

City of SeaTac

Council Study Minutes Synopsis

March 11, 2014
4:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Study Session (CSS) was called to order by Deputy Mayor Tony Anderson at 4:08 p.m.

COUNCIL PRESENT: Deputy Mayor (DM) Anthony (Tony) Anderson (*participated by Skype*), Councilmembers (CMs) Barry Ladenburg, Kathryn Campbell (*arrived at 4:28 p.m., participated by Skype*), Terry Anderson, Dave Bush, and Pam Fernald. *Excused Absence:* Mayor Mia Gregerson.

STAFF PRESENT: City Manager Todd Cutts (*participated by Skype*), City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Assistant City Manager (ACM) Gwen Voelpel, Assistant Parks and Recreation (P&R) Director Lawrence Ellis, Public Works (PW) Director Tom Gut, City Engineer Susan Sanderson, Civil Engineer I Eric Proctor, Facilities Manager Pat Patterson, Community & Economic Development (CED) Director Joe Scorcio, Economic Development (ED) Manager Jeff Robinson, Planning Manager Steve Pilcher, Senior Planner Mike Scarey, Police Chief Lisa Mulligan, and Deputy Chief Brian Wiwel.

PUBLIC COMMENTS (related to the agenda items listed below): The following people spoke in favor of Agenda Bill #3525 - Tourism Promotion Area (TPA): Katherine Kertzman and Scott Ostrander.

Agenda Bill #3590; A Motion authorizing the City Manager to enter into a Park User Agreement with Spark Plug Promotions (Mountain Bike Group) for use of North SeaTac Park (NSTP)

Summary: From 1997 to 2010, mountain bike riding took place on Wednesday evenings in Des Moines Creek Park. Due to the development of the SCORE facility in the area, the races were discontinued. In January 2014, the City was approached by Spark Plug Promotions who were interested in reviving the Wednesday night rides at NSTP because there wasn't enough acreage in Des Moines Creek Park. On Wednesday, February 19, a community meeting was held at the SeaTac Community Center (STCC) for park users to express their concerns on the return of organized bike events in NSTP. The concerns expressed by the park users were addressed by the City and the representative from Spark Plug Promotions.

This Park User Agreement is similar to the other Park User Agreements previously approved by Council for other NSTP user groups, such as North SeaTac BMX and Disc Golf.

This agreement grants Spark Plug Promotions use of a portion of the park (South 136th Street south to South 141st Street between 18th Avenue South and 23rd Avenue South) to conduct organized practice races. For the purpose of this agreement, practice races are scheduled on Wednesday evening's beginning at 5:30 p.m. from April 16 through September 17, 2014. The remainder of the time, the approved park area can be used by anyone. Spark Plug Promotions will be charged a \$100 fee for each event.

The term of this agreement is for one year with an option to extend for additional 1 year terms if approved by the City. This agreement may be terminated without cause upon 30 days written notice to the other party.

This agreement does not obligate the City to contribute any money and/or resources for any of the races. City will also need approval from the Port of Seattle (POS) for the proposed use of this land. This is necessary based upon the fact that the City leases NSTP from the POS.

Anticipated revenue for the 2014 bike season will be \$2,300.

Assistant P&R Director Ellis introduced Spark Plug Promotions Representative Russell Stevenson and reviewed the agenda bill summary.

Council discussion ensued regarding the contract.

Council consensus: Refer this to the 03/25/14 RCM Consent Agenda

Agenda Bill #3579; A Motion authorizing final acceptance of the South 168th Street Sidewalk Improvements

Summary: The subject construction contract was awarded on July 2, 2013 to R.W. Scott Construction Company in the amount of \$1,366,202. Council approved a total construction budget authorization, including a 10% contingency, materials testing, and inspection overtime of \$1,512,822. Construction began on July 22, 2013 and was substantially complete on February 3, 2014. The project constructed .70 miles of new sidewalk, curb and gutter. The storm drain system was improved, signage near McMicken Elementary was updated, and the pavement was resurfaced from 34th Avenue South to Military Road South.

Agenda Bill #3579 (Continued): The actual expenditures total \$1,280,116 which is 15% under the authorized expenditures. Savings were realized due to good soil conditions, and closing the road during construction which reduced traffic control costs.

<u>Expenditure</u>	<u>Authorized</u>	<u>Actual</u>
Construction Contract	\$1,366,202	\$1,274,365
Contingency (10%)	\$136,620	\$0
Materials Testing (King County)	\$5,000	\$3,054
Inspection Overtime	<u>\$5,000</u>	<u>\$2,697</u>
Total Expenditure	\$1,512,822	\$1,280,116

<u>Funding</u>	<u>Budget</u>	<u>Actual</u>
Highline Water District Reimbursement	\$396,942	\$369,812
City Fund 307 (Transportation CIP)	<u>\$1,115,880</u>	<u>\$910,304</u>
Total revenue	\$1,512,822	\$1,280,116

Civil Engineer I Proctor reviewed the agenda bill summary.

CM Campbell arrived at this point in the meeting.

Council discussion ensued regarding the sidewalks, requirements, and impacts from this project with other construction projects.

Council consensus: Refer this to the 03/25/14 RCM Consent Agenda

Agenda Bill #3582; A Motion authorizing final acceptance of the Council Chambers, Courtroom, and Executive Conference Room Audio/Visual (A/V) modifications

Summary: The City entered into a contract in August of 2013 with Jaymarc AV to install new audio visual equipment in the Council Chambers, Courtroom, and Executive Conference room. That work is now complete per the contract. Approving this motion will allow for closeout of the project and release of the retainage.

The total contract amount as approved by Council on July 23, 2013 is \$100,740. There were no change orders.

City Clerk Gregg and Facilities Manager Patterson reviewed the agenda bill summary.

