

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

February 14, 2006
6:30 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Gene Fisher at 7:10 p.m.

COUNCIL PRESENT: Mayor Gene Fisher, Deputy Mayor Ralph Shape, Councilmembers Anthony (Tony) Anderson, Chris Wythe, Terry Anderson, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: City Manager Craig Ward, Assistant City Manager Tina Rogers, Deputy City Clerk Kristina Gregg, City Attorney Mary Mirante Bartolo, Senior Assistant City Attorney Mark Johnsen, Public Works Director Dale Schroeder, Planning Director Steve Butler, Fire Chief Bob Meyer, and Chief of Police Services Greg Dymerski.

FLAG SALUTE: (The Flag Salute was performed at the preceding Study Session.)

PUBLIC COMMENTS: Joe Dixon, 19211 35th Avenue South, stated the following reasons for suggesting that Fire Station 45 be replaced first, with money currently allocated in the 2006 budget: 1) the City owns the land necessary to construct an earthquake-proof station, Emergency Coordination Center (ECC) and administrative offices; 2) Station 45 is more vulnerable to major earthquake damage; 3) the station can be built while maintaining regular fire services during construction of the new facilities; 4) the ECC and the administrative offices would remain where they are until new facilities are constructed attached to the new station; 5) then demolish the old Station 45, providing parking facilities and possible City-owned property for development; and 6) South 200th Street and International Boulevard (IB) traffic should be no different than it is today. He recommended the City make a cost-benefit comparison between replacing Station 46 and replacement of Station 45 before proceeding.

MAYORAL APPOINTMENT:

● **Confirmation of Mayoral Appointment of Debbie Pearce, Senior Sales Manager, Fairfield Inn and Holiday Inn Express to the Hotel/Motel (H/M) Tax Advisory Committee**

MOVED BY BRENNAN, SECONDED BY T. ANDERSON TO APPOINT DEBBIE PEARCE TO THE HOTEL/MOTEL TAX ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Mayor Fisher read the Certificate of Appointment. Ms. Pearce was not in attendance. The certificate will be mailed to her. Councilmember (CM) Brennan stated the he had the opportunity to interview Ms. Pearce. She will be a fine representative of the H/M community and this committee.

CONSENT AGENDA:

● **Approval of claims vouchers** (check nos. 69916 - 70091) in the amount of \$1,303,544.80 for the period ended January 24, 2006.

● **Approval of claims vouchers** (check nos. 70092 - 70237) in the amount of \$293,686.11 for the period ended February 3, 2006.

● **Approval of payroll vouchers** (check nos. 44491 - 44530) in the amount of \$298,114.17 for the period ended January 31, 2006.

● **Approval of payroll electronic fund transfers** (check nos. 45524 - 45695) in the amount of \$256,928.48 for the period ended January 31, 2006.

● **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$47,137.63 for the period ended January 31, 2006.

● **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended February 10, 2006.

Approval of Council Meeting Minutes:

● **Land Use & Parks Committee Meeting** held January 12, 2006.

● **Regular Council Meeting** held January 24, 2006.

Acceptance of Advisory Committee Meeting Minutes:

● **Planning Commission Meeting** held December 12, 2005 (Commission approved January 23, 2006).

● **Senior Citizen Advisory Committee Meeting** held December 15, 2005 (Committee approved January 19, 2006).

CONSENT AGENDA (Continued):

The following Agenda Items were recommended at the February 14, 2006 Study Session for placement on this Consent Agenda:

Agenda Bill #2629; Ordinance #06-1003

An Ordinance adding a Section 3.30.055 to the SeaTac Municipal Code (SMC) related to lease or rental of City Facilities, or Contracts in which the City receives payment

Summary: This Ordinance is for the purpose of delegating contracting authority to the City Manager or designee for lease or rental of City facilities, or contracts in which payment is received by the City, when the value is less than \$25,000. Leases, rental agreements, or contracts in which the value is in excess of \$5,000 but less than \$25,000, must be reported to the Council for approval by motion prior to execution.

Pursuant to Revised Code of Washington (RCW) 35A.11.010, Council is granted the power to contract and be contracted with. Thus, Council must authorize the entry into contracts, regardless of value. However, the Council may delegate its contracting authority to the City Manager. Contracts in which the City pays money would continue to follow the existing Code set forth in SMC 3.30.

Agenda Bill #2631

A Motion approving Turnstone Construction for the Pond Construction and Stone Work related to the Japanese Garden Relocation Project

Summary: This project was originally bid in January 2006 with one bid received that was higher than anticipated. Council rejected that bid at the January 24, 2006 Regular Council Meeting (RCM). The project was revised slightly and new bid packets for the pond and stone work were sent to five vendors. Only two bids were received and unfortunately the bids were again higher than anticipated. Bids were opened on February 9, 2006 with Turnstone Construction of Seattle being the low bidder with a bid of \$198,062 plus tax.

A summary of bids is listed below:

| | <u>Base Bid</u> | <u>With 10 percent Contingency and Tax</u> |
|------------------------|-----------------|--|
| Turnstone Construction | \$198,062.00 | \$237,040.61 |
| Coast of Wisconsin | \$496,000.00 | \$545,600.00 |

The total project cost will exceed the budget by \$44,889.91. A cost breakdown is listed below:

| | |
|---------------------------|---------------------|
| Rough Grading | \$24,623.62 |
| Tree moving | \$19,975.68 |
| Pond & Stone work | \$237,040.61 |
| Port tree purchases | \$50,000.00 |
| Other items | <u>\$9,500.00</u> |
| Total expenses | \$341,139.91 |
| Total budget 2006 | <u>\$296,250.00</u> |
| Additional budget request | \$44,889.91 |

If this Motion is approved, staff will bring a new Agenda Bill to the February 28, 2006 Council Meetings for a budget amendment of \$44,889.91 for the 2006 Japanese Garden Relocation Project.

Agenda Bill #2623; Resolution #06-003

A Resolution approving the Airport's Landscape Design Standards

Summary: This Resolution enables the proposed Landscape Design Standards to be applied to Airport-related construction projects on Port of Seattle (POS) property, per the terms of the Interlocal Agreement (ILA) between the City of SeaTac and POS.

The proposed standards are intended to provide the POS and its tenants with a clear indication of exactly what levels of landscaping are to be provided within the different areas of POS-owned property. These standards include sections on landscape buffer and screening, environmental landscape features, landscape maintenance, wildlife hazard mitigation, tree management, preservation of significant trees, and special landscape features (such as public art and site furnishings); and areas not covered by the interim landscape standards, such as landscaping for temporary uses, and landscaping for newly acquired vacant land. The proposed standards are also better at addressing such issues as the landscaping treatment along major City streets, such as IB, South 188th Street, and South 200th Street.

CONSENT AGENDA (Continued):

Agenda Bill #2623; Resolution #06-003 (Continued): One issue of particular concern to the City is landscaping of both temporary and permanent uses on the “L-Shaped Property.” This area is delineated as those properties owned by the POS on September 14, 1997, in the vicinity of 24th Avenue South, South 148th Street, 26th Avenue South and just past 28th Avenue South, and State Route 518. Given that much of this designated area is adjacent to a single-family residential neighborhood, it was felt that the “L-Shaped Property” was unique and deserved specialized treatment. Accordingly, the proposed standards state that “no development or construction activity (including clearing or grading) shall occur on any of the ‘L-shaped Property’ area until a Letter of Agreement has been formally agreed to by both the City and the POS.”

Agenda Bill #2630

A Motion allowing the City Manager to enter into a Memorandum of Understanding (MOU) with the Port of Seattle (POS) concerning the permitting and inspection of the Sound Transit Airport Link Project

Summary: The 2004 ILA between the POS and the City regarding Building and Fire Code review acknowledges that the City will be the permitting authority for non-aviation projects on POS property, such as the Airport Link Project. This Motion authorizes the City Manager to enter into an MOU with the POS that allows the POS to do building inspections for one portion (Contract No. 2) of the Airport Link construction project. The City would still issue the building permits for all portions of the Airport Link Project.

Normally, Sound Transit administers all of its construction projects but a portion of the Airport Link is unique and will be administered by the POS. In order to make room for the Airport Link Project, the POS must relocate portions of its north Expressway. Because the express relocation will be done at the same time and in the same area as the Airport Link Project, it is advantageous to have one contractor be responsible for both projects. The POS and Sound Transit have agreed that the POS will administer this portion, known as Contract No. 2, on behalf of the POS and Sound Transit. The City concurs that it would be too difficult having two separate contractors (one building light rail and one relocating the roads) working in the same area at the same time as there would be a potential for conflicts between contractors that would lead to escalated costs.

The Airport Link project is divided into three major phases or contracts. Contract No. 1 pertains to the construction of the Airport Link from the Tukwila Station to South 160th Street. Contract No. 2 pertains to the construction of the Airport Link from South 160th Street to the SeaTac Station. Contract No. 3 pertains to the construction of the SeaTac Station and the two pedestrian bridges. Under this proposed MOU, the POS would be allowed to do the building inspections for Contract No. 2 only. There are several other smaller contracts related to the track and equipment installation. Contract No. 6 is the construction of a walkway inside the POS parking garage. Since this is not part of the Airport Link Project, the City will not have any involvement in this project.

