salaries of Municipal Court Judges and Judges Pro-Tem be fixed by Ordinance. This Ordinance sets the compensation of the Municipal Court Judge and Judges Pro-Tem at \$69.00 per hour, which would be adjusted for a cost of living adjustment (COLA) the same as non-represented employees. In July, 2011, the City Council amended the Judge's contract to provide that she would no longer be an independent contractor, and that she would receive benefits consistent with that of other regular part-time City employees. Therefore, this Ordinance also reflects this change.

Finally, this Ordinance authorizes the City Manager to enter into a Professional Services Contract with Judge Cordi-Bejarano.

City Manager Cutts and SeaTac Municipal Court Judge Cordi-Bejarano reviewed the agenda bill summary.

Council commented on their appreciation of her work.

Council consensus: Refer this to the 12/10/13 RCM Consent Agenda

Agenda Bill #3561; A Motion authorizing the City Manager to execute a lease amendment with the YWCA for space leased on the second floor of City Hall

Summary: The YWCA occupies 3,860 square feet (sf) of space on the City Hall second floor with a current monthly rent of \$5,950. Out of this amount, the City currently pays \$677.05 per month to the State Department of Revenue for Leasehold Excise Tax.

The YWCA recently applied for and has been granted a tax exemption by the state, which means that Leasehold Excise no longer needs to be paid on the space they rent. The YWCA would like a reduction in their rent as a result of this exemption. The YWCA and staff determined that a reduction in rent equal to 50% of the Leasehold Excise Tax that was paid by the City, or \$339 per month, is appropriate. Since the YWCA is required to reapply for this exemption, the proposed lease amendment clarifies that the reduced rent is only applicable so long as the tax exempt status remains current with the state.

While the City would be receiving less money in rent, the City would also not be paying the Leasehold Excise Tax. The net fiscal impact will be small.

Facilities Manager Patterson reviewed the agenda bill summary.

Council discussion ensued regarding the amendment.

Council consensus: Refer this to the 12/10/13 RCM Consent Agenda

CM Fernald arrived at this point in the meeting.

Agenda Bill #3564; An Ordinance granting Puget Sound Energy (PSE), Inc. a non-exclusive franchise for the transmission, distribution and sale of natural gas and energy for power, heat and light and repealing Ordinance 07-1017

Summary: PSE currently operates both natural gas and electric power facilities in the City's rights-of-way (ROW). The Washington Utilities and Transportation Commission (WUTC) has the authority under state law to regulate the rates, services and practices of PSE as a gas and electric utility company. Pursuant to RCW 35A.47.040, the City has the authority to grant non-exclusive franchises for the use of public streets or other public ways for transmission and distribution of such utilities.

The City granted Puget Sound Power & Light Company (Puget Power) a 20-year franchise for electric power in 1993. In 1997 Puget Power merged with Washington Natural Gas to become PSE. The City granted PSE a 15-year franchise for natural gas in 2007. With the expiration of the PSE (formerly Puget Power) electric franchise this year, PWs and PSE recognized the opportunity to combine gas and electric into one franchise. The efficiencies of a dual franchise over separate franchises with the same company include consolidated agreement management and consistent terms with the same company.

The proposed dual franchise is largely based on the 2007 PSE natural gas franchise with additional sections appropriate for electric power and a section that repeals the gas franchise.

PSE has paid a franchise administrative application fee of \$2,000. RCW 35.21.860(1) does not allow the City to charge an annual franchise fee in this case. The franchise outlines the conditions for relocation of their facilities and when PSE is responsible for relocation costs.

PW Director Gut introduced PSE representative Doug Corbin and reviewed the agenda bill summary.

Council discussion ensued regarding the franchise.

Council consensus: Refer this to the 12/10/13 RCM Consent Agenda

Agenda Bill #3565; An Ordinance granting Zayo Group, LLC a non-exclusive franchise to operate fiber optic cable network in the City and repealing Ordinance 00-1035

Summary: On December 17, 2012, the City received a formal request from Zayo Group LLC (Zayo), for a franchise. Zayo has never had a franchise in the City of SeaTac; however, it is the successor to a company who had previously been granted a franchise. Zayo is the successor company to Metromedia Fiber Network Services, Inc. (MFNS) which was granted a franchise dated August 13, 2000. MFNS emerged out of Chapter 11 bankruptcy on or about September 8, 2003 with its legal name changed to Abovenet Communications, Inc. (Abovenet) and was acquired by Zayo by way of a stock acquisition, which closed on or about July 2, 2012.

Zayo will be maintaining their existing infrastructure, but are planning to expand their network in early 2014, and go through the standard permitting process for the system expansion. Zayo does not provide residential service; only broadband data services to businesses or government agencies within the City. The attached Ordinance would be consistent with state and federal law and will protect public rights-of-way, provide for control over placement of facilities in the rights-of-way, provide for just compensation for the use of Public property, provide for costs incurred by the City, and ensure that similarly situated operators and users of public rights-of-way will be comparably treated. Pursuant to RCW 35A.47.040, the City has the authority to grant non-exclusive franchises for the use of public streets or other public ways the city relevant to this type of franchise. Ordinance 00-1035, which is the current franchise with MFNS, will be repealed.

Zayo has paid a franchise administrative application fee of \$2,000. RCW 35.21.860(1) does not allow the City to charge an annual franchise fee in this case. The franchise outlines the conditions for relocation of their facilities and when PSE is responsible for relocation costs.