Mr. Patterson stated that there are still a few issues being worked out. Therefore, even though the City will be accepting the project, retainage won't be released until the project is complete to Council satisfaction.

Council discussion ensued regarding the A/V Modifications and warranty.

Council consensus: Refer this to the 03/25/14 RCM Consent Agenda

Agenda Bill #3525; A Resolution authorizing the City Manager to execute an Interlocal Agreement (ILA) with the cities of Des Moines and Tukwila for establishment of a Tourism Promotion Area (TPA)

Summary: TPA were created by state statute with the purpose of furthering additional positive impacts for tourism spending in local communities. The TPA statute allows the legislative authority of the TPA to impose a charge on certain lodging of up to \$2.00 per room, per night. The charge is not a tax on the sale of lodging - it is a self-imposed special assessment collected by certain lodging businesses from guests in hotels within the participating municipalities. In King County the establishment of a TPA requires the participation of two or more local governments through an ILA. The proposed TPA will be a joint effort between the cities of SeaTac, Des Moines, and Tukwila. TPA formation is initiated when the operators of lodging business in the proposed TPA who would pay 60% or more of the proposed self-assessments submit a formation petition to the designated legislative authority. The purpose of the ILA is (a) to appoint a legislative authority to accept the petition and fulfill the requirements set forth in the TPA statute, and (b) to memorialize the agreement among the participating cities with regard to the proposed TPA. The planning for the TPA was initiated in 2011 after requests to City staff by the Lodging Tax Advisory Committees of the participating cities.

Proposed Structure:

- Summary -- The proposed structure involves replacing the existing ILAs that stipulate the investments of lodging taxes from the cities to Seattle Southside Visitor Services (SSVS) and the delivery of tourism promotion services. The new ILA among the cities of Tukwila, SeaTac, and Des Moines, forms a tourism promotion area, and begins the process of establishing a public development authority to receive the TPA-generated revenue and provide tourism related services currently provided by SSVS.

Agenda Bill #3525 (Continued)

- The purpose of the new ILA is to:
 - Appoint the SeaTac City Council as the legislative authority of the proposed TPA for the purpose of accepting the petition and fulfilling the requirements under chapter 35.101 Revised Code of Washington (RCW).
 - Designate the jurisdictional boundaries of the proposed TPA to the incorporated boundaries of the participating cities.
 - If the petition is submitted to the legislative authority and the TPA is formed under chapter 35.101 RCW, the legislative authority will impose an additional charge on the furnishing of lodging under RCW 35.101.050 in an amount not to exceed \$2.00 per night of stay.
 - Require each participating city to direct and remit any TPA assessment revenue received by such city to the legislative authority or public development authority.
 - Maintain Lodging Tax support for the new entity as provided for in the ILA and as approved by the individual City Councils after recommendation by the jurisdiction's Lodging Tax Committees and enter into service contracts with the public development authority.
- The City of SeaTac will charter a public development authority under chapter 35.21 RCW named the Seattle Southside Regional Tourism Authority (SSRTA). The SSRTA will be a separate legal entity formed for the purpose of receiving and managing Lodging Tax and TPA assessment revenue and providing tourism promotion services currently provided by SSVS. Consideration and formation of the SSRTA will be by separate action of the SeaTac City Council at a later date.
- The SSRTA will be governed by a Board of Directors. Board Members will generally be representative of the hospitality industry and may be drawn from existing advisory committees.
- The ILA provides that each participating city shall defend, indemnify and hold one another harmless from any and all claims arising out of the performance of the ILA and the SSRTA, except to the extent that the harm complained of arises from the sole negligence of one of the participating cities. Any loss or liability resulting from the negligent acts errors or omissions of the Board of Directors, staff, or employees of the SSRTA, while acting within the scope of their authority shall be borne by the SSRTA exclusively.
- The ILAs among the participating cities with respect to SSVS will terminate only upon the full operational capacity of the SSRTA.

Process for Implementation:

- Each City Council will consider the approval of the ILA. The ILA will become effective after approval and the ILA is either recorded or posted as required by chapter 39.34 RCW.
- After receiving an initiation petition calling for the creation of a TPA, the SeaTac City Council, as the designated legislative authority of the TPA, will consider a resolution of intention to establish the TPA, hold a public hearing and consider an ordinance establishing the TPA.
- The City Council for the City of SeaTac will also consider an ordinance chartering the SSRTA and approving a Charter and By-laws.

Additional revenue of between \$2 - \$2.5 million would be generated annually for tourism promotion to augment and significantly expand the current services provided through SSVS. There will be minimal staff time needed for the administrative and fiscal oversight of the TPA and SSRTA.

ED Manager Robinson introduced Pacifica Law Group Deanna Gregory and reviewed the agenda bill summary.

Council discussion ensued regarding the TPA.

Council consensus: Refer this to the 03/25/14 RCM Consent Agenda

PRESENTATIONS – INFORMATIONAL ONLY:

•Review of Land Use Background Report Amendments

Senior Planner Scarey stated that no action is being requested at this time. He provided history related to the Land Use Background Report and defined growth targets, capacity estimates, and growth forecasts.

The City's housing target is 6,153 from 2012 – 2035. However the housing forecast is a growth of 2,993 units over 20 years.

The employment target is 29,348 by 2035. The forecast is 11,597.

Council discussion ensued regarding the targets and forecasts.

PRESENTATIONS – INFORMATIONAL ONLY (Continued):

● **Public Safety Statistics**

Deputy Chief Wiwel presented apparatus responses for January and February 2014 and 2014 total year to date (YTD), and incidents by category for February 2014 and 2014 YTD.

He also reviewed public education events and training division activities.

ADJOURNED: Mayor Gregerson adjourned the CSS at 5:26 p.m.