The MOU provides that the City will retain permitting authority while allowing the POS to provide building inspections on behalf of the City for Contract No. 2. The POS will be compensated for its inspection services by the City disbursing 75 percent of the building permit fee collected from Sound Transit for Contract No. 2 to the POS. This is expected to be approximately \$150,000. Because the City will be responsible for approving the plans and issuing the building permit for Contract No. 2, the City will retain 25 percent of the building permit fee, and 100 percent of the plan review fee collected for Contract No. 2 which is expected to total approximately \$180,000. The City will be 100 percent responsible for the other Airport Link contracts.

The \$150,000 received by the POS as compensation for its inspections services will be paid by Sound Transit. Because the City is issuing the building permit, Sound Transit must pay the fee to the City per SMC Chapter 13.110. Then the City will pass the POS portion on to the POS. This portion was anticipated and accounted for in the revenue for the 2006 budget.

Agenda Bill #2621; Ordinance #06-1004

An Ordinance declaring Public Use and Necessity for condemnation of Property as required for the Military Road South Project (South 176th to 188th Streets) and authorizing the payment of Funds from the City’s 307 Transportation Capital Improvement Plan (CIP) Fund

Summary: Construction of the Military Road South Project will begin in the summer of 2006. The project includes widening the roadway to three lanes with curb, gutter, sidewalk, landscaped medians, street lighting, storm drainage, signalization, paving and conversion of aerial utility lines to underground. The project will be advertised for construction bids in late spring of 2006. It will be necessary to acquire additional right-of-way (ROW) in order to construct these improvements.

CONSENT AGENDA (Continued):

Agenda Bill #2621; Ordinance #06-1004 (Continued): The Military Road South Project design has identified additional property that is needed to accommodate the improvements. The properties to be acquired are currently being appraised and fair market values will be established. Although the City is in the early stages of the ROW acquisition process, it is anticipated that not all of the properties will be acquired through negotiation. Several properties may need to be acquired through condemnation.

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

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

Further, if the condemnation Ordinance is adopted, excise taxes are waived for acquisitions accomplished by either negotiation or condemnation, pursuant to Washington Administrative Code (WAC) 458-61-420(1) (c).

There would be fiscal impacts involved in this action directly related to the filing of condemnation actions that includes a \$110 filing fee. Additionally, the condemnation action would have other financial implications with respect to the actual costs that could be paid; i.e. attorney's fees and litigation costs depending upon what settlement offers the City presents and what ultimate awards might be granted by the court.

Agenda Bill #2633

A Motion authorizing the City Manager to sign a Memorandum of Understanding (MOU) funding additional costs for the Des Moines Creek Capital Improvement Plan (CIP)

Summary: Additional cost estimated to complete the Des Moines Creek CIP is \$3,898,028. This MOU will commit SeaTac to funding 41 percent of the additional cost or \$1.6 million and set aside a 10 percent contingency of \$160,000.

The Cities of SeaTac and Des Moines, along with the POS, King County (KC), and the Washington State Department of Transportation (WSDOT), have been working cooperatively over the last nine years to plan and implement capital improvements within the Des Moines Creek Drainage Basin.

An ILA adopted in June 2004 identified a number of activities jointly agreed upon by the agencies. These activities included construction of the CIP, project administration and coordination of the CIP, funding the CIP and funding long-term maintenance and operation costs.

The CIP construction contracts identified in this ILA included five capital projects:

1. Construction of a regional detention facility;
2. Construction of a high flow by-pass pipeline;
3. Habitat enhancement and restoration along Des Moines Creek;
4. Construction of the Marine View Drive culvert replacement; and
5. Construction of a low-flow augmentation well.

The ILA is beneficial to all parties involved. These projects provide enhanced flow and function in Des Moines Creek and preserve this creek for future generations. The Cities of SeaTac and Des Moines will be required to obtain National Pollutant Discharge Elimination System (NPDES) permits from the Washington State Department of Ecology (WSDOE) in the near future. With completion of these projects, WSDOE has approved a significant reduction of required detention for new development in the basin since regional detention is provided with the CIP.

The reduction in detention requirements will result in significant cost savings for development in SeaTac. The total cost of construction was initially estimated to be \$18.3 million and agreed to be funded as follows: WSDOT - \$9 million, POS - \$9 million, and Des Moines - \$300,000, for a total of \$18.3 million. SeaTac funded all the preliminary design work for a total of \$860,000 which was considered to be our fair share contribution.

CONSENT AGENDA (Continued):

Agenda Bill #2633 (Continued): Construction began in 2004 on the Regional Detention Facility (RDF) and in 2005 on the Marine View Drive Bridge. Substantial additional costs not under control of the Basin Committee members were incurred. Cost escalation resulted from the discovery of arsenic in the RDF area, additional design and monitoring elements due to the arsenic and greatly increased construction costs due to the increase in the price of oil and other materials.

The current cost estimate to completion is now \$23,998,028. The POS committed an additional \$1.4 million toward project completion in 2005. WSDOT has also committed \$400,000 toward completion. With these commitments, the current funding shortfall is \$3,898,028. The MOU proposes the following breakdown to fund the remainder of the project: POS (41 percent) - \$1.6 million, SeaTac (41 percent) - \$1.6 million, and Des Moines (18 percent)\$700,000, for a total of \$3.9 million.

SeaTac's share of the estimated additional cost is \$1,760,000 which includes a 10 percent contingency. SeaTac currently has a balance of \$1,117,400 in the Surface Water Management (SWM) construction account. In addition, the City has an option to exercise an additional \$2,300,000 from Sound Transit as their contribution to regional SWM detention facilities within the Des Moines Creek Basin in lieu of providing on-site detention facilities at the Kiss and Ride Lot. A total of \$3,417,400 is then available which is substantially more than the amount needed to fund our share of additional costs.

Agenda Bill #2619

A Motion authorizing the City Manager to enter into a Contract with the Omega Software Group for Software procurement and installation at the Fire Department

Summary: The software allows the Fire Department to use data from its records management system (RMS) and the City's Geographic Information System (GIS) to produce data for mapping, responses, incidents and performance measures to comply with RCW 35.103, and Fire Station planning, locations and maps to visualize performance measures.

The cost of this software and training is \$33,485. The 2006 Budget included a decision card in the amount of \$27,000 for this item. The increased cost is due to the need to obtain four licenses instead of just the single license included in the \$27,000 amount. The \$6,485 higher cost will be absorbed by the \$7,000 decision card for additional ArcView software licenses appropriated in the 2006 Budget that will not be needed due to a consolidation and restructuring of the City's existing GIS licensing arrangement.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2628; Resolution #06-004

A Resolution authorizing the City Manager to submit a Proposal to the Highline School District (HSD) to purchase the Riverton Heights School Property

Summary: This Resolution authorizes submittal of a proposal to the HSD for the purchase of the property in response to a Request for Proposal (RFP) issued by the HSD in December, 2005. The Resolution also states that the City is pursuing a possible purchase of the property for the potential use as a fire facility, a neighborhood park, or a combination of the two.

In December, 2005, the City received a copy of the RFP from the HSD regarding the purchase of the Riverton Heights property. The RFP states that the proposals shall be received by the HSD no later than 4:00 p.m. on March 3, 2006.

In the event that the HSD accepts the City's proposal, the Council will still be required to give authorization to the City Manager to negotiate the terms of the potential sale. Prior to any purchase of the property, the City Council shall have an opportunity to review and approve the terms of the purchase.

The RFP requires a \$10,000 deposit to be submitted with the proposal. This deposit is only refundable should the District not accept the City's proposal.

City Attorney Mary Mirante Bartolo reviewed the above summary.

MOVED BY DEHAN, SECONDED BY BRENNAN TO PASS RESOLUTION NO. 06-004.*

NEW BUSINESS (Continued):

Agenda Bill #2628; Resolution #06-004 (Continued): CM Wythe suggested that while this property offers an opportunity for the City, the City also needs to be considering using funds in other areas, such as Economic Development and Transportation Oriented Development. A lot of the City's funds will be drained. Council and staff need to focus on those parts of the City that will deliver the most economic benefit. He recommended Council reject this Resolution.

*UPON A ROLL CALL VOTE, THE MOTION CARRIED WITH A. ANDERSON, T. ANDERSON, FISHER, SHAPE, BRENNAN AND DEHAN VOTING YES AND WYTHE VOTING NO.

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

CITY MANAGER'S COMMENTS: City Manager Craig Ward had the following items of business: 1) following the Council Retreat, staff has been directed to prepare work plans based on the Council's top priorities. These work plans will be presented to the appropriate Council committees; 2) City Hall will be closed Monday, February 20 for President's Day; and 3) he will be on vacation for the next six days and Assistant City Manager Tina Rogers will be Acting City Manager.

COUNCIL COMMENTS: CM Brennan stated that he felt the Council Retreat was one of the most beneficial with many items covered

CM T. Anderson and Mayor Fisher concurred with CM Brennan's comments.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY WYTHE TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:26 P.M.

MOTION CARRIED UNANIMOUSLY.

Gene Fisher, Mayor

Kristina Gregg, Deputy City Clerk