City Engineer Sanderson introduced Zayo Group Regional Vice President Victor Peterson, and Associate General Counsel and Vice President of Network Development Dylan Devito. She also reviewed the agenda bill summary.

Council discussion ensued regarding the franchise.

Council consensus: Refer this to the 12/10/13 RCM Consent Agenda

Agenda Bill #3563; A Motion authorizing the City Manager to enter into a four year lease agreement at the SeaTac Center with A.S. Warsame, doing business as the Bakaro Mall

Summary: Bakaro Mall has been a SeaTac Center tenant since May 2009 with an initial five-year term. This new lease extends the term through December 2017. The lease rate begins at \$18 per square foot in 2014 with annual increases of 3%. The agreement also includes a Redevelopment Clause that allows the City to opt out of the lease at any time after the determination that the property will be redeveloped, with such notice to be provided no later than July 31, 2017. The agreement also includes a personal guarantee from the tenant.

The total gross rent revenue generated by the four-year lease is \$491,990 plus triple net charges. The Andover Company will receive a commission of approximately \$17,720.

ED Manager Robinson reviewed the agenda bill summary.

Council discussion ensued regarding the lease.

Council consensus: Refer this to the 12/10/13 RCM Consent Agenda

Agenda Bill #3552; An Ordinance adopting the 2013 Comprehensive Plan (CP) Amendments

Summary: The City of SeaTac procedures for amending the CP provide for consideration of proposed amendments for any calendar year in two stages: (1) The Preliminary Docket is made up of all proposals submitted in accordance with the pre-established deadline or added by the City Council and/or staff; and (2) The Final Docket is made up of all proposals that meet the Preliminary Docket criteria, and are deemed appropriate by the City Council to go forward for detailed review, including analysis under SEPA (“environmental review”), and a Public Hearing (PH) before the Planning Commission (PC).

The City Council established the Final Docket by Motion on June 25, 2013, including all of the Preliminary Docket proposals in the Final Docket. The Final Docket requires that all proposed amendments be evaluated according to the following criteria:

- A. May satisfy concurrency for transportation and utilities and does not adversely affect other adopted level of service (LOS) standards;
- B. No impacts to housing, transportation, capital facilities, utilities, parks or environmental features that cannot be mitigated;
- C. Will not result in development that adversely affects public health, safety and welfare;
- D. Consistent with other elements of the comprehensive plan and other applicable policies and agreements;
- E. The proposal is based upon new information or changed circumstances since plan adoption;
- F. Will not prevent the City’s population and employment targets, under Growth Management Act (GMA), from being reached.

Please note that the following amendment proposals have been withdrawn, so there is no recommendation for these three proposals: Map Amendment A-2 was withdrawn by the applicant; Map Amendment B-2, updates to the Wetland, Streams and Shorelines Map, was withdrawn by staff. The anticipated changes to wetland features at a specific site have not been completed by the developer as expected; and Text Amendment T-2, an amendment to update the Capital Facilities Plan was withdrawn by staff. Because the City is on a biennial budget now, there are no updates to the Capital Facilities Plan this year.

The PC held a PH on October 15, 2013, and made their recommendation about each of the amendment proposals. The PC and staff concur on their recommendations for all of the amendments. The PC and staff recommendations are as follows:

- Map Amendment A-1, related to property located at 3050 South 150th Street
Recommendation: Do not adopt
- Map Amendment A-2, related to property located at 3054 South 150th Street
No Recommendation: Withdrawn
- Map Amendment A-3, related to property located at 202xx 28th Avenue South
Recommendation: Adopt
- Map Amendment B-1, Existing Land Use. This is an informational map, not a regulatory map. It displays the current use for all parcels in the City, rather than showing Zoning or CP designation (for example, “hotel,” “single family residential,” “vacant land”). The map is updated every spring as part of preparing a report to the state on residential building activity.
Recommendation: Adopt

Agenda Bill #3552 (Continued):

- Map Amendment B-2, Wetlands, Streams and Shorelines. This is an informational map, not a regulatory map. It displays the location of known wetlands, streams and shorelines within the City with their classifications, and cites the required buffer width for each type.
No Recommendation: Withdrawn
- Two text amendments:
 - Amendment T-1: Update existing land use information in Land Use Background Report (related to Map Amendment #B-1);
Recommendation: Adopt
 - Amendment T-2: Update the Capital Facilities Element, including the 6-year Capital Facilities Plan (annual update);
No Recommendation: Withdrawn

Amendment proposals that are not adopted, unless withdrawn prior to Council action, may not be resubmitted for two years, unless conditions have changed substantially in the immediate area.

Planning Manager Pilcher and Senior Planner Scarey reviewed the agenda bill summary.

Council discussion ensued regarding the proposed amendments.

Council consensus: Refer this to the 12/10/13 RCM Consent Agenda

PRESENTATIONS:

• **Public Safety Statistics**

Police Chief Mulligan reviewed the crime trends for November 2012 – October 2013. There was a large increase in auto theft from September 2013 – October 2013.

She discussed two problem solving projects identified by officers in her department related to loitering around Safeway at South 164th Street and Military Road South, and 7-11 at South 216th Street and Pacific Highway South.

ADJOURNED: Mayor A. Anderson adjourned the CSS at 5:02 p.m